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## Plan

The United States Federal Government should restrict the President’s war powers authority for targeted killing as a first resort outside zones of active hostilities.

## CT

Advantage 1: CT

The plan is key to prevent collapse of the drone program

Zenko 13 (Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial coun- terterrorism practices, **it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies**. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but **between drone policy reforms by design or drone policy reforms by** default. Recent history demonstrates that domestic **political pressure could** severely limit **drone strikes in** ways that the CIA or JSOC **have not anticipated**. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, **and they are even more susceptible to political constraints because they occur in plain sight.** Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal **overwhelming opposition** to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. **If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced**, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

Only the plan can retain allied cooperation on counter-terrorism

Dworkin 12

Anthony Dworkin is a Senior Policy Fellow at the European Council on Foreign Relations, European Council on Foreign Relations, June 19, 2012, "Obama’s Drone Attacks: How the EU Should Respond", http://ecfr.eu/content/entry/commentary\_obamas\_drone\_attacks\_how\_the\_eu\_should\_respond

Obama’s Concession to European Views

In a speech on the subject last autumn, Obama’s chief counter-terrorism advisor John Brennan gave a glimpse into the administration’s discussions with some of its European allies. Brennan acknowledged that a number of the United States’ closest partners took a different view about the scope of the armed conflict against al-Qaeda, rejecting the use of force outside battlefield situations except when it was the only way to prevent the imminent threat of a terrorist attack. He went on to say that the United States depended on the assistance and cooperation of its allies in fighting terrorism, and that this was much easier to obtain when there was a convergence between their respective legal views. Increasingly, Brennan argued, such convergence was taking place as a matter of practice, as the United States chose to pursue an approach to targeting that was aligned with its partners’ vision. In a further speech this year, Brennan developed this point. He said that even though the United States believed in general it had a legal right under the laws of war to shoot to kill anyone who was part of al-Qaeda, the Taliban or associated forces, in practice it followed a more restrictive approach. “We do not engage in lethal action in order to eliminate every single member of al-Qaeda in the world,” Brennan said. “Rather, we conduct targeted strikes because they are necessary to mitigate an actual ongoing threat – to stop plots, prevent future attacks, and save American lives.” In other words, the Obama administration presents itself as following a policy of voluntary restraint – deliberately confining its use of targeted killing to those cases where officials believe it is necessary to prevent an imminent attack, in part out of respect for its allies’ sensibilities and to make cooperation easier. There are two reasons why this concession, on its own, is unlikely to – and ought not to – satisfy European concerns. It is true that many European states would accept that the use of lethal force is permissible when it is the only way to prevent the imminent loss of innocent life. Indeed the European Court of Human Rights endorsed such a standard several years ago in an influential ruling on the shooting by British special forces of three IRA members in Gibraltar. But if the United States is indeed following the principle of imminent threat in making targeting decisions outside the “hot battlefield” of Afghanistan and the Pakistani border region, it seems to interpret the concept of imminence in a rather more permissive way than most Europeans would be comfortable with. The sheer number of strikes testifies to the accommodating nature of the administration’s analysis: the New America Foundation estimates that there have been 265 drone strikes in Pakistan and 28 in Yemen since Obama took office. Moreover, in both Pakistan and now Yemen, Obama has reportedly given permission for so-called “signature strikes” in which attacks are carried against targets on the basis of a pattern of behavior that is indicative of terrorist activity without identifying the individuals involved – a policy that seems particularly hard to justify under an imminence test outside battlefield conditions. Over time, the United States and its European allies might be able move closer to a common understanding of the concept of imminence through a process of discussion. But in any case there is an independent reason why the Obama administration’s policy of claiming expansive legal powers, while limiting them in practice on a voluntary basis, is a dangerous one. Precisely because he has greater international credibility than President Bush, the claims that Obama makes are likely to be influential in setting global standards for the use of the use of this new and potentially widely available technology. The United States is currently the only country that uses armed drones for targeted killing outside the battlefield, but several other countries already have remotely controlled pilotless aircraft or are in the process of acquiring them. The United States is unlikely to remain alone in this practice for long. At the same time, there have been several other examples in recent years of countries engaging in military campaigns against non-state groups outside their borders – as with Israel in Lebanon and Ethiopia in Somalia. For this reason, there is a strong international interest in trying to establish clear and agreed legal rules (not merely a kind of pragmatic best practice) to govern the use of targeted killing of non-state fighters.

