**01**

**“USFG should” means the debate includes a policy established by governmental means**

Jon M. **ERICSON**, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., **3** [*The Debater’s Guide*, Third Edition, p. 4]

The Proposition of Policy: Urging Future Action

In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

**Should is defined as immediate action**

**Summers 94** (Supreme Court Justice @ Oklahoma Supreme Court, "Kelsey v. Dollarsaver Food Warehouse of Durant," 11/8, <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14>)

The legal question to be resolved by the court is whether the word "should"13 in the May 18 order connotes futurity or may be deemed a ruling in praesenti.14 The answer to this query is not to be divined from rules of grammar;15 it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.16 Nisi prius orders should be so construed as to give effect to every words and every part of the text, with a view to carrying out the evident intent of the judge's direction.17 The order's language ought not to be considered abstractly. The actual meaning intended by the document's signatory should be derived from the context in which the phrase to be interpreted is used.18 When applied to the May 18 memorial, these told canons impel my conclusion that the judge doubtless intended his ruling as an in present resolution of Dollarsaver's quest for judgment n.o.v. Approval of all counsel plainly appears on the face of the critical May 18 entry which is [885 P.2d 1358] signed by the judge.19 True minutes20 of a court neither call for nor bear the approval of the parties' counsel nor the judge's signature. To reject out of hand the view that in this context "should" is impliedly followed by the customary, "and the same hereby is", makes the court once again revert to medieval notions of ritualistic formalism now so thoroughly condemned in national jurisprudence and long abandoned by the statutory policy of this State. In present means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or immediately effective, as opposed to something that will or would become effective in the future [in future]. See Van Wyck v. Knevals, 106 U.S. 360, 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

**Also means real, not fictional**

**Wollman ’93** (Circuit Judge, US Court of Appeals – 8th Circuit, Kansas City Power & Light Company, a Missouri corporation, Appellee, v. Ford Motor Credit Company, a Delaware corporation; McDonnell Douglas Finance Corporation, a Delaware corporation; HEI Investment Corp., a Hawaii corporation, Appellants, 995 F.2d 1422; 1993 U.S. App. LEXIS 13755, L/N)

Instruction No. 10 was not given in isolation, however. The district court's instructions also contained a definition of "substantial." Instruction No. 11 defined "substantial" as meaning "true, real or likely to materialize" and as not meaning "imaginary or unlikely to materialize." This instruction properly limited the potential bases for the jury's decision, which is the essential function of jury instructions. When combined with the contract and the verdict-directing instructions, [\*1432] which tracked the operative language of the contract, Instruction No. 11 required the jury to find that KCPL had determined a real risk, not some imaginary hypothetical risk premised solely on a reduction in the DRD. Because the contract provided only one means of creating a risk of making an indemnity payment--a demand notice from an Investor--the jury's discretion was properly channelled into deciding whether KCPL had sufficiently studied and honestly considered the likelihood of receiving such a demand notice. That determination is all that the contract required.

**Topical affs must specify that the 1ac is either a statutory or judicial restriction on authority**

**GAZIANO 01** senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation [Todd Gaziano, 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. n32 **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. n33 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.

**A topical aff must restrict authority that the President has – they don’t.**

**Bradley and Goldsmith, 2005** (Curtis and Jack, professor of law at the University of Virginia and professor of law at Harvard, 118 Harvard Law Review 2047, May, lexis)

Second, under Justice Jackson's widely accepted categorization of presidential power, n5 "the strongest of presumptions and the widest latitude of judicial interpretation" attach "when the President acts pursuant to an express or implied authorization of Congress." n6 This  [\*2051]  proposition applies fully to presidential acts in wartime that are authorized by Congress. n7 By contrast, presidential wartime acts not authorized by Congress lack the same presumption of validity, and the Supreme Court has invalidated a number of these acts precisely because they lacked congressional authorization. n8 The constitutional importance of congressional approval is one reason why so many commentators call for increased congressional involvement in filling in the legal details of the war on terrorism. Before assessing what additional actions Congress should take, however, it is important to assess what Congress has already done. Third, basic principles of constitutional avoidance counsel in favor of focusing on congressional authorization when considering war powers issues. n9 While the President's constitutional authority as Commander-in-Chief is enormously important, determining the scope of that authority beyond what Congress has authorized implicates some of the most difficult, unresolved, and contested issues in constitutional law. n10 Courts have been understandably reluctant to address the scope of that constitutional authority, especially during wartime, when the consequences of a constitutional error are potentially enormous. n11 Instead,  [\*2052]  courts have attempted, whenever possible, to decide difficult questions of wartime authority on the basis of what Congress has in fact authorized. n12 This strategy makes particular sense with respect to the novel issues posed by the war on terrorism.

**Modest predictability of the resolution is worth potential substantive tradeoff. Topicality creates space for relevant debate.**

Toni M. **MASSARO**, Professor of Law, University of Florida, **89** [August, 1989, “Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?” *Michigan Law Review*, 87 Mich. L. Rev. 2099, Lexis]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations.

My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**.

Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55

As a practical matter, therefore, our rules often are ambiguous and fluid standards that offer **substantial room for varying interpretations**. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal.

Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings.

A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. **We value some procedural regularity** - "law for law's sake" - because it lends **stasis and structure** to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, **regardless of the wisdom or "substantive fairness"** of a particular rule. Our agreements create **expectations**, and their consistent application fulfills the expectations. The **modest predictability** that this sort of "formalism" provides actually **may encourage human relationships**.60

**Independently, limits are a voting issue—we don’t need to win an external impact other than their interpretation makes debate an unending nightmare**

**Harris 13**—Scott Harris, Ph.D Communications, Professor at Kansas, Ed Lee’s idol, better than Nick at basketball [April 5, 2013, “This Ballot,” CEDA Forums, http://www.cedadebate.org/forum/index.php?topic=4762.0]

I understand that there has been some criticism of Northwestern’s strategy in this debate round. This criticism is premised on the idea that they ran framework instead of engaging Emporia’s argument about home and the Wiz. I think this criticism is unfair. Northwestern’s framework argument did engage Emporia’s argument. Emporia said that you should vote for the team that performatively and methodologically made debate a home. Northwestern’s argument directly clashed with that contention. My problem in this debate was with aspects of the execution of the argument rather than with the strategy itself. It has always made me angry in debates when people have treated topicality as if it were a less important argument than other arguments in debate. **Topicality is a real argument**. It is a researched strategy. It is an argument that challenges many affirmatives. The fact that other arguments could be run in a debate or are run in a debate does not make topicality somehow a less important argument. In reality, for many of you that go on to law school you will spend much of your life running topicality arguments because you will find that words in the law matter. The rest of us will experience the ways that word choices matter in contracts, in leases, in writing laws and in many aspects of our lives. Kansas ran an affirmative a few years ago about how the location of a comma in a law led a couple of districts to misinterpret the law into allowing individuals to be incarcerated in jail for two days without having any formal charges filed against them. For those individuals the location of the comma in the law had major consequences. Debates about words are not insignificant. Debates about what kinds of arguments we should or should not be making in debates are not insignificant either. The limits debate is an argument that has real pragmatic consequences. I found myself earlier this year judging Harvard’s eco-pedagogy aff and thought to myself—I could stay up tonight and put a strategy together on eco-pedagogy, but then I thought to myself—why should I have to? Yes, I could put together a strategy against any random argument somebody makes employing an energy metaphor but the reality is there are only so many nights to stay up all night researching. I would like to actually spend time playing catch with my children occasionally or maybe even read a book or go to a movie or spend some time with my wife. A world where there are an infinite number of affirmatives is a world where the demand to have a specific strategy and not run framework is a world that says this community doesn’t care whether its participants have a life or do well in school or spend time with their families. I know there is a new call abounding for interpreting this NDT as a mandate for broader more diverse topics. The reality is that will create more work to prepare for the teams that choose to debate the topic but will have little to no effect on the teams that refuse to debate the topic. Broader topics that do not require positive government action or are bidirectional will not make teams that won’t debate the topic choose to debate the topic. I think that is a con job. I am not opposed to broader topics necessarily. I tend to like the way high school topics are written more than the way college topics are written. I just think people who take the meaning of the outcome of this NDT as proof that we need to make it so people get to talk about anything they want to talk about without having to debate against topicality or framework arguments are interested in constructing a world that might **make debate an unending nightmare** and not a very good home in which to live. **Limits, to me, are a real impact because I feel their impact in my everyday existence**.

**This isn’t an argument which attempts to confine their *style* or method of presentation. It is a merely an argument about *content*. They can read fiction to justify a topical plan text to speak truth to power.**

**02**

**Their Krassman ev says they reduce the legitimacy of drone violence is bad – Neocleus says total war**

**For their to be an impact to the aff**

**Targeted killing’s vital to counterterrorism—disrupts leadership and makes carrying out attacks impossible**

**Anderson 13**—Kenneth, Professor of International Law at American University [May 24, 2013, “The Case for Drones,” Commentary Magazine, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html]

**T**argeted **k**illing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities—but much of the drone’s contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an **unparalleled means to strike directly at terrorist organizations** without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive—including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law—then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration—and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counterinsurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much **larger strategic counterterrorism target**—one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a **clear utility** in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a **significant impact on planning and organizational effectiveness**.

**TK is key to prevent existential terrorism**

**Beres 11**—Louis René Beres, Professor of Political Science and International Law at Purdue, Ph.D. from Princeton [2011, “Roundtable Discussion: Is the President Bound by International Law in the War Against Terrorism? A Ten-Year Retrospective: After Osama bin Laden: Assassination, Terrorism, War, and International Law,” 44 Case W. Res. J. Int'l L. 93, Lexis]

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a **nuclear** or other highly destructive form of **warfare**, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could **produce even greater harm**, compelling threatened states to **resort to large-scale warfare** that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71

Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive **assassination could prove reasonable, life-saving**, and cost-effective.

What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.

But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that **assassination should not be dismissed** out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of **chemical, biological or nuclear attack** may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even **existentially, destructive**. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

**Nuclear terrorism is feasible, a high risk, and turns the case**

**Dvorkin 12**—Major General (retired) Vladimir Z. Dvorkin is doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences [September 21, 2012, “What Can Destroy Strategic Stability: Nuclear Terrorism Is a Real Threat,” http://belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html]

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.

At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.

Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.

Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.

Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the **maximum risk**. There are **no engineering problems** that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).

A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can **kill and wound hundreds of thousands** and cause **serious economic damage**. There will also be long-term sociopsychological and political consequences.

The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.

If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause violent protests in the Muslim world. Series of armed clashing terrorist attacks may follow. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory.

To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability. BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is **real**, and a successful nuclear terrorist attack would lead to a **radical transformation of the global order**. All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

**Extinction—equivalent to full-scale nuclear war**

**Toon 7**—Owen B. Toon, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., [April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf]

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

**Outweighs – only irreversible impact – value to life is subjective – only ethical response to uncertainty is to attempt to calculate**

**They over-determine the impact of power on knowledge – evaluate arguments on their merits**

**Boyle and Horgan 8** – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

One of the tensions within CTS concerns the issue of ‘policy relevance’. At the most basic level, there are some **sweeping generalizations** made by CTS scholars, often **with little evidence**. For example, Jackson (2007c) describes ‘the core terrorism scholars’ (without explicitly saying who he is referring to) as ‘intimately connected – institutionally, financially, politically, and ideologically – with a state hegemonic project’ (p. 245). Without giving any details of who these ‘core’ scholars are, where they are, what they do, and exactly who funds them, his arguments are tantamount to conjecture at best. We do not deny that governments fund terrorism research and terrorism researchers, and that this can influence the direction (and even the findings) of the research. But we are suspicious of over-generalizations of this count on two grounds: (1) accepting government funding or information does not **necessarily** obviate one’s independent scholarly judgment in a **particular project**; and (2) having policy relevance is not always a sin. On the first point, we are in agreement with some CTS scholars. Gunning provides a sensitive analysis of this problem, and calls on CTS advocates to come to terms with how they can engage policy-makers without losing their critical distance. He recognizes that CTS can (and should) aim to be policy-relevant, but perhaps to a different audience, including non-governmental organizations (NGOs), civil society than just governments and security services. In other words, CTS aims to whisper into the ear of the prince, but it is just a different prince.

