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## 1

The plan does not specify an agent – that’s not topical:

(INSERT: “U.S. FEDERAL GOVERNMENT” definition from framework)

“And/or” means one or the other or both – must choose statutory or judicial

Collins English Dictionary 2009

(http://dictionary.reference.com/browse/and%2For)

and/or

— conj

( coordinating ) used to join terms when **either one or the other or both** is indicated: passports and/or other means of identification

“Authority” is power vested in an agent by a principal – it requires particulars

Oxford Dictionary of Law 2009

(“Authority,” Oxford University Press via Oxford Reference, Georgetown University Library)

authority

n.

1 Power delegated to a person or body to act **in a particular way**. The person in whom authority is vested is usually called an agent and the person conferring the authority is the principal.

Changing authority requires a specific principal –

Hohfeld, Yale Law, 1919

(Wesley, http://www.hku.hk/philodep/courses/law/HohfeldRights.htm)

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

Vote neg—

Limits – infinite number of potential actors they could clarify to

Ground – steals disad links and cp ground

Education – undermines policy & topic education

Mautz, associate professor of law at University of Florida, 1952

(Robert B., 5 U. Fla. L. Rev. (1952), pg. 348

THE SUPREME COURT AND THE COMMANDER IN CHIEF. By Clinton Rossiler. Ithaca: Cornell University Press. 1951. Pp. ix, 145, table of cases and index. $2.50.

The sweep and depth of this small book belie its physical size and make it a welcome addition to the thoughtful literature on the powers of the various branches of the Federal Government. It is the author's thesis that **these powers cannot be intelligently discussed except in terms of the actual operation of the three great independent branches of our government**. One of the important points of contact between the branches arises by virtue of the interpretation and limitation by the Supreme Court of the war powers of the United States as exercised by the President. Congress has frequently determined it legally and practically necessary to support the President in his exercise of these powers; and hence the Court has by and large had presented to it for consideration, not the constitutionality of the act of the President alone, but also executive action based upon a Congressional mandate. It is these contacts which the author explores, and therefore this book encompasses the **broad topic of the war powers of the** United States.

## 2

Executive war power primacy now—the plan flips that

Eric Posner, 9/3/13, Obama Is Only Making His War Powers Mightier, www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.

It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”

Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)

People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.

Plan spills over to destabilize all presidential war powers.

Heder ’10

(Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is **no constitutional provision** on whether Congress has the legislative power to **limit, end, or otherwise redefine the scope of a war**. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 **the same cannot be said about Congress’s legislative authority** to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully **declined to grant Congress such powers**. And as this Article argues, granting Congress this power would be **inconsistent with the general war powers structure of the Constitution.** Such a reading of the Constitution would **unnecessarily empower Congress** and **tilt the scales heavily in its favor**. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time **when the Executive’s expertise is needed.** 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

War powers affect executive power – momentum of power

Weiner ’13 [Greg Weiner, 5/1/13, Liberty Forum, Liberty Forum is a platform for the discussion of the legal and philosophical principles that inform and govern a free people, “Congress and Deliberation in the Age of Woodrow Wilson: An Elegy,” http://www.libertylawsite.org/liberty-forum/congress-and-deliberation-in-the-age-of-wilson-an-elegy/, accessed 6/30/13, JTF]

Wilson ultimately found a strong Presidency useful for Progressive aims; contemporary neoconservatives have tended to find it hospitable to their goals in national security and foreign affairs.[2] But they would do well to remember that the power inheres in the office, not the function. It is difficult to quarantine it to a single purpose. If Congress is emasculated on matters of foreign policy it can hardly assert itself on issues of domestic affairs, just as a President who possesses extraordinary powers to wage war on terror is sure to claim them to wage war on purported domestic crises too. President Obama already has, threatening Congress to its face in the State of the Union address that either it would act on climate change or he would, the two courses apparently being interchangeable.

Strong foreign affairs Obama solves warming

**Wold ‘12**

Christopher, Professor of Law & Director, International Environmental Law Project (IELP), Lewis & Clark Law School, “Climate Change, Presidential Power, and Leadership: “We Can’t Wait”

In 2007, then-Senator Barack Obama wrote, “As the world’s largest producer of greenhouse gases, America has the **responsibility** to lead.” 1 As President, he has led. At the domestic level, working primarily through the Environmental Protection Agency, President Obama has increased fuel economy standards,2 imposed new limits on greenhouse gas emissions from “major emitting facilities,” 3 and imposed limits on emissions relating to the development of oil and gas,4 among many other things.5 As he has said, he must use his **executive power** **because “We Can’t Wait” for Congress to act on climate change**.6 Nonetheless, he must do more. President Obama has pledged to the international community that the United States will reduce its greenhouse gases by 17% of 2005 levels by 2020 and by 83% by 2050.7The President has also set a goal of ensuring that “[b]y 2035 we will generate 80 percent of our electricity from a diverse set of clean energy sources—including renewable energy sources like wind, solar, biomass, and hydropower; nuclear power; efficient natural gas; and clean coal.” 8 None of his actions come close to meeting these goals. Moreover, he must do more to help the international community reach its goal of keeping average global temperatures from increasing 2°C above pre-industrial levels.9 **Many scientists argue** that the 2°C goal can be met, and the worst impacts of climate change avoided, if we keep carbon dioxide concentrations below 350 parts per million (ppm). 10 As of July 2012, atmospheric concentrations of carbon dioxide exceeded 394 ppm.11 The United States is by far the largest historic contributor to these high levels of atmospheric carbon dioxide, having contributed 28.52% of carbon dioxide from energy.12 As such, the United States must do much more to ensure that the world’s largest historic emitter of greenhouse gases fulfills its moral and perhaps **legal obligation to reduce greenhouse gases** before we reach climate change tipping points beyond which climate change will be irreversible for millennia to come. And indeed, President Obama can do much more. As described below, the president can use his foreign affairs power **to take a more positive role on** the international stage, whether that stage is the climate change negotiations, the negotiations concerning other international treaties, or within the World Trade Organization. He can also do more with his executive power, not only by increasing existing standards but also by applying them to existing sources of greenhouse gases, not just new sources. Further, President Obama has so far failed to take advantage of strategies to mitigate emissions of short-term climate forcers such as black carbon that could provide significant climate benefits. Lastly, the approaches adopted so far have not pushed regulated entities or others to develop the transformative technologies that will be needed to deliver sufficient climate change benefits to avert the environmental and economic crisis that lies ahead if we fail to take more aggressive action. Section II of this article summarizes the climate change challenges facing humanity. Section III reviews the major climate-related actions supported and adopted by President Obama. Section IV describes how these actions fall short of what is needed and the additional steps that the President can take. Section V concludes that, while congressional action is preferable to presidential action, the President has many more climate change mitigation opportunities available to him. His failure to pursue them will have grave consequences for the United States and the world.

Extinction

**Flournoy 12** (Citing Dr. Feng Hsu, a NASA scientist at the Goddard Space Flight Center, in 2012, Don Flournoy, PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University, Citing Dr. "Solar Power Satellites," Chapter 2: What Are the Principal Sunsat Services and Markets?, January, Springer Briefs in Space Development, Book)

In the Online Journal of Space Communication, Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010). Hsu and his NASA colleagues were engaged in monitoring and analyzing cli- mate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do noth- ing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010). As a technology risk assessment expert, Hsu says he can show with some confi- dence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010). It was this NASA scientist’s conclusion that humankind must now embark on the next era of “sustainable energy consumption and re-supply, the most obvious source of which is the mighty energy resource of our Sun” (Hsu 2010) (Fig. 2.1).

## 3

Michael and I believe that the legal rationale and operations of military drone strikes for targeted killing should be fully transparent, be in full compliance with international laws of war, and should never strike when civilians are present.

The affirmative's all or nothing approach fails - the counterplan's clear norms on use are key to regulate drones

Kenneth Anderson, professor of international law at Washington College of Law, American University, and visiting fellow at the Hoover Institution, and Matthew Waxman, a professor of law at Columbia Law School and an adjunct senior fellow at the Council on Foreign Relations, 4/9/13, Law and Ethics for Autonomous weapon Systems: Why a Ban Won’t Work and How the Laws of War Can, http://www.hoover.org/publications/monographs/144241

Conclusion

The incremental development and deployment of autonomous weapon systems is inevitable, and any attempt at a global ban will be ineffective in stopping their use by the states whose acquisition of such weaponry would be most dangerous. Autonomous weapon systems are not inherently unlawful or unethical. Existing legal norms are sufficiently robust to enable us to address the new challenges raised by robotic systems. The best way to adapt existing norms to deal with these new technologies is a combined and international-national dialogue designed to foster common standards and spread best practices.

Taken as a whole, these policy proposals reflect a rather traditional approach— relying on the gradual evolution and adaptation of long-standing law of armed conflict principles—to regulate what seems to many like a revolutionary technological and ethical predicament. That is in part because the challenge of regulating apparently radical innovations in weaponry within a long-standing legal and ethical framework is hardly novel.

Some view the emergence of automated and autonomous weapon systems as a crisis for the law and ethics of war. To the contrary, provided we start now to incorporate legal and ethical norms adapted to weapons that incorporate emerging technologies of automation, the incremental movement from automation to machine autonomy can be both regulated and made to serve the ends of law on the battlefield.

Global proliferation of drone-capabilities is inevitable – only the plan establishes norms for restrained use that solves global war

Kristen Roberts 13, news editor for the National Journal, master in security studies from Georgetown, “When the Whole World Has Drones”, March 22, <http://www.nationaljournal.com/magazine/when-the-whole-world-has-drones-20130321>

The proliferation of drone technology has moved well beyond the control of the United States government and its closest allies. The aircraft are too easy to obtain, with barriers to entry on the production side crumbling too quickly to place limits on the spread of a technology that promises to transform warfare on a global scale. Already, more than 75 countries have remote piloted aircraft. More than 50 nations are building a total of nearly a thousand types. At its last display at a trade show in Beijing, China showed off 25 different unmanned aerial vehicles. Not toys or models, but real flying machines.

It’s a classic and common phase in the life cycle of a military innovation: An advanced country and its weapons developers create a tool, and then others learn how to make their own. But what makes this case rare, and dangerous, is the powerful combination of efficiency and lethality spreading in an environment lacking internationally accepted guidelines on legitimate use. This technology is snowballing through a global arena where the main precedent for its application is the one set by the United States; it’s a precedent Washington does not want anyone following.

America, the world’s leading democracy and a country built on a legal and moral framework unlike any other, has adopted a war-making process that too often bypasses its traditional, regimented, and rigorously overseen military in favor of a secret program never publicly discussed, based on legal advice never properly vetted. The Obama administration has used its executive power to refuse or outright ignore requests by congressional overseers, and it has resisted monitoring by federal courts.

To implement this covert program, the administration has adopted a tool that lowers the threshold for lethal force by reducing the cost and risk of combat. This still-expanding counterterrorism use of drones to kill people, including its own citizens, outside of traditionally defined battlefields and established protocols for warfare, has given friends and foes a green light to employ these aircraft in extraterritorial operations that could not only affect relations between the nation-states involved but also destabilize entire regions and potentially upset geopolitical order.

Hyperbole? Consider this: Iran, with the approval of Damascus, carries out a lethal strike on anti-Syrian forces inside Syria; Russia picks off militants tampering with oil and gas lines in Ukraine or Georgia; Turkey arms a U.S.-provided Predator to kill Kurdish militants in northern Iraq who it believes are planning attacks along the border. Label the targets as terrorists, and in each case, Tehran, Moscow, and Ankara may point toward Washington and say, we learned it by watching you. In Pakistan, Yemen, and Afghanistan.

This is the unintended consequence of American drone warfare. For all of the attention paid to the drone program in recent weeks—about Americans on the target list (there are none at this writing) and the executive branch’s legal authority to kill by drone outside war zones (thin, by officials’ own private admission)—what goes undiscussed is Washington’s deliberate failure to establish clear and demonstrable rules for itself that would at minimum create a globally relevant standard for delineating between legitimate and rogue uses of one of the most awesome military robotics capabilities of this generation.

THE WRONG QUESTION

The United States is the indisputable leader in drone technology and long-range strike. Remote-piloted aircraft have given Washington an extraordinary ability to wage war with far greater precision, improved effect, and fewer unintended casualties than conventional warfare. The drones allow U.S. forces to establish ever greater control over combat areas, and the Pentagon sees the technology as an efficient and judicious force of the future. And it should, given the billions of dollars that have gone into establishing and maintaining such a capability.

That level of superiority leads some national security officials to downplay concerns about other nations’ unmanned systems and to too narrowly define potential threats to the homeland. As proof, they argue that American dominance in drone warfare is due only in part to the aircraft itself, which offers the ability to travel great distances and loiter for long periods, not to mention carry and launch Hellfire missiles. The drone itself, they argue, is just a tool and, yes, one that is being copied aggressively by allies and adversaries alike. The real edge, they say, is in the unparalleled intelligence-collection and data-analysis underpinning the aircraft’s mission.

“There is what I think is just an unconstrained focus on a tool as opposed to the subject of the issue, the tool of remotely piloted aircraft that in fact provide for greater degrees of surety before you employ force than anything else we use,” said retired Lt. Gen. David Deptula, the Air Force’s first deputy chief of staff for intelligence, surveillance, and reconnaissance. “I think people don’t realize that for the medium altitude aircraft—the MQ-1 [Predator] and MQ-9 [Reaper] that are generally written about in the press—there are over 200 people involved in just one orbit of those aircraft.… The majority of those people are analysts who are interpreting the information that’s coming off the sensors on the aircraft.”

The analysts are part of the global architecture that makes precision strikes, and targeted killing, possible. At the front end, obviously, intelligence—military, CIA, and local—inform target decisions. But in as near-real time as technologically possible, intel analysts in Nevada, Texas, Virginia, and other locations watch the data flood in from the aircraft and make calls on what’s happening on target. They monitor the footage, listen to audio, and analyze signals, giving decision-makers time to adjust an operation if the risks (often counted in potential civilian deaths) outweigh the reward (judged by the value of the threat eliminated).

“Is that a shovel or a rifle? Is that a Taliban member or is this a farmer? The way that warfare has advanced is that we are much more exquisite in our ability to discern,” Maj. Gen. Robert Otto, commander of the Air Force Intelligence, Surveillance, and Reconnaissance Agency, told National Journal at Nellis Air Force Base in Nevada. “We’re not overhead for 15 minutes with a fighter that’s about to run out of gas, and we have to make a decision. We can orbit long enough to be pretty sure about our target.”

Other countries, groups, and even individuals can and do fly drones. But no state or group has nearly the sophisticated network of intelligence and data analysis that gives the United States its strategic advantage. Although it would be foolish to dismiss the notion that potential U.S. adversaries aspire to attain that type of war-from-afar, pinpoint-strike capability, they have neither the income nor the perceived need to do so.

That’s true, at least today. It’s also irrelevant. Others who employ drones are likely to carry a different agenda, one more concerned with employing a relatively inexpensive and ruthlessly efficient tool to dispatch an enemy close at hand.

“It would be very difficult for them to create the global-strike architecture we have, to have a control cell in Nevada flying a plane over Afghanistan. The reality is that most nations don’t want or need that,” said Peter Singer, director of the Brookings Institution’s Center for 21st Century Security and Intelligence and one of the foremost experts in advanced military technology. “Turkey’s not looking to conduct strikes into the Philippines.... But Turkey is looking to be able to carry out long-duration surveillance and potentially strike inside and right on its border.”

And that’s a NATO ally seeking the capability to conduct missions that would run afoul of U.S. interests in Iraq and the broader Middle East. Already, Beijing says it considered a strike in Myanmar to kill a drug lord wanted in the deaths of Chinese sailors. What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea? Or if India uses the aircraft to strike Lashkar-e-Taiba militants near Kashmir?

“We don’t like other states using lethal force outside their borders. It’s destabilizing. It can lead to a sort of wider escalation of violence between two states,” said Micah Zenko, a security policy and drone expert at the Council on Foreign Relations. “So the proliferation of drones is not just about the protection of the United States. It’s primarily about the likelihood that other states will increasingly use lethal force outside of their borders.”

LOWERING THE BAR

Governments have covertly killed for ages, whether they maintained an official hit list or not. Before the Obama administration’s “disposition matrix,” Israel was among the best-known examples of a state that engaged, and continues to engage, in strikes to eliminate people identified by its intelligence as plotting attacks against it. But Israel certainly is not alone. Turkey has killed Kurds in Northern Iraq. Some American security experts point to Russia as well, although Moscow disputes this.

In the 1960s, the U.S. government was involved to differing levels in plots to assassinate leaders in Congo and the Dominican Republic, and, famously, Fidel Castro in Cuba. The Church Committee’s investigation and subsequent 1975 report on those and other suspected plots led to the standing U.S. ban on assassination. So, from 1976 until the start of President George W. Bush’s “war on terror,” the United States did not conduct targeted killings, because it was considered anathema to American foreign policy. (In fact, until as late as 2001, Washington’s stated policy was to oppose Israel’s targeted killings.)