Allied cooperation’s key to effective drone use

Zenko 13

Micah Zenko is the Douglas Dillon fellow with the Center for Preventive Action at the Council on Foreign Relations, Newsday, January 30, 2013, "Zenko: Why we can't just drone Algeria", http://www.newsday.com/opinion/oped/zenko-why-we-can-t-just-drone-algeria-1.4536641

CNN should not have been surprised. Neither the Bush nor Obama administrations received blanket permission to transit Algerian airspace with surveillance planes or drones; instead, they received authorization only on a case-by-case basis and with advance notice. According to Washington Post journalist Craig Whitlock, the U.S. military relies on a fleet of civilian-looking unarmed aircraft to spy on suspected Islamist groups in North Africa, because they are less conspicuous - and therefore less politically sensitive for host nations - than drones. Moreover, even if the United States received flyover rights for armed drones, it has been unable to secure a base in southern Europe or northern Africa from which it would be permitted to conduct drone strikes; and presently, U.S. armed drones cannot be launched and recovered from naval platforms. According to Hollywood movies or television dramas, with its immense intelligence collection and military strike capabilities, the United States can locate, track, and kill anyone in the world. This misperception is continually reinvigorated by the White House's, the CIA's, and the Pentagon's close cooperation with movie and television studios. For example, several years before the CIA even started conducting non-battlefield drone strikes, it was recommending the tactic as a plotline in the short-lived (2001-2003) drama "The Agency." As the show's writer and producer later revealed: "The Hellfire missile thing, they suggested that. I didn't come up with this stuff. I think they were doing a public opinion poll by virtue of giving me some good ideas." Similarly, as of November there were at least 10 movies about the Navy SEALs in production or in theaters, which included so much support from the Pentagon that one film even starred active-duty SEALs. The Obama administration's lack of a military response in Algeria reflects how sovereign states routinely constrain U.S. intelligence and military activities. As the U.S. Air Force Judge Advocate General's Air Force Operations and the Law guidebook states: "The unauthorized or improper entry of foreign aircraft into a state's national airspace is a violation of that state's sovereignty. . . . Except for overflight of international straits and archipelagic sea lanes, all nations have complete discretion in regulating or prohibiting flights within their national airspace." Though not sexy and little reported, deploying CIA drones or special operations forces requires constant behind-the-scenes diplomacy: with very rare exceptions - like the Bin Laden raid - the U.S. military follows the rules of the world's other 194 sovereign, independent states. These rules come in many forms. For example, basing rights agreements can limit the number of civilian, military and contractor personnel at an airbase or post; what access they have to the electromagnetic spectrum; what types of aircraft they can fly; how many sorties they can conduct per day; when those sorties can occur and how long they can last; whether the aircraft can drop bombs on another country and what sort of bombs; and whether they can use lethal force in self-defense. When the United States led the enforcement of the northern no-fly zone over Iraq from the Incirlik Air Base in southern Turkey from 1991 to 2003, a Turkish military official at the rank of lieutenant colonel or higher was always on board U.S. Air Force AWACS planes, monitoring the airspace to assure that the United States did not violate its highly restrictive basing agreement. As Algeria is doing presently, the denial or approval of overflight rights is a powerful tool that states can impose on the United States. These include where U.S. air assets can enter and exit another state, what flight path they may take, how high they must fly, what type of planes can be included in the force package, and what sort of missions they can execute. In addition, these constraints include what is called shutter control, or the limits to when and how a transiting aircraft can collect information. For example, U.S. drones that currently fly out of the civilian airfield in Arba Minch, Ethiopia, to Somalia, are restricted in their collection activities over Ethiopia's Ogaden region, where the government has conducted an intermittent counterinsurgency against the Ogaden National Liberation Front.

Drones solve safe havens – prevents a terrorist attack

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.

No defense

Bunn 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.

Extinction

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

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

Our epistemology is correct.

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

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

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

## Norms

Advantage 2: Norms

Unrestrained drone use outside zones of active hostilities collapses legal norms governing targeted killing – only the plan solves