Gunning (2007a) also argues that research should be assessed on its own merits, for ‘just because a piece of research comes from RAND does not invalidate it; conversely, a “critical” study is not inherently good’ (p. 240). We agree entirely with this. Not all sponsored or contract research is made to ‘toe a party line’, and much of the work coming out of official government agencies or affiliated government agencies has little agenda and can be analytically useful. The task of the scholar is to retain one’s sense of critical judgment and integrity, and we believe that there is no prima facie reason to assume that this cannot be done in sponsored research projects. What matters here are the details of the research – what is the purpose of the work, how will it be done, how might the work be used in policy – and for these questions the scholar must be self-critical and insistent on their intellectual autonomy. The scholar must also be mindful of the responsibility they bear for shaping a government’s response to the problem of terrorism. Nothing – not the source of the funding, purpose of the research or prior empirical or theoretical commitment – obviates the need of the scholar to consider his or her own conscience carefully when engaging in work with any external actor. But simply engaging with governments on discrete projects does not make one an ‘embedded expert’ nor does it imply sanction to their actions. But we also believe that the study of political violence **lends itself to policy relevance** and that those who seek to produce research that might help policy-makers reduce the rates of terrorist attack are committing no sin, provided that they retain their independent judgment and report their findings candidly and honestly. In the case of terrorism, we would go further to argue that being policy relevant is in some instances an entirely justifiable moral choice. For example, neither of us has any problem producing research with a morally defensible but policy relevant goal (for example, helping the British government to prevent suicide bombers from attacking the London Underground) and we do not believe that engaging in such work tarnishes one’s stature as an independent scholar. Implicit in the CTS literature is a deep suspicion about the state and those who engage with it. Such a suspicion may blind some CTS scholars to good work done by those associated with the state. But to assume that being ‘embedded’ in an institution linked to the ‘establishment’ consists of being captured by a state hegemonic project is too simple. We do not believe that scholars studying terrorism must all be policy-relevant, but equally we do not believe that being policy relevant should always be interpreted as writing a blank cheque for governments or as necessarily implicating the scholar in the behaviour of that government on issues unrelated to one’s work. Working for the US government, for instance, does not imply that the scholar sanctions or approves of the abuses at Abu Ghraib prison. The assumption that those who do not practice CTS are all ‘embedded’ with the ‘establishment’ and that this somehow gives the green light for states to engage in illegal activity is in our view unwarranted, to say the very least.

**03**

**They say we should speak truth to power, but do so in a way that almost takes a graduate degree to understand. Their story should speak for itself—their need to contextualize it in a deep Foucaultian academic understanding of knowledge/power relations renders it useless and just a continuation of status quo hegemony. Our alternative is to let the story speak for itself. Reject the rest of the 1ac. The 1ac is like watching a movie with some guy standing over your shoulder and shouting “THAT SCENE WITH THE DOG IS A METAPHOR! GET IT?!?!”—it makes it impossible to enjoy, or garner any value, from the fiction. It is BETTER to read in a completely “naïve” manner than to combine reading with their specialized scholarship.**

**Pippin, 2010** (Robert,Robert Pippin is the Evelyn Stefansson Nef Distinguished Service Professor of Social Thought, Philosophy, and in the College at the University of Chicago. “In defense of Naïve Reading,” New York Times, October 10th,)

Most students study some literature in college, and most of those are aware that they are being taught a lot of theory along with the literature. They understand that the latest theory is a broad social-science-like approach called “cultural studies,” or a particular version is called “post-colonialism” or “new historicism.” And there are still plenty of gender-theoretical approaches that are prominent. But what often goes unremarked upon in the continuing (though less public) debate about such approaches is that, taking in the **longue durée**, this instability is in itself completely unremarkable. The ’80s debaters tended to forget that the teaching of vernacular literature is quite a recent development in the long history of the university. (The same could be said about the relatively recent invention of art history or music as an academic research discipline.) So it is not surprising that, in such a short time, we have not yet settled on the right or commonly agreed upon way to go about it. The fact that the backgrounds and expectations of the student population have changed so dramatically so many times in the last 100 years has made the problem even more difficult. In the case of vernacular literature, there was from the beginning some tension between the reader’s point of view and what “**professional scholarship**” required. Naturally enough, the first models were borrowed from the way “research” was done on the classical texts in Greek and Latin that made up most of a student’s exposure to literature until the end of the 19th century. Philology, with its central focus on language, was once the master model for all the sciences and it was natural for teachers to try to train students to make good texts, track down sources, learn about conflicting editions and adjudicate such controversies. Then, as a kind of natural extension of these practices, came historical criticism, national language categorization, work on tracing influences and patronage, all contributing to the worry about classifying various schools, movements or periods. Then came biographical criticism and the flood gates were soon open wide: **psychoanalytic** **criticism**, new or formal criticism, **semiotics**, **structuralism, post-structuralism, discourse analysis, reader response criticism or “reception aesthetics,” systems theory, hermeneutics, deconstruction, feminist criticism, cultural studies. And so on.** Clearly, poems and novels and paintings were **not** **produced** as objects for future academic study; there is no a priori reason to think that they could be suitable objects of “research.” By and large they were produced for the pleasure and enlightenment of those who enjoyed them. But just as clearly, the teaching of literature in universities ─ especially after the 19th-century research model of Humboldt University of Berlin was widely copied ─ needed a justification consistent with the aims of that academic setting: that fact alone has always shaped the way vernacular literature has been taught. The main aim was research: the creating and accumulation and transmission of knowledge. And the main model was the natural science model of collaborative research: define problems, break them down into manageable parts, create sub-disciplines and sub-sub-disciplines for the study of these, train students for such research specialties and share everything. With that model, what literature and all the arts needed was something like a general “science of meaning” that could eventually fit that sort of aspiration. Texts or art works could be analyzed as exemplifying and so helping establish such a science. Results could be published in scholarly journals, disputed by others, consensus would eventually emerge and so on. And if it proved impossible to establish anything like a pure science of exclusively literary or artistic or musical meaning, then collaboration with psychoanalysis or anthropology or linguistics would be welcomed. Will the sciences eventually provide the actual theory of meaning that researchers in literature and the arts will need? Finally, complicating the situation is the fact that literature study in a university education requires some method of evaluation of whether the student has done well or poorly. Students’ papers must be graded and no faculty member wants to face the inevitable “that’s just your opinion” unarmed, as it were. Learning how to use a research methodology, providing evidence that one has understood and can apply such a method, is understandably an appealing pedagogy. None of this is in itself wrong-headed or misguided, and the absence of any consensus about this at this still early stage is not surprising. But there are two main dangers created by the inevitable pressures that the research paradigm for the study of literature and the arts within a modern research university brings with it. First, while it is important and quite natural for literary specialists to try to arrive at a theory of what they do (something that conservatives in the culture wars often refused to concede), there is no particular reason to think that **every** aspect of the teaching of literature or film or art or **all** significant writing about the subject should be either an exemplification of how such a theory works or an introduction to what needs to be known in order to become a professor of such an enterprise. This is so for two **all-important reasons**. **Literature and the arts have a dimension unique** in the academy, not shared by the objects studied, or “researched” by our scientific brethren. **They** **invite** or invoke, at a kind of **“first level**,” an **aesthetic experience that is** by its nature **resistant to restatement in more formalized, theoretical** or generalizing **language**. This response can certainly be enriched by knowledge of context and history, but the objects express a first-person or subjective view of human concerns **that is falsified if wholly transposed to a more “sideways on” or third person view. Indeed that is in a way the whole point of having the “arts.”** Likewise ─ and this is a much more controversial thesis ─ such works also can directly deliver a kind of practical knowledge and self-understanding not available from a third person or more general formulation of such knowledge. There is no reason to think that such knowledge — exemplified in what Aristotle said about the practically wise man (the **phronimos**)or in what Pascal meant by the difference between **l’esprit géometrique**and **l’esprit de finesse**— is any less knowledge because it cannot be so formalized or even taught as such. **Call this a plea for a place for “naïve” reading, teaching and writing — an appreciation and discussion not mediated by a theoretical research question** recognizable as such by the modern academy. This is not **all** that literary study should be: we certainly need a theory about how artistic works mean anything at all, why or in what sense, reading a novel, say, is different from reading a detailed case history. But there is also no reason to dismiss the “naïve” approach as mere amateurish “belle lettrism.” Naïve reading can be very hard; it can be done well or poorly; people can get better at it. And it doesn’t have to be “formalist” or purely textual criticism. Knowing as much as possible about the social world it was written for, about the author’s other works, his or her contemporaries, and so forth, can be very helpful. Secondly, the “research model” pressures described are beginning to have another poorly thought out influence. It is quite natural (to some, anyway) to assume that eventually not just the **model** of the sciences, but **the sciences themselves** will provide the actual theory of meaning that researchers in such fields will need. One already sees the “application” of “results” from the neurosciences and evolutionary biology to questions about why characters in novels act as they do or what might be responsible for the moods characteristic of certain poets. People seem to be unusually interested in what area of the brain is active when Rilke is read to a subject. The great problem here is not so much a new sort of culture clash (or the victory of one of C.P. Snow’s “two cultures”) but that such applications are spectacular examples of bad literary criticism, not good examples of some revolutionary approach. If one wants to explain why Dr. Sloper in Henry James’s novel, “Washington Square,” seems so protective yet so cold about his daughter Catherine’s dalliance with a suitor, **one has to begin by entertaining the good evidence provided in the novel** ─ that he enjoys the power he has over her and wants to keep it; that he fears the loneliness that would result if she leaves; that he knows the suitor is a fortune hunter; that Catherine has become a kind of surrogate wife for him and he regards her as “his” in that sense; that he hates the youth of the suitor; that he hates his daughter for being less accomplished than he would have liked; and that only some of this is available to his awareness, even though all true and playing some role. And one would only be getting started in fashioning an account of what his various actions mean, what he intended, what others understood him to be doing, all before we could even begin looking for anything like “the adaptive fitness” of “what he does.” **If being happy to remain engrossed in the richness of such interpretive possibilities is “naïve,” then so be it.**

**1NC case**

**Truth**

**They over-determine the impact of power on knowledge – evaluate arguments on their merits**

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**Epistemology not first – specific outweigh**

**Epistemic grounding is irrelevant. We don’t need absolute truth.**

**Nussbaum ’92** (Martha, Ernst Freund Distinguished Service Professor of Law and Ethics – U. Chicago, Political Theory, “HUMAN FUNCTIONING AND SOCIAL JUSTICE In Defense of Aristotelian Essentialism'”, 20:2, May, JSTOR)

Let me say very directly where I stand on the objections to essentialism. I believe that Kantian and related contemporary arguments (by Quine, Davidson, Putnam, and Goodman in particular) have indeed successfully established the untenability of extreme metaphysical realism. I cannot argue this here, but I hope it can at least be agreed that it would be extremely unwise for a political proposal to rely on the truth of metaphysical realism, given our current argumentative situation. On the other hand, it does not seem to me that such a result shows anything like what the relativist objectors think it shows. When we get rid of the hope of a transcendent metaphysical grounding for our evaluative judgments -about the human being as about anything else -we are not left with the abyss. We have everything that we always had all along: the exchange of reasons and arguments by human beings within history, in which, for reasons that are historical and human but not the worse for that, we hold some things to be good and others bad, some arguments to be sound and others not sound. Why, indeed, should the relativist conclude that the absence of a transcendent basis for judgment - a basis that, according to them, was never there anyway -should make us despair of doing as we have done all along, distinguishing persuasion from manipulation? In fact, the collapse into extreme relativism or subjectivism seems to me to betray a deep attachment to metaphysical realism itself. For it is only to one who has pinned everything to that hope that its collapse will seem to entail the collapse of all evaluation -just as it is only to a deeply believing religious person, as Nietzsche saw, that the news of the death of God brings the threat of nihilism. What we see here, I think, is a reaction of shame -a turning away of the eyes from our poor humanity, which looks so mean and bare -by contrast to a dream of another sort. What do we have here, these critics seem to say? Only our poor old human conversations, our human bodies that interpret things so imperfectly? Well, if that is all there is, we do not really want to study it too closely, to look into the distinctions it exhibits. We will just say that they are all alike, for, really, they do look pretty similar when compared to the heavenly standard we were seeking. It is like the moment reported by Aristotle when some students arrived at the home of Heraclitus, eager to see the great sage and cosmologist. They found him -not on a hilltop gazing at the heavens but sitting in his kitchen or, perhaps, on the toilet (for there is a philological dispute at this point!). He looked at their disappointed faces, saw that they were about to turn away their eyes, and said, "Come in, don't be afraid. There are gods here too." Aristotle uses this story to nudge his reluctant students out of the shame that is preventing them from looking closely at the parts of animals. When you get rid of your shame, he says, you will notice that there is order and structure in the animal world.3" So too, I think, with realism: the failure to take an interest in studying our practices of analyzing and reasoning, human and historical as they are, the insistence that we would have good arguments only if they came from heaven - all this betrays a shame before the human. On the other hand, if we really think of the hope of a transcendent ground for value as uninteresting and irrelevant, as we should, then the news of its collapse will not change the way we do things: it will just let us get on with the business of reasoning in which we were already engaged.

**Everything isn’t fiction**

**Backhouse, 1997**

[Roger, Prof. History and Philosophy of Economics at University of Birmingham, “Truth and Progress in Economic Knowledge”, p. 44-45]

We don’t endorse gendered language.

Post-modernism argues that knowledge has to be understood in relation to specific discourse communities, and that there is nothing to be said about knowledge in general. This perspective shades rapidly into relativism: the doctrine that the real world, and evidence about it, do little to constrain our beliefs. All evidence, it is argued, is dependent on a conceptual framework, which undermines any claim to objectivity or to truth in anything other than a purely local sense. Although it may not be as satisfactory a response as we would like, it is quite coherent to argue that although we cannot refute these claims, they can be ignored. Consider the following argument about scepticism in philosophy. How important is it to defeat scepticism? How central is it to the tasks of epistemology? There is an attitude towards epistemological issues that can be expressed thus: Although we cannot answer the sceptical arguments, we are unconvinced by them. No one genuinely doubts his beliefs about his surroundings on the grounds that he cannot show that he is not a brain suspended in a vat of nutrients, sustained and manipulated by a brilliant scientist. Indeed, **the more convinced we are that the arguments cannot be met head on, the more they look like pointless philosophical games**. Consequently, let us leave them behind, and, making the best use we can of our knowledge of the history of science and the psychology of cognition, **construct a plausible, scientifically informed, account of how we know as much as (we all agree) we do know**. This view exploits the fact that our puzzlement by sceptical arguments is apparently 'insulated' from our first order practice of conducting inquiries and forming beliefs. Since they have no impact on this practice, we can ignore these arguments when we search for a philosophical understanding of our success in obtaining knowledge of reality. (Hookway, 1990, p. 130)2 The challenge posed by scepticism to epistemology is not quite the same as the challenge to economic methodology posed by post-modernist arguments, but the parallels are sufficiently close that we could respond in a similar way. Whilst it is certainly the case that knowledge is constructed, and that much of our knowledge of economic events is conditioned by what we take for granted as members of particular discourse communities, it is going too far to argue that there is no such thing as empirical evidence. Post-modernist arguments end up treating all knowledge as similar in kind, whereas in practice this is not the case. Economic knowledge comprises statements which differ markedly as regards the certainty with which they are held. In many cases it may, in practice, be unproblematic to take the existence of objective empirical evidence for granted. We could then use our knowledge of contemporary economics and the history of economic thought, together with such ideas from philosophy or any other relevant discipline, to explore the nature of economic knowledge and to make such generalizations as we can concerning the way in which economic knowledge progresses. Though the results of such inquiries will always remain, to a greater or lesser extent, conjectural, there is no reason in principle why they should not be used as the basis for methodological prescriptions. Such prescriptions will, inevitably, be only as strong as the arguments on which they are based, but that is no reason why they should not be made and debated.

**Mediated perception does not mean reality is a pure social construct.**

**Morris, 1997**

[Brian, Prof. Anthropology – Goldsmiths College, Critique of Anthropology, “In Defence of Realism and Truth: Critical Reflections on the Anthropological followers of Heidegger”, 17:3, p. 316-320]

It has long been known, of course, well before postmodernism came upon the anthropological scene, that we do not perceive or experience the world in pristine fashion. For our engagement with the world is always mediated by our personal interests, by our state of mind, by language and cultural conceptions, and, above all, by social praxis. As an early and important his¬torian of science put it in 1838: 'there is a mask of theory over the whole face of nature' (Megill, 1994: 66). The anthropologist Ruth Benedict in her classic anthropological text Patterns of Culture long ago emphasized that a person's ideas, beliefs and attitudes are largely culturally constituted. As she wrote: `No man ever looks at the world with pristine eyes. He sees it edited by a definitive set of customs and institutions and ways of thinking' (1934: 2). But as with Dilthey, her important mentor, this affirmation did not in the least imply a denial of the reality of the material world. This important insight which has been part of the common currency of the social sciences ever since the time of Marx, has, in recent decades, been taken up by philosophers and postmodernist anthropologists. But they seem to have taken this important insight to extremes, and in a `veritable epidemic' of `social constructivism' and `world making' have propounded a latter-day version of Kantian idealism, going even further than Kant in denying the reality of the material world, the `things-in-themselves'. Cultural idealism in its various guises, is thus now all the rage in the halls of academia, and has been adapted by a wide range of scholars — Kuhn, Althusser, Goodman, Rorty, Hindess and Hirst, Douglas, as well as postmodernist anthropologists (Devitt, 1984: 235). Such constructivism combines two basic Kantian ideas: that the world as we know it is constituted by our concepts; and that an independent world is forever beyond our ken (Devitt, 1984: ix). But, as already mentioned, many anthropologists go even further in an anti-realist direction, and deny the independent existence of a world beyond our cognition, a world that has causal powers and efficacy. With the free use of the term `worlds' they invariably conflate the cognitive reality which is culture — `discourses' is now the more popular term — and the material world that is independent of humans. Thus anthropologists now tell us that there is `no nature, no culture', or that nature, sex, emotions, the body, the senses, are purely social `constructs' or human `artefacts', or even that they do not `exist' outside of Western discourses. The suggestion that `nature' is a human construct or artefact (rather than being simply constituted or `edited'), or that it has 'disappeared' or does not `exist' are highly problematic notions. Derrida writes that 'nature, that which words . . . name, have always already escaped, have never existed' (1976: 159). Although making an important point about the nature of language, this phrase simply indicates just how alienated from nature contemporary philosophers seem to be. They seem unable to recognize that human beings are, as Nigel Pennick puts it 'rooted in the earth' (1996: 7). In a gleeful phrase, John Passmore notes that it is the French intellectual's dream `of a world which exists only in so far as it enters into a book' (1985: 32). Now either one means by `nature' the existential world in which we find ourselves — the trees, the clouds, the sky, the animals and plants, the rocks, and all those natural processes which are independent of human cognition, and on which human life depends. To suggest that this is a human creation or artefact, or does not exist, is plainly absurd. Or, on the other hand, one means by nature the highly variable `concept' of nature; to suggest that this is a social construct is rather banal, though the suggestion is dressed up as if it was some profound anthropological insight. Reacting against the notion that there is an isomorphic — reflective — relationship between consciousness (language) and the world — so-called logocentrism' — postmodernist anthropologists now seem to embrace a form of cultural (or linguistic) idealism, and deny the reality of the material world (nature), or sex or the senses. Although some anthropologists deny that `sex' exists (as there is nothing `pre-social', Moore, 1994: 816-19 affirms) baboons in Malawi have no difficulty at all in distinguishing between male and female humans (cf. Caplan, 1987, for a more balanced perspective). Realism, as many philosophers have insisted, is a metaphysical doctrine. It is about what exists in the world, and how the world is constituted. Contrary to what Kirsten Hastrup writes (1995: 60), it is not a theory of knowledge, or of truth, but of being, and so does not aim at providing a `faithful reflection to the world'. Realism, as a doctrine, is thus separate from semantic issues relating to truth and reference, and from issues dealing with our knowledge of the world (epistemology) — both human and natural. Roy Bhaskar has critiqued what he describes as the 'epistemic fallacy', the notion that ontological issues can be reduced to, or analysed in terms of statements about knowledge (epistemology) (1989: 13). Everyone, of course, is a `realist' or Toundationalise in some sense, making ontological assumptions about what is 'real' and what 'exists'. Metaphysics is thus not something that one can dispense with, or put an 'end' to — as both positivists and Heidegger and his acolytes suggest. For Plato, `ideas' or universals were 'real'; for Descartes, the transcendental ego was `real'; for some eco-feminists the mother goddess is `real'; while for empiricists it is sense impressions. As used here, realism entails the view that material things exist independently of human sense experience and cognition. It is thus opposed to idealism which either holds that the material world does not exist, or is simply an emanation of spirit, or that external realities do not exist apart from our knowledge or consciousness of them. Outside of philosophy departments, and among some religious mystics and anthropologists, realism is universally held by everybody, and forms the basis of both common sense and empirical science. Common sense, of course, sensus communis, can be interpreted in Aristotelean fashion as a kind of sixth sense that draws together the localized senses of sight, touch, taste, smell and hearing. It is this sixth sense, as Arendt writes, that gives us a sense of realness regarding the world (1978: 49). Like Arendt, Karl Popper critically affirmed the importance of common sense. He wrote: `I think very highly of common sense. In fact, I think that all philosophy must start from common sense views and from their critical examination.' But what, for Popper, was important about the common-sense view of the world was not the kind of epistemology associated with the empiricists - who thought that knowledge was built up out of sense impressions - but its realism. This is the view, he wrote, `that there is a real world, with real people, animals and plants, cars and stars in it. I think that this view is true and immensely important, and I believe that **no valid criticism of it has ever been proposed'** (Miller, 1983: 105). Science therefore was not the repudiation of common-sense realism, but rather a creative attempt to go beyond the world of ordinary experience, seeking to explain, as he put it, 'the everyday world by reference to hidden worlds'. In this it is similar to both religion and art. What characterizes science is that the product of the human imagination and intuition are controlled by rational criticism 'Criticism curbs the imagination but does not put it in chains' (1992a: 54). Science is therefore, for Popper, `hypothetico-deductive'. What exists, and how the world is constituted, depends, of course on what particular ontology or `world view' (to use Dilthey's term) is being expressed, although in terms of social praxis **the reality of the material world is always taken for granted for human survival depends on acknowledging and engaging with this world**. As Marx expressed it, we are always engaged in a `dialogue with the real world' (1975: 328). It is important then to defend a realist perspective, one Marx long ago described as historical materialism. It is a metaphysics that entails the rejection both of contemplative materialism (the assumption that there is a direct unmediated relationship between consciousness [language] and the world) and constructivism. The latter is just old-fashioned idealism in modern guise, the emphasis being on culture, language and discourses, rather than on individual perception (Berkeley) or a universal cognition (Kant). This approach may also be described as dialectical naturalism (Bookchin, 1990), transcendental or critical realism (Bhaskar, 1978: 25; Collier, 1994), or constructive realism (Ben-Ze'ev, 1995: 50) - recognizing the significant social and cognitive activity of the human agent, but acknowledging the ontological independence and causal powers of the natural world. As Mark Johnson simply puts it: 'How we carve up the world will depend both on what is "out there" independent of us, and equally on the referential scheme we bring to bear, given our purposes, interests, and goals' (1987: 202). Our engagement with the world is thus always mediated. Equally important is the fact that we are always, as Marx put it, engaged in a 'dialogue' with the material world. It is thus necessary to reject both idealism (constructivism) and reductive materialism (positivism, objectivism) as many classical sociologists and human scientists have insisted (see my account of anthropological studies of religion, Morris, 1987). Again, Johnson expresses this rather well: Contrary to idealism, we do not impose arbitrary concepts and structure upon an undifferentiated, indefinitely malleable reality — we do not simply construct reality according to our subjective desires and whims. Contrary to objectivism, we are not merely mirrors of nature that determines our concepts in one and only one way. (1987: 207) The 'end' of metaphysics is, of course, simply an intellectual posture of the positivists and the Heideggerians, for we all affirm in our beliefs and writings certain ontological assumptions about the world. What Flax means by the 'end' of 'metaphysics' is a rejection of a certain kind of idealist, or absolutist metaphysics, one of course, that the social sciences rejected long, long ago.

**Empricism**

Weede 04 [Erich, professor of sociology at the University of Bonn, Germany, In Winter 1986-87, he was Visiting Professor of International Relations at the Bologna Center of The Johns Hopkins University, “BALANCE OF POWER, GLOBALIZATION, AND THE CAPITALIST PEACE,” http://www.fnf.org.ph/downloadables/Balance%20of%20Power,%20Globalization%20and%20Capitalist%20Peace.pdf]

If one does research or summarize the research of others – of course, most of the ideas, theories, and evidence discussed below have been produced by others – one cannot avoid some epistemological commitments. In the social sciences the fundamental choice is whether to pursue an ideographic or a nomothetic approach. Almost all historians choose the ideographic approach and focus on the description of structures or events, whereas most economists and psychologists choose the nomothetic approach and focus on the search for law-like general statements. Sociologists and political scientists are still divided – sometimes even by the Atlantic Ocean. In American political science the nomothetic approach dominates the flagship journal of the profession, the American Political Science Review, as well as more specialized journals, such as International Studies Quarterly, the Journal of Conflict Resolution, or World Politics. In German political science, however, the nomothetic approach has advanced little beyond electoral studies. My own approach is definitely nomothetic. This is related to my training in psychology at one of the first German universities focusing on quantitative research methods in the early 1960s, the University of Hamburg. This epistemological orientation has been reinforced by graduate training in international politics at one of the first American universities emphasizing quantitative research in the late 1960s, Northwestern University, which is located in a suburb of Chicago. Nomothetic research focuses on hypothesizing, testing and establishing law-like general statements or nomological propositions. Examples of such propositions are: The higher average incomes in a nation are, the more likely is democratic government. Or, the more economic freedom in a nation prevails, the less frequently it is involved in war. One characteristic of such propositions is that they say something about observable reality. Whenever you say something about reality, you risk that others find out that you are wrong. If we observed that most poor countries were democracies, but most rich countries were autocracies, then we should reject or, at least, modify the proposition about prosperity and democracy mentioned above.1 Nomothetic researchers look for refutations. They try to falsify their propositions or theories (Popper 1934/1959). If the empirical evidence is compatible with one's theory, then one keeps the hypothetical propositions and regards them as supported – until negative evidence turns up. Although certitude about possession of the truth is beyond the capabilities of human inquiry, growth of knowledge is conceivable by the successive elimination of errors. This epistemological approach borrowed from Popper were easily applicable, if most of our propositions were deterministic, if they claimed to be valid without exceptions. Then, finding a single exception to a general statement – say, about prosperity and democracy – would suffice to falsify the proposition. Looking at poor India nevertheless being democratic, or at fairly rich Kuwait nevertheless being autocratic, would suffice to reject the theory.2 Unfortunately, almost no theory in macroeconomics, macrosociology, or international relations delivers deterministic propositions. Instead we have only probabilistic statements of the type that more prosperous countries are more likely to be democratic than others, or that economically freer countries are more likely to avoid war involvement than others. Probabilistic assertions never can be falsified by pointing to single events which do not fit with theoretical expectations. Instead we have to look at relative frequencies, at correlations or regression coefficients. We need statistical tools to evaluate such propositions. We typically ask the question whether a hypothesized relationship is so strong that it could only rarely occur because of random measurement or sampling error. Probabilistic propositions are regarded as supported only if they jump certain thresholds of significance which are ultimately defined by mere conventions. Researchers are interested in causal propositions, that is, in statements about causes and effects, or determinants and consequences. Such statements can be used for explanation, forecasting, or policy interventions. We need to know more than the mere existence of some association or correlation between, say, prosperity and democracy, or economic freedom and the avoidance of military conflict. We need to know whether prosperity promotes democracy, or whether democracy promotes growth, or whether, possibly, both statements might be defensible or, for the time being, taken for 'true'. While a correlation between two variables, like prosperity and democracy, is equally compatible with the simple alternative causal propositions that prosperity causes democracy, and that democracy causes prosperity, this ambiguity no longer necessarily applies in more complex theoretical models. There, we tend to explain a single effect by a number of causes. For example, one may contend that democracy is promoted by prosperity as well as by a capitalist economic order (or economic freedom). We can take such a theoretical contention – which may be true or false, compatible with the data or not – as a starting point for specifying a regression equation.3 If both theoretical statements – about the democratizing effects of prosperity and capitalism – were true, then the regression coefficients of both variables should be positive and significant. If this is what we find in empirical research, then we regard the two propositions as provisionally supported. But final proofs remain impossible in empirical research. It is conceivable that some nonbeliever in the two propositions suggests a third measurable determinant of democracy. Before it actually is included in the regression equation, one never knows what its inclusion results in. Possibly, the previously significant and positive regression coefficients of prosperity and capitalism might be reduced to insignificance or even change signs. Then a previously supported causal proposition would have to be overturned and rejected. The claim of causality implies more than observable association or correlation. It also implies temporal precedence of causes before effects. If one wants to test the causal proposition that prosperity contributes to democratic government, or that economic freedom contributes to the avoidance of military conflict, then one should measure prosperity or economic freedom before their hypothesized effects occur – certainly not later. If there is doubt about the direction of causality, as there frequently is, one might also look at the relationships between, say, earlier prosperity and later democracy as well as between earlier democracy and later prosperity. Although such investigations may become technically complicated, it might suffice here to keep the general principles in mind. From causal propositions we derive expectations about correlation or regression coefficients. But conclusions from correlations to causal propositions are not justified. One simply can never 'verify' causal statements by correlations. From causal propositions we also derive expectations about temporal precedence. As long as empirical evidence fits one's theoretical expectations, one regards the propositions or theory as provisionally supported and works with them. There is another complication. As illustrated by the debate about the effects of trade and economic interdependence on the avoidance of military conflict below, full accordance of empirical studies and verdicts with theories is the exception rather than the rule – if it ever happens at all. That is why some philosophers of science (for example, Kuhn 1962; Lakatos 1968-69) have been critical of the idea of falsification and warned against premature rejection of propositions. If 'anomalies' or 'falsification' are more or less ubiquitous, then our task is no longer so easy as to choose between theories which have been falsified and therefore deserve rejection and those which are compatible with the facts and therefore deserve to be accepted until negative evidence turns up. Then our task becomes to choose between competing theories, for example about the conflict reinforcing or pacifying impact of trade, and to pick those which fit the data relatively better than others. So, the claim advanced in this review of the literature cannot be that the empirical evidence fits the capitalist peace idea perfectly, but merely that the evidence fits it much better than competing explanations of military conflict and notions about the negative impact of capitalism on the avoidance of conflict and war or the irrelevance of democracy do. The epistemological discussion above could provide no more than a crude 'feel' for empirical research in the social sciences and its pitfalls. Although certitude is beyond reach, it is better to rely on testable, tested and so far supported propositions than on a hodgepodge of ambiguous hunches, contradictory thinking, and unsystematically evaluated empirical evidence.

**Drones defense**

**Drones don’t cause endless war**

Samuel **Issacharoff and** Richard H. **Pildes**, 6/1/**2013**. NYU School of Law. “Drones and the Dilemma of Modern Warfare,” New York University Public Law and Legal Theory Working Papers, Paper 404, http://lsr.nellco.org/nyu\_plltwp/404/.

In our view, there are four myths about the modern use of drones to target specific, identifiable individuals for lethal force. The first myth is that targeting specific individuals for death is a modern innovation in military practice. But targeted killings have long been a part of military practice; the invention of the long rifle, for example, gave snipers the ability to pick off opposing field officers. The modern practice, however, begins with the discrete act of seeking out military enemies outside normal wartime engagements based on an individualized assessment of the threat they present. The use of lethal force is not incidental to a battlefield objective of capturing a particular piece of territory but becomes a distinct response to the generalized threat posed by a particular individual. Killing is now not secondary to a distinct military objective but becomes the objective itself because of a specific determination about the threat posed by the continued operation of an individual. At a more fundamental level, as Eyal Benvenisti argues, the laws of war had two major premises that fail in modern asymmetric conflict. First, it was possible to distinguish military and civilian objectives, and, second, battle could be directed to military objectives, as with the capturing of territory or overtaking a military installation. Neither premise necessarily characterizes military engagements in asymmetric war—or put another way, the military objective becomes killing itself. 28 The object of the targeted attack changes as well, in a way that seems morally defensible. Drones enable military planners to focus on high-level targets, and there is a further morality in that—we should appreciate a technology that can discriminate between low-level and high-level combatants, and minimize the loss of life to foot soldiers of the other side by concentrating fire on the leaders. Precision targeted killings should be seen as a substantial humanitarian advance in warfare, assuming that use of force is justified in the first place. Whereas the tradition LOAC placed the foot soldier at greatest risk of being killed in combat, the new targeted killing regime initially redirected lethal force to the command structure of the enemy. In our view, it is a mistake to focus exclusively on the level of force being used without also understanding that the targets (if accurately identified) bear a moral culpability for unlawful warfare completely distinct from anything that could be attributed to conventional soldiers in a stateauthorized war, especially in the case of conscript armies. As the technology improved, most notably with drones, the targets could expand from the command structure to operational centers, as with attacks on remote sites at which enemy combatants trained or assembled. A second myth concerning targeted killings as a new form of warfare is that this ability to project force from a distance itself raises new legal issues. But this view is simply an exercise at drawing a technological line that, in our view, has little moral or legal force in and of itself. Drones present the same legal issues as any other weapons system involving the delivery of lethal force. Advances in military technology have always been about the ability to project force from a distance. Drones are a technology, the latest technological development in the history of warfare, but they do not change the legal issues, under either domestic or international law, relevant to deciding whether particular uses of force are justified. In technologically advanced countries, militaries have long been in the business of delivering lethal force at great distances from their targets. The U.S. Navy has engaged enemy personnel by firing cruise missiles from ships in the Mediterranean into Libya, Iraq, and Sudan. Air Force pilots frequently take off from bases far removed from the actual theater of conflict and drop their bombs based on computer-generated targeting information from thousands of feet above the ground; the bombing campaign over Serbia during the Kosovo war, for example, involved pilots taking off from the Midwest in the United States and returning there. Ancient advances, such as catapults and longbows, involved the delivery of force from a distance, instead of hand-to-hand personalized combat. U.S. drone operations reportedly follow the same rules of engagement and use the same procedures as manned aircraft that use weapons to support ground troops. 29 At least the military’s use of drones operates within the same military chain of command, subject to civilian oversight, as all other uses of military force. 30 One can view the technological advances that make drone warfare possible with horror or with fascination, but the idea of projected force beyond hand-to-hand warfare does not of itself present radically new legal issues. As the philosopher David Luban rightly concludes, targeted killings “are no different in principle from other wartime killings, and they have to be judged by the same standards of necessity and proportionality applied to warfare in general: sometimes they are justified, sometimes not.” 31 A third prevalent misconception, in our view, is that drones and targeted killing pose a major threat to the humanitarian purposes and aims of the laws of war. The key principles of the laws of war are the principles of necessity, distinction and proportionality—the principles that force should intentionally be used only against military targets and that the damage to individual citizens should be minimized and proportionate. Drones, as against other uses of military force, better realize these principles than any other technology currently available. Indeed, they allow for the most discriminating uses of force in the history of military technology and warfare, in contexts in which the use of force is otherwise justified. If the alternative is sending US ground forces into Yemen or the frontier regions of Pakistan, the result will be far greater loss of civilian life, and far greater loss of combatant lives, than with drone technology. A more subtle concern that perhaps underlies the humanitarian critique of targeted killings is that drone warfare might make the use of force “too easy.” Since powerful states do not have to put their own pilots or soldiers directly at risk, will they resort to force and violence more easily? This is a serious issue, but some historical perspective might help put this concern in a broader frame. Throughout the modern history of warfare, there has been concern that humanitarian developments in the way war is conducted will, perversely, make it more likely that states will go to war. The argument is essentially that there is a Faustian tradeoff between the laws of war and the initial decision to go to war. This is an enduring, moral complex issue that has attended virtually every effort in the paradoxical-sounding project of making warfare more humane; pacifists in the 19th century objected to the formation of the International Committee of the Red Cross and its efforts to mitigate the horrors of war. 32 Moreover, the same paradox surrounds even purely humanitarian aid during wartime; in some contexts, access to such aid has become a strong economic incentive to continue the war, for the very purpose of extracting more of this financial assistance. 33 A more complicated picture emerges if we shift from the perspective of the civilian leaders who authorize the use of force to those who actually deliver that force. One of the consequences created by individuating the responsibility of specific enemies, combined with drone technology, is the possibility of a much greater sense of personal responsibility and accountability on the part of drone operators for lethal uses of force than that exhibited by prior generations of fighters. At least some drone operators report exactly this kind of experience of personal responsibility for their actions, including their mistakes, that was much less likely in earlier generations when “the enemy” was faceless and undifferentiated in most circumstances. 34 Of course, if such a perverse tradeoff does end up driving state practice, the same concern could be applied to the use of force for humanitarian purposes, as in Libya. Did the use of drones in the Libya operation make humanitarian interventions “too easy?” The right question, it seems to us, should focus on whether the use of force is justified in the first place. Moreover, one should be careful not to romanticize traditional combat and the pressures toward excessive violence it nearly always unleashes. To the extent the humanitarian critique of the use of drones is that sending in ground troops acts as a restraint on the use of force, compared to the use of force from remote locations, such as with drones technology, this idea might have matters backwards, at least once the decision to use force at all has been made (and made, hopefully, for appropriate and lawful reasons). Dramatic overuse of force is most likely when scared kids come under attack on an active battlefield and respond with massive uses of force directed at only vaguely identified targets. Remoteness from the immediate battlefield—with operators able to see much more of what is going on—almost surely enables much more deliberative responses. One Air Force combat officer who became a drone operator supports this conclusion; he comments that compared to conventional combat, both in the air and on the ground, the distance involved with drones enable operations to be “deliberate instead of reactionary;” 35 compared to manned combat flights, he experienced drones as affording “the ability to think clearly at zero knots and one G”; 36 and he observed that other “methods of warfare could be, and often were, much more destructive” 37 —indeed, he goes so far as to comment that when marines were sent into operations, they “broke things and killed people” while drones enabled U.S. military force to be “less brutal.” 38 Whether one accepts or not this particular self-reported drone operator experience, a realistic appraisal of all the costs and benefits of the use of drones must confront the “compared to what” question. Perhaps in some contexts, if drones were not available, no force would be used; but in many cases, it seems likely that much greater force would be used instead. Put another way, powerful nation-states are unlikely to remain passive in the face of significant risks to the physical security of their citizens and property that emanate from other nations that are unwilling or unable to control these threats. Nor is it clear why states should be understood to have a moral obligation to permit their citizens and territory to be attacked. If states have the capacity to do so, they will neutralize these threats through killing or capture; and at times, the humanitarian costs of capture, in terms of harm to and loss of innocent life will be great, and at other times, capture might not be practicable for any number of reasons (a complex issue to which we return below). As a result, it seems to us that any general humanitarian critique of the targeted killing has a moral obligation to offer a credible, practical alternative that a state can realistically employ to protect the lives of its citizens and that better serves the humanitarian aims of the laws of war.

**Drones are no big deal**

Joseph **Singh 12**, researcher at the Center for a New American Security, 8/13/12, “Betting Against a Drone Arms Race,” http://nation.time.com/2012/08/13/betting-against-a-drone-arms-race/#ixzz2eSvaZnfQ

In short, the doomsday drone scenario Ignatieff and Sharkey predict results from an excessive focus on rapidly-evolving military technology.

Instead, we must return to what we know about state behavior in an anarchistic international order. Nations will confront the **same principles of deterrence**, for example, when deciding to launch a targeted killing operation regardless of whether they conduct it through a drone or a covert amphibious assault team.

Drones may make waging war more domestically palatable, but they **don’t change the very serious risks of retaliation for an attacking state**. Any state otherwise deterred from using force abroad **will not significantly increase its power projection on account of acquiring drones**.

What’s more, the very states whose use of drones could threaten U.S. security—countries like China—**are not democratic**, which means that the possible political ramifications of the low risk of casualties resulting from drone use are **irrelevant**. For all their military benefits, putting drones into play requires an ability to meet the political and security risks associated with their use.

Despite these realities, there remain a host of defensible arguments one could employ to discredit the Obama drone strategy. The legal justification for targeted killings in areas not internationally recognized as war zones is uncertain at best.

Further, the short-term gains yielded by targeted killing operations in Pakistan, Somalia and Yemen, while debilitating to Al Qaeda leadership in the short-term, may serve to destroy already tenacious bilateral relations in the region and radicalize local populations.

Yet, the past decade’s experience with drones bears **no evidence** of impending instability in the global strategic landscape. Conflict may not be any less likely in the era of drones, but the nature of 21st Century warfare remains **fundamentally unaltered** despite their arrival in large numbers.

Drone restraint now

**Herb 13** (Jeremy, Fewer drone strikes likely result of new Obama policy, analysts say, The Hill, 27 May 2013, http://thehill.com/blogs/defcon-hill/policy-and-strategy/301965-fewer-drone-strikes-the-likely-result-of-new-obama-policy-analysts-say, da 9-6-13) PC

President Obama’s new guidelines on drone strikes abroad are likely to curtail the number of attacks the **U**nited **S**tates carries out, according to defense experts.¶ The White House’s codified policy signed by the president this week requires a “continuing, imminent” threat before terrorists are targeted. The directive also requires “near-certainty” that civilians will not be harmed in the strike.¶ Defense analysts say that the emphasis on avoiding civilian casualties will reduce — or perhaps eliminate altogether — the use of “signature” strikes, where unidentified people are targeted on the basis of suspicious activities.¶ “The announcement that they’ll avoid civilian casualties to the greatest extent possible — what that says is **no more signature attacks**,” said James Lewis, an analyst at the **C**enter for **S**trategic and **I**nternational **S**tudies. “The signature attacks are probably the source of a lot of the civilian casualties.”

**Casualties**

**AT: Civilian Casualties (Generic)**

**Civilian casualty claims are overstated and rapidly declining—best research proves**

**Cohen 13**—Michael A Cohen, regular columnist for the Guardian and Observer on US politics, he is also a fellow of the Century Foundation [May 23, 2013, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified]

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels".

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed—and dramatically so.

This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.

Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far **broader classification for civilians killed**, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.

There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.

When I spoke with Woods last month, he said that a fairly **clear pattern** has emerged over the past year—**far fewer civilians are dying from drones**. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."

While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "**proportionate decline**". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing **far greater care** in trying to limit collateral damage.

Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims **there have been no civilian deaths this year and only five last year**; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but **also in Yemen**.

These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.

Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".

Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a **far more humane method of war-fighting**.

**Tech advances and tighter rules of engagement are substantially reducing civilian casualties—alternatives to drones are worse**

Rosa **Brooks 13**, Professor of Law, Georgetown University Law Center and Bernard L. Schwartz Senior Fellow, New America Foundation, 4/23/13, “The Constitutional and Counterterrorism Implications of Targeted Killing,” http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf

[**We do not endorse gendered language**]

First, critics often assert that US drone strikes are morally wrong because the kill innocent civilians. This is undoubtedly both true and tragic -- but it is not really an argument against drone strikes as such. **War kills innocent civilians, period**. But the best available evidence suggests that US drone strikes kill civilians at no higher a rate, and **almost certainly at a lower rate**, than most other common means of warfare. Much of the time, the use of drones actually permits far greater precision in targeting than most traditional manned aircraft. Today's unmanned aerial vehicles (UAVs) can carry very small bombs that do less widespread damage, and UAVs have no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more time on target than any manned aircraft. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems. That does not mean civilians never get killed in drone strikes. Inevitably, they do, although the covert nature of most US strikes and the contested environment in which they occur makes it impossible to get precise data on civilian deaths. This lack of transparency inevitably fuels rumors and misinformation. However, several credible organizations have sought to track and analyze deaths due to US drone strikes. The British Bureau of Investigative Journalism analyzed examined reports by "government, military and intelligence officials, and by credible media, academic and other sources," for instance, and came up with a range, suggesting that the 344 known drone strikes in Pakistan between 2004 and 2012 killed between 2,562 and 3,325 people, of whom between 474 and 881 were likely civilians.1 (The numbers for Yemen and Somalia are more difficult to obtain.) The New America Foundation, with which I am affiliated, came up with slightly lower numbers, estimating that US drone strikes killed somewhere between 1,873 and 3,171 people overall in Pakistan, of whom between 282 and 459 were civilians. 2 Whether drones strikes cause "a lot" or "relatively few" civilian casualties depends what we regard as the right point of comparison. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century.3 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.4 The most meaningful point of comparison for drones is probably manned aircraft. It's extraordinarily difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian to combatant deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.5 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan.6 But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only **three to nine** civilians were killed during 72 U.S. drone strikes in Pakistan in 2011, and the 2012 numbers were also low.7 In part, this is due to technological advances over the last decade, but it's also due to **far more stringent rules** for when drones can release weapons. Few details are known about the precise targeting procedures followed by either US armed forces or the Central Intelligence Agency with regard to drone strikes. The Obama Administration is reportedly finalizing a targeted killing “playbook,”8 outlining in great detail the procedures and substantive criteria to be applied. I believe an unclassified version of this should be should be made public, as it may help to diminish concerns reckless or negligent targeting decisions. Even in the absence of specific details, however, I believe we can have confidence in the commitment of both military and intelligence personnel to avoiding civilian casualties to the greatest extent possible. The Obama Administration has stated that it regards both the military and the CIA as bound by the law of war when force is used for the purpose of targeted killing. 9 (I will discuss the applicable law of war principles in section IV of this statement). What is more, the military is bound by the Uniform Code of Military Justice. Concern about civilian casualties is appropriate, and our targeting decisions, however thoughtfully made, are only as good as our intelligence—and only as wise as our overall strategy. Nevertheless, there is **no evidence** supporting the view that drone strikes cause disproportionate civilian casualties relative to other commonly used means or methods of warfare. On the contrary, the evidence suggests that if the number of civilian casualties is our metric, **drone strikes do a better job** of discriminating between civilians and combatants than close air support or other tactics that receive less attention.

**Current checks against civilian casualties are so effective that we divert missiles in the air if there’s a risk they’ll kill civilians**

**McNeal 13**—Gregory McNeal, Associate Professor of Law, Pepperdine University [March 5, 2013, “Targeted Killing and Accountability,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1819583]

In contemporary operations, the government has repeatedly emphasized that their planned target lists are **frequently** updated and vetted against the **most up-to-date** intelligence.261 This vetting is likely aimed at ensuring that individuals targeted are still members of an organized armed group.262 Moreover, in targeted killing operations that utilize UAVs, the intelligence supporting the attack will oftentimes come from the same UAV combat platform (Predators or Reapers) that may ultimately serve as the launch vehicle for weapons used in the targeted killing operation.263 Government officials even claim they have **diverted missiles off target after launching but before impact** in an effort to avoid harm to collateral persons within the blast radius of a weapon.264 To further illustrate the point, prior to the targeting operation that killed al Aulaqi, the government suggested that if Anwar al Aulaqi chose to renounce his membership in al Qaeda he would cease to be on the U.S. target list (likely because he would no longer have the status of a member of an organized armed group and, if he truly renounced his affiliation with al Qaeda, he could not be directly participating in hostilities).265 This statement illustrates the **dynamic nature** of the positive identification process as practiced by the U.S. military.266 The CIA’s process, extensively reviewed by operational lawyers who are oftentimes forwardly deployed in theaters of conflict and co-located with drone operators, would similarly require positive identification and a reassessment of available intelligence prior to a strike.267 Of course, if al Aulaqi chose to surrender, then he would automatically be rendered hors de combat and could not be targeted—though whether an individual could surrender to an aircraft remains an open question.268 Taken together, what this means is that if positive identification of a target fails, and the target is no longer a lawful one, **no operation will take place**.269 Moreover, when doubt arises as to whether a person is a civilian, there exists a **presumption that he is**, hence the requirement of positive identification in U.S. operations.270 The military objective requirement of the law of armed conflict as implemented in U.S. practice reflects the fact that the drafters of these standards intended them to be a binding set of rules that could simultaneously guide decision-making in warfare when bright line rules and fixed borderlines between civilian and military objectives may be murky.271 The burden is on military commanders to exercise discretion and caution; however, the standards by which those commanders are judged are reasonableness and honesty in the exercise of those responsibilities.272 [Italics in original]

**Alternatives to drones are worse for civilian casualties**

**Byman 13**—Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution [“Why Drones Work,” *Foreign Affairs*, Jul/Aug2013, Vol. 92 Issue 4, p. 32-43, EBSCO]

Despite the obvious benefits of using drones and the problems associated with the alternatives, numerous critics argue that drones still have too many disadvantages. First among them is an unacceptably high level of civilian casualties. Admittedly, drones have killed innocents. But the real debate is over how many and whether alternative approaches are any better. The Bureau of Investigative Journalism reports that in 2011 alone, nearly 900 noncombatants, including almost 200 children, were killed by U.S. drone strikes. Columbia Law School's Human Rights Clinic also cites high numbers of civilian deaths, as does the Pakistani organization Pakistan Body Count. Peter Bergen of the New America Foundation oversees a database of drone casualties culled from U.S. sources and international media reports. He estimates that between 150 and 500 civilians have been killed by drones during Obama's administration. U.S. officials, meanwhile, maintain that drone strikes have killed almost no civilians. In June 2011, John Brennan, then Obama's top counterterrorism adviser, even contended that U.S. drone strikes had killed no civilians in the previous year. But these claims are based on the fact that the U.S. government assumes that all military-age males in the blast area of a drone strike are combatants -- unless it can determine after the fact that they were innocent (and such intelligence gathering is not a priority).

The United States has recently taken to launching "signature strikes," which target not specific individuals but instead groups engaged in suspicious activities. This approach makes it even more difficult to distinguish between combatants and civilians and verify body counts of each. Still, as one U.S. official told The New York Times last year, "Al Qaeda is an insular, paranoid organization -- innocent neighbors don't hitchhike rides in the back of trucks headed for the border with guns and bombs." Of course, not everyone accepts this reasoning. Zeeshan-ul-hassan Usmani, who runs Pakistan Body Count, says that "neither [the United States] nor Pakistan releases any detailed information about the victims … so [although the United States] likes to call everybody Taliban, I call everybody civilians."

The truth is that all the public numbers are unreliable. Who constitutes a civilian is often unclear; when trying to kill the Pakistani Taliban leader Baitullah Mehsud, for example, the United States also killed his doctor. The doctor was not targeting U.S. or allied forces, but he was aiding a known terrorist leader. In addition, most strikes are carried out in such remote locations that it is nearly impossible for independent sources to verify who was killed. In Pakistan, for example, the overwhelming majority of drone killings occur in tribal areas that lie outside the government's control and are prohibitively dangerous for Westerners and independent local journalists to enter.

Thus, although the New America Foundation has come under fire for relying heavily on unverifiable information provided by anonymous U.S. officials, reports from local Pakistani organizations, and the Western organizations that rely on them, are no better: their numbers are frequently doctored by the Pakistani government or by militant groups. After a strike in Pakistan, militants often cordon off the area, remove their dead, and admit only local reporters sympathetic to their cause or decide on a body count themselves. The U.S. media often then draw on such faulty reporting to give the illusion of having used multiple sources. As a result, **statistics on civilians killed by drones are often inflated**. One of the few truly independent on-the-ground reporting efforts, conducted by the Associated Press last year, concluded that the strikes "are killing far fewer civilians than many in [Pakistan] are led to believe."

But even the most unfavorable estimates of drone casualties reveal that the ratio of civilian to militant deaths -- about one to three, according to the Bureau of Investigative Journalism -- is lower than it would be for other forms of strikes. Bombings by F-16s or Tomahawk cruise missile salvos, for example, pack a much more deadly payload. In December 2009, the United States fired Tomahawks at a suspected terrorist training camp in Yemen, and over 30 people were killed in the blast, most of them women and children. At the time, the Yemeni regime refused to allow the use of drones, but had this not been the case, a drone's real-time surveillance would probably have spotted the large number of women and children, and the attack would have been aborted. Even if the strike had gone forward for some reason, the drone's far smaller warhead would have killed fewer innocents. Civilian deaths are tragic and pose political problems. But the data show that drones are more discriminate than other types of force.

**Drones are vastly better for civilians than alternatives**

**Ratnesar 13**—Romesh Ratnesar, Deputy Editor of Bloomberg-Businessweek [May 23, 2013, “Five Reasons Why Drones Are Here to Stay,” http://www.businessweek.com/printer/articles/119384-five-reasons-why-drones-are-here-to-stay]

2. They Work. As Obama said at NDU, “dozens of highly skilled al Qaeda commanders, trainers, bomb makers, and operatives have been taken off the battlefield” by drones. Estimates of the numbers killed by U.S. drone strikes vary; according to the Bureau of Investigative Journalism, the strikes have killed 3,136 people, including 555 civilians. Though tragic, the ratio of civilian deaths caused by drones—about 17 percent—**compares favorably with alternative forms of warfare**. In conventional military conflicts, civilian deaths typically account for anywhere between 30 percent and 80 percent of all fatalities. By those standards, U.S. drones strikes have been **remarkably precise**—and their accuracy has improved with time. According to the New America Foundation, in the 48 drones strikes conducted in Pakistan last year, fewer than 2 percent of those killed were civilians.

**morality**

**Targeted killing against terrorists is a moral imperative—the point of terrorism is senseless, un-targeted killing. Responding with force is necessary to preserve and uphold the value of innocent lives [in the context of Camus, targeted killing is most analogous to the figure of the just assassin]**

**Walzer 13**—Michael Walzer, Professor Emeritus of Social Science at the Institute for Advanced Study and co-Editor of Dissent Magazine [January 11, 2013, “Targeted Killing and Drone Warfare,” http://www.dissentmagazine.org/online\_articles/targeted-killing-and-drone-warfare]

First things first. Untargeted killing, random killing, the bomb in the supermarket, the café, or the bus station: we call that terrorism, and its condemnation is critically important. No qualifications, no apologies: this is wrongfulness of the first order. But someone who takes aim at a particular person, a political official, a military officer, is engaged in a different activity. He may be a **just assassin, as in Camus’s** play, though I don’t think that the justice of the killing depends on the killer’s willingness to accept death himself (which is Camus’s argument). It depends on the character of the official or the officer, the character of the regime he serves, and the immediate political circumstances: what else is there to do? But even if the assassination is a wrongful act, as it most often is in history if not in literature, the wrongfulness is of a second order. By aiming at a person thought to be guilty of something, the assassin indicates his rejection of aimless killing. Someone in his organization probably thought that it would be better to kill the official’s extended family or to put a bomb in the restaurant where he and “his kind” regularly dine; he refused to do that or, at least, he didn’t do it.

There are radical limits on political assassinations. In democracies, they can never be justified; it is only the blood of tyrants that waters the tree of liberty. And even with tyrants, a trial is preferable to an assassination whenever it is possible to bring down the tyrannical regime without killing its leader. In wartime, international law bars the killing of political leaders on the grounds that they are the ones who will in the end negotiate the peace treaty. But some political leaders, with whom one can’t imagine negotiating, are legitimate targets—Hitler the obvious example. Killing Hitler would have been “extra-judicial” but entirely justified. Tyrants do have to be targeted, however; blowing up the neighborhood in which they live is not a moral option.

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly. It is probably best to think of insurgent organizations in roughly the same way that we think about states. If they have separated their political and military leaders, it is only the second group who should be targeted since we may eventually negotiate with the first group. I don’t believe that the same distinction is morally required in the case of terrorist organizations, though it may be prudent to make it. Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. It would be better to capture them and bring them to trial, but that is often not a reasonable option—the risks are too high; innocent bystanders would be killed in the attempt; the planning would take time, and the terrorist attacks are imminent or actual. In cases like this, the phrase “war on terror” makes sense. More often, I think, the “war” is police work, and targeted killing is not permissible for the police. If the terrorist campaign has ended, only the police can deal with the men and women who organized it—and lawyers and judges after the police.

The targeted killing of insurgents and terrorists in wartime is subject to the same constraints as any other act of war. It will have to meet very strict standards of proportionality; given that the target is a single person, it will be difficult to justify any injury to innocent bystanders. So the targeting must be undertaken with great care; collecting information about the targeted individuals, their schedules, their whereabouts, their families and neighbors, is critically important, and if it involves risk for agents in the field, the risks must be accepted before the killing can be justified.

**2NC**

**at: ROB**

**Open debate is key to truth testing—you can’t know if the affirmative is right or wrong absent predictable limits. This is crucial for advocacy skills**

**Steinberg and Freeley 8**—\*David L. Steinberg, a lecturer in Communication Studies at the University of Miami, holds a Master's Degree in Communication from The University of Tennessee and has completed significant post-graduate work in Communication Studies, Education, and Human Resource Development from The Pennsylvania State University and from Florida International University. \*\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law [February 13, 2008, *Argumentation and Debate: Critical Thinking for Reasoned Decision Making*, Twelfth Edition, Wadsworth Publishing, pg. 6-7]

\*\*\*Gender modified—Sigalos

Debate is the process of inquiry and advocacy, a way of arriving at a reasoned judgment on a proposition. Individuals may use debate to reach a decision in their own minds; alternatively, individuals or groups may use it to bring others around to their way of thinking.

Debate provides reasoned arguments for and against a proposition. It requires **two competitive sides** engaging in a bipolar clash of support for and against that proposition. Because it requires that listeners and opposing advocates comparatively evaluate competing choices, **debate demands critical thinking**. Society, like individuals, must have an effective method of making decisions. A free society is structured in such a way that many of its decisions are arrived at through debate. For example, law courts and legislative bodies are designed to utilize debate as their means of reaching decisions. In fact, any organization that conducts its business according to parliamentary procedures has selected debate as its method. Debate pervades our society at decision-making levels.

The ancient Greeks were among the first to recognize the importance of debate for both the individual and society. Plato, whose dialogues were an early form of cross-examination debate, defined rhetoric as “a universal art of winning the mind by arguments, which means not merely arguments in the courts of justice, and all other sorts of public councils, but in private conference as well.”8

Aristotle listed four functions for rhetoric.9 First, it prevents the triumph of fraud and injustice. Aristotle argued that truth and justice are by nature more powerful than their opposites, so when poor decisions are made, speakers with right on their side have **only themselves to blame**. Thus, it is **not enough to know the right decision ourselves**; we also must be able to argue for that decision before others.

Second, rhetoric is a method of instruction for the public. Aristotle pointed out that in some situations scientific arguments are useless; a speaker has to “educate” the audience by framing arguments with the help of common knowledge and commonly accepted opinions. Congressional debates on health care or tax policies are examples of this. The general public, and for that matter the majority of Congress, is unable to follow highly sophisticated technical arguments. Skilled partisans who have the expertise to understand the technical data must reformulate their reasons in ways that both Congress and the public can grasp.

Third, rhetoric makes us see both sides of a case. By arguing both sides, we become aware of all aspects of the case, and we will be **prepared to refute our opponents’ arguments**.

Fourth, rhetoric is a means of defense. Often knowledge of argumentation and debate will be necessary to protect ourselves and our interests. As Aristotle stated: “If it is a disgrace to a man when he cannot defend himself in a bodily way, it would be odd not to think him disgraced when he cannot defend himself with reason. Reason is more distinctive of man than is bodily effort.” Similarly, in the nineteenth century, John Stuart Mill placed great emphasis on the value of debate:

If even the Newtonian philosophy were not permitted to be questioned, (hu)mankind could not feel as complete assurance of its truth as they now [in 1858] do. The beliefs which we have the most warrant for, have no safeguard to rest on, but a **standing invitation** to the whole world **to prove them unfounded**. If the challenge is not accepted, or is accepted and the attempt fails, we are far enough from certainty still; but we have done the best that the existing state of human reason admits of; we have neglected nothing that could give the truth the chance of reaching us; if the lists are kept open, we may hope that if there be a better truth, it will be found when the human mind is capable of receiving it; and in the meantime we may rely on having attained such approach to truth as is possible in our day. This is the **amount of certainty attainable by a fallible being**, and this is the **sole way** of attaining it.10

**at: Creativity**

**Topical constraints are a better conduit for creativity—enforcing limits incentivizes innovation and solves aff ground.**

**Intrator 10**—David Intrator, President of Strategic Documentaries, Founder of The Creative Organization, holds an M.A. in Music from Harvard University, 2010 [“Thinking Inside the Box,” *Training* magazine, October 21st, Available Online at http://www.trainingmag.com/article/thinking-inside-box, Accessed 02-20-2012]

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.”

As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.”

The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not.

In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired.

But, in fact, creativity is not about divine inspiration or magic.

It’s about problem-solving, and by definition a problem is a constraint, a limit, a box.

One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities.

What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution.

This can be quite demanding, both intellectually and emotionally.

Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary.

More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like.

Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered.

But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works.

That’s the hard part.

It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated.

It also can be emotionally difficult.

You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

**at: Predictability/Limits Bad**

**Research proves, lack of limits kills education – this is will follow us outside of the debate**

**Richtel 10** Matt Richtel 2010, B.A. degree in rhetoric from the University of California at Berkeley in 1989 and an M.S. degree in journalism from Columbia University in 1990. YOUR BRAIN ON COMPUTERS Attached to Technology and Paying a Price <http://www.nytimes.com/2010/06/07/technology/07brain.html?_r=1&pagewanted=all> BK

Scientists say juggling e-mail, phone calls and other incoming information can change how people think and behave. They say our ability to focus is being undermined by bursts of information. These play to a primitive impulse to respond to immediate opportunities and threats. The stimulation provokes excitement — a dopamine squirt — that researchers say can be addictive. In its absence, people feel bored. The resulting distractions can have deadly consequences, as when cellphone-wielding drivers and train engineers cause wrecks. And for millions of people like Mr. Campbell, these urges can inflict nicks and cuts on creativity and deep thought, interrupting work and family life. While many people say multitasking makes them more productive, research shows otherwise. Heavy multitaskers actually have more trouble focusing and shutting out irrelevant information, scientists say, and they experience more stress. And scientists are discovering that **even after the multitasking ends, fractured thinking and lack of focus persist**. In other words, this is also your brain off computers.

**at: Exclusion**

**Stable clash key to solve exclusion—they shouldn’t win just because they talked about something important before we did**

**Galloway 7** — Ryan Galloway, Assistant Professor and Director of Debate at Samford University, 2007 (“Dinner and Conversation at the Argumentative Table: Re-Conceptualizing Debate As An Argumentative Dialogue,” *Contemporary Argumentation & Debate*, Volume 28, September, Available Online to Subscribing Institutions via Academic Search Premier, p. 12)

While affirmative teams often accuse the negative of using a juridical rule to exclude them, the affirmative also relies upon an unstated rule to exclude the negative response. This unstated but understood rule is that the negative speech act must serve to negate the affirmative act. Thus, affirmative teams often exclude an entire range of negative arguments, **including arguments designed to challenge the hegemony, domination, and oppression inherent in topical approaches to the resolution**. Becoming more than just a ritualistic tag-line of “fairness, education, time skew, voting issue,” fairness exists in the implicit right to be heard in a meaningful way. Ground is just that—a ground to stand on, a ground to speak from, a ground by which to meaningfully contribute to an ongoing conversation.

**Topical fairness requirements are key to effective dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role**

**Galloway 7**—Ryan, professor of communications at Samford University [“Dinner and Conversation at the Argumentative Table: Reconceptualizing Debate as an Argumentative Dialogue,” *Contemporary Argumentation and Debate*, Vol. 28 (2007)]

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure. Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table. When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced. Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning: Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197). **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114). For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

**at: Rules bad**

**Ehrlich and Posner 74** (Issac, Assistant Professor of Business Economics, University of Chicago, and Richard A., Professor of Law, University of Chicago, “An Economic Analysis of Legal Rulemaking,” : The Journal of Legal Studies, Vol. 3, No. 1 (Jan., 1974), pp. 257-286)

It does this by increasing the (subjective) probabilities that the undesirable activity is punishable and that the desirable is not. The cost of an activity includes any expected punishment costs. The expected punishment cost of engaging in an activity is the product of (1) the subjective probability of the participant's being apprehended and convicted and (2) the cost to him of the penalty that will be imposed if he is convicted. The probability of apprehension and conviction, in turn, is the product of (1) the probability that the activity in which the person is engaged will be deemed illegal and (2) the probability that, if so, he will be charged and convicted for his participation in it. **The more** (efficiently) **precise and detailed the** applicable substantive **standard or rule is**, the higher is the probability that the activity will be deemed illegal if it is in fact undesirable (the kind of activity the legislature wanted to prevent) and the lower is the probability that the activity will be deemed illegal if it is in fact desirable. Thus the expected punishment cost of undesirable activity is increased and that of desirable activity reduced. Although this conclusion is independent of individuals' attitudes toward risk, its implications are particularly striking under certain plausible assumptions about those attitudes. Suppose that most people who engage in socially undesirable activities (criminals, tortfeasors, and other violators) are risk preferring while most people who engage in socially desirable activities are risk averse. Then **an increase in specificity**, by reducing the variance in outcomes associated with engaging in a particular activity, would tend to have a disproportionately deterrent effect on undesirable activity and a disproportionately encouraging effect on desirable activity. This is because people who like risk may invest in risky activities resources greater than the expected gain, while people who dislike risk may invest in the avoidance of risky activities resources greater than the expected cost of these activities, and the elimination of risk discourages both kinds of investment.

**aa: Def Bad**

**This model of debate is key to real world education and is a portable skill**

**Bricker 10**, Brett July 3, at 7:05 PM, comment on the 3NR “T Combat Troops”, <http://www.the3nr.com/2010/07/03/t-combat-troops/> BK

\*This evidence is from a debate coach commenting on a 3nr article. I Emailed Brett Bricker to ask him if we could read this evidence and he replied “I have no problem with you reading this evidence. I have made it publicly available because it represents how I feel about the issue.” BK

First, I feel that the words in the resolution should guide the topic as its debated, not the other way around. The topic is not the "let's figure out a way to include Iraq and Afghanistan" topic, it's the military presence topic. If the most precise, exclusive and qualified definitions of military presence exclude combat operations then it seems like these debaters would not be winning on "technical superiority" but on quality research skills (not to degrade the value of either technical debating or quality research). Second, precision debates are more important than you seem to give credit. Andrew Jennings has commented that "law school is like one big T debate." **For** him, and **those in debate going to law school, debating about the most precise, qualified and exclusive definition is important education. The debate about competing standards that you want to exclude is exactly the type of education that helped** Jennings through 1l. For all of the same reasons that this debate is important, I believe that the value of topicality research is equally important. Arbitrarily discarding some definitions because of a pre-determined vision of what the topic should be seems to deter this research.

**1NR Contradictions**

**Contradictory positions crucial to solve AUTHORITARIAN pedagogy and lead to critical thinking**

**Lewis and Dehler 00**

Journal of Management Education December 2000 vol. 24 no. 6 708-725

U Cincinnati College of Business, Professor Lewis is the Interim Associate Dean of Undergraduate Programs and Professor of Management. She also leads the Kolodzik Business Scholars Program, as its themes of innovation, collaboration and globalization are closely linked to her research and teaching interests. Indeed, her work addresses paradoxes that impede and enable innovation. In particular, Dr. Lewis explores the need to manage paradoxes in three domains.

*Gordon E. Dehler*, PhD. Associate Professor. The College of Charleston. School of Business and Economics. Department of Management & Entrepreneurship

Teaching with paradox requires “walking the talk.” If students are truly going to be inspired to think outside the box, we need not only to help them critique the box of oversimplified, polarized frames but also to model paradoxical thinking ourselves. As Farson (1996) noted, paradoxical thinking taps the power of uncertainty and ambiguity: “Absurdly, our most important human affairs—marriage, education, leadership—do best when there is an occasional loss of control and an increase in personal vulnerability, times when we do not know what to do” (p. 38). Recalling our earlier discussion of the control/flexibility paradox, the paradox of teaching with paradox lies in the need to provide order and foster creative tension. In this regard, we have found that teaching with paradox offers a valuable learning opportunity for instructors as well as students. By being self-reflective ourselves, we have become highly conscientious of our own defenses—our desire to control the classroom—and the paradoxical need to allow, even cultivate, an element of confusion to enable more insightful experiences. This requires resisting the temptation to overuse teaching paradigm tactics, that is, refraining frommerely telling students about paradoxes and **regulating** their experiences and instead constructing boundaries within which they may comfortably question inadequacies of their understandings. Such needs complement and extend those of other learning paradigm strategies. For instance, Mallinger (1998) recently wrote of the need to give up control, to maintain control when using collaborative learning approaches, whereas Dennehy, Sims, and Collins (1998) examined the conflicting needs of experiential learning. Ambiguity is necessary so that individuals are personally stretched to apply concepts to real situations. It may seem paradoxical that the pursuit of a conceptual model for debriefing is urged, yet ambiguity is also urged, to meet the subjective needs of individuals. Both requirements (structure and ambiguity), however, can be met if the management educator is cognizant of . . . the debriefing model and uses it as a road map to facilitate discussion so that all learning states are experienced. (p. 18) Barrett’s (1998) seven injunctions of the “Paradox Mind-Set” remind instructors to be purposeful, open, skeptical, contrary, paralogical, imaginative, and courageous, as they encourage students to do likewise. Modeling paradoxical thinking entails remaining focused on the process and objectives of intentional learning while displaying curiosity, honesty, and selfreflection. By provoking insightful **debate,** conflict can become a source of**creativity**, and playing **devil’s advocate** may help students identify their underlying **assumptions** and more complicated questions to move beyond which**alternative** is **“right”** (Dehler &Welsh, 1993). Critiquing oversimplified explanations and taken-for-granted, often nonsensical, conventions, students can be inspired to seek and accommodate opposing views, to creatively make sense of contradictions by transcending either/or logic and overcoming fears of sounding absurd.   Finally, the potential value of students’ leaving the classroom with some confusion or dissatisfaction should not be overlooked as a constructive tactic. Palmer (1998) proposed that “good education is always more process than **product** . . . [and] may leave students deeply dissatisfied, at least for a while” (p. 94). Likewise, French (1997) explained that teachers may use anxiety to foster creative tension and energy while avoiding an excess that freezes students within their defenses. Using the learning space provided by paradox requires staying with the uncertainty long enough to explore contradictions rather than suppress them, examining the ambivalence of mixed feelings, conflicting demands, and uncertainty. Rather than providing oversimplified closure to a complicated discussion, leaving a class with unresolved questions may spur further exploration to reduce confusion and complexity. A degree of unresolved tension or “dissatisfaction may be a sign that real education has happened” (Palmer, 1998, p. 94).

**1NR DA**

**Best empirical data proves targeted killings reduce terrorism**

**Johnston and Sarbahi 13**—Patrick B. Johnston, Associate Political Scientist, RAND Corporation, and Anoop Sarbahi, postdoctoral scholar in the Department of Political Science at the University of California, Los Angeles [July 2013, “The Impact of U.S. Drone Strikes on Terrorism in Pakistan and Afghanistan,” http://patrickjohnston.info/materials/drones.pdf]

To test Hypotheses 1 and 2, we examine five different measures of militant violence: the frequency of attacks, the lethality of attacks, the number of IED attacks, the number of suicide attacks, and the number of attacks on tribal elders. The results do not support Hypothesis 1—that drone strikes are associated with increased terrorism. On the contrary, they support our hypothesis, (Hypothesis 2), that that drone strikes are associated with decreases in militant violence. We find no evidence in support of the competing hypothesis (Hypothesis 1)—that drone strikes increase violence. We discuss these results in more detail below.

The 2FESL estimates in column 2 of table 2 show that drone strikes are associated with a decrease in militant attacks of approximately 24 percentage points—a result that is statistically significant at the one percent level. From 2007 through 2011, the average agency suffered roughly 0.88 militant attacks per week. During weeks in which a drone strike occurred, agencies suffered an average of about 0.68 attacks.

Given that drone strikes are associated with reductions in insurgent attacks in the areas where they occur, it makes sense that drone strikes might also be negatively associated with the lethality, or “quality,” of attacks in those same areas. Consistent with Hypothesis 2, the estimates presented in column 2 of table 2 suggest that the lethality of militant attacks declines by more than 36.5 percent as a result of a drone strike in a given week. On average, 2.77 people were killed or injured in militant attacks in FATA between 2007 and the end of the third quarter of 2011. This figure would decline substantially to 1.76 per week as a result of a single drone strike if the number of drone strikes would increase by one per agency-week.44

The disruption hypothesis also implies that drone strikes should reduce militants’ ability to conduct complex and coordinated attacks like IED and suicide attacks. We find support for these propositions in our econometric tests. Drone strikes are negatively associated with the number of IED attacks in FATA during the period studied. Based on the estimates in column 3 in table 2, a drone strike is associated with a 21- percentage point reduction in IED attacks. The marginal effect translates into an estimated decrease in IED attacks from an average of 0.32 per agency-week to 0.25 per agency-week when there is one drone strike.

**The results support our hypothesis—drones decrease the frequency and lethality of militant violence**

**Johnston and Sarbahi 13**—\*Patrick B. Johnston, Ph.D. in political science, Northwestern University, is an associate political scientist at the RAND Corporation. He specializes in counterinsurgency and counterterrorism, with a particular focus on Afghanistan and the Philippines. Johnston was a fellow at the Harvard Kennedy School, Stanford University, and the United States Institute of Peace. \*\*Anoop K. Sarbahi, UCLA Dept. of political science [January 3, 2013, “The Impact of US Drone Strikes on Terrorism in Pakistan and Afghanistan,” http://patrickjohnston.info/materials/drones.pdf]

4.1 Militant Violence: Quantity and Quality

To test the hypothesis on militant violence, we examine two dependent variables: attack frequency and lethality. **The results support our hypothesis** (H3 and H4) that **drone strikes are associated with decreases in militant violence**. We find **no evidence in support of the competing hypothesis** (H1 and H2) that drone strikes increase violence. We discuss the results in more detail below.

The FESL estimates in column 2 of Table 2 show that drone strikes are associated with a decrease in militant attacks of approximately 24 percentage points—a result that is statistically significant at the one percent level. From 2007 through 2011, the average agency suffered roughly 0.88 militant attacks per week. During weeks in which a drone strike occurred, agencies suffered an average of about 0.68 attacks.

Given that drone strikes are associated with reductions in insurgent attacks in the areas where they occur, it makes sense that drone strikes might also be negatively associated with the lethality, or “quality,” of attacks in those same areas. This is supported by the OLS estimates presented in Table 6, which suggest that the lethality of militant attacks declines by more than 16 percent as a result of a drone strike in a given week. On average, 2.77 people were killed or injured in militant attacks in FATA between 2007 and the end of the third quarter of 2011. This figure would decline to 2.33 per week as a result of a single drone strike if the number of drone strikes would increase by one per agency-week.

**Neocleus**

**1. Drones have been integral to preventing further offensive actions from al Qaeda—multiple reasons**

**Williams 10**—Brian Glyn Williams is a Professor of Islamic Studies at University of Mass. Dartmouth formerly of Univ. of London. He has spent four summers in Afghanistan researching terrorism [“The CIA's Covert Predator Drone War in Pakistan, 2004–2010: The History of an Assassination Campaign,” *Studies in Conflict & Terrorism*, Volume 33, Issue 10, 2010, Taylor & Francis, Accessed through Emory Libraries]

In May of 2009, CIA Director Leon Panetta claimed of the Predator drone campaign in Pakistan: “Very frankly, it's the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership.” 51 Those who argue for the benefits of the air-borne assassination campaign claim that it is killing large numbers of Taliban/Al Qaeda leaders and foot soldiers, hampering their military and terrorist operations, and creating a climate of fear among the enemy. Under the airborne assault former CIA Chief Michael Haydon claimed Al Qaeda had come to see its former sanctuary in the FATA as “neither safe nor a haven.” 52 The Wall Street Journal summed up the benefits of the Predator drone campaign in an opinion piece as follows:

The case is easy. Not even the critics deny its success against terrorists. Able to go where American soldiers can't, the Predator and Reaper have since 9/11 killed more than half of the 20 most wanted al Qaeda suspects, the Uzbek, Yemeni and Pakistani heads of allied groups and hundreds of militants. Most of those hits were in the last four years. … The civilian toll is relatively low, especially if **compared with previous conflicts**. Never before in the history of air warfare have we been able to distinguish as well between combatants and civilians as we can with drones. Even if al Qaeda does not issue uniforms, the remote pilots can carefully identify targets, and then use Hellfire missiles that cause far less damage than older bombs or missiles. Smarter weapons like the Predator make for a more moral campaign. … International law also allows states to kill their enemies in a conflict, and to operate in “neutral” countries if the hosts allow bombing on their territory. Pakistan and Yemen have both given their permission to the U.S., albeit quietly. Even if they hadn't, the U.S. would be justified in attacking enemy sanctuaries there as a matter of self-defense. 53

The list of high value Al Qaeda targets assassinated in Pakistan is **nothing short of impressive** and is clear evidence of the precision of the deadly robotic drones. It also testifies to the fact the CIA or its Pakistani allies have infiltrated spies into the tribal region. Among other high value targets killed by drones, the list of slain high value targets includes:

▪ Saad bin Laden, Osama bin Laden's third son who was involved in Al Qaeda attacks in North Africa.

▪ Abu Laith al Libi the new number three in Al Qaeda who was responsible for a suicide bombing at Bagram Airbase that targeted Vice President Dick Cheney.

▪ Osama al Kini, Al Qaeda's external operations chief who was wanted for the 1998 bombings against the U.S. embassies in Kenya and Tanzania.

▪ Khalid Habib, the commander of the Lashkar al Zil or the Shadow Army, Al Qaeda's fighting force.

▪ Abu Khabab al Masri, the chief of al Qaeda's **w**eapons of **m**ass **d**estruction program.

▪ Rashid Rauf, the suspected mastermind of the 2006 Heathrow airliner plot who had escaped from a Pakistan jail the previous year.

▪ Saleh al Somali, head of Al Qaeda's operations outside of Afghanistan.

But the greatest success was the August 2009 killing of Baitullah Mehsud, Pakistan's most wanted man. Mehsud was the notorious head of the Pakistani Taliban who was responsible for numerous suicide bombing outrages including the killing of former Pakistani Prime Minister Benazir Bhutto. Mehsud had tormented the Pakistanis for years and, under Pakistani pressure, he was finally tracked down and killed by a Predator while visiting his father-in-law's house. His death was considered a gift to the Pakistanis and a way to ameliorate the negative repercussions of the drone strikes.

The most obvious negative repercussion has of course been the Pakistani media's claims of high numbers of civilian deaths in the drone attacks. While Pakistani media sources have made claims of hundreds of civilian deaths in the strikes, the Pentagon has reported that about 80 missile attacks from drones in less than two years killed “more than 400” enemy fighters and put civilian deaths in low double digits. 54 It is difficult to assess the exact number of dead from the drone strikes as the Taliban cordon of the strike zones after they have been targeted and few outsiders have access to the remote FATA tribal lands (discussion of the civilian casualty issue continues below).

Regardless of the exact numbers, the death of dozens of Taliban and Al Qaeda operatives and the constant threat of further strikes has **certainly shaken the enemy**. One senior counterterrorism official claimed, “**the enemy is really, really struggling**. These attacks have produced the broadest, deepest and most rapid reduction in al-Qaida senior leadership that we've seen in several years.” 55 Another referred to the growing insecurity and distrust among Al Qaeda stemming from the attacks stating, “They have started hunting down people who they think are responsible. People are showing up dead or disappearing.” 56 A third counterterrorism official said, “This last year has been a very hard year for them. They're losing a bunch of their better leaders. But more importantly, at this point they're **wondering who's next**.” 57

The militants and terrorists would seem to agree with the CIA's assessment and have taken to calling the drones machays (wasps) for the deadly stings they have inflicted or bangana (thunder) for their ability to strike out of the blue. One militant claimed that the Taliban were constantly on the alert for the sound of approaching drones and said “We now often sleep in the river beds or under the eucalyptus trees.” 58 An Al Qaeda website bemoaned the impact of the strikes saying, “the harm is alarming, the matter is very grave. So many brave commanders have been snatched away by the hands of the enemies. So many homes have been leveled with their people inside them by planes that are unheard, unseen and unknown.” 59 Another Al Qaeda publication spoke of the drones in fearful terms and claimed, “Their effects are seen: carnage, destruction, arrest, and pursuit, but they themselves remain unseen, just like Satan and his ilk who see us while remaining unseen.” 60

The terrorists, especially the foreign element, also bemoan the fact that **local tribesmen are now less willing to associate with militants** who have become magnets for drone strikes. One tribesman claimed “Before, the common people used to sit with the militants. Now they are also afraid.” 61 Local Pashtun tribesmen stay away from the Taliban who are known to be lightening rods for drone strikes and this has made the Taliban's sanctuary less secure. Many Taliban leaders fearing local spies have fled from the tribal areas to cities in non-Pashtun urban areas seeking a safer sanctuary. This has put them farther from the field of operations in Afghanistan and the FATA. 62

The constant threat of attack or surveillance has forced the Taliban and Al Qaeda to **dismantle their training camps** in favor of hidden classrooms. Al Qaeda in particular has also given up on using cell phones as a means of communication for fear that they will be tracked by signal and killed as Nek Muhammad was. The deaths of so many high level Al Qaeda leaders has also meant that many mid-level operatives who are inexperienced and lacking direct ties to bin Laden have been elevated to higher positions in the organization.

Both the Taliban and Al Qaeda have launched what have been described as “witch hunts” to try to kill real or imagined spies. Mullah Nazir has proclaimed “We are taking measures to catch spies. … This sedition has been pioneered by the government of Pakistan. They have put men into deceit by making them do their dirty work for them, and they do it for the return of a few rupees.” 63 And most importantly, the constant deaths and ever present threat of drone strikes has put the pressure on the Taliban and Al Qaeda and **moved them from the offensive to the defensive stance**. Simply put, it is harder to plan military or terrorist offenses when it is too dangerous to have large gatherings or open training.

**more**

**Their Rothenberg ev says we shouldn’t ask questions like “are drones good”. Yes we should. The answer is yes.**

**Anderson 13**—Kenneth, Professor of International Law at American University [May 24, 2013, “The Case for Drones,” Commentary Magazine, http://www.realclearpolitics.com/articles/2013/05/24/the\_case\_for\_drones\_118548.html]

5. The Ethical Objection

Effectiveness is one thing, morality another. The leading objection to drone warfare today is that it supposedly involves large, or “excessive,” numbers of civilian casualties, and that the claims of precision and discrimination are greatly overblown. These are partly factual questions full of unknowns and many contested issues. The Obama administration did not help itself by offering estimates of civilian collateral damage early on that ranged absurdly from zero to the low two digits. This both squandered credibility with the media and, worse, set a bar of perfection—zero civilian collateral damage—that no weapon system could ever meet, while distracting people entirely from the crucial question of what standard civilian harms should be set against.

The most useful estimates of civilian casualties from targeted killing with drones come from the New America Foundation (NAF) and the Foundation for Defense of Democracies, which each keep running counts of strikes, locations, and estimates of total killed and civilian casualties. They don’t pretend to know what they don’t know, and rely on open sources and media accounts. There is no independent journalistic access to Waziristan to help corroborate accounts that might be wrong or skewed by Taliban sources, Pakistani media, Pakistani and Western advocacy groups, or the U.S. or Pakistani governments. Pakistan’s military sometimes takes credit for drone strikes against its enemies and sometimes blames drone strikes for its own air raids against villages. A third source of estimates, UK-based The Bureau of Investigative Journalism (TBIJ), comes up with higher numbers.

TBIJ (whose numbers are considered much too high by many knowledgeable American observers) came up with a range, notes Georgetown law professor and former Obama DOD official Rosa Brooks. The 344 known drone strikes in Pakistan between 2004 and 2012 killed, according to TBIJ, between “2,562 and 3,325 people, of whom between 474 and 881 were civilians.” The NAF, she continues, came up with slightly lower figures, somewhere “between 1,873 and 3,171 people killed overall in Pakistan, of whom between 282 and 459 were civilians.” (Media have frequently cited the total killed as though it were the civilians killed.) **Is this a lot of civilians killed?** Even accepting for argument’s sake TBIJ’s numbers, Brooks concludes, if you work out the “civilian deaths per drone strike ratio for the last eight years…on average, each drone strike seems to have killed between 0.8 and 2.5 civilians.” In practical terms, adds McNeal, this suggests “less than three civilians killed per strike, and that’s using the highest numbers” of any credible estimating organization.1

Whether any of this is “disproportionate” or “excessive” as a matter of the laws of war cannot be answered simply by comparing total deaths to civilian deaths, or civilian deaths per drone strike, however. Although commentators often leap to a conclusion in this way, one cannot answer the legal question of proportionality without an assessment of the military benefits anticipated. Moreover, part of the disputes over numbers involves not just unverifiable facts on the ground, but differences in legal views defining who is a civilian and who is a lawful target. The U.S. government’s definition of those terms, following its long-standing views of the law of targeting in war, almost certainly differs from those of TBIJ or other liberal nongovernmental groups, particularly in Europe. Additionally, much of drone warfare today targets groups who are deemed, under the laws of war, to be part of hostile forces. Targeted killing aimed at individuated high-value targets is a much smaller part of drone warfare than it once was. The targeting of groups, however, while lawful under long-standing U.S. interpretations of the laws of war, might result in casualties often counted by others as civilians.

Yet irrespective of what numbers one accepts as the best estimate of harms of drone warfare, or the legal proportionality of the drone strikes, the moral question is simply, **What’s the alternative?** One way to answer this is to start from the proposition that if you believe the use of force in these circumstances is lawful and ethical, then all things being equal as an ethical matter, the method of force used should be the one that spares the most civilians while achieving its lawful aims. If that is the comparison of moral alternatives, there is simply no serious way to dispute that **drone warfare is the best method available**. It is more discriminating and more precise than other available means of air warfare, including manned aircraft—as France and Britain, lacking their own drones and forced to rely on far less precise manned jet strikes, found over Libya and Mali—and Tomahawk cruise missiles.

A second observation is to look across the history of precision weapons in the past several decades. I started my career as a human-rights campaigner, kicking off the campaign to ban landmines for leading organizations. Around 1990, I had many conversations with military planners, asking them to develop more accurate and discriminating weapons—ones with smaller kinetic force and greater ability to put the force where sought. Although every civilian death is a tragedy, and drone warfare is very far from being the perfect tool the Obama administration sometimes suggests, for someone who has watched weapons development over a quarter century, the drone represents a steady advance in precision that has cut zeroes off collateral-damage figures.

Those who see only the snapshot of civilian harm today are angered by civilian deaths. But barring an outbreak of world peace, it is **foolish and immoral not to encourage the development and use of more sparing and exact weapons**. One has only to look at the campaigns of the Pakistani army to see the alternatives in action. The Pakistani military for many years has been in a running war with its own Taliban and has regularly attacked villages in the tribal areas with heavy and imprecise airstrikes. A few years ago, it thought it had reached an accommodation with an advancing Taliban, but when the enemy decided it wanted not just the Swat Valley but Islamabad, the Pakistani government decided it had no choice but to drive it back. And it did, with a punishing campaign of airstrikes and rolling artillery barrages that leveled whole villages, left hundreds of thousands without homes, and killed hundreds.

But critics do not typically evaluate drones against the standards of the artillery barrage of manned airstrikes, because their assumption, explicit or implicit, is that there is no call to use force at all. And of course, if the assumption is that you don’t need or should not use force, then any civilian death by drones is excessive. That cannot be blamed on drone warfare, its ethics or effectiveness, but on a much bigger question of whether one ought to use force in counterterrorism at all.

**case**

**1NC 1**

**Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive**

**Boyle and Horgan 8** – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological problems. In fact, terrorism scholars are not only well aware of these problems, but also have provided their own searching critiques of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). Some of those scholars most associated with the critique of empiricism implied in ‘Orthodox Terrorism Studies’ have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism. For example, Jackson (2007a) regularly cites the handbook produced by Schmid and Jongman (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they point out that they have not revised their chapter on theories of terrorism from the first edition, because the failure to address persistent conceptual and data problems has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, Silke’s (2004) volume on the state of the field of terrorism research performed a similar function, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. A non-reflective community of scholars does not produce such scathing indictments of its own work.

**1nc 34**

**Our 1AC is true, and symbolic function is still useful for political problem solving.**

**Rowland, 1995**

[Robert C., Professor of Communication – University of Kansas, “In Defense of Rational Argument: A Pragmatic Justification of Argumentation Theory and Response to the Postmodern Critique”, Philosophy & Rhetoric, 28(4), p. 350-363]

The performative contradiction at the heart of postmodernism is nowhere more evident than in the epistemological critique of modernism. The two most important points made by postmodernists in relation to epistemology are that humans can understand the world only through their symbols and that there is no means of using "reality" to test a symbolic description. Advocates of traditional approaches to rationality have not been able to satisfactorily answer these positions, precisely because they seem to be "true" in some sense. This "truth," however, suggests that a theory of rational argument may be salvageable. If postmodernists can defend their views as in some sense "truer" than those of their modernist opponents, then there must be some standard for judging "truth" that can withstand the postmodern indictment. That standard is pragmatic efficacy in fulfilling a purpose in relation to a given problem. Both modernists and postmodernists generally assume that truth and fact are equivalent terms. Thus, a "true" statement is one that is factually correct in all circumstances. By this standard, of course, there are no totally "true" statements. However, if no statement can be proved factually true, then a focus on facts is an inappropriate standard for judging truth. I suggest that knowledge and truth should be understood not as factual statements that are certain, but as symbolic statements that function as useful problem-solving tools. When we say that a view is true, we really mean that a given symbolic description consistently solves a particular problem. Thus, the statement "the sun will come up tomorrow" can be considered "true," despite ambiguities that a postmodernist might point to in regard to the meaning of sun or tomorrow, because it usefully and consistently solves a particular epistemic problem. The standard for "truth" is pragmatic utility in fulfilling a purpose in relation to a particular problem. A true statement is one that "works" to solve the problem. Both the nature of the problem and the arguer's purpose in relation to that problem influence whether a given statement is viewed as true knowledge. This explains why biological researchers and physicians often seem to have different definitions of truth in regard to medical practice. The researcher is concerned with fully understanding the way that the body works. His or her purpose dictates application of rigorous standards for evaluating evidence and causation. By contrast, the physician is concerned with treating patients and therefore may apply a much lower standard for evaluating new treatments. The pragmatic theory of argument I am defending draws heavily on the work of William James, who believed that "the only test of probable truth is what works" (1982, 225). Alan Brinton explains that for jEunes "the ultimate question of truth is a question about the concepts and their fruitfulness in serving the purposes for which they were created and imposed. Ideas are true insofar as they serve these purposes, and false insofar as they fail to do so" (1982, 163). Some contemporary pragmatists take a similar view. For example, Nicholas Rescher writes in relation to methodology that "the proper test for the correctness or appropriateness of anything methodological in nature is plainly and obviously posed by the paradigmatically pragmatic questions: Does it work? Does it attain its intended purposes?" (1977, 3). Similarly, Celeste Condit Railsback argues that "truth is . . . relative to the language and purposes of the persons who are using it" (1983, 358-59). At this point, someone like Derrida might argue that while the pragmatic approach accounts for the symbolic nature of truth, it does not deal with the inability of humans to get at reality directly. Although the postmodern critique denies that humans can directly experience "the facts," it does not deny that a real-world exists. Thus, a pragmatist endorses a given scientific theory because the symbolic description present in that theory does a better job than its competitors of fulfilling a set of purposes in a given context. Because it fulfills those purposes, we call the theory "true." We cannot attain knowledge about "the facts," but we can test the relative adequacy of competing problem-solving statements against those facts. Michael Redhead, a professor of history and philosophy of science at Cambridge University, notes that "we can always conjecture, but there is some control. The world kicks back" (in Peterson 1992,175; emphasis added). Knowledge is not about "facts." It is about finding symbolic descriptions of the world that work, that is, avoiding nature's kicks in fulfilling a given purpose. The foregoing suggests that a principled pragmatic theory of argument sidesteps the postmodern critique. Argumentation theory should be understood as a set of pragmatic rules of thumb about the kinds of symbolic statements that effectively solve problems. These statements exist at varying levels of generality. A consistency principle , for example, is really a rule of thumb stating something like "All other things being equal, consistent symbolic descriptions are more likely to prove useful for solving a particular problem in relation to a given purpose than are inconsistent descriptions." Other principles are linked to narrower purposes in more specific contexts. Thus, the standards for evaluating arguments in a subfield of physics will be tied to the particular purposes and problems found in that subfield. The key point is that all aspects of a theory of argument can be justified pragmatically, based on their value for producing useful solutions to problems.