When America adopted targeted killing again—first under the Bush administration after the September 11 attacks and then expanded by President Obama—the tools of the trade had changed. No longer was the CIA sending poison, pistols, and toxic cigars to assets overseas to kill enemy leaders. Now it could target people throughout al-Qaida’s hierarchy with accuracy, deliver lethal ordnance literally around the world, and watch the mission’s completion in real time.

The United States is smartly using technology to improve combat efficacy, and to make war-fighting more efficient, both in money and manpower. It has been able to conduct more than 400 lethal strikes, killing more than 3,500 people, in Afghanistan, Pakistan, Yemen, Somalia, and North Africa using drones; reducing risk to U.S. personnel; and giving the Pentagon flexibility to use special-forces units elsewhere. And, no matter what human-rights groups say, it’s clear that drone use has reduced the number of civilians killed in combat relative to earlier conflicts. Washington would be foolish not to exploit unmanned aircraft in its long fight against terrorism. In fact, defense hawks and spendthrifts alike would criticize it if it did not.

“If you believe that these folks are legitimate terrorists who are committing acts of aggressive, potential violent acts against the United States or our allies or our citizens overseas, should it matter how we choose to engage in the self-defense of the United States?” asked Rep. Mike Rogers, R-Mich., chairman of the House Intelligence Committee. “Do we have that debate when a special-forces team goes in? Do we have that debate if a tank round does it? Do we have the debate if an aircraft pilot drops a particular bomb?”

But defense analysts argue—and military officials concede—there is a qualitative difference between dropping a team of men into Yemen and green-lighting a Predator flight from Nevada. Drones lower the threshold for military action. That’s why, according to the Council on Foreign Relations, unmanned aircraft have conducted 95 percent of all U.S. targeted killings. Almost certainly, if drones were unavailable, the United States would not have pursued an equivalent number of manned strikes in Pakistan.

And what’s true for the United States will be true as well for other countries that own and arm remote piloted aircraft.

“The drones—the responsiveness, the persistence, and without putting your personnel at risk—is what makes it a different technology,” Zenko said. “When other states have this technology, if they follow U.S. practice, it will lower the threshold for their uses of lethal force outside their borders. So they will be more likely to conduct targeted killings than they have in the past.”

The Obama administration appears to be aware of and concerned about setting precedents through its targeted-strike program. When the development of a disposition matrix to catalog both targets and resources marshaled against the United States was first reported in 2012, officials spoke about it in part as an effort to create a standardized process that would live beyond the current administration, underscoring the long duration of the counterterrorism challenge.

Indeed, the president’s legal and security advisers have put considerable effort into establishing rules to govern the program. Most members of the House and Senate Intelligence committees say they are confident the defense and intelligence communities have set an adequate evidentiary bar for determining when a member of al-Qaida or an affiliated group may be added to the target list, for example, and say that the rigor of the process gives them comfort in the level of program oversight within the executive branch. “They’re not drawing names out of a hat here,” Rogers said. “It is very specific intel-gathering and other things that would lead somebody to be subject for an engagement by the United States government.”

BEHIND CLOSED DOORS

The argument against public debate is easy enough to understand: Operational secrecy is necessary, and total opacity is easier. “I don’t think there is enough transparency and justification so that we remove not the secrecy, but the mystery of these things,” said Dennis Blair, Obama’s former director of national intelligence. “The reason it’s not been undertaken by the administration is that they just make a cold-blooded calculation that it’s better to hunker down and take the criticism than it is to get into the public debate, which is going to be a hard one to win.”

But by keeping legal and policy positions secret, only partially sharing information even with congressional oversight committees, and declining to open a public discussion about drone use, the president and his team are asking the world to just trust that America is getting this right. While some will, many people, especially outside the United States, will see that approach as hypocritical, coming from a government that calls for transparency and the rule of law elsewhere.

“I know these people, and I know how much they really, really attend to the most important details of the job,” said Barry Pavel, a former defense and security official in the Bush and Obama administrations who is director of the Brent Scowcroft Center on International Security at the Atlantic Council. “If I didn’t have that personal knowledge and because there isn’t that much really in the press, then I would be giving you a different rendering, and much more uncertain rendering.”

That’s only part of the problem with the White House’s trust-us approach. The other resides in the vast distance between the criteria and authorization the administration says it uses in the combat drone program and the reality on the ground. For example, according to administration officials, before a person is added to the targeted strike list, specific criteria should be met. The target should be a 1) senior, 2) operational 3) leader of al-Qaida or an affiliated group who presents 4) an imminent threat of violent attack 5) against the United States.

But that’s not who is being targeted.

Setting aside the administration’s redefining of “imminence” beyond all recognition, the majority of the 3,500-plus people killed by U.S. drones worldwide were not leaders of al-Qaida or the Taliban; they were low- or mid-level foot soldiers. Most were not plotting attacks against the United States. In Yemen and North Africa, the Obama administration is deploying weaponized drones to take out targets who are more of a threat to local governments than to Washington, according to defense and regional security experts who closely track unrest in those areas. In some cases, Washington appears to be in the business of using its drone capabilities mostly to assist other countries, not to deter strikes against the United States (another precedent that might be eagerly seized upon in the future).

U.S. defense and intelligence officials reject any suggestion that the targets are not legitimate. One thing they do not contest, however, is that the administration’s reliance on the post-9/11 Authorization for Use of Military Force as legal cover for a drone-strike program that has extended well beyond al-Qaida in Afghanistan or Pakistan is dodgy. The threat that the United States is trying to deal with today has an ever more tenuous connection to Sept. 11. (None of the intelligence officials reached for this article would speak on the record.) But instead of asking Congress to consider extending its authorization, as some officials have mulled, the administration’s legal counsel has chosen instead to rely on Nixon administration adviser John Stevenson’s 1970 justification of the bombing of Cambodia during the Vietnam War, an action new Secretary of State John Kerry criticized during his confirmation hearing this year.

Human-rights groups might be loudest in their criticism of both the program and the opaque policy surrounding it, but even the few lawmakers who have access to the intelligence the administration shares have a hard time coping with the dearth of information. “We can’t always assume we’re going to have responsible people with whom we agree and trust in these positions,” said Sen. Angus King, I-Maine, who sits on the Senate Intelligence Committee. “The essence of the Constitution is, it shouldn’t matter who is in charge; they’re still constrained by principles and rules of the Constitution and of the Bill of Rights.”

PEER PRESSURE

Obama promised in his 2013 State of the Union to increase the drone program’s transparency. “In the months ahead, I will continue to engage Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world,” the president said on Feb. 12. Since then, the administration, under pressure from allies on Senate Intelligence, agreed to release all of the legal memos the Justice Department drafted in support of targeted killing.

But, beyond that, it’s not certain Obama will do anything more to shine light on this program. Except in situations where leaks help it tell a politically expedient story of its skill at killing bad guys, the administration has done little to make a case to the public and the world at large for its use of armed drones.

Already, what’s become apparent is that the White House is not interested in changing much about the way it communicates strike policy. (It took Sen. Rand Paul’s 13-hour filibuster of CIA Director John Brennan’s nomination to force the administration to concede that it doesn’t have the right to use drones to kill noncombatant Americans on U.S. soil.) And government officials, as well as their surrogates on security issues, are actively trying to squash expectations that the administration would agree to bring the judicial branch into the oversight mix. Indeed, judicial review of any piece of the program is largely off the table now, according to intelligence officials and committee members.

Under discussion within the administration and on Capitol Hill is a potential program takeover by the Pentagon, removing the CIA from its post-9/11 role of executing military-like strikes. Ostensibly, that shift could help lift the secret-by-association-with-CIA attribute of the program that some officials say has kept them from more freely talking about the legitimate military use of drones for counterterrorism operations. But such a fix would provide no guarantee of greater transparency for the public, or even Congress.

And if the administration is not willing to share with lawmakers who are security-cleared to know, it certainly is not prepared to engage in a sensitive discussion, even among allies, that might begin to set the rules on use for a technology that could upend stability in already fragile and strategically significant places around the globe. Time is running out to do so.

“The history of technology development like this is, you never maintain your lead very long. Somebody always gets it,” said David Berteau, director of the International Security Program at the Center for Strategic and International Studies. “They’re going to become cheaper. They’re going to become easier. They’re going to become interoperable,” he said. “The destabilizing effects are very, very serious.”

Berteau is not alone. Zenko, of the Council on Foreign Relations, has urged officials to quickly establish norms. Singer, at Brookings, argues that the window of opportunity for the United States to create stability-supporting precedent is quickly closing. The problem is, the administration is not thinking far enough down the line, according to a Senate Intelligence aide. Administration officials “are thinking about the next four years, and we’re thinking about the next 40 years. And those two different angles on this question are why you see them in conflict right now.”

That’s in part a symptom of the “technological optimism” that often plagues the U.S. security community when it establishes a lead over its competitors, noted Georgetown University’s Kai-Henrik Barth. After the 1945 bombing of Hiroshima and Nagasaki, the United States was sure it would be decades before the Soviets developed a nuclear-weapon capability. It took four years.

With drones, the question is how long before the dozens of states with the aircraft can arm and then operate a weaponized version. “Pretty much every nation has gone down the pathway of, ‘This is science fiction; we don’t want this stuff,’ to, ‘OK, we want them, but we’ll just use them for surveillance,’ to, ‘Hmm, they’re really useful when you see the bad guy and can do something about it, so we’ll arm them,’ ” Singer said. He listed the countries that have gone that route: the United States, Britain, Italy, Germany, China. “Consistently, nations have gone down the pathway of first only surveillance and then arming.”

The opportunity to write rules that might at least guide, if not restrain, the world’s view of acceptable drone use remains, not least because this is in essence a conventional arms-control issue. The international Missile Technology Control Regime attempts to restrict exports of unmanned vehicles capable of carrying weapons of mass destruction, but it is voluntary and nonbinding, and it’s under attack by the drone industry as a drag on business. Further, the technology itself, especially when coupled with data and real-time analytics, offers the luxury of time and distance that could allow officials to raise the evidentiary bar for strikes—to be closer to certain that their target is the right one.

But even without raising standards, tightening up drone-specific restrictions in the standing control regime, or creating a new control agreement (which is never easy to pull off absent a bad-state actor threatening attack), just the process of lining up U.S. policy with U.S. practice would go a long way toward establishing the kind of precedent on use of this technology that America—in five, 10, or 15 years—might find helpful in arguing against another’s actions.

A not-insignificant faction of U.S. defense and intelligence experts, Dennis Blair among them, thinks norms play little to no role in global security. And they have evidence in support. The missile-technology regime, for example, might be credited with slowing some program development, but it certainly has not stopped non-signatories—North Korea and Iran—from buying, building, and selling missile systems. But norms established by technology-leading countries, even when not written into legal agreements among nations, have shown success in containing the use and spread of some weapons, including land mines, blinding lasers, and nuclear bombs.

Arguably more significant than spotty legal regimes, however, is the behavior of the United States. “History shows that how states adopt and use new military capabilities is often influenced by how other states have—or have not—used them in the past,” Zenko argued. Despite the legal and policy complexity of this issue, it is something the American people have, if slowly, come to care about. Given the attention that Rand Paul’s filibuster garnered, it is not inconceivable that public pressure on drone operations could force the kind of unforeseen change to U.S. policy that it did most recently on “enhanced interrogation” of terrorists.

The case against open, transparent rule-making is that it might only hamstring American options while doing little good elsewhere—as if other countries aren’t closely watching this debate and taking notes for their own future policymaking. But the White House’s refusal to answer questions about its drone use with anything but “no comment” ensures that the rest of the world is free to fill in the blanks where and when it chooses. And the United States will have already surrendered the moment in which it could have provided not just a technical operations manual for other nations but a legal and moral one as well.

## 4

Drones are effective and the only way to solve terrorism - alternatives are worse

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

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries’ capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban—top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders. Critics of drone strikes often fail to take into account the fact that the alternatives are either too risky or unrealistic. To be sure, in an ideal world, militants would be captured alive, allowing authorities to question them and search their compounds for useful information. Raids, arrests, and interrogations can produce vital intelligence and can be less controversial than lethal operations. That is why they should be, and indeed already are, used in stable countries where the United States enjoys the support of the host government. But in war zones or unstable countries, such as Pakistan, Yemen, and Somalia, arresting militants is highly dangerous and, even if successful, often inefficient. In those three countries, the government exerts little or no control over remote areas, which means that it is highly dangerous to go after militants hiding out there. Worse yet, in Pakistan and Yemen, the governments have at times cooperated with militants. If the United States regularly sent in special operations forces to hunt down terrorists there, sympathetic officials could easily tip off the jihadists, likely leading to firefights, U.S. casualties, and possibly the deaths of the suspects and innocent civilians. Of course, it was a Navy SEAL team and not a drone strike that finally got bin Laden, but in many cases in which the United States needs to capture or eliminate an enemy, raids are too risky and costly. And even if a raid results in a successful capture, it begets another problem: what to do with the detainee. Prosecuting detainees in a federal or military court is difficult because often the intelligence against terrorists is inadmissible or using it risks jeopardizing sources and methods. And given the fact that the United States is trying to close, rather than expand, the detention facility at Guantánamo Bay, Cuba, it has become much harder to justify holding suspects indefinitely. It has become more politically palatable for the United States to kill rather than detain suspected terrorists. Furthermore, although a drone strike may violate the local state’s sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenade like warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone. Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States’ behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups.

Drone-based decapitation strategy key to solve terror attacks

Johnston 12 (Patrick B. Johnston is an associate political scientist at the RAND Corporation, a nonprofit, nonpartisan research institution. He is the author of "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," published in International Security (Spring 2012)., 8/22/2012, "Drone Strikes Keep Pressure on al-Qaida", www.rand.org/blog/2012/08/drone-strikes-keep-pressure-on-al-qaida.html)

Should the U.S. continue to strike at al-Qaida's leadership with drone attacks? A recent poll shows that while most Americans approve of drone strikes, in 17 out of 20 countries, more than half of those surveyed disapprove of them.

My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants.

Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack.

Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists.

Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad.

What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland.

Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely.

Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult.

As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness.

The Obama administration is committed to reducing the size of the U.S. military's footprint overseas by relying on drones, special operations forces, and other intelligence capabilities. These methods have made it more difficult for al-Qaida remnants to reconstitute a new safe haven, as Osama bin Laden did in Afghanistan in 1996, after his ouster from Sudan.

Nuke terror likely

Dahl 13 (Fredrik, Reuters, covers mainly nuclear-related issues, including Iran's dispute with the West over its atomic plans. I previously worked in Tehran, Iran, between 2007-2010, and have also been posted to Belgrade, Sarajevo, London, Brussels, Helsinki and Stockholm during two decades with Reuters, 7/1/2013, "Governments warn about nuclear terrorism threat", www.reuters.com/article/2013/07/01/us-nuclear-security-idUSBRE96010E20130701)

More action is needed to prevent militants acquiring plutonium or highly-enriched uranium that could be used in bombs, governments agreed at a meeting on nuclear security in Vienna on Monday, without deciding on any concrete steps.

A declaration adopted by more than 120 states at the meeting said "substantial progress" had been made in recent years to improve nuclear security globally, but it was not enough.

Analysts say radical groups could theoretically build a crude but deadly nuclear bomb if they had the money, technical knowledge and materials needed.

Ministers remained "concerned about the threat of nuclear and radiological terrorism ... More needs to be done to further strengthen nuclear security worldwide", the statement said.

The document "encouraged" states to take various measures such as minimizing the use of highly-enriched uranium, but some diplomats said they would have preferred firmer commitments.

Many countries regard nuclear security as a sensitive political issue that should be handled primarily by national authorities. This was reflected in the statement's language.

Still, Yukiya Amano, director general of the International Atomic Energy Agency (IAEA), which hosted the conference, said the agreement was "very robust" and represented a major step forward.

RADICAL GROUPS' "NUCLEAR AMBITIONS"

Amano earlier warned the IAEA-hosted conference against a "false sense of security" over the danger of nuclear terrorism.

Holding up a small lead container that was used to try to traffic highly enriched uranium in Moldova two years ago, the U.N. nuclear chief said it showed a "worrying level of knowledge on the part of the smugglers".

"This case ended well," he said, referring to the fact that the material was seized and arrests were made. But he added: "We cannot be sure if such cases are just the tip of the iceberg."

Obtaining weapons-grade fissile material - highly enriched uranium or plutonium - poses the biggest challenge for militant groups, so it must be kept secure both at civilian and military facilities, experts say.

An apple-sized amount of plutonium in a nuclear device and detonated in a highly populated area could instantly kill or wound hundreds of thousands of people, according to the Nuclear Security Governance Experts Group (NSGEG) lobby group.

But experts say a so-called "dirty bomb" is a more likely threat than a nuclear bomb. In a dirty bomb, conventional explosives are used to disperse radiation from a radioactive source, which can be found in hospitals or other places that are generally not very well protected.

More than a hundred incidents of thefts and other unauthorized activities involving nuclear and radioactive material are reported to the IAEA every year, Amano said.

"Some material goes missing and is never found," he said.

U.S. Energy Secretary Ernest Moniz said al Qaeda was still likely to be trying to obtain nuclear material for a weapon.

"Despite the strides we have made in dismantling core al Qaeda we should expect its adherents ... to continue trying to achieve their nuclear ambitions," he said.

That causes US-Russia miscalc - extinction

Barrett et al. 13—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years, 1 potentially leading to collapse of modern civilization worldwide, and even the extinction of humanity. 2 Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. 3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. 4 ) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. 5 Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. 6 However, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk. 7 While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack. 8 False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. 9 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb, 10 especially if such an event occurs during a crisis between the United States and Russia. 11 A variety of nuclear terrorism scenarios are possible. 12 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. 13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. 14 It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions, 15 with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks. 16

# adv 1

## at: civilian casualties

Drone strikes can be effective, reports on civilian casualties are wrong

Kenneth Anderson, American University Law Professor, 10/24/13, Three Deep Flaws in Two New Human-Rights Reports on U.S. Drone Strikes, www.newrepublic.com/article/115329/amnesty-international-human-rights-watch-drone-reports-are-flawed

Amnesty’s report is candid on this point. In the introduction, the authors note that the document “is not a comprehensive survey of U.S. drone strikes in Pakistan” but “a qualitative assessment based on detailed field research into nine of the 45 reported strikes” in North Waziristan between January 2012 and August 2013. The report “highlights incidents in which men, women and children appear to have been unlawfully killed or injured.” At one level, this focus makes sense. Human rights groups report on human rights violations, so one can’t fault the groups for shining a light on those cases that seem most problematic. But as a reader, one needs to be careful not to generalize from findings like these. Even if we take all of the facts both groups allege at face value, neither report really changes our understanding of either the likelihood of civilian casualties, the number of them, or the utility of drones as a tool in overseas counterterrorism. Examining the costs is a worthy endeavor, but the much more important question is the scope and magnitude of those costs—and on that point neither report adds much to the existing conversation.

What’s more, military analyst David Axe has raised questions about whether the Amnesty report is really describing drone strikes by the United States in all of its accounts:

It’s not at all clear that pilotless warplanes were truly responsible for all the attacks Amnesty studied. The Pentagon and CIA declined to discuss the drone campaign with the rights group.

Some of the eyewitness accounts in the new report are inconsistent with known drone tactics and the well-understood limitations of unmanned aircraft in general. The attackers could have been manned warplanes, and Pakistani rather than American.

Even assuming the facts are as bad as the groups contend, both reports—in slightly different ways—seem to overstep analytically what the facts they report will actually support. Sometimes, the overreach is subtle and factual. Sometimes, it’s legal—and pretty blatant. Three of these overreaches warrant specific mention.

First, Human Rights Watch builds much of its analysis around the proposition that the drone strikes it examined “did not adhere to policies for targeted killings that President Barack Obama disclosed in a speech in May 2013.” Yet as the group acknowledges, all of the strikes examined in the report predate Obama’s speech at the National Defense University, some by several years. Human Rights Watch mentions this fact a few times but it does not seem to have assimilated it. This speech announced changes in policy with respect to drone strikes. Yet throughout the report, Human Rights Watch holds the administration accountable for not complying with policies it had not yet adopted, and it sometimes seems to treat violations of those policies as somehow indicative of violations of violations of international law.

Second, the reports—particularly the Amnesty report—have a way of conflating legitimate targeting which may produce civilian collateral damage with horrible errors that simply should not happen. The most glaring example of this is Amnesty’s treatment of the June 4, 2012 strike that killed Abu Yahya Al-Libi, a senior Al Qaeda leader. According to the Amnesty report, an initial drone strike killed five people and injured four others (the report does not say whether any were civilians). A group of 12 people, including both local residents and foreigners “whom villagers said were Arabs and Central Asians who were likely to be members of al-Qa’ida” showed up “to assist victims.” Al-Libi was “overseeing the rescue efforts” and was killed in the second strike, along with between 9 and 15 other people, including six local tribesman who “as far as Amnesty International could determine, had come only to assist victims.” In other words, six tribesman were killed working alongside a group of Al Qaeda operatives under a senior Al Qaeda official were killed.

Amnesty considers this strike a potential “war crime” both because it constituted an attack on civilian rescuers and, quite amazingly, because Al-Libi may not have been directly participating in hostilities at the time of the strike. Amnesty’s position, in short, is that it may be a war crime to target a senior Al Qaeda leader when he’s doing something other than plotting attacks—if, that is, it’s lawful to target him at all. There are many serious issues these reports raise; this kind of overreach undermines them all.

Reports have categorical errors

Joshua Foust, Freelance Journalist, former senior intelligence analyst for the Pentagon, 10/24/13, How Human Rights Groups Misinterpret Drone Strikes, www.defenseone.com/threats/2013/10/how-human-rights-groups-misinterpret-drone-strikes/72593/?oref=d-skybox

This week, two major reports by international human rights organizations have called into doubt the legal and ethical frameworks of drone strikes carried out by President Obama. Amnesty International and Human Rights Watch profile specific drone strikes in Pakistan and Yemen, respectively, and in doing so cast a critical eye on the human costs of U.S. counterterrorism operations.

But are the pictures they construct accurate representations? It is clear that innocent civilians have been hurt and killed in drone strikes, and Obama’s response to those casualties has been lacking. But the existence of civilian casualties is not automatically evidence of illegality or a war crime. Moreover, in at least some cases, it appears these organizations, while laudably advocating on behalf of innocent victims of conflict, are getting important facts wrong about drone strikes. The resulting incomplete picture casts an uncharitable light on a program that, while far from perfect, White House officials argue is one of the most effective, low-impact tools in the global struggle against violent extremism.

Take the Human Rights Watch report about Yemen. One of the incidents they highlight -- the Dec. 17, 2009, cruise missile barrage into al-Majalah that killed scores of civilians along with 14 members of al-Qaeda in the Arabian Peninsula -- wasn’t even a drone strike. Another strike they profile even seems to have been carried out by Yemeni jets, not American drones.

Human Rights Watch argues that some of the munitions the U.S. uses to strike at targets in Yemen are inhumane or violate norms of warfare (in particular the alleged use of indiscriminate cluster munitions in the al-Majalah strike). But they downplay or ignore important aspects of how drone strikes take place. The strike on al-Majala was meant to take out a senior AQAP figure, Muhammad al-Kazami. But rather than striking at an AQAP training camp, as the U.S. officials who approved the strike had apparently assumed, it turned out al-Kazami was the guest of honor at a local Bedouin camp. The resulting deaths, which included almost two dozen children, reportedly “shook” Obama and John Brennan, his then-counterterrorism advisor and current CIA director. As a result of that strike, Obama directed then-National Security Adviser Gen. James Jones to issue a memo restricting the circumstances in which strikes against al-Qaeda could take place.

HRW does not acknowledge the fact that the al-Majala strike is an exception to how strikes normally happen in Yemen. Similarly, they do not credibly support the charge that the other strikes they profile are illegal under international law. In an armed conflict, strikes generally must adhere to three principles: distinction (telling the difference between militants and civilians), necessity (whether a target is sufficiently important to warrant a strike) and proportionality (the size of the strike matches its importance). In their report, HRW argues that any civilian caught in the crossfire, even if they are assisting AQAP terrorists, makes a strike either unnecessary or without distinction. In effect, they redefine all air strikes, no matter the size of the warhead or its precision, as disproportionate and therefore illegal.

The alternative, however, misses the political complexity of the drone campaign in Yemen. HRW criticizes some drone strikes against figures that they assert could have been captured. Put simply, it’s much more difficult and dangerous to go in and capture terrorist figures -- something both Yemeni and American officials discuss openly. It is just too politically risky for the Yemeni government and too dangerous for U.S. personnel. HRW, in contrast, asserts individual targets, while part of AQAP, are not militarily important enough to warrant a strike. Yet they hardly have access to the same intelligence that guides U.S. targeters. Because AQAP has killed thousands of Yemenis and attempted at least three attacks on the U.S. homeland, the idea that even low-level active members are not militarily important enough to strike stretches credulity.

Drone strikes are deeply unpopular in most of Yemen, however. And while it is clear non-combatants have been killed in those strikes, it is far from clear that the presence of those non-combatants is evidence of a war crime.

Amnesty International runs into a similar problem with their report on Pakistan. It’s clear that one of the cases they profile, a 68-year old grandmother named Mamana Bibi who died in an air strike, is tragic. But they present it as representative of strikes in Pakistan. And Amnesty’s version of what happened is sharply at odds with other accounts of that drone strike, which also reportedly killed at least three militants. Amnesty quotes family members saying there were no militants nearby, but they also noted in their introduction that residents of the area are often intimidated into silence when militants threaten them for speaking with outside researchers. A Pakistani official tells them that a Taliban militant probably was identified by his cellphone, but Amnesty researchers assert in their response that the old woman was in a field and not near the road where the Pakistani officials says the cellphone signal was identified. More worryingly, the combat forensics Amnesty presents do not match up. They write that Mamana Bibi’s grandchildren saw drones “flying in pairs, sometimes three together.” Those drones supposedly fired one hellfire missile at an old woman picking vegetables, and, according to one of the people they interviewed, a second missile a short time later at “a vacant area of the field.” Later, they show a photograph of unmarked debris handled by family members, which they say is from a Hellfire missile.

There are several problems with this account. From a technical standpoint, drones cannot fly in pairs or groups of three. As reporter David Axe explained, neither MQ-1 Predators nor MQ-9 Reapers can fly in formation with each other because their operators, who sit in trailers thousands of miles away, do not have the visibility to be able to do so safely. The U.S. Air Force has only recently prototyped the technology to allow drones to fly together, but it has barely begun the initial testing phase.

Secondly, it’s not entirely clear that the debris in the photo is from a Hellfire missile, nor is it clear that that’s the actual debris from the strike, since Amnesty claims it was “provided by the family.” There was no chain of custody or forensic examination of the wreckage.

Lastly, there is the tactical account of the strike itself. For Amnesty’s account to be true, a drone operators would have seen a lone elderly woman picking vegetables outside, surrounded by her grandchildren, with no militants nearby, and made a conscious decision to kill her and an unoccupied patch of ground nearby. That is sharply at odds with previously published accounts of drone rules of engagement within the Obama administration. Either the White House is misleading the public about how it flies drones, a drone operator violated U.S. rules or Amnesty was fed false information.

Both groups also downplay other forms of violent conflict in these regions. Both Yemen and northwest Pakistan have politically complex ecosystems of violence where U.S. air strikes account for a minuscule percentage of casualties. The highest estimate of deaths from U.S. drones in Pakistan hovers around 3,000 since 2004; in the same time period fighting between the Pakistani military and al-Qaeda and Taliban militants has killed nearly 40,000 civilians and displaced more than three million. In Yemen, Doctors Without Borders recently suspended operations in Aden -- not because of U.S. drone strikes but because of other violence nearby that make it too dangerous.

Nevertheless, American actions receive the lion’s share of international concern. Moreover, both groups purport to single out drone strikes as unique causes of psychological trauma even while acknowledging that militants on the ground living in these same communities summarily execute those they suspect of cooperating with America.

That does not erase the human trauma HRW and Amnesty are documented. Innocent people are caught up in these conflicts, and Americans should not ignore or discount the existence of unfathomable suffering taking place there. But they should also be certain to accurately diagnose that suffering -- something neither HRW nor Amnesty have done.

## at: distancing

Doesn’t inherently lower the threshold for war

Etzioni 13 (Amitai Etzioni is a professor of international relations at George Washington University and author of Hot Spots: American Foreign Policy in a Post-Human-Rigid World., March-April 2013, "The Great Drone Debate", aladinrc.wrlc.org/bitstream/handle/1961/14729/Etzioni\_DroneDebate.pdf?sequence=1,)

Mary Dudziak of the University of Southern California’s Gould School of Law opines that “[d]rones are a technological step that further isolates the American people from military action, undermining political checks on . . . endless war.” Similarly, Noel Sharkey, in The Guardian, worries that drones represent “the ﬁnal step in the industrial revolution of war—a clean factory of slaughter with no physical blood on our hands and none of our own side killed.” This kind of cocktail-party sociology **does not stand up to even the most minimal critical examination**. Would the people of the United States, Afghanistan, and Pakistan be better off if terrorists were killed in “hot” blood—say, knifed by Special Forces, blood and brain matter splashing in their faces? Would they be better off if our troops, in order to reach the terrorists, had to go through improvised explosive devices blowing up their legs and arms and gauntlets of machinegun ﬁre and rocket-propelled grenades—traumatic experiences that turn some of them into psychopath-like killers? Perhaps if all or most ﬁghting were done in a cold-blooded, push-button way, it might well have the effects suggested above. However, as long as what we are talking about are a few hundred drone drivers, what they do or do not feel has no discernible effects on the nation or the leaders who declare war. Indeed, there is **no evidence** that the introduction of drones (and before that, high-level bombing and cruise missiles that were criticized on the same grounds) made going to war more likely or its extension more acceptable. Anybody who followed the American disengagement in Vietnam after the introduction of high-level bombing, or the U.S. withdrawal from Afghanistan (and Iraq)—despite the considerable increases in drone strikes—knows better. In effect, the **opposite argument may well hold**: if the United States could not draw on drones in Yemen and the other new theaters of the counterterrorism campaign, the nation might well have been forced to rely more on conventional troops and prolong our involvement in those areas, a choice which would **greatly increase our casualties and zones of warfare**. This line of criticism also neglects a potential upside of drones. As philosopher Bradley Strawser notes, this ability to deploy force abroad with minimal United States casualties may allow America to intervene in emerging humanitarian crises across the world with a greater degree of ﬂexibility and effectiveness.61 Rather than reliving another “Blackhawk down” scenario, the United States can follow the model of the Libya intervention, where drones were used by NATO forces to eliminate enemy armor and air defenses, paving the way for the highly successful air campaign which followed, as reported by The Guardian’s Nick Hopkins. As I see it, however, the main point of moral judgment comes earlier in the chain of action, well before we come to the question of which means are to be used to kill the enemy. The main turning point concerns the question of whether we should go to war at all. This is the crucial decision because once we engage in war, we must assume that there are going to be a large number of casualties on all sides—casualties that may well include innocent civilians. Often, discussions of targeted killings strike me as being written by people who yearn for a nice clean war, one in which only bad people will be killed using surgical strikes that inﬂict no collateral damage. Very few armed confrontations unfold in this way. Hence, when we deliberate whether or not to ﬁght, we should assume that once we step on this train, it is very likely to carry us to places we would rather not go. Drones are merely a new stepping stone on this woeful journey. Thus, we should carefully deliberate before we join or initiate any new armed ﬁghts, but draw on drones extensively, if ﬁght we must. They are more easily scrutinized and reviewed, and are more morally justiﬁed, than any other means of warfare available.

## norms deescalate conflict

Effective norms de-escalate conflict

Fisk & Ramos 13 (Kerstin Fisk --- PhD in Political Science focusing on interstate war @ Claremont Graduate University, Jennifer M. Ramos PhD in Polisci and Professor @ Loyola Marymount focusing on norms and foreign policy, including drone warfare and preventative use of force, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm” 15 APR 2013, International Studies Perspectives (2013), 1–23)

Norms and Their Importance

Since the end of the Cold War, scholars have devoted increasing attention to the role of norms in international politics (Kratchowil 1989; Katzenstein 1995; Price and Tannenwald 1996; Florini 1996; Finnemore and Sikkink 1998; Wendt 1999; Finnemore 2003). Much of this scholarship has evolved within the constructivist approach, placing norms at center stage, after the other dominant traditions (realism and liberalism, and their variants) in international relations theory had relegated them to the sidelines (Keohane and Nye 1977; Waltz 1979). Scholars generally agree on what norms are. According to Kegley and Raymond, norms “express a collective, socially sanctioned set of perspectives on what ought to be done, a collective expectation as to what will be done, and pronouncements about the costs of compliant versus noncompliant behavior with respect to potential norms violations.” **Through an ongoing process of socialization, states** both **influence norms and are affected by them**. Norms are “communicated through a rich lexicon of legal symbols and reinforced by diplomatic ritual…they are intersubjectively shared understandings about the obligations of international actors to behave in specified ways” (Kegley and Raymond 2003:390).

Within this common definition, several different types of norms have been identified (Searle 1995). Some norms are regulative; these norms reflect permissions, prohibitions, and obligations. For example, states are obliged to follow international treaties to which they are party. Other norms are constitutive, in that they define the identity of actors. It has been argued that “national self-determination is the most important constitutive norm of the modern era” (Hurrell 2002:145). National self-determination allows for the full expression of a particular nation in terms of group identification, and also indicates certain powers that this designation brings in accordance with that identity.

Thus, norms provide an important foundation for international relations and are thought to **increase the stability of the international system** (Wendt 1999). Without common understandings of appropriate state behavior among states, **there would be a sharp increase in the degree of uncertainty and misperception, which are factors often associated with war.** While not guarantors of peace, **norms** serve to **decrease the number of international conflicts**. We are more likely to read or hear news of norm violations; yet, more often than not, states follow international norms, from security norms to human rights norms. For example, the vast majority of states have heeded the use of nuclear and chemical weapons taboos (Price and Tannenwald 1996).

Still, as states operate within a social international system, the norms that influence state behavior are in flux, as states take actions that reinforce or challenge existing norms. **This** fact **does not undercut the power of norms**: “Norms are no less effective for being fluid and no less real for being negotiable” (Hollis 1991:13). Moreover, norms do not exist in isolation from one another. They are so interconnected with one another that a rise or fall of a particular norm affects other related norms. One sees this in the tension between human rights norms and sovereignty norms. As human rights norms compel states to intervene to thwart genocide, what results is a corresponding amendment to traditional sovereignty norms (in which all forms of intervention are viewed as illegitimate).

# adv 2

## util

Util’s the only moral framework

**Murray 97** (Alastair, Professor of Politics at U. Of Wales-Swansea, *Reconstructing Realism*, p. 110)

Weber emphasised that, while the 'absolute ethic of the gospel' must be taken seriously, it is inadequate to the tasks of evaluation presented by politics. Against this 'ethic of ultimate ends' — Gesinnung — he therefore proposed the 'ethic of responsibility' — Verantwortung. First, whilst the former dictates only the purity of intentions and pays no attention to consequences, the ethic of responsibility commands acknowledgement of the divergence between intention and result. Its adherent 'does not feel in a position to burden others with the results of his [OR HER] own actions so far as he was able to foresee them; he [OR SHE] will say: these results are ascribed to my action'. Second, the 'ethic of ultimate ends' is incapable of dealing adequately with the moral dilemma presented by the necessity of using evil means to achieve moral ends: Everything that is striven for through political action operating with violent means and following an ethic of responsibility endangers the 'salvation of the soul.' If, however, one chases after the ultimate good in a war of beliefs, following a pure ethic of absolute ends, then the goals may be changed and discredited for generations, because responsibility for consequences is lacking. The 'ethic of responsibility', on the other hand, can accommodate this paradox and limit the employment of such means, because it accepts responsibility for the consequences which they imply. Thus, Weber maintains that only the ethic of responsibility can cope with the 'inner tension' between the 'demon of politics' and 'the god of love'. 9 The realists followed this conception closely in their formulation of a political ethic.10 This influence is particularly clear in Morgenthau.11 In terms of the first element of this conception, the rejection of a purely deontological ethic, Morgenthau echoed Weber's formulation, arguing tha/t:the political actor has, beyond the general moral duties, a special moral responsibility to act wisely ... The individual, acting on his own behalf, may act unwisely without moral reproach as long as the consequences of his inexpedient action concern only [HER OR] himself. What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is here done with good intentions but unwisely and hence with disastrous results is morally defective; for it violates the ethics of responsibility to which all action affecting others, and hence political action par excellence, is subject.12 This led Morgenthau to argue, in terms of the concern to reject doctrines which advocate that the end justifies the means, that the impossibility of the logic underlying this doctrine 'leads to the negation of absolute ethical judgements altogether'.13

## at: methodology

Their conception of violence is reductive and can’t be solved

Boulding 77

Twelve Friendly Quarrels with Johan Galtung

Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published

Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

Their focus on methodology causes endless paradigm wars

**Wendt**, professor of international security – Ohio State University, **‘98**

(Alexander, “On Constitution and Causation in International Relations,” British International Studies Association)

As a community, we in the academic study of international politics spend too much time worrying about the kind of issues addressed in this essay. The **central point** of IR scholarship is to increase our knowledge of how the world works, not to worry about how (or whether) we can know how the world works. What matters for IR is ontology, not epistemology. This doesn’t mean that there are no interesting epistemological questions in IR, and even less does it mean that there are no important political or sociological aspects to those questions. Indeed there are, as I have suggested above, and as a discipline IR should have more awareness of these aspects. At the same time, however, these are questions best addressed by philosophers and sociologists of knowledge, not political scientists. Let’s face it: most IR scholars, including this one, have little or no proper training in epistemology, and as such the attempt to solve epistemological problems anyway will **inevitably lead to confusion** (after all, **after 2000 years, even** the **specialists are still having a hard time**). Moreover, as long as we let our research be driven in an open-minded fashion by substantive questions and problems rather than by epistemologies and methods, there is little need to answer epistemological questions either. It is simply not the case that we have to undertake an epistemological analysis of how we can know something before we can know it, a fact amply attested to by the success of the natural sciences, whose practitioners are only rarely forced by the results of their inquiries to consider epistemological questions. In important respects we do know how international politics works, and it doesn’t much matter how we came to that knowledge. In that light, going into the epistemology business will distract us from the real business of IR, which is international politics. **Our great debates should be about first-order issues of substance**, like the ‘first debate’ between Realists and Idealists, **not second-order issues of method.**

Unfortunately, it is no longer a simple matter for IR scholars to ‘just say no’ to epistemological discourse. The problem is that this discourse has already contaminated our thinking about international politics, helping to polarize the discipline into ‘**paradigm wars’**. Although the resurgence of these wars in the 1980s and 90s is due in large part to the rise of post-positivism, its roots lie in the epistemological anxiety of positivists, who since the 1950s have been very concerned to establish the authority of their work as Science. This is an important goal, one that I share, but its implementation has been marred by an overly narrow conception of science as being concerned only with causal questions that can be answered using the methods of natural science. The effect has been to marginalize historical and interpretive work that does not fit this mould, and to encourage scholars interested in that kind of work to see themselves as somehow not engaged in science. One has to wonder whether the two sides should be happy with the result. Do positivists really mean to suggest that it is not part of science to ask questions about how things are constituted, questions which if those things happen to be made of ideas might only be answerable by interpretive methods? If so, then they seem to be saying that the double-helix model of DNA, and perhaps much of rational choice theory, is not science. And do post-positivists really mean to suggest that students of social life should not ask causal questions or attempt to test their claims against empirical evidence? If so, then it is **not clear by what criteria their work should be judged**, **or how it differs from art or revelation**. On both sides, in other words, the result of the Third Debate’s **sparring over epistemology is often one-sided, intolerant caricatures** of science.

# \*\*\*2nc

# solvency

## 2nc util

Consequences occur. That’s a fact. The only question is if you recognize them. They devalue life, placing abstract ethical purity before ethical responsibility—that’s Murray

All lives are infinitely valuable

**Cummisky, 96** (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed in this way—this point still does not justify deontologieal constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that 1 may still saw two; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hills example of a priceless object: If I can save two of three priceless statutes only by destroying one. Then 1 cannot claim that saving two makes up for the loss of the one**. But** Similarly, **the loss of the two is not outweighed by** the **one** that was **not destroyed**. Indeed, even if dignity cannot be simply summed up. How is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the lass of the one, each is priceless: thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing'letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.\*

## risk calc

The best pragmatic and moral middle ground is to balance magnitude with probability – there is a tendency now to consider impacts like terrorism to be low

Friedman, PhD candidate in public policy, and Zeckhauser, professor of political economy – Kennedy School @ Harvard, ‘12

(Jeffrey A. and Richard, “Assessing Uncertainty in Intelligence,” HKS Faculty Research Working Paper Series RWP12-027)

To provide empirical support for its discussion, this article examines a broad range of National Intelligence Estimates (NIEs). Though NIEs comprise only a small fraction of overall estimative intelligence, their production is so highly scrutinized that it is reasonable to assume that their flaws would characterize lower-profile estimates as well.8 In addition to examining more than a dozen specific estimates, the following sections describe general patterns across a database of 379 declassified NIEs that were written between 1964 and 1994 and that were released through the Central Intelligence Agency’s Historical Review Program.9 Throughout the following sections, this combination of deductive and inductive analysis helps to draw out the tensions between eliminating uncertainty and assessing uncertainty in estimative intelligence.

Analyzing Alternatives

Intelligence analysts often wrestle with alternatives. To return to the example of an analyst studying Syria in 2012, this analyst would have had to consider a wide range of possibilities. If al-Assad were to survive the year, his domestic and international standing could presumably change in any number of ways. If al-Assad left power, the transition might be stable but it might also descend into widespread violence, while al-Assad’s eventual successors could be relatively friendly or hostile to the United States. There are many relevant scenarios here. An intelligence analyst who seeks to eliminate uncertainty would argue that one of them constitutes the ‘correct answer’, and that her ideal goal should be to identify what that answer is. Intelligence tradecraft often encourages this kind of thinking when it comes to analyzing alternative possibilities.

When estimates focus on a single possibility, it is called ‘single-outcome forecasting’. This practice has been criticized for some time, because analysts often have insufficient information for making definitive predictions, and because policymakers should be aware of a range of potential contingencies.10 Yet even when analysts do consider multiple possibilities, several elements of standard practice reveal a tendency to assume that one of those scenarios should be considered the most important or the most correct.

For instance, most NIEs highlight a ‘Best Estimate’ or ‘Key Judgments’. In principle, calling some estimates ‘Best’ does not exclude the idea that there are other possibilities. Meanwhile, the Key Judgments section of an NIE is generally intended to serve the function of an executive summary, so it does not inherently privilege one alternative over another. In practice, however, these sections often highlight a subset of relevant possibilities and encourage consumers to give these possibilities special attention. NIEs typically present their judgments in sequence, often with one or two possibilities receiving the bulk of explanation and support. Many NIEs contain a distinct section enumerating ‘Alternatives’ that often receive relatively limited discussion.

This treatment can suggest that certain alternative views are relatively insignificant, and the 2002 NIE on Iraq’s Continuing Programs for Weapons of Mass Destruction serves as a prominent example. The Key Judgments section of this NIE begins with 42 paragraphs supporting the assessment that Iraq ‘has continued its weapons of mass destruction (WMD) programs’ and that ‘if left unchecked, it probably will have a nuclear weapon during this decade’. That conclusion, as is now widely known, was based on controversial information. Doubts about the NIE’s main judgment were raised in a two-paragraph text box at the end of the opening section, arguing that the evidence does not ‘add up to a compelling case that Iraq is currently pursuing… an integrated and comprehensive approach to acquire nuclear weapons’. It is almost impossible to miss this objection – but it is equally difficult to miss the disparity in emphasis between these very different points of view about Iraq’s nuclear program.

The tendency to privilege particular judgments goes beyond the structure of intelligence estimates. Ironically, it permeates many of the conceptual frameworks that are intended to encourage analysts to consider multiple possibilities in the first place. For instance, one prominent text on analytic tradecraft recommends that analysts approach complex questions by generating multiple hypotheses, evaluating the ‘credibility’ of each hypothesis, sorting hypotheses ‘from most credible to least credible’, and then ‘select[ing] from the top of the list those hypotheses most deserving of attention’.11 Though its authors intend for this method of ‘multiple hypothesis generation’ to ensure that important alternatives do not get overlooked, the instruction to focus on the ‘most credible’ predictions indicates an assumption that unlikely possibilities are less ‘deserving of attention’. Yet **that is often untrue**. The most consequential events (such as major terrorist attacks, the outbreak of conventional wars, and the collapse of state governments) are often perceived as unlikely before they occur, yet they can have such enormous impact that **they deserve serious consideration.** The overall significance of any event is a product of its probability *and* its consequences, and so both of these factors must be considered when comparing alternative scenarios.

To give another example, many intelligence analysts are trained in a practice called Analysis of Competing Hypotheses (ACH). ACH seems to embrace the goal of assessing uncertainty. It instructs analysts to form a matrix of potential hypotheses and available information that helps to show how much evidence supports (or contradicts) each possibility. This practice combats first impressions and promotes alternative thinking.12 Yet the word ‘Competing’ is important here. Competing for what? The original description of ACH explains its goal as being to determine ‘Which of several possible explanations is the correct one? Which of several possible outcomes is the most likely one?’13 A recent manual introduces ACH as a tool for ‘selecting the hypothesis that best fits the evidence’.14 To this end, ACH instructs analysts to ‘focus on disproving hypotheses’.15 This does not mean that ACH always generates single-outcome estimates, and the method is designed to indicate places where the evidence sustains multiple interpretations. When this occurs, ACH tells analysts to rank remaining possibilities from ‘weakest’ to ‘strongest’.

An analyst seeking to assess uncertainty would approach the issue differently. She would not see the relevant possibilities as rival or competing. She would say that no possibility merits attention for being ‘correct’ and that focusing on disproving hypotheses places unnecessary emphasis on eliminating relevant scenarios from consideration. Moreover, she would argue that it makes little sense to say that any possibility is ‘weak’ or ‘strong’ so long as analysts accurately assess its likelihood.16 This is not to claim that all scenarios have equal significance. But to repeat, the significance of any possibility is the product of its likelihood and its potential consequences. For that reason, ACH’s method of ranking hypotheses based on probability exposes analysts to consequence neglect.

## at: epistemology

Their insistence on being ‘first’ reifies extremism and fragmentation in the academy – only the perm avoids scholarship shutdown

David Lake 11, political science prof at UC-San Diego, Why "isms" Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress, International Studies Quarterly (2011) 55, 465-480

My critique of our profession is a common one, but one worth repeating. Most generally, we organize ourselves into academic "sects" that engage in self-affirming research and then wage theological debates between academic religions. This occurs at both the level of theory and epistemology. In turn, we reward those who stake out extreme positions within each sect. Unfortunately, this academic sectarianism, a product of our own internal political struggles, produces less understanding rather than more. Some reasonably fear intellectual "monocultures," as McNamara (2009) has called the possible hegemony of rationalism. But the current cacophony is not a sign of productive intellectual ferment in the pursuit of meaningful knowledge." Rather, we have produced a clash of competing theologies each claiming its own explanatory "miracles" and asserting its universal truth and virtue.

Instead, a large measure of intellectual humility Is in order. Theoretically, we are far from the holy grail of a universal theory of international politics—if indeed such a grail even exists. We should focus instead on developing contingent, mid-level theories of specific phenomena. This analytical eclecticism is likely to be more productive (Sil and Katzenstein 2010). But we aLso need a lexicon for translating otherwise incommensurable theories and making them mutually intelligible. In the following section, I outline the problems with theoretical sects and affirm the case for analytic eclecticism. I then end with one possible "Rosetta stone" that aims to facilitate conversation across research traditions by suggesting that all theories of international studies can be disaggregated into the basic and common concepts of interests, interactions, and institutions. Epistemologically, there is perhaps an even deeper divide that is, unfortunately, not so easily bridged. The nomothetic vs narrative divide cuts through all of the social sciences and possibly beyond. This divide endures because scholars—either innately or through socialization—find one form of explanation more intellectually satisfying than the other. Yet, in international studies, we have reified this divide and, as with our theories, have formed mutually exclusive churches. Rather than claiming one or the other epistemology Is always and everywhere superior, we should recognize that both are valid and perhaps even complementary paths to understanding. **The** **question is** not which approach is inherently superior, but **which yieIds greater insights under what circumstances.** The second major section below takes up epistemology and its consequences for professional practice and knowledge.

That also means case is a disad to their method – militant defenses of theory directly crowdout political progress

David Lake 13, political science prof at UC-San Diego, Theory is dead, long live theory: The end of the Great Debates and the rise of eclecticism in International Relations, European Journal of International Relations 2013 19: 567

Progress is a contested term that takes different meanings in different ontologies (see below). Positive and intentionalist eclectic theories are best judged by Lakatos's (1978) definition of progress as the accumulation of knowledge and discovery of new facts. The paradigms in International Relations — like all paradigms (Kuhn, 1970) — are defined by sets of assumptions that form the basis for more specific theories. International Relations paradigms, however, are typically incomplete, meaning that the assumptions are, as a set, insufficient to predict specific behaviors or outcomes. As a result, the 'hard core' assumptions of each paradigm must be augmented by auxiliary assumptions (Elman and Elman, 2003; Lakatos, 1978), implying that it is possible to have multiple specific theories of, say, war that have equal claim to being 'realist.'10 These multiple possible theories within and across paradigms could be judged by their contributions to knowledge — in short, by progress. **Instead, advocates of different theories within the same paradigm have chosen to compete for the soul of the approach, each claiming to be the true exemplar**.11 In turn, advocates of each paradigm have likewise chosen to defend their core assumptions against criticism or charges of insufficiency. This is, as philosophers of science recognize, normal (Lakatos, 1978). But in International Relations, **this competition has had the effect of turning theories into faiths that must be defended at all costs**. Unfortunately, this all too often transforms the research enterprise from one of explaining world politics into one of "proving" realism, liberalism, or whatever is the one true faith to which all should adhere (Lake, 2011). **The paradigm wars have not led to progress under almost any definition** and certainly not in the one posed here.

# cp

## loac impact

Law of armed conflict controls deterrence—collapse causes global WMD conflict

Delahunty, associate prof – U St. Thomas Law, and Yoo, law prof – UC Berkeley, ‘10

(Robert and John, 59 DePaul L. Rev. 803)

Finally, the extension of IHRL to armed conflict may have significant consequences for the success of international law in advancing global welfare. Rules of the LOAC represent the delicate balancing between the imperatives of combat and the humanitarian goals in wartime. The LOAC has been remarkably successful in achieving compliance from warring nations in obeying these rules. This is most likely due to the reciprocal nature of the obligations involved. Nations treat prisoners of war well in order to guarantee that their own captive soldiers will be treated well by the enemy; nations will refrain from usingweapons of mass destruction because they are deterred by their enemy's possession of the same weapons. It has been one of the triumphs of international law to increase the restrictions on the use of unnecessarily destructive and cruel weapons, and to advance the norms of distinction and the humane treatment of combatants and civilians in wartime.

IHRL norms, on the other hand, may suffer from much lower rates of compliance. This may be due, in part, to the non-reciprocal nature of the obligations. One nation's refusal to observe freedom of speech, for example, will not cause another country to respond by depriving its own citizens of their rights. If IHRL norms--which were developed without much, if any, consideration of the imperatives of combat--merge into the LOAC, it will be likely that compliance with international law will decline. If nations must balance their security [\*849] needs against ever more restrictive and out-of-place international rules supplied by IHRL, we hazard to guess that the latter will give way. Rather than attempt to superimpose rules for peacetime civilian affairs on the unique circumstances of the "war on terror," a better strategy for encouraging compliance with international law would be to adapt the legal system already specifically designed for armed conflict.

## norms fail

A ban fails - norms are key

Anthony Dworkin 13, senior policy fellow at the European Council on Foreign Relations, “Drones And Targeted Killing: Defining A European Position”, July, <http://ecfr.eu/page/-/ECFR84_DRONES_BRIEF.pdf>

Yet seeking to ban the use of armed UAVs would not be an effective way to deal with these problems. There is little if any prospect of such a campaign gaining traction. Moreover, it would deprive European countries of a military and surveillance platform that many regard as attractive. For these reasons, the most constructive way for Europeans to address the dangers posed by UAVs is likely to be through working towards a clearer international standardfor the use of force outside battlefield conditions, covering substantive questions of targeting as well as transparency and accountability, both through discussions within the EU and dialogue with the US.

## auton

Key to stable goldilocks on autonomous weapons systems - a total ban fails

Anderson and Waxman 11/5/13

Mr. Anderson is a law professor at American University and a senior fellow of the Brookings Institution. Mr. Waxman is a professor at Columbia Law School and a fellow at the Council on Foreign Relations. Both are members of the Hoover Institution Task Force on National Security and Law, Real Clear Defense, November 5, 2013, "Killer Robots and the Laws of War", http://www.realcleardefense.com/articles/2013/11/05/killer\_robots\_and\_the\_laws\_of\_war\_106946.html

Computerized weapons capable of killing people sound like something from a dystopian film. So it's understandable why some, scared of the moral challenges such weapons present, would support a ban as the safest policy. In fact, a ban is unnecessary and dangerous.

No country has publicly revealed plans to use fully autonomous weapons, including drone-launched missiles, specifically designed to target humans. However, technologically advanced militaries have long used near-autonomous weapons for targeting other machines. The U.S. Navy's highly automated Aegis Combat System, for example, dates to the 1970s and defends against multiple incoming high-speed threats. Without them, a ship would be helpless against a swarm of missiles. Israel's Iron Dome missile-defense system similarly responds to threats faster than human reaction times permit.

Contrary to what some critics of autonomous weapons claim, there won't be an abrupt shift from human control to machine control in the coming years. Rather, the change will be incremental: Detecting, analyzing and firing on targets will become increasingly automated, and the contexts of when such force is used will expand. As the machines become increasingly adept, the role of humans will gradually shift from full command, to partial command, to oversight and so on.

This evolution is inevitable as sensors, computer analytics and machine learning improve; as states demand greater protection for their military personnel; and as similar technologies in civilian life prove that they are capable of complex tasks, such as driving cars or performing surgery, with greater safety than human operators.

But critics like the Campaign to Stop Killer Robots believe that governments must stop this process. They argue that artificial intelligence will never be capable of meeting the requirements of international law, which distinguishes between combatants and noncombatants and has rules to limit collateral damage. As a moral matter, critics do not believe that decisions to kill should ever be delegated to machines. As a practical matter, they believe that these systems may operate in unpredictable, ruthless ways.

Yet a ban is unlikely to work, especially in constraining states or actors most inclined to abuse these weapons. Those actors will not respect such an agreement, and the technological elements of highly automated weapons will proliferate.

Moreover, because the automation of weapons will happen gradually, it would be nearly impossible to design or enforce such a ban. Because the same system might be operable with or without effective human control or oversight, the line between legal weapons and illegal autonomous ones will not be clear-cut.

If the goal is to reduce suffering and protect human lives, a ban could prove counterproductive. In addition to the self-protective advantages to military forces that use them, autonomous machines may reduce risks to civilians by improving the precision of targeting decisions and better controlling decisions to fire. We know that humans are limited in their capacity to make sound decisions on the battlefield: Anger, panic, fatigue all contribute to mistakes or violations of rules. Autonomous weapons systems have the potential to address these human shortcomings.

No one can say with certainty how much automated capabilities might gradually reduce the harm of warfare, but it would be wrong not to pursue such gains, and it would be especially pernicious to ban research into such technologies.

That said, autonomous weapons warrant careful regulation. Each step toward automation needs to be reviewed carefully to ensure that the weapon complies with the laws of war in its design and permissible uses. Drawing on long-standing international legal rules requiring that weapons be capable of being used in a discriminating manner that limits collateral damage, the U.S. should set very high standards for assessing legally and ethically any research and development programs in this area. Standards should also be set for how these systems are to be used and in what combat environments.

If the past decade of the U.S. drone program has taught us anything, it's that it is crucial to engage the public about new types of weapons and the legal constraints on their design and use. The U.S. government's lack of early transparency about its drone program has made it difficult to defend, even when the alternatives would be less humane. Washington must recognize the strategic imperative to demonstrate new weapons' adherence to high legal and ethical standards.

This approach will not work if the U.S. goes it alone. America should gather a coalition of like-minded partners to adapt existing international legal standards and develop best practices for applying them to autonomous weapons. The British government, for example, has declared its opposition to a treaty ban on autonomous weapons but is urging responsible states to develop common standards for the weapons' use within the laws of war.

Autonomous weapons are not inherently unlawful or unethical. If we adapt legal and ethical norms to address robotic weapons, they can be used responsibly and effectively on the battlefield.

Autonomous weapons make war obsolete in the long-term but stabilizing the transition is key - irresponsible usage causes short-term extinction

Krishnan 09

Armin Krishnan is a Senior Research Assistant in the National Centre for Research Methods at the University of Southampton, UK, Killer Robots: Legality and Ethicality of Autonomous Weapons, 2009, pg. 166-67

Conclusion: The Challenge Ahead

This book has developed the hypothesis of the ‘killer robot': an autonomous weapon that can pick its targets by itself and that can trigger itself. Strictly speaking. there are no such weapons deployed, but the technology for them is already available and it has been available for decades. However, now it is more likely than ever before that robotic weapons will be fielded, as Al could make them smart enough to be militarily useful. They will generally enable many military organizations to use force without putting human lives at risk. The use of robots will allow the removal of many psychological aspects of combat, for better or worse. Robots might also prove vastly superior to humans on the battlefield, being able to shoot much faster and more accurately. In short, ‘unmanned combat' could represent a major discontinuity in the history of warfare.

The current situation of an impending Revolution in Military Affairs (RMA) triggered by IT, robotics, Al and nanotechnology in some aspects resembles the situation immediately after the Second World war. When the nuclear bomb was invented political decision-makers did not fully understand its strategic implications. In fact, the Truman Administration did not have any clear doctrine governing the use of nuclear weapons and it was only in the mid-1950s that the US developed a proper nuclear doctrine. For about 10 years, it was not clear under which exact circumstances and how the US would use nuclear weapons in defense of its interests. As a result, the world almost slithered into the abyss of nuclear war more than once. Politics was simply not ready for the nuclear age. But is politics ready for the age of robotic warfare? One can have serious doubts about it (Asaro 2008b). In the worst case, robotic warfare could weaken deterrents and encourage political and military risk-taking. The use of force might once again become a frequent tool of foreign policy.

Preventing this from happening will require a debate on the moral foundations of warfare, or military ethics. Some applications of technologies like robotics and nanotechnology are incompatible with the military ethos that is still based on the ideal of chivalry. Chivalrous conduct in war is not to kill the enemy at long range with zero risk, but is based on the willingness to fight fairly and to risk as much as the opponent, namely your own life. Only if lives are at stake will there be effective deterrents to the use of force. Of course, fairness in war is not a requirement of international law and the idea certainly seems odd to political and military decision-makers. However, it is still the best argument against an increasing and eventually complete automation of warfare. Using robots for killing people in war is wrong not because international law says so (in fact it doesn't). but because it is inherently unfair. Now could be the right time to bring back the ideals of chivalry and fairness to the discussion on military ethics. This might make many military organizations reconsider their current aims of using robotic systems in combat roles. If Western armed forces do not deploy such systems offensively, then many other states around the world might not feel pressured to develop advanced robotic weapons.

At the same time, there are certainly legitimate uses and roles for unmanned systems (including armed robots)

and it would be irrational not to use them for specific purposes, such as guarding bases and borders or for some narrow roles in high-intensity warfare. Not all about them is bad. Even more, it would be unethical to send a human soldier into an environment that is too harsh or no longer survivable for humans. To rephrase Napoleon, robots can be made to be killed. Military robots are also ethically a better alternative to the 'cyborgization’ of soldiers, which effectively turns humans into little more than sophisticated pieces of military equipment or government property. In the very long term, robotic weaponry could eventually make war impossible. Until then it will be crucial not to discard the human element in war and not to forget the moral responsibility one has, even toward their own the enemy.

Harry Truman wrote a note after watching the first nuclear test in New Mexico in 1945: ‘machines are ahead of morals by some centuries, and when morals catch up perhaps there'll be no reason for any of it' (quoted in Gaddis 2005, 53). In the context of the possible advent of strong Al and intelligent killer robots, Truman’s words seem menacingly true. The world was not prepared for the invention of the nuclear bomb and it is hardly prepared for the possibilities and temptations afforded by further runaway technological progress. There are good reasons to be concerned about military robotics and future ‘killer robots’ and it will be challenging to bypass the various roads to hell.

# adv 1

## 2nc norms

Norms structure society and our actions – the debate is about which actions are preferred – their impact scenario doesn’t make sense – how can our use of legalism cause war if we are establishing a norm against conflict and are winning that Obama complies with it?

Drone norms solve and are reverse causal – plan puts teeth into US whistle blowing that helps shape useful practices that other countries have self interest in following

The best academic studies are on our side

**Whibley 13** (James Whibley received a M.A. in International Relations from Victoria University of Wellington, New Zealand in 2012. His research is soon to be published in Intelligence and National Security., 2/6/2013, "The Proliferation of Drone Warfare: The Weakening of Norms and International Precedent", journal.georgetown.edu/2013/02/06/the-proliferation-of-drone-warfare-the-weakening-of-norms-and-international-precedent-by-james-whibley/)

In a recent article, David Wood expresses concern over the start of a drone arms race, with China’s People’s Liberation Army beginning to adopt drone technology and Iran possibly supplying drones to Hezbollah in Lebanon. Other reports show that Pakistan has also developed its own set of drones, with offers of assistance from China to help improve their technological sophistication. The proliferation of drone technology is in many ways unsurprising, as technology always spreads across the globe. Yet, the economic and organizational peculiarities of drones may mean their adoption is more likely than other high-tech weapons.

Michael C. Horowitz, in his widely praised book The Diffusion of Military Power, notes that states and non-state actors face a number of possible strategic choices when considering military innovations, with the adoption of innovative technology not a foregone conclusion. States will consider both the financial cost of adopting new technology and the organizational capacity required to adopt new technologies — that is, the need to make large-scale changes to recruitment, training, or strategic doctrine. From a financial perspective, drones are an attractive option for state and non-state actors alike, as they are vastly cheaper to build and operate than other forms of aerial technology, with the high level of commercial applications for drone technology helping drive down their cost. Organizationally, drones still require a significant level of training to operate in a combat setting, inhibiting their immediate adoption. Yet, as strategic doctrine in nearly every state prioritizes combating terrorism, drone programs will be easier to integrate into military structures as Horowitz notes that how a military organization defines its critical tasks determines the ease of adopting innovations. Even if the level of organizational capacity needed to operate drones eludes most terrorist organizations, the apparent willingness of states such as Iran to supply militant groups with drones raises the possibility of terrorist groups acquiring tacit knowledge about operating them by networking with sympathising states.

If drones are destined to proliferate, the more important issue may become whether American drone doctrine is setting a precedent for other states over how drones are used, and if so, is American drone use weakening the long-standing international norm against assassination? Current US practices include the use of drones in countries without a declaration of war, the routine targeting of rescuers at the scene of drone attacks and the funerals of victims, and the killing of US citizens. **The existence of such practices lends legitimacy to illiberal actions and significantly diminishes the moral authority of the US to condemn similar tactics used by other states, whether against rebellious populations in their own territory or enemies abroad**. While drone advocates such as Max Boot argue that other countries are unlikely to follow any precedents about drone use established by America, **power has an undeniable effect in establishing which norms are respected or enforced**. America used its power in the international system after World War 2 to embed **norms about human rights and liberal political organization**, not only in allies, but in former adversaries and the international system as a whole. Likewise, **the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention**. Therefore, **drones advocates must consider the possible unintended consequences of lending legitimacy to the unrestricted use of drones**.However, with the Obama administration only now beginning to formulate rules about using drones and seemingly uninterested in restraining its current practices, **the US may miss an opportunity to entrench international norms about drone operations**.

If countries begin to follow the precedent set by the US, there is also the risk of **weakening pre-existing international norms about the use of violence**. In the summer 2000 issue of International Security, Ward Thomas warned that, while the long-standing norm against assassination has always been less applicable to terrorist groups, the targeting of terrorists is, “likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.” Such an occurrence would represent a deleterious unintended consequence to an already inhumane international system, justifying greater scrutiny of the drone program.

Realism cautions scholars not to expect ethical behaviour in international politics. Yet, the widespread use of drones by recent administrations with little accountability and the lack of any normative framework about their deployment on the battlefield could come to be seen as a serious strategic error and moral failing. If the Obama administration was nervous about leaving an amorphous drone policy to a possible Romney Presidency, then surely China or Russia possessing such a program would be terrifying.

## 2nc loac

LOAC does not sanitize violence—alternative is militarized violence

Charles Kels, attorney for the Department of Homeland Security and a major in the Air Force Reserve, 12/6/12, THe Perilous Position of the Laws of War, harvardnsj.org/2012/12/the-perilous-position-of-the-laws-of-war/

The real nub of the current critique of U.S. policy, therefore, is that the Bush administration’s war on terror and the Obama administration’s war on al Qaeda and affiliates constitute a distinction without a difference. The latter may be less rhetorically inflammatory, but it is equally amorphous in application, enabling the United States to pursue non-state actors under an armed conflict paradigm. This criticism may have merit, but it is really about the use of force altogether, not the parameters that define how force is applied. It is, in other words, an ad bellum argument cloaked in the language of in bello.

LOAC is apolitical. **Adherence to it does not legitimize** an unlawful resort to **force**, **just as its violation**—unless systematic—**does not automatically render one’s cause unjust**. The answer for those who object to U.S. targeted killing and indefinite detention is not to apply a peace paradigm that would invalidate LOAC and undercut the belligerent immunity of soldiers, but to direct their arguments to the political leadership regarding the decision to use force in the first place. Attacking LOAC for its perceived leniency and demanding the “pristine purity” of HRL in military operations is actually quite dangerous and counterproductive from a humanitarian perspective, because there remains the distinct possibility that **the alternative to LOAC is not HRL but “lawlessness**.” While there are certainly examples of armies that have acquitted themselves quite well in law enforcement roles—and while most nations do not subscribe to the strict U.S. delineation between military and police forces—**the vast bulk of history indicates that in the context of armed hostilities, LOAC is by far the best case scenario, not the worst**.

Transnational terrorist networks pose unique security problems, among them the need to apply preexisting legal rubrics to an enemy who is dedicated to undermining and abusing them. Vital to meeting this challenge—of “building a durable framework for the struggle against al Qaeda that [draws] upon our deeply held values and traditions”—is to refrain from treating the deeply-ingrained tenets of honorable warfare as a mere mechanism for projecting force. The laws of war are much more than “lawyerly license” to kill and detain, subject to varying levels of application depending upon political outlook. They remain a bulwark against indiscriminate carnage, steeped in history and tried in battle.

# adv 2

## at: their method

The 1ac’s fear of violence lets injustice go unstopped – cx was clear here – their affirmative is a total rejection of state violence – worse more, their confusion with how to answer the question shows the type of epistemological confusion that results from the aff

we can acknowledge that all violence is tragic while still recognizing that it’s necessary in some instances

Debra Bergoffen, Professor of Philosophy and a member of the Women's Studies and Cultural Studies programs at George Mason University, Spring 2008, The Just War Tradition: Translating the Ethics of Human Dignity into Political Practices, Hypatia Volume 23, Number 2

The just war tradition is riddled with ambiguities. It speaks of a single human community bounded by universal moral laws, as it recognizes and, under certain conditions, legitimates the division of that community into enemy factions in violation of those laws. It recognizes the inevitability of war while speaking of the demands of peace. It sets up reason as the arbiter of wartime strategies, while noting that armed conflicts, once begun, may not be amenable to the rule of reason. Given these ambiguities, a result of the ways in which just war theory attempts to negotiate the competing demands of justice and the politics of power, it is no accident that the just war tradition has been ridiculed by power "realists" for its utopian naïveté and dismissed by pacifists for sacrificing the principles of peace to the demands of war.

Twentiethand twenty-first-century war waging has bolstered "realist" and pacifist critiques of the just war doctrine. The trench warfare strategy of World War I, the Allied bombing strategies of World War II, the genocidal evil of Nazi Germany, and the nuclear capacities of the United States and the USSR mocked the just war premise that war could be morally and rationally [End Page 72] constrained. Ironically, the cold-war policy of mutual assured destruction, with its acronym MAD, made the case for the pacifist argument that a just war in a world of nuclear weapons was impossible. MAD did not, however, create the conditions for peace envisioned by just war advocates.

The twenty-first century, young as it is, has managed to establish itself as an heir to the twentieth century's mockery of the idea of a just war. Erasing the "never again" post–World War II just war promise with multiple spectacles of genocides, betraying the promise of a post–cold-war world of peaceful coexistence with the reality of a world dominated by ideological wars of terror, a U.S.–declared war on terrorism, and the proliferation of nuclear and biological weapons, **this century has made it increasingly difficult for the just war tradition to establish itself as a counterweight to the politics of violence**.

Given the destructive powers of modern weaponry and the absolutist ideologies of contemporary conflicts, and given the fact that the just war tradition is historically tied to the idea of the sovereign state as the sole legitimate source of war and to Western notions of natural law and rights, it might seem time to declare the very idea of a just war a relic of more manageable and naïve times, and a symptom of Eurocentric ideology. It might seem time to face the fact that politically motivated violence is more chaotic than envisioned by just war advocates, and less amenable to the rule of reason required by just war restrictions.

Before writing the just war obituary, however, we need to note the ways in which institutional responses to the evils of unbridled violence—war crimes tribunals, a body of international laws and treaties delineating the particulars of war crimes and crimes against humanity, the development of human rights laws—speak the language of just war theory. For these institutions and laws insist that political and military officials are bound by just war morality and hold military and political actors punishably responsible for failing to adhere to the moral obligations of the just war code. These developments suggest that despite the antipathy between current technologies and ideologies of war and the principles of just war doctrines, **the just war insistence that the political and moral worlds are tethered remains relevant**.

To see whether just war theory can meet the challenges of its origins and of our times we need to see how it fares against the criticisms of power-politics advocates, such as Carl von Clausewitz (1780–1831), and how it stands up to pacifist and nonviolent rejections of all forms of political violence.

In his classic text, On War, Clausewitz argued that even when/if the original objectives of war are limited, war, once begun, cannot escape its absolutist logic.1 According to Clausewitz, as an act of force intended to compel an enemy to surrender, war is subject to the rules of unintended consequences and escalation that no rule of justice can counter (Shaw 2003, 19). In advancing his thesis of reality politics, Clausewitz analyzed the very idea of the just war, the thesis [End Page 73] that war could and should be limited both in its objectives and in its conduct. He made it clear that it is the logic of war, not the technologies of warfare, that constitute its inherent peril. He anticipated Rwanda. Machetes were all the Hutu needed to perpetuate genocide.

Clausewitz's argument against the just war premise of rule-governed war has been joined by two other arguments that point to serious loopholes in just war theory. The first of these arguments demonstrates the ways in which the logic of just war itself can become a justification for unlimited war waging. The point of just war doctrine is to distinguish morally justifiable from morally unjustifiable political violence. Thus, just war doctrine can be invoked to establish the righteousness of certain types of war (for example, holy wars, wars to make the world safe for democracy, wars to liberate the proletariat from the exploitations of capitalism, or wars to create democratic states). Once appealed to in this way, however, just war principles, far from limiting or preventing war, become a war-enhancing tool, a (self-) righteous justification of unlimited war (Coates 1997, 2–3). The second objection concerns the authority to declare war. Just war thinking assumes that war is the province of legitimate states. It presumes that legitimate states have some interest in limiting wars. The logic of this link among legitimate states, war making, and limited war is less than compelling. It is, however, thoroughly undermined in our postmodern world of international conglomerates, paramilitary armies, and "rogue" states, where legitimate states no longer monopolize the power of war making (Coates 1997, 6; Shaw 2003, 63).

Arguments against the just war premise that war can be contained both in its objectives and its conduct do not necessarily make the "realist" case for unrestrained power politics, however. Instead of linking the failed logic of just war thinking to the inevitable amorality of politics, pacifists, among whom we may include such eighteenth-century advocates of perpetual peace as Immanuel Kant, and those who would limit the fight against injustice to nonviolent methods argue that the failures of just war theory alert us to our moral obligation to reject the very idea of war. They see the fact of the inevitability of unlimited war as requiring us to reject of all forms of politically sanctioned violence. Sara Ruddick, for example, recommends a suspicion of the "rhetoric and reason of deliberate collective violence" and advocates developing nonviolent methods of resistance to violence (Ruddick 1990, 232).

Power-politics advocates, nonviolence proponents, and perpetual-peace defenders agree that once political violence begins it cannot be controlled. Their differences concern how to deal with this absolute trajectory of war. Power-politics realists argue that it renders all talk of war and justice superfluous. Pacificists argue that it renders all recourse to war unjustifiable. Just war theorists reject the idea that political violence is always either self-interested or unjust. **They find that rules of war have and can be observed, and that our desires and** [End Page 74] **behaviors are better accounted for by the ambiguous logic of justice and war than the clear-cut justice or war logic of power-politics and pacifist advocates**.

Between the ambiguous agenda of the just war tradition and its realist and pacifist critics, we are confronted with the violence of war, the realities of injustice, the moral demand of peace with justice, and the question of how to counter the violence of injustice without unleashing the absolute logic of war. **Different as they are in their prescriptions for international order, political realists and nonviolent pacifists find the demands of power politics radically incompatible with the demands of morality**. Whether it is the realists accusing nonviolence proponents of a naïve utopianism, or the pacifists finding the realists lacking in moral courage and imagination, both agree that the just war tradition is fundamentally misguided in its attempt to tether a politics that accepts the legitimacy of violence to the moral demands of justice. It seems to me, however, that it is precisely this ambiguity of the just war tradition that constitutes its value for the feminist pursuit of global justice; for in invoking the utopian imagination and yoking the realities of violence to the demands for justice, **it puts injustice on trial within the context of the dialectics of power politics**. **The ambiguity of the just war tradition signals its commitment to the intersection of the ethical and the political**. Its strength lies in the ways in which it looks to the moral imagination to set the political agenda. Rather than severing the political from the moral, or finding current visions of politics morally impossible, it looks for ways to translate moral discourses into (imperfect) political strategies.

My sympathy for the project of the just war tradition owes much to Simone de Beauvoir and her principle of ambiguity, which, in part at least, requires that we tie our "impossible" visions of justice to the concrete realities of human existence. Specifically, Beauvoir reminds us that violence and evil are part of the horizon of our world. The complexity of our condition and tragedy of our situation is such that violence, though never morally justified, is sometimes morally necessary (Beauvoir 1947/1991). Violence is never moral because it is an assault on our humanity. Invoking it, however, is sometimes necessary to preserve our humanity. **When injustice cannot be rectified in any other way, the resort to violence is justified**. As justified, however, it remains tragic. Beauvoir's concept of the tragic here is crucial; for it stops the logic of justified war from sliding into a doctrine of (self-) righteous, absolute war. Though The Second Sex is notable for its refusal to include violent revolution in the arsenal of liberatory strategies to be taken up by women, it nowhere calls upon women to renounce violence. Further, when Beauvoir discusses the liberatory meanings of violence available to patriarchal men but not women and calls women's exclusion from certain violent practices a curse, she makes it clear that, although she is not renouncing her Ethics of Ambiguity assessment of the tragic relationship between violence and justice, she finds the turn to violence, under certain circumstances, an affirmation of one's dignity. [End Page 75]

Between her discussions of what must be done when confronted by the Nazi soldier in The Ethics of Ambiguity and her invocation of the power of the imagination in her defense of the slave and the harem women who do not rebel in The Second Sex, we find Beauvoir validating the utopian imagination as an antidote to passivity in the face of injustice and accepting the idea of legitimate war/violence. By joining the utopian demands for justice with the acceptance of violence through the idea of the tragic, however, she rejects the legitimacy of unrestrained violence. **However legitimate the cause, absolute war is never legitimated**. Here, she and just war advocates share common ground. Both find that the intersecting demands of politics and ethics require a logic of ambiguity rather than a logic of the either/or. In posing the question of feminist justice in the context of the question of war, peace, and human rights, I take up the ambiguities of this common ground.

## uq resources

No imperial overstretch

Nye ‘12

Joseph, Harvard, “The Twenty First Century Will Not Be a ‘Post-American World,” International Studies Quarterly 56, 215-217

One of the refreshing aspects of Christopher Layne’s work over the years has been his willingness to challenge conventional wisdom. But now, he is in the awkward position of being part of a new conventional wisdom. Recent polls show that in 15 of 22 countries surveyed, most people say that China either will replace or has replaced America as the world’s leading superpower. Even Americans themselves are equally divided about whether China will displace the United States. Layne is correct that such views reﬂect the slow growth and ﬁscal problems that followed the 2008 ﬁnancial crisis, but one should be wary of extrapolating long-run trends from short-term cycles. Such **moods are not historically unprecedented**. Americans have a long history of incorrectly estimating their power. After Sputnik, the Soviets were 10 feet tall; in the 1980s, it was the Japanese. Now it is the Chinese. Layne is also right that enthusiasts for the ‘‘unipolar moment’’ badly overestimated American power a decade ago, but not all skeptics about American decline believed in American hegemony. For example, I argued in The Paradox of American Power that the prevailing concepts of polarity and hegemony led to confused analysis and poor policies. After the collapse of Cold War bipolarity, power in the global information age became distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar, and the **U**nited **S**tates is likely to retain primacy **for quite some time**. But on the middle chessboard, economic power has been multipolar for more than a decade (well before the 2008 ﬁnancial crisis that Layne cites), with the United States, Europe, Japan, and China as the major players, and others gaining in importance. The bottom chessboard is the realm of transnational relations that cross borders outside of government control. It includes nonstate actors as diverse as bankers electronically transferring funds, terrorists transferring weapons, hackers threatening cyber-security, and threats such as pandemics and climate change. On this bottom board, power is widely diffused, and it makes no sense to speak of unipolarity, multipolarity, or hegemony. Hegemony (which Layne does not deﬁne here) is a confusing term. Some authors deﬁne it in terms of resources; others in terms of behavioral outcomes. But power measured in resources rarely equals power measured in behavioral outcomes. For example, many analysts point to the current inability of the United States to control states like Iran or Afghanistan, but they allow the golden glow of the past to color their diagnosis of declining hegemony. After World War II, the United States had an overwhelming preponderance or ‘‘hegemony’’ measured in economic power and nuclear weapons resources, but nonetheless was unable to prevent the ‘‘loss’’ of China, to ‘‘rollback’’ communism in Eastern Europe, prevent stalemate in the Korean War, stop the ‘‘loss’’ of North Vietnam, or dislodge the Castro regime in Cuba. ‘‘Hegemony’’ is often illusory, **and cycles of belief in decline** tell us more about psychology than real shifts in power resources. It is currently fashionable to compare American ‘‘hegemonic decline’’ to that of Britain or imperial Rome. It would be ahistorical to believe that the United States will have a preponderant share of power resources forever. However, the word ‘‘decline’’ mixes up two different dimensions: **absolute** decline in the sense of decay, and **relative** decline in which the power resources of other states grow greater or are used more effectively. Rome, an agrarian society with little economic productivity and much internecine warfare, succumbed not to the rise of another empire but to absolute decay, while Britain declined relative to the rise of new powers such as Germany and the United States. And the ‘‘declinists’’ of the 1980s whose theories Layne tries to rescue developed a theory of ‘‘**imperial overstretch’’** in which defense expenditures constantly increase as a share of GDP until the ‘‘hegemon’’ collapses. This theory helps explain the collapse of the Soviet Union where defense expenditures eventually exceeded 20% of GDP, but in the United States, **despite two ill-advised wars** in the past decade, **defense expenditure at** 6% has decreased from its Cold War levels of 10%. The analogy with British decline is misleading. Britain had naval supremacy and an empire on which the sun never set, but in 1914, Britain ranked only fourth among the great powers in its share of military personnel, fourth in GDP, and third in military spending. With the rise of nationalism, protecting the empire became more of a burden than an asset. For all the loose talk of American empire, the United States is less tethered and has more degrees of freedom than Britain had. And while Britain faced rising neighbors in Germany and Russia, America benefits from two oceans and weaker neighbors.

## uq - public

Immovable public support

Lieber ‘12

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For the most part, the available data do not indicate public demand for serious retrenchment in foreign and military policy. It is true that Americans have come to favor a withdrawal of U.S. troops from Afghanistan as soon as possible. Even so, it was only after nearly ten years of war there that a majority (56 percent) expressed this view.7 In contrast, an authoritative national survey of public opinion on foreign policy, conducted by the Chicago Council on Global Affairs, showed substantial, even surprising, continuity.8 Despite two-thirds of respondents agreeing that reducing the federal deficit is “very important,” the public continues to express support for international engagement. Two-thirds of Americans think it important for the United States to take an active part in world affairs, and more than eight in ten believe it is “very” or “somewhat” desirable to exert strong leadership. A majority even believe maintaining superior power worldwide is a “very important” foreign policy goal.9 Support for engagement is somewhat selective, in that respondents approve multilateral action via the UN and – as was the case in Libya – prefer to remain on the sidelines for conflicts not seen as threatening to the United States. Nonetheless, the public continues to indicate strong support for the military as well as for the use of force against terrorism and nuclear proliferation. A majority also favor long-term retention of military bases.10 On balance, this level of support for foreign engagement is remarkable at a time of severe economic stringency and in which voters have reacted at the ballot box by ousting numerous incumbents. One underlying explanation may be attributable to American exceptionalism and deep-seated attitudes about the legitimacy of the use of force. Data here comes from a large-scale survey of public opinion in twelve European countries and the United States conducted annually by the German Marshall Fund. To the question of whether war is necessary to obtain justice under some circumstances, 76 percent of Americans answer yes, but only 28 percent of European Union respondents agree. Responses to this question have remained consistent over the past several years, and among the European countries polled, only in Britain did a majority (61 percent) concur with the statement. The transatlantic divide is even greater among those who strongly agree about the use of force (49 percent in the United States versus 8 percent in the EU).11 Opinion polls indicate that the broader public remains less polarized than policy elites and may thus be more receptive to pragmatic solutions for pressing problems. In addition, other public attitudes make it unlikely that American society will favor any large-scale repudiation of foreign commitments. For example, surveys by major polling organizations have repeatedly asked people how proud they are to be Americans and found consistently favorable responses. In January 2001, a Gallup poll found 87 percent saying they were either extremely proud or very proud. A decade later, 75 percent called the United States “the greatest country in the world,” and partisan differences in responses to this question were negligible, with 75 percent of Democrats and 80 percent of Republicans giving a positive answer.12 More recent polls continue to indicate a strong sense of belief in America. A CBS poll taken in May 2011, shortly after the successful operation to kill Osama bin Laden, found 86 percent describing themselves as very proud or extremely proud to be Americans; and a Fox News poll conducted just before the Fourth of July 2011 found 69 percent of voters proud of the country, even though a similar number thought the Founding Fathers would not be proud if they were alive now.13 Other indications of public attitudes include tolerance for military casualties, continuing success in recruitment and performance of the volunteer military, and the ongoing high quality of the armed services officer corps. Together with the persistence of lethal foreign threats, especially from terrorism and nuclear proliferation, these responses suggest that a sufficient degree of domestic cohesion and foreign policy consensus is likely to persist within American society.

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## T

## legal restraints

Legal restraints work –prefer specific solvency evidence

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

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22

Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.

This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to fail. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24

Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).

As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date law. Instead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

## terrorism ov

End of drone operations causes rapid resurgence of terrorist groups that currently can't organize because of strikes - they have nuclear ambitions and will trigger an attack to look like a nuclear strike - causes miscalc b/w the US and Russia that goes nuclear - that's Barrett

Turns casualties arguments

Joshua Foust, Freelance Journalist, former senior intelligence analyst for the Pentagon, 10/24/13, How Human Rights Groups Misinterpret Drone Strikes, www.defenseone.com/threats/2013/10/how-human-rights-groups-misinterpret-drone-strikes/72593/?oref=d-skybox

Lastly, there is the tactical account of the strike itself. For Amnesty’s account to be true, a drone operators would have seen a lone elderly woman picking vegetables outside, surrounded by her grandchildren, with no militants nearby, and made a conscious decision to kill her and an unoccupied patch of ground nearby. That is sharply at odds with previously published accounts of drone rules of engagement within the Obama administration. Either the White House is misleading the public about how it flies drones, a drone operator violated U.S. rules or Amnesty was fed false information.

Both groups also downplay other forms of violent conflict in these regions. Both Yemen and northwest Pakistan have politically complex ecosystems of violence where U.S. air strikes account for a minuscule percentage of casualties. The highest estimate of deaths from U.S. drones in Pakistan hovers around 3,000 since 2004; in the same time period fighting between the Pakistani military and al-Qaeda and Taliban militants has killed nearly 40,000 civilians and displaced more than three million. In Yemen, Doctors Without Borders recently suspended operations in Aden -- not because of U.S. drone strikes but because of other violence nearby that make it too dangerous.

Nevertheless, American actions receive the lion’s share of international concern. Moreover, both groups purport to single out drone strikes as unique causes of psychological trauma even while acknowledging that militants on the ground living in these same communities summarily execute those they suspect of cooperating with America.

Can't forget those casualties of terrorist attacks

Afzal 13

Madiha Afzal, Nonresident Fellow, Global Economy and Development, Brookings Institute, July 8, 2013, "Terror's Forgotten Victims in Pakistan", http://www.brookings.edu/research/opinions/2013/07/07-terrorism-pakistan-afzal

Should we expect fortunate Pakistanis to stop going about their daily activities following each act of terror? No. That would be unrealistic, not to mention damaging for a country already suffering from low productivity. But I am calling for greater empathy from both ordinary unaffected citizens and the media, with the latter leading the way. Here is the minimum the media can do: tell us the names and ages of each terror victim and try to find and show a living picture of him or her, even if it takes days after any given attack to complete this formidable task. What will this accomplish? Once the public realises that the victims are from amongst them and were like them, that they were young children, innocent girls, happy lives cut short, this will generate deeper sympathy for the victims and turn public opinion against terrorists. But if Pakistan’s social and income classes remain alienated from each other, with the additional division generated by terror strikes, resentment will (rightly) increase against the privileged. Pakistan’s already deeply fractured society will become divided beyond repair and irrevocably broken. Let’s not let it get to that stage.

## drones good

key points

- Al Qaeda is being degraded now - they can't organize - means we control uniqueness on their turns -- Even if drones increase recruits those recruits don't have sufficient leadership to carry out large attacks which is the only terminal impact - that's Johnston

- Drones are the most precise option - they use the newest tech with small munitions to minimize casualties - loss of drones causes fill-in by other efforts that cause net-more damage like ground troops or manned airplanes - that's Byman

- Civilians casualties are exaggerated - their evidence assumes much higher numbers - that's Byman on case

## 2ac uq

Al Qaeda down but not out

AFP 8/8/13

AFP, August 8, 2013, "UN Report: Al Qaeda Down, But Not Out", http://www.huffingtonpost.com/2013/08/07/un-report-al-qaeda\_n\_3722153.html

Osama Bin Laden's successor as the leader of Al-Qaeda has struggled to unite its various factions, a UN report said Wednesday, but the group remains an evolving threat.

The report, delivered to the UN Security Council by a group of experts, said Al-Qaeda's Egyptian leader Ayman Al-Zawahiri had failed to rebuild the group's core leadership in Pakistan.

But it said various groups affiliated with Al-Qaeda are still adapting their tactics and seeking new targets, while retaining the ability to conduct deadly strikes.

And, while the French-led military operation in Mali and an African Union campaign in Somalia have pushed back Al-Qaeda militants, the Syrian civil war has seen hundreds of foreign volunteers join the cause there.

"Al-Qaeda and its affiliates are more diverse and differentiated than before, united only by a loose ideology and a commitment to terrorist violence," the report said.

"A fragmented and weakened Al-Qaeda has not been extinguished," it said, adding: "the reality of Al-Qaeda's diminished capabilities and limited appeal does not mean that the threat of Al-Qaeda attacks has passed.

"Individuals and cells associated with Al-Qaeda and its affiliates continue to innovate with regard to targets, tactics and technology."

The UN report tallies with claims made by US officials, including President Barack Obama, that so-called "core Al-Qaeda" has been weakened since Bin Laden's death in May 2011, while its regional wings continue to fight.

## at: backlash

Backlash is small and inevitable

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

Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

Drones aren’t key to backlash – polls prove

Etzioni 13 (Amitai Etzioni is a university professor and professor of international relations at The George Washington University. He served as a senior adviser to the Carter White House and taught at Columbia University, Harvard University, and the University of California at Berkeley, 4/30/2013, "Everything Libertarians and Liberals Get Wrong About Drones", www.theatlantic.com/politics/archive/2013/04/everything-libertarians-and-liberals-get-wrong-about-drones/275356/)

Some critics worry that relying upon drones will engender significant resentment and potentially aid terrorist recruitment efforts. However, those who are inclined towards terrorism already loathe the United States for a thousand other reasons. Pew surveys show that anti-Americanism thrives in regions where there have been no drone strikes (for example, in Egypt) and, where drones have been active, high levels of anti-Americanism predated their arrival (for instance in Pakistan).

No causality

Swift 12 (Christopher Swift, is a fellow at the University of Virginia's Center for National Security Law and author of the forthcoming book, The Fighting Vanguard: Local Insurgencies in the Global Jihad., 7/1/2012, "The Drone Blowback Fallacy", www.foreignaffairs.com/articles/137760/christopher-swift/the-drone-blowback-fallacy?page=show)

Last month, I traveled to Yemen to study how AQAP operates and whether the conventional understanding of the relationship between drones and recruitment is correct. While there, I conducted 40 interviews with tribal leaders, Islamist politicians, Salafist clerics, and other sources. These subjects came from 14 of Yemen's 21 provinces, most from rural regions. Many faced insurgent infiltration in their own districts. Some of them were actively fighting AQAP. Two had recently visited terrorist strongholds in Jaar and Zinjibar as guests. I conducted each of these in-depth interviews using structured questions and a skilled interpreter. I have withheld my subjects' names to protect their safety -- a necessity occasioned by the fact that some of them had survived assassination attempts and that others had recently received death threats.

These men had little in common with the Yemeni youth activists who capture headlines and inspire international acclaim. As a group, they were older, more conservative, and more skeptical of U.S. motives. They were less urban, less wealthy, and substantially less secular. But to my astonishment, none of the individuals I interviewed drew a causal relationship between U.S. drone strikes and al Qaeda recruiting. Indeed, of the 40 men in this cohort, only five believed that U.S. drone strikes were helping al Qaeda more than they were hurting it.

Al Qaeda exploits U.S. errors, to be sure. As the Yemen scholar Gregory Johnsen correctly observes, the death of some 40 civilians in the December 2009 cruise missile strike on Majala infuriated ordinary Yemenis and gave AQAP an unexpected propaganda coup. But the fury produced by such tragedies is not systemic, not sustained, and, ultimately, not sufficient. As much as al Qaeda might play up civilian casualties and U.S. intervention in its recruiting videos, the Yemeni tribal leaders I spoke to reported that the factors driving young men into the insurgency are overwhelmingly economic.

From al Hudaydah in the west to Hadhramaut in the east, AQAP is building complex webs of dependency within Yemen's rural population. It gives idle teenagers cars, khat, and rifles -- the symbols of Yemeni manhood. It pays salaries (up to $400 per month) that lift families out of poverty. It supports weak and marginalized sheikhs by digging wells, distributing patronage to tribesmen, and punishing local criminals. As the leader of one Yemeni tribal confederation told me, "Al Qaeda attracts those who can't afford to turn away."

Religious figures echoed these words. Though critical of the U.S. drone campaign, none of the Islamists and Salafists I interviewed believed that drone strikes explain al Qaeda's burgeoning numbers. "The driving issue is development," an Islamist parliamentarian from Hadramout province said. "Some districts are so poor that joining al Qaeda represents the best of several bad options." (Other options include criminality, migration, and even starvation.) A Salafi scholar engaged in hostage negotiations with AQAP agreed. "Those who fight do so because of the injustice in this country," he explained. "A few in the north are driven by ideology, but in the south it is mostly about poverty and corruption."

Despite Yemenis' antipathy toward drones, my conversations also revealed a surprising degree of pragmatism. Those living in active conflict zones drew clear distinctions between earlier U.S. operations, such as the Majala bombing, and more recent strikes on senior al Qaeda figures. "Things were very bad in 2009," a tribal militia commander from Abyan province told me, "but now the drones are seen as helping us." He explained that Yemenis could "accept [drones] as long as there are no more civilian casualties." An Islamist member of the separatist al-Harak movement offered a similar assessment. "Ordinary people have become very practical about drones," he said. "If the United States focuses on the leaders and civilians aren't killed, then drone strikes will hurt al Qaeda more than they help them."

Some of the men I interviewed admitted that they had changed their minds about drone strikes. Separatists in Aden who openly derided AQAP as a proxy of Yemen's recently deposed president, Ali Abdullah Saleh, privately acknowledged the utility of the U.S. drone campaign. "Saleh created this crisis in order to steal from America and stay in power," a former official from the now-defunct People's Democratic Republic of Yemen told me. "Now it is our crisis, and we need every tool to solve it."

Yemeni journalists, particularly those with firsthand exposure to AQAP, shared this view: "I opposed the drone campaign until I saw what al Qaeda was doing in Jaar and Zinjibar," an independent reporter in Aden said. "Al Qaeda hates the drones, they're absolutely terrified of the drones ... and that is why we need them."

My interviewees also offered deeper insight into the sentiments described by Western journalists and Yemeni activists. In their view, public opposition to drones had little to do with a desire for revenge or increasing sympathy for al Qaeda. Instead, they argued, ordinary Yemenis see the drones as an affront to their national pride. "Drones remind us that we don't have the ability to solve our problems by ourselves," one member of the Yemeni Socialist Party said. "If these were Yemeni drones, rather than American drones, there would be no issue at all."

Surprisingly, Islamist politicians said much the same. "No one resents a drone strike if the target was a terrorist," a member of the Muslim Brotherhood told me. "What we resent is the fact that outsiders are involved." A leader from the Zaydi Shia community framed the sovereignty issue in even starker terms. "The problem is not killing people like [Anwar] al-Awlaki," he said, referring to the Yemeni-American al Qaeda propagandist killed in 2011 by a U.S. drone strike in Yemen. "The problem is when the U.S. ambassador goes on television and takes credit for it."

None of these reactions address the legal dimensions of drone warfare. Although drones don't drive al Qaeda recruiting, policymakers must still balance the tactical benefits of targeted, proportional force with the risks of rapid military escalation and broadening executive powers. As they weigh their options, they should consider two lessons. First, as long as drones target legitimate terrorists, Yemenis grudgingly acknowledge their utility. And second, the more Yemenis perceive the United States as a serious partner, the less drones will pique their national pride.

This research also offers another lesson. Despite deeper engagement and closer coordination, Americans and Yemenis are fighting the same war from different premises. The United States emphasizes radical ideology. Yemen emphasizes endemic poverty. Washington wants immediate results. Sana'a needs long-term development. Americans fear foreign attacks on their national security. Yemenis resent foreign affronts to their national pride. Washington's drone dramas are just one example of this self-defeating disconnect. The more policymakers read their domestic debates into Yemeni politics, the less they will appreciate vital voices from the field.

Reducing strikes won’t solve

Etzioni 13 (Amitai Etzioni is a professor of international relations at George Washington University and author of Hot Spots: American Foreign Policy in a Post-Human-Rigid World., March-April 2013, "The Great Drone Debate", aladinrc.wrlc.org/bitstream/handle/1961/14729/Etzioni\_DroneDebate.pdf?sequence=1,)

Other critics argue that drones strikes engender much resentment among the local population and serve as a major recruitment tool for the terrorists, possibly radicalizing more individuals than they neutralize. This argument has been made especially in reference to Pakistan, where there were anti-American demonstrations following drones strikes, as well as in Yemen.44 However, such arguments do not take into account the fact that anti-American sentiment in these areas ran high before drone strikes took place and remained so during periods in which strikes were signiﬁcantly scaled back. Moreover, other developments—such as the release of an anti-Muslim movie trailer by an Egyptian Copt from California or the publication of incendiary cartoons by a Danish newspaper—led to much larger demonstrations. Hence stopping drone strikes—if they are otherwise justiﬁed, and especially given that they are a very effective and low-cost way to neutralize terrorist violence on the ground45—merely for public relations purposes seems imprudent.

## at: backlash – turns case

No impact to backlash

Byman 11 (Daniel L. Byman, Director of Research at the Saban Center for Middle East Policy at Brookings, 6/3/2011, “Denying Terrorist Safe Havens: Homeland Security Efforts to Counter Threats from Pakistan, Yemen and Somalia”, http://www.brookings.edu/testimony/2011/0603\_terrorism\_byman.aspx)

The U.S. drone campaign against al Qaeda, begun under Bush and put on steroids under Obama, has taken out dozens of al Qaeda figures, primarily in Pakistan. In 2010, the United States launched over 100 drone attacks in Pakistan, according to the New America Foundation.[11] Those killed were far less prominent than bin Laden, but in many cases their skills were in short supply and difficult to replace. Al Qaeda struggles to find seasoned and skilled new leaders, and even when it can it takes time to integrate them into the organization. Even more important, but even harder to see, al Qaeda lieutenants must limit communications to stop U.S. eavesdropping that could lead to airstrikes, reduce their circle of associates to avoid spies, and avoid public exposure, all of which make them far less effective as leaders. This makes it harder, though not impossible, for them to pull off sophisticated attacks that require long-term planning.

Although innocent civilians do die in these attacks, the number of non-combatant deaths is often exaggerated and has been declining. According to Peter Bergen and Katherine Tiedemann, “According to our estimates, the nonmilitant fatality rate since 2004 is approximately 25 percent, and in 2010, the figure has been more like 6 percent -- an improvement that is likely the result of increased numbers of U.S. spies in Pakistan's tribal areas, better targeting, more intelligence cooperation with the Pakistani military, and smaller missiles.”[12] Such innocent deaths are still considerable, and errant strikes have the potential to worsen U.S.-Pakistan relations, but drone strikes are often far less bloody than alternatives such as Pakistani military attacks or U.S. attacks by manned fixed-wing aircraft. In addition, drone strikes involve no risk of U.S. personnel.

Killing terrorist group lieutenants on a large scale can devastate a group. There may still be thousands of people who hate the United States and want to take up arms, but without bomb-makers, passport-forgers, and leaders to direct their actions they are often reduced to menacing bumblers, easier to disrupt and often more a danger to themselves than to their enemies.

Their ev is just conjecture

Anderson 13 (Kenneth Anderson is a professor of international law at American University and a member of the Task Force on National Security and Law at the Hoover Institution, June 2013, "The Case for Drones", https://www.commentarymagazine.com/articles/the-case-for-drones/)

The most prominent critique today, however, is that drone warfare is counterproductive because it produces “blowback.” What is blowback?

Blowback comprises the supposed bad consequences of drones that swamp the benefits, if any, of drone warfare itself—the anger of villagers whose civilian relatives have been killed, for instance, or the resentment among larger populations in Pakistan or Yemen over drone strikes. The anger, we are told, is fanned by Islamist preachers, local media, and global Web communities, and then goes global in the ummah about the perceived targeting of Muslims and Islam. This leads to radicalization and membership recruitment where the strikes take place. Or maybe it leads to independently organized violence—perhaps the case of the Boston bombers, though it is too early to say. All this bad public perception outweighs whatever tactical value, if any, drone strikes might have.

Blowback can never be dismissed, because it might be true in some cases. But even when true, it would exist as a matter of degree, to be set against the benefits of the drone strikes themselves. By definition, blowback is a second-order effect, and its diffuse nature makes its existence more a matter of subjective judgment than any other evaluation of drone warfare. As a hypothesis, the possibility of blowback arises in two distinct settings: “narrow” counterinsurgency and “broad” global counterterrorism.

The narrow blowback hypothesis concerns those in communities directly affected by global counterterrorism drone strikes while the United States is trying to carry out a ground-level counterinsurgency campaign. The question is whether civilians, women and children especially, are being killed by drones in such numbers—because collateral damage is a fact, including from drone strikes—that they make these local communities even more fertile ground for anti-American operations. Do the drone strikes make things unacceptably more difficult for ground forces attempting to carry out a hearts-and-minds campaign to win over the local population?

Direct and immediate concerns about villagers’ perceptions during the counterinsurgencies in Iraq and Afghanistan led, at some points, to extraordinary (from the standpoint of lawful targeting and acceptable collateral damage) measures against using air power and even infantry to fire back at insurgents. But local counterinsurgency is not the long-term concern today; global counterterrorism is. Village-level resentments fueling recruitment might be a concern, but this type of blowback matters far less in terms of war fighting when the United States no longer has infantry in those places (and is no longer making its counterterrorism policy rest upon the chimera of a stable, democratic Afghanistan).

It is sharply contested, to say the least, whether and to what extent drone strikes are creating blowback among villagers, or whether and to what extent, as a former British soldier recently returned from Afghanistan remarked to me, villagers are sad to see the Taliban commander who just insisted on marrying someone’s young daughter blown up in an airstrike. There is also debate about the degree to which villagers are aware that the American drones are undertaking strikes that the Pakistani government might otherwise undertake. Critics often neglect to focus on the Pakistani government’s regular and brutal assaults in the tribal zones. Despite a general perception that all of Pakistan is united against drone strikes, voices in the Pakistani newspapers have often made note that the tribal areas fear the Pakistani army far more than they fear U.S. drones, because, despite mistakes and inevitable civilian casualties, they see them as smaller and more precise. But the blunt reality is that as the counterinsurgency era ends for U.S. forces, narrow blowback concerns about whether villages might be sufficiently provoked against American infantry are subsiding.

That leaves the broader claim of global blowback—the idea that drone campaigns are effectively creating transnational terrorists as well as sympathy for their actions. That could always be true and could conceivably outweigh all other concerns. But the evidence is so diffuse as to be pointless. Do Gallup polls of the general Pakistani population indicate overwhelming resentment about drone strikes—or do they really suggest that more than half the country is unaware of a drone campaign at all? Recent polls found the latter to be the case. Any causal connections that lead from supposed resentments to actual terrorist recruitment are contingent and uncertain. Discussing global blowback is also an easy stance for journalists writing about U.S. counterterrorism—Mark Mazzetti’s new book, The Way of the Knife, is a good example—because it automatically frames an oppositional narrative, one with dark undertones and intimations of unattractive, unintended consequence. The blowback argument is also peculiarly susceptible to raising the behavioral bar the United States must meet in order to keep the local population happy enough not to embrace suicide bombing and terrorism. It defines terrorist deviancy down, while U.S. and Western security behaviors are always defined up.

From a strategic standpoint, however, the trouble with the blowback theory is simple: It will always counsel doing nothing rather than doing something. It’s the kibitzer’s lazy objection. Whether one knows a lot or a little about the action and its possible blowback consequences, whether one has an axe to grind or is reasonably objective, one can always offer the blowback scenario.

There might be situations in which to give it priority; Gregory Johnsen, a Yemen expert, for example, says that a particular form of strike in Yemen causes blowback because it hits low-level fighters whose families cannot understand the American justification. (The response is, usually, that we are effectively fighting as the air arm of the Yemen government against its insurgents, including its low-level fighters.) That bears attention; whether it outweighs the strategic concern of supporting the Yemeni government, which does have to fight even low-level insurgents who in effect offer protection to the transnational terrorist wing, is another question. But we should consider it carefully.

Blowback is a form of the precautionary principle. But it’s awfully difficult to conduct war, after all, on the basis of “first do no harm.” As it happens, the United States once had a commander driven largely by considerations of blowback from a restive local population. His name was George McClellan. If he had not been replaced by Abraham Lincoln, the Union would have lost the Civil War.

## casualties

Their ev is biased

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

Such concerns are valid, but the level of local anger over drones is often lower than commonly portrayed. Many surveys of public opinion related to drones are conducted by anti-drone organizations, which results in biased samples. Other surveys exclude those who are unaware of the drone program and thus overstate the importance of those who are angered by it. In addition, many Pakistanis do not realize that the drones often target the very militants who are wreaking havoc on their country. And for most Pakistanis and Yemenis, the most important problems they struggle with are corruption, weak representative institutions, and poor economic growth; the drone program is only a small part of their overall anger, most of which is directed toward their own governments. A poll conducted in 2007, well before the drone campaign had expanded to its current scope, found that only 15 percent of Pakistanis had a favorable opinion of the United States. It is hard to imagine that alternatives to drone strikes, such as seal team raids or cruise missile strikes, would make the United States more popular.

## decapitation is effective

Decap is effective - no hydra effect - we have the most rigorous academic studies - that's Johnston - removing the leaders of groups reduces violence and undermines the ability of groups to regroup

Cites primary sources like Bin Laden - constant drone pressure made group organization impossible

Johnston’s study is the best

Jordan 12 (Jenna Jordan is an Assistant Professor in the Sam Nunn School of International Affairs at the Georgia Institute of Technology. Her research interests include terrorism, population transfers, attachment to territory, and international security. Her book manuscript focuses on the leadership decapitation of terrorist organizations. Jordan received her Ph.D. in political science from the University of Chicago, M.A. in Political Science from StanfordUniversity, and B.A. in International Relations from Mills College. She previously held a post-doctoral research fellowship at the Harris School of Public Policy Studies at the University of Chicago. Her research has been supported by grants from the Smith Richardson Foundation and the University of Chicago., 10/24/2012, "ISSF Article Review, 2012: 6", www.h-net.org/~diplo/ISSF/PDF/ISSF-AR15.pdf)

Despite these criticisms, Johnston and Price have presented two of the most sophisticated works on leadership targeting to date. The breadth of their data is unparalleled. Moreover, Johnston’s analysis of successes and failures provides insight into questions that have thus far not been addressed. More theoretical work on organizational fragility and decapitation needs to be done, yet these two accounts have changed the debate on leadership targeting in both terrorist organizations and insurgencies.

Leadership replacement fractures groups

Price 12 (Bryan C. Price is a major in the U.S. Army and former Assistant Professor of Social Sciences at the U.S. Military Academy. He will serve at the Asia-Pacific Center for Security Studies starting in August 2012. The viewpoints expressed in this article do not necessarily reflect those of the U.S. Army or the Department of Defense., Spring 2012, "Targeting Top Terrorists", International Security, Vol. 36, No. 4 (Spring 2012), pp. 9–46, www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00075)

This article has advanced an argument that runs counter to the near scholarly consensus that leadership decapitation has been ineffective at best and counterproductive at worst in the fight against terrorist groups.138 I argue that terrorist groups are susceptible to decapitation because they have unique organizational characteristics (they are violent, clandestine, and values-based organizations) that amplify the importance of leaders and make leadership succession difficult. To provide evidence for this claim, I eschewed short-term metrics and instead analyzed the effects of leadership decapitation on the mortality rate of terrorist groups over a longer period of time. My study yielded six primary findings. First, decapitated terrorist groups have a significantly higher mortality rate than nondecapitated groups. Regardless of how I specified the duration of the effect from leadership decapitation (i.e., whether I limited it to the year in which decapitation occurred, limited it to two years, or allowed it to linger indefinitely), killing or capturing a terrorist leader increased the mortality rate of the group. There is no guarantee, however, that organizational death will be immediate; only 30 percent of decapitated groups (40 of 131) ended within two years of losing their leader. Second, the earlier leadership decapitation occurs in a terrorist group’s life cycle, the greater the effect it will have on the group’s mortality rate. Additionally, the magnitude of this effect decreases over time. Killing or capturing a terrorist leader in the first year of the group’s existence makes the group more than eight times as likely to end than a nondecapitated group. The effects, however, diminish by half in the first ten years, and after approximately twenty years, leadership decapitation may have no effect on the group’s mortality rate. This finding is in line with the conclusion of other scholars who argue that a terrorist group’s organizational capacity increases with age, making it more durable with time.139 Third, all three methods of leadership decapitation in this study—killing, capturing, or capturing and then killing the leader—significantly increase the mortality rate of terrorist groups. The relative ranking of each method differs according to how one specifies the duration of the decapitation effect, but even then, the effect is statistically indistinguishable across all three methods. Fourth, any type of leadership turnover, not just decapitation, increases the mortality rate of terrorist groups. This is an important finding because states may not have to kill or capture a leader to hasten the group’s demise. Fifth, group size does not affect terrorist group duration. Smaller groups are just as durable as larger groups, and groups of different size react similarly after losing a leader. Sixth, contrary to findings in other studies,140 I found that religious terrorist groups were less resilient and easier to destroy than nationalist groups following leadership decapitation. Although religious groups appear to be 80 percent less likely to end than nationalist groups based on ideology alone, they were almost five times as likely to end than nationalist groups after experiencing leadership decapitation. I believe this is because of the important role leaders of religious terrorist groups play in framing and interpreting organizational goals and strategies. Given these findings, states that are willing to employ leadership decapitation as part of their counterterrorism strategy should target terrorist group leaders as early as possible and allocate their resources accordingly. As terrorist groups age, especially as they approach the twenty-year mark, states might consider reducing the amount of resources aimed at killing and capturing the group’s leadership and instead invest in other counterterrorism initiatives. States that are unwilling to employ decapitation tactics, whether for moral or legal reasons, or fear of the retaliatory “boomerang effect,”141 can still achieve similar effects without lethally targeting terrorist leaders. The findings suggest that states can hasten a terrorist group’s demise by exploiting intra-organizational rifts and removing the leader either through shaming or by pitting one group faction against another.142 It is unclear, however, how long these internal processes would take to remove the leader, not to mention how difficult it is to implement this type of strategy in the first place. Ultimately, states must weigh the costs and benefits associated with implementing decapitation strategies. In the introduction, I asked what effect Osama bin Laden’s death would have on al-Qaida. Given that the organization is widely considered to be more than twenty years old, bin Laden’s death will most likely increase the group’s chances of organizational death, but not nearly at the rate that it would have had it occurred during the group’s early years. Preliminary reports, however, indicate that leadership succession within al-Qaida may lead to organizational instability.143 Three points deserve mention. First, it was a month and a half before the group responded to bin Laden’s death and named long-time deputy Ayman al-Zawahiri his successor.144 This long delay seems odd for an organization known for both its media savvy and its knowledge that bin Laden was the number one target for the most powerful nation on the earth. Second, previous to bin Laden’s death, scholars and pundits believed that al-Qaida’s decentralized and amorphous organizational structure—features that many analysts failed to acknowledge were the product of necessity rather than choice—made the group more dangerous in the long run. Much of the evidence gleaned from the bin Laden compound since, however, indicates that the al-Qaida leader was still very much in charge and was heavily involved in the operational planning, and potentially in the tactical planning, of future attacks. Contrary to theories of the “leaderless jihad” that were popular before bin Laden’s death but consistent with a leader of a violent, clandestine, and values-based organization,145 bin Laden was still centralizing power and maintaining information at the highest levels. As a result, the bin Laden operation landed what is considered to be the largest single intelligence find in the post–September 11 era.146 Finally, bin Laden was a charismatic and transformative leader who will be very difficult to replace. Although al-Zawahiri is now acting as bin Laden’s successor, he is thought to lack the charisma that made bin Laden so beloved and revered.147 In addition, Lawrence Wright includes a story in The Looming Tower that sows doubt about al-Zawahiri’s ability to effectively lead the organization. Prior to al-Zawahiri leaving al-Jihad (his old terrorist organization) for al-Qaida, one of his closest friends and mentors gave him the following advice: “Remember, if you are a member of any group, you cannot be the leader.”148 Leaders play important roles in organizations, especially in terrorist groups. The organizational characteristics of terrorist groups make replacing their leaders very difficult. Some scholars have called leadership decapitation “a misguided strategy,” “an ineffective means of reducing terrorist activity,”149 and even “counter-productive.”150 Strategies and tactics aimed at removing terrorist leaders may have negative consequences in the short term, but they increase the mortality rates of the groups they lead, a factor that policymakers should include in their decision calculus.

## terrorism indict

Our ev is epistemologically rigorous

Boyle 08

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, Critical Studies On Terrorism, April 2008, “A Case Against Critical Terrorism Studies,” Vol. 1, No. 1, p. 51-64, Taylor and Francis

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 empiricismimplied 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.**

## yes nuke terror

Yes nuke terror - materials aren't secure and al Qaeda is still committed to acquiring it - experts agree - that's Dahl

Threat is real - most qualified

Us Russia Joint Threat Assessment May 11

http://belfercenter.ksg.harvard.edu/files/Joint-Threat-Assessment%20ENG%2027%20May%202011.pdf

ABOUT THE U.S.-RUSSIA JOINT THREAT ASSESSMENT ON NUCLEAR TERRORISM The U.S.-Russia Joint Threat Assessment on Nuclear Terrorism is a collaborative project of Harvard University’s Belfer Center for Science and International Affairs and the U.S.A. and Canada Studies Institute of the Russian Academy of Sciences led by Rolf Mowatt-Larssen and Pavel Zolotarev. Authors: • Matthew Bunn. Associate Professor of Public Policy at Harvard Kennedy School and Co-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences, chief of department at the General Staff of the Russian Armed Forces, 1995–2000. • Rolf Mowatt-Larssen. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs, director of Intelligence and Counterintelligence at the U.S. Department of Energy, 2005–2008. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer, 1993–2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration, 2006–2009. • Colonel General Viktor I. Yesin (retired Russian Armed Forces). Senior fellow at the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces, 1994–1996. • Major General Pavel S. Zolotarev (retired Russian Armed Forces). Deputy director of the U.S.A and Canada Studies Institute of the Russian Academy of Sciences and head of the Information and Analysis Center of the Russian Ministry of Defense, 1993–1997, deputy chief of staff of the Defense Council of Russia, 1997–1998. Contributor: • Vladimir Lukov, director general of autonomous non-profit organization “Counter-Terrorism Center.”

The expert community distinguishes pathways terrorists might take to the bomb (discussed in detail in the next section of the report). One is the use of a nuclear weapon that has been either stolen or bought on the black market. The probability of such a development is very low, given the high levels of physical security (guards, barriers, and the like) and technical security (electronic locks and related measures) of modern nuclear warheads. But we cannot entirely rule out such a scenario, especially if we recall the political instability in Pakistan, where the situation could conceivably develop in a way that would increase the chance that terrorist groups might gain access to a Pakistani nuclear weapon A second pathway is the use of an improvised nuclear device built either by terrorists or by nuclear specialists that the terrorists have secretly recruited, with use of weapons-usable fissile material either stolen or bought on the black market.1 The probability of such an attack is higher than using stolen nuclear warheads, because the acceleration of technological progress and globalization of information space make nuclear weapons technologies more accessible while the existence of the nuclear black market eases access of terrorists to weapons-usable fissile materials. A third pathway is the use of an explosive nuclear device built by terrorists or their accomplices with fissile material that they produced themselves—either highly enriched uranium (HEU) they managed to enrich, or plutonium they managed to produce and reprocess. Al-Qaeda and associated groups appear to have decided that enriching uranium lies well beyond the capabilities that they would realistically be able to develop. A fourth pathway is that terrorists might receive a nuclear bomb or the materials needed to make one from a state. North Korea, for example, has been willing to sell its missile technology to many countries, and transferred its plutonium production reactor technology to Syria, suffering few consequences as a result. Transferring the means to make a nuclear bomb to a terrorist group, however, would be a dramatically different act, for the terrorists might use that capability in a way that could provoke retaliation that would result in the destruction of the regime. A far more worrisome transfer of capability from state to group could occur without the witting cooperation of the regime. A future A.Q. Khan-type rogue nuclear supplier network operating out of North Korea or out of a future nuclear-armed Iran could potentially transfer such a capability to a surrogate group and/or sell it for profit to the highest bidder. Global trends make nuclear terrorism a real threat. Although the international community has recognized the dangers of nuclear terrorism, it has yet to develop a comprehensive strategy to lower the risks of nuclear terrorism. Major barriers include complacency about the threat and the adequacy of existing nuclear security measures; secrecy that makes it difficult for states to share information and to cooperate; political disputes; competing priorities; lack of funds and technical expertise in some countries; bureaucratic obstacles; and the sheer difficulty of preventing a potentially small, hard-to-detect team of terrorists from acquiring a small, hard-to-detect chunk of nuclear material with which to manufacture a crude bomb. These barriers must not be allowed to stand in the way of the panhuman universal priority of preventing this grave threat from materializing. If current approaches toward eliminating the threat are not replaced with a sense of urgency and resolve, the question will become not if, but when, where, and on what scale the first act of nuclear terrorism occurs.

Risk of nuclear terrorism is real and high now

Bunn et al 13 (Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998., 10/2/2013, “Steps to Prevent Nuclear Terrorism: Recommendations Based on the U.S.-Russia Joint Threat Assessment”, <http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>)

I. Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.