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

Mr. Chairman, I would like to turn now to the legal framework applicable to US drone strikes. Both the United States and the international community have long had rules governing armed conflicts and the use of force in national self-defense. These rules apply whether the lethal force at issue involves knives, handguns, grenades or weaponized drones. When drone technologies are used in traditional armed conflicts—on “hot battlefields” such as those in Afghanistan, Iraq or Libya, for instance – they pose no new legal issues. As Administration officials have stated, their use is subject to the same requirements as the use of other lawful means and methods of warfare.28 But if drones used in traditional armed conflicts or traditional self-defense situations present no “new” legal issues, some of the activities and policies enabled and facilitated by drone technologies pose significant challenges to existing legal frameworks. As I have discussed above, the availability of perceived low cost of drone technologies makes it far easier for the US to “expand the battlefield,” striking targets in places where it would be too dangerous or too politically controversial to send troops. Specifically, drone technologies enable the United States to strike targets deep inside foreign states, and do so quickly, efficiently and deniably. As a result, drones have become the tool of choice for so-called “targeted killing” – the deliberate targeting of an individual or group of individuals, whether known by name or targeted based on patterns of activity, inside the borders of a foreign country. **It is when drones are used in targeted killings outside of traditional or “hot” battlefields that their use challenges existing legal frameworks**. Law is almost always out of date: we make legal rules based on existing conditions and technologies, perhaps with a small nod in the direction of predicted future changes. As societies and technologies change, law increasingly becomes an exercise in jamming square pegs into round holes. Eventually, that process begins to do damage to existing law: it gets stretched out of shape, or broken. Right now, I would argue, US drone policy is on the verge of doing significant damage to the rule of law. A. The Rule of Law At root, the idea of “rule of law” is fairly simple, and well understood by Americans familiar with the foundational documents that established our nation, such as the Declaration of Independence, the Constitution and the Bill of Rights. The rule of law requires that governments follow transparent, clearly defined and universally applicable laws and procedures. The goal of the rule of law is to ensure predictability and stability, and to prevent the arbitrary exercise of power. In a society committed to the rule of law, the government cannot fine you, lock you up, or kill you on a whim -- it can restrict your liberty or take your property or life only in accordance with pre-established processes and rules that reflect basic notions of justice, humanity and fairness. Precisely what constitutes a fair process is debatable, but most would agree that at a minimum, fairness requires that individuals have reasonable notice of what constitutes the applicable law, reasonable notice that they are suspected of violating the law, a reasonable opportunity to rebut any allegations against them, and a reasonable opportunity to have the outcome of any procedures or actions against them reviewed by some objective person or body. These core values are enshrined both in the US Constitution and in international human rights law instruments such as the International Covenant on Civil and Political Rights, to which the United States is a party. In ordinary circumstances, this bundle of universally acknowledged rights (together with international law principles of sovereignty) means it is clearly unlawful for one state to target and kill an individual inside the borders of another state. Recall, for instance, the 1976 killing of Chilean dissident Orlando Letelier in Washington DC. When Chilean government intelligence operatives planted a car bomb in the car used by Letelier, killing him and a US citizen accompanying him, the United States government called this an act of murder—an unlawful political assassination. B. Targeted Killing and the Law of Armed Conflict Of course, sometimes the “ordinary” legal rules do not apply. In war, the willful killing of human beings is permitted, whether the means of killing is a gun, a bomb, or a long-distance drone strike. The law of armed conflict permits a wide range of behaviors that would be unlawful in the absence of an armed conflict. Generally speaking, the intentional destruction of private property and severe restrictions on individual liberties are impermissible in peacetime, but acceptable in wartime, for instance. Even actions that a combatant knows will cause civilian deaths are lawful when consistent with the principles of necessity, humanity, proportionality,29 and distinction.30 It is worth briefly explaining these principles. The principle of necessity requires parties to a conflict to limit their actions to those that are indispensible for securing the complete submission of the enemy as soon as possible (and that are otherwise permitted by international law). The principle of humanity forbids parties to a conflict to inflict gratuitous violence or employ methods calculated to cause unnecessary suffering. The principle of proportionality requires parties to ensure that the anticipated loss of life or property incidental to an attack is not excessive in relation to the concrete and direct military advantage expected to be gained. Finally, the principle of discrimination or distinction requires that parties to a conflict direct their actions only against combatants and military objectives, and take appropriate steps to distinguish between combatants and non-combatants.31 This is a radical oversimplification of a very complex body of law.32 But as with the rule of law, the basic idea is pretty simple. When there is no war -- when ordinary, peacetime law applies -- agents of the state aren't supposed to lock people up, take their property or kill them, unless they have jumped through a whole lot of legal hoops first. When there is an armed conflict, however, everything changes. War is not a legal free-for-all33 -- torture, rape are always crimes under the law of war, as is killing that is willful, wanton and not justified by military necessity34 -- but there are far fewer constraints on state behavior. Technically, the law of war is referred to using the Latin term “lex specialis” – special law. It is applicable in—and only in -- special circumstances (in this case, armed conflict), and in those special circumstances, it supersedes “ordinary law,” or “lex generalis,” the “general law” that prevails in peacetime. We have one set of laws for “normal” situations, and another, more flexible set of laws for “extraordinary” situations, such as armed conflicts. None of this poses any inherent problem for the rule of law. Having one body of rules that tightly restricts the use of force and another body of rules that is far more permissive does not fundamentally undermine the rule of law, as long as we have a reasonable degree of consensus on what circumstances trigger the “special” law, and as long as the “special law” doesn’t end up undermining the general law. To put it a little differently, war, with its very different rules, does not challenge ordinary law as long as war is the exception, not the norm -- as long as we can all agree on what constitutes a war -- as long as we can tell when the war begins and ends -- and as long as we all know how to tell the difference between a combatant and a civilian, and between places where there's war and places where there's no war. Let me return now to the question of drones and targeted killings. When all these distinctions I just mentioned are clear, the use of drones in targeted killings does not necessarily present any great or novel problem. In Libya, for instance, a state of armed conflict clearly existed inside the borders of Libya between Libyan government forces and NATO states. In that context, the use of drones to strike Libyan military targets is no more controversial than the use of manned aircraft. That is because our core rule of law concerns have mostly been satisfied: we know there is an armed conflict, in part because all parties to it agree that there is an armed conflict, in part because observers (such as international journalists) can easily verify the presence of uniformed military personnel engaged in using force, and in part because the violence is, from an objective perspective, widespread and sustained: it is not a mere skirmish or riot or criminal law enforcement situation that got out of control. We know who the “enemy” is: Libyan government forces. We know where the conflict is and is not: the conflict was in Libya, but not in neighboring Algeria or Egypt. We know when the conflict began, we know who authorized the use of force (the UN Security Council) and, just as crucially, we know whom to hold accountable in the event of error or abuse (the various governments involved).35 Once you take targeted killings outside hot battlefields, it’s a different story. The Obama Administration is currently using drones to strike terror suspects in Pakistan, Somalia, Yemen, and –perhaps—Mali and the Philippines as well. Defenders of the administration's increasing reliance on drone strikes in such places assert that the US is in an armed conflict with “al Qaeda and its associates,” and on that basis, they assert that the law of war is applicable -- in any place and at any time -- with regard to any person the administration deems a combatant. The trouble is, no one outside a very small group within the US executive branch has any ability to evaluate who is and who isn’t a combatant. The war against al Qaeda and its associates is not like World War II, or Libya, or even Afghanistan: it is an open-ended conflict with an inchoate, undefined adversary (who exactly are al Qaeda’s “associates”?). What is more, targeting decisions in this nebulous “war” are based largely on classified intelligence reporting. **As a result, Administration assertions** about who is a combatant and what constitutes a threat **are entirely non-falsifiable, because they're based wholly on undisclosed evidence**. Add to this still another problem: most of these strikes are considered covert action, so although the US sometimes takes public credit for the deaths of alleged terrorist leaders, most of the time, the US will not even officially acknowledge targeted killings. This leaves all the key rule-of-law questions related to the ongoing war against al Qaeda and its "associates" unanswered.36 Based on what criteria might someone be considered a combatant or directly participating in hostilities? What constitutes “hostilities” in the context of an armed conflict against a non-state actor, and what does it mean to participate in them? And just where is the war? Does the war (and thus the law of war) somehow "travel" with combatants? Does the US have a “right” to target enemy combatants anywhere on earth, or does it depend on the consent of the state at issue? Who in the United States government is authorized to make such determinations, and what is the precise chain of command for such decisions? I think the rule of law problem here is obvious: when “armed conflict” becomes a term flexible enough to be applied both to World War II and to the relations between the United States and “associates” of al Qaeda such as Somalia’s al Shabaab, the concept of armed conflict is not very useful anymore. And **when we lack clarity and consensus on how to recognize “armed conflict,” we no longer have a clear or principled basis for deciding how to categorize US** t**argeted** k**illing**s. Are they, as the US government argues, legal under the laws of war? Or are they, as some human rights groups have argued, unlawful murder? C. Targeted Killing and the International Law of Self-Defense When faced with criticisms of the law of war framework as a justification for targeted killing, Obama Administration representatives often shift tack, arguing that international law rules on national self-defense provide an alternative or additional legal justification for US targeted killings. Here, the argument is that if a person located in a foreign state poses an "imminent threat of violent attack" against the United States, the US can lawfully use force in self-defense, provided that the defensive force used is otherwise consistent with law of war principles. Like law of war-based arguments, this general principle is superficially uncontroversial: if someone overseas is about to launch a nuclear weapon at New York City, no one can doubt that the United States has a perfect right (and the president has a constitutional duty) to use force if needed to prevent that attack, regardless of the attacker's nationality. But once again, the devil is in the details. To start with, what constitutes an "imminent" threat? Traditionally, both international law and domestic criminal law understand that term narrowly: 37 to be "imminent," a threat cannot be distant or speculative.38 But much like the Bush Administration before it, the Obama Administration has put forward an interpretation of the word “imminent” that bears little relation to traditional legal concepts. According to a leaked 2011 Justice Department white paper39—the most detailed legal justification that has yet become public-- the requirement of imminence "does not require the United States to have clear evidence that a specific attack on U.S. persons and interests will take place in the immediate future." This seems, in itself, like a substantial departure from accepted international law definitions of imminence. But the White Paper goes even further, stating that "certain members of al Qaeda are continually plotting attacks...and would engage in such attacks regularly [if] they were able to do so, [and] the US government may not be aware of all... plots as they are developing and thus cannot be confident that none is about to occur." For this reason, it concludes, anyone deemed to be an operational leader of al Qaeda or its "associated forces" presents, by definition, an imminent threat even in the absence of any evidence whatsoever relating to immediate or future attack plans. In effect, the concept of "imminent threat" (part of the international law relating to self-defense) becomes conflated with identity or status (a familiar part of the law of armed conflict). That concept of imminence has been called Orwellian, and although that is an overused epithet, in this context it seems fairly appropriate. According to the Obama Administration, “imminent” no longer means “immediate,” and in fact the very absence of clear evidence indicating specific present or future attack plans becomes, paradoxically, the basis for assuming that attack may perpetually be “imminent.” The 2011 Justice Department White Paper notes that the use of force in self-defense must comply with general law of war principles of necessity, proportionality, humanity, and distinction. The White Paper offers no guidance on the specific criteria for determining when an individual is a combatant (or a civilian participating directly in hostilities), however. It also offers no guidance on how to determine if a use of force is necessary or proportionate. From a traditional international law perspective, this necessity and proportionality inquiry relates both to imminence and to the gravity of the threat itself, but so far there has been no public Administration statement as to how the administration interprets these requirements. Is any threat of "violent attack" sufficient to justify killing someone in a foreign country, including a U.S. citizen? Is every potential suicide bomber targetable, or does it depend on the gravity of the threat? Are we justified in drone strikes against targets who might, if they get a chance at some unspecified future point, place an IED that might, if successful, kill one person? Ten people? Twenty? 2,000? How grave a threat must there be to justify the use of lethal force against an American citizen abroad -- or against non-citizens, for that matter? As I have noted, it is impossible for outsiders to fully evaluate US drone strikes, since so much vital information remains classified. In most cases, we know little about the identities; activities or future plans of those targeted. Nevertheless, given the increased frequency of US targeted killings in recent years, it seems reasonable to wonder whether the Administration conducts a rigorous necessity or proportionality analysis in all cases. So far, the leaked 2011 Justice Department White Paper represents the most detailed legal analysis of targeted killings available to the public. It is worth noting, incidentally, that this White Paper addresses only the question of whether and when it is lawful for the US government to target US citizens abroad. We do not know what legal standards the Administration believes apply to the targeting of non-citizens. It seems reasonable to assume, however, that the standards applicable to non-citizens are less exacting than those the Administration views as applicable to citizens. Defenders of administration targeted killing policy acknowledge that the criteria for determining how to answer these many questions have not been made public, but insist that this should not be cause for concern. The Administration has reportedly developed a detailed “playbook” outlining the targeting criteria and procedures,40, and insiders insist that executive branch officials go through an elaborate process in which they carefully consider every possible issue before determining that a drone strike is lawful.41 No doubt they do, but this is somewhat cold comfort. Formal processes tend to further normalize once-exceptional activities -- and "trust us" is a rather shaky foundation for the rule of law. Indeed, the whole point of the rule of law is that individual lives and freedom should not depend solely on the good faith and benevolence of government officials. As with law of war arguments, stating that US targeted killings are clearly legal under traditional self-defense principles requires some significant cognitive dissonance. Law exists to restrain untrammeled power. It is no doubt possible to make a plausible legal argument justifying each and every U.S. drone strike -- but this merely suggests that we are working with a legal framework that has begun to outlive its usefulness. The real question isn't whether U.S. drone strikes are "legal." The real question is this: Do we really want to live in a world in which the U.S. government's justification for killing is so malleable? 5. Setting Troubling International Precedents **Here is an a**dditional **reason to worry** about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. **We should use this window to advance a robust legal** and normative **framework that will help protect against abuses by those states whose leaders can rarely be trusted**. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill- defined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

That solves global war – US precedent is key

Roberts 13 (Kristen, news editor for the National Journal, master in security studies from Georgetown, “When the Whole World Has Drones”, 3/22/2013, <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.

Drones cause miscalculation and conflict in the South and East China Seas–US precedent is key

Brimley 13 (Shawn Brimley, Ben FitzGerald, and Ely Ratner are, respectively, vice president, director of the Technology and National Security Program, and deputy director of the Asia Program at the Center for a New American Security., 9/17/2013, "The Drone War Comes to Asia", www.foreignpolicy.com/articles/2013/09/17/the\_drone\_war\_comes\_to\_asia)

It's now been a year since Japan's previously ruling liberal government purchased three of the Senkaku Islands to prevent a nationalist and provocative Tokyo mayor from doing so himself. The move was designed to dodge a potential crisis with China, which claims "indisputable sovereignty" over the islands it calls the Diaoyus. Disregarding the Japanese government's intent, Beijing has reacted to the "nationalization" of the islands by flooding the surrounding waters and airspace with Chinese vessels in an effort to undermine Japan's de facto administration, which has persisted since the reversion of Okinawa from American control in 1971. Chinese incursions have become so frequent that the Japanese Air Self-Defense Forces (JASDF) are now scrambling jet fighters on a near-daily basis in response. In the midst of this heightened tension, you could be forgiven for overlooking the news early in September that Japanese F-15s had again taken flight after Beijing graciously commemorated the one-year anniversary of Tokyo's purchase by sending an unmanned aerial vehicle (UAV) toward the islands. But this wasn't just another day at the office in the contested East China Sea: this was the first known case of a Chinese drone approaching the Senkakus. Without a doubt, China's drone adventure 100-miles north of the Senkakus was significant because it aggravated already abysmal relations between Tokyo and Beijing. Japanese officials responded to the incident by suggesting that Japan might have to place government personnel on the islands, a red line for Beijing that would have been unthinkable prior to the past few years of Chinese assertiveness. But there's a much bigger and more pernicious cycle in motion. The introduction of indigenous drones into Asia's strategic environment -- now made official by China's maiden unmanned provocation -- will bring with it additional sources of instability and escalation to the fiercely contested South and East China Seas. Even though no government in the region wants to participate in major power war, there is widespread and growing concern that military conflict could result from a minor incident that spirals out of control. Unmanned systems could be just this trigger. They are less costly to produce and operate than their manned counterparts, meaning that we're likely to see more crowded skies and seas in the years ahead. UAVs also tend to encourage greater risk-taking, given that a pilot's life is not at risk. But being unmanned has its dangers: any number of software or communications failures could lead a mission awry. Combine all that with inexperienced operators and you have a perfect recipe for a mistake or miscalculation in an already tense strategic environment. The underlying problem is not just the drones themselves. Asia is in the midst of transitioning to a new warfighting regime with serious escalatory potential. China's military modernization is designed to deny adversaries freedom of maneuver over, on, and under the East and South China Seas. Although China argues that its strategy is primarily defensive, the capabilities it is choosing to acquire to create a "defensive" perimeter -- long-range ballistic and cruise missiles, aircraft carriers, submarines -- are acutely offensive in nature. During a serious crisis when tensions are high, China would have powerful incentives to use these capabilities, particularly missiles, before they were targeted by the United States or another adversary. The problem is that U.S. military plans and posture have the potential to be equally escalatory, as they would reportedly aim to "blind" an adversary -- disrupting or destroying command and control nodes at the beginning of a conflict. At the same time, the increasingly unstable balance of military power in the Pacific is exacerbated by the (re)emergence of other regional actors with their own advanced military capabilities. Countries that have the ability and resources to embark on rapid modernization campaigns (e.g., Japan, South Korea, Indonesia) are well on the way. This means that in addition to two great powers vying for military advantage, the region features an increasingly complex set of overlapping military-technical competitions that are accelerating tensions, adding to uncertainty and undermining stability. This dangerous military dynamic will only get worse as more disruptive military technologies appear, including the rapid diffusion of unmanned and increasingly autonomous aerial and submersible vehicles coupled with increasingly effective offensive cyberspace capabilities. Of particular concern is not only the novelty of these new technologies, but the lack of well-established norms for their use in conflict. Thankfully, the first interaction between a Chinese UAV and manned Japanese fighters passed without major incident. But it did raise serious questions that neither nation has likely considered in detail. What will constrain China's UAV incursions from becoming increasingly assertive and provocative? How will either nation respond in a scenario where an adversary downs a UAV? And what happens politically when a drone invariably falls out of the sky or "drifts off course" with both sides pointing fingers at one another? Of most concern, how would these matters be addressed during a crisis, with no precedents, in the context of a regional military regime in which actors have powerful incentives to strike first? These are not just theoretical questions: Japan's Defense Ministry is reportedly looking into options for shooting down any unmanned drones that enter its territorial airspace. Resolving these issues in a fraught strategic environment between two potential adversaries is difficult enough; the United States and China remain at loggerheads about U.S. Sensitive Reconnaissance Operations along China's periphery. But the problem is multiplying rapidly. The Chinese are running one of the most significant UAV programs in the world, a program that includes Reaper- style UAVs and Unmanned Combat Aerial Vehicles (UCAVs); Japan is seeking to acquire Global Hawks; the Republic of Korea is acquiring Global Hawks while also building their own indigenous UAV capabilities; Taiwan is choosing to develop indigenous UAVs instead of importing from abroad; Indonesia is seeking to build a UAV squadron; and Vietnam is planning to build an entire UAV factory. One could take solace in Asia's ability to manage these gnarly sources of insecurity if the region had demonstrated similar competencies elsewhere. But nothing could be further from the case. It has now been more than a decade since the Association of Southeast Asian Nations (ASEAN) and China signed a declaration "to promote a peaceful, friendly and harmonious environment in the South China Sea," which was meant to be a precursor to a code of conduct for managing potential incidents, accidents, and crises at sea. But the parties are as far apart as ever, and that's on well-trodden issues of maritime security with decades of legal and operational precedent to build upon. It's hard to be optimistic that the region will do better in an unmanned domain in which governments and militaries have little experience and where there remains a dearth of international norms, rules, and institutions from which to draw. The rapid diffusion of advanced military technology is not a future trend. These capabilities are being fielded -- right now -- in perhaps the most geopolitically dangerous area in the world, over (and soon under) the contested seas of East and Southeast Asia. These risks will only increase with time as more disruptive capabilities emerge. In the absence of political leadership, these technologies could very well lead the region into war.

SCS conflict causes extinction

Wittner 11 (Lawrence S. Wittner, Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", [www.huntingtonnews.net/14446](http://www.huntingtonnews.net/14446))

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

Senkaku conflict causes extinction

Baker 12 (Kevin R., Member of the Compensation Committee of Calfrac, Chair of the Corporate Governance and Nominating Committee, served as President and Chief Executive Officer of Century Oilfield Services Inc. from August 2005 until November 10, 2009, when it was acquired by the Corporation. He also has served as the President of Baycor Capital Inc., 9/17/2012, “What Would Happen if China and Japan Went to War?”, http://appreviews4u.com/2012/09/17/what-would-happen-if-china-and-japan-went-to-war/)

China is not an isolationist country but it is quite nationalistic. Their allies include, Russia, which is a big super power, Pakistan and Iran as well as North Korea. They have more allies than Japan, although most relations have been built on economic strategies, being a money-centric nation. Countries potentially hostile toward China in the event of a Japan vs. China war include Germany, Britain, Australia and South Korea. So even though Japan does not outwardly build relationships with allies, Japan would have allies rallying around them if China were to attack Japan. The island dispute would not play out as it did in the UK vs. Argentina island dispute, as both sides could cause massive damage to each other, whereas the UK was far superior in firepower compared to Argentina. Conclusion Even though China outweighs Japan in numbers, the likelihood that a war would develop into a nuclear war means that numbers don’t really mean anything anymore. The nuclear capabilities of Japan and China would mean that each country could destroy each other many times over. The island dispute would then escalate to possible mass extinction for the human race. The nuclear fall out would affect most of Asia and to a certain extent the West. If the allies were then to turn on each other it would spell the end of the human race. Bear in mind that it will take an estimated 10,000 years for Chernobyl to become safe to walk around and you’ll get an idea of what state land masses will be in after a war of such magnitude. I say ‘land masses’ as countries and nations would cease to exist then and it would be a case of ‘if’ and ‘where’ could human beings, plant life and animals could exist, if at all possible, which is very doubtful. Even with underground bunkers, just how long could people survive down there? With plant and animal life eradicated above? I would say maybe 20 years at best, if there are ample supplies of course.

No defense

**Campbell et al 8** (Kurt M, Assistant Secretary of State for East Asian and Pacific Affairs, Dr. Campbell served in several capacities in government, including as Deputy Assistant Secretary of Defense for Asia and the Pacific, Director on theNational Security Council Staff, previously the Chief Executive Officer and co-founder of the Center for a New American Security (CNAS), served as Director of the Aspen Strategy Group and the Chairman of the Editorial Board of the Washington Quarterly, and was the founder and Principal of StratAsia, a strategic advisory company focused on Asia, rior to co-founding CNAS, he served as Senior Vice President, Director of the International Security Program, and the Henry A. Kissinger Chair in National Security Policy at the Center for Strategic and International Studies, doctorate in International Relation Theory from Oxford, former associate professor of public policy and international relations at the John F. Kennedy School of Government and Assistant Director of the Center for Science and International Affairs at Harvard University, member of Council on Foreign Relations and  International Institute for Strategic Studies, “The Power of Balance: America in iAsia” June 2008, <http://www.cnas.org/files/documents/publications/CampbellPatelSingh_iAsia_June08.pdf>)

Asian *investment* is also at record levels. Asian countries lead the world with unprecedented infra­structure projects. With over $3 trillion in foreign currency reserves, Asian nations and businesses are starting to shape global economic activity. Indian firms are purchasing industrial giants such as Arcelor Steel, as well as iconic brands of its once-colonial ruler, such as Jaguar and Range Rover. China’s Lenovo bought IBM’s personal computer We call the transformations across the Asia-Pacific the emergence of “iAsia” to reflect the adoption by countries across Asia of fundamentally new stra­tegic approaches to their neighbors and the world. Asian nations are pursuing their interests with real power in a period of both tremendous potential and great uncertainty. iAsia is: *Integrating:* iAsia includes increasing economic interdependence and a flowering of multinational forums to deal with trade, cultural exchange, and, to some degree, security. *Innovating:* iAsia boasts the world’s most successful manufacturing and technology sectors and could start taking the lead in everything from finance to nanotech to green tech. *Investing:* Asian nations are developing infrastruc­ture and human capital at unprecedented rates. But the continent remains plagued by: Insecurity: Great-power rivalry is alive in Asia. Massive military investments along with historic suspicions and contemporary territorial and other conflicts make war in Asia plausible. Instability: From environmental degradation to violent extremism to trafficking in drugs, people, and weapons, Asian nations have much to worry about. *Inequality:* Within nations and between them, inequality in Asia is more stark than anywhere else in the world. Impoverished minorities in countries like India and China, and the gap in governance and capacity within countries, whether as back­ward as Burma or as advanced as Singapore, present unique challenges. A traditional approach to Asia will not suffice if the United States is to both protect American interests and help iAsia realize its potential and avoid pitfalls. business and the Chinese government, along with other Asian financial players, injected billions in capital to help steady U.S. investment banks such as Merrill Lynch as the American subprime mortgage collapse unfolded. Chinese investment funds regional industrialization, which in turn creates new markets for global products. Asia now accounts for over 40 percent of global consumption of steel 4 and China is consuming almost half of world’s available concrete. 5 Natural resources from soy to copper to oil are being used by China and India at astonishing rates, driving up commodity prices and setting off alarm bells in Washington and other Western capitals. Yet Asia is not a theater at peace. On average, between 15 and 50 people die every day from causes tied to conflict, and suspicions rooted in rivalry and nationalism run deep. The continent harbors every traditional and non-traditional challenge of our age: it is a cauldron of religious and ethnic tension; a source of terror and extrem­ism; an accelerating driver of the insatiable global appetite for energy; the place where the most people will suffer the adverse effects of global climate change; the primary source of nuclear proliferation; and the most likely theater on Earth for a major conventional confrontation and even a nuclear conflict. Coexisting with the optimism of iAsia are the ingredients for internal strife, non-traditional threats like terrorism, and traditional interstate conflict, which are all magnified by the risk of miscalculation or poor decision-making.

Turkey will model US drone policies—that undermines commitment to anti-proliferation efforts in the Middle East.

Stein 13 (Aaron, doctoral candidate at King's College, London and a researcher specializing in proliferation in the Middle East at the Istanbul-based Center for Economics and Foreign Policy Studies, “The First Rule of Drone Club: The bad lessons Turkey learned from Obama's war from above.”, February 25, <http://www.foreignpolicy.com/articles/2013/02/25/the_first_rule_of_drone_club>, ZBurdette)

As the United States continues to grapple with the legal ramifications of using armed unmanned aerial vehicles to strike individuals, a slew of countries are eager to develop their own drones and mimic American tactics. Turkey is an avid supporter of drones and argues that it needs an indigenously-built UAV to combat the Kurdistan Workers Party (PKK), the Kurdish insurgents it has been fighting since the 1980s. The problem is that the Turkish republic seems to have adopted the principles currently guiding the U.S. use of drones: Say nothing about how you employ them and ignore the potential consequences. The PKK has come to dominate the country's security planning, but for years the Turkish Army's large conscript force and emphasis on heavy equipment left it ill-equipped to effectively fight an insurgency, particularly during the winter months. So, in addition to professionalizing its forces, it focused on improving its intelligence, surveillance, and reconnaissance capabilities. Ankara, therefore, purchased off-the-shelf drone systems from the United States, partnered with Israel for sale of Heron UAVs, and launched an effort to build one of its own -- an effort that has apparently come to fruition. Turkey now claims that the country's first domestically produced UAV -- a reconnaissance drone dubbed the "Anka" -- is set for serial production. While the Anka was beset with problems during testing, the drone is reported to be able to operate for 24 hours at an altitude up to 30,000 feet in adverse weather conditions during the day or at night. The Anka will primarily be used to surveil Turkey's Kurdish majority southeast and the PKK camps in the Kandil Mountains in Northern Iraq. Ankara hopes to develop an armed version of the Anka so that it can decrease the time needed to launch airstrikes against Kurdish targets. To help augment Turkey's drone capabilities in the interim, Ankara has requested unarmed and armed Predator and Reaper drones from the United States. Despite Turkey's repeated requests, U.S. export control law and congressional opposition will likely prevent the sale, but the Obama administration has sought to appease its Turkish counterparts and has agreed to station four unarmed Predator drones at Incirlik Air Force Base. The drones are flown by an American contractor from a joint operations center near Ankara. Turkish Air Force officers are in the room with their American counterparts and reportedly have the authority to direct the drones' movements. In 2011, Turkish officers in the Ankara operations center directed an American drone to surveil a known smuggling route near the Kurdish majority town of Uludere.\* After a group of men were spotted crossing the border illegally, the Turks reportedly ordered the Predator to fly away. A Turkish Heron then picked up the surveillance, and the Turkish Air Force bombed the smugglers. It was later revealed that the group of men were not members of the PKK, but 34 Kurdish citizens attempting to eke out a living by smuggling subsidized Iraqi gasoline to Turkey for resale. The subsequent uproar has led to a parliamentary investigation, though the report has been repeatedly delayed, and no minister has resigned. Most believe that the government is conspiring to prevent the authorities from carrying out their investigation in order to protect the person responsible for issuing the kill order. Turkey's pursuit of armed drones reflects, in part, the new consensus, driven by the United States, that they are useful, even critical, for counterterrorism. But there is little acknowledgment of the difficulties and dangers that drones pose. For example, few Turkish officials have made clear to the electorate that drones rely heavily on human operators and pre-existing intelligence. Nor have they acknowledged that the total cost of operating armed drones is reported to be higher than 240 F-16s in the Turkish Air Force. Most significantly, few in Turkey have grappled with the moral and legal implications of a country -- one hoping to join the European Union -- using drones to assassinate its own citizens. Turkey hasn't addressed the regional implications of increased drone use either. Unlike the United States, it has not received overflight rights from the countries where it would likely use its drones. Given Turkey's tense relationship with Iraqi Prime Minister Nouri al-Maliki, it is unlikely to secure drone overflight rights similar to those used by the United States in Yemen, Somalia, and Afghanistan. It is also unlikely that Turkish ally Masoud Barzani, the president of the Kurdistan Regional Government (KRG), would turn a blind eye to the Turkish military operating and using armed drones to kill Iraqi Kurds. True, it is widely believed that Turkey is using its fleet of Herons to violate Iraqi airspace to monitor PKK bases in Kandil. However, if Iraqi territory were repeatedly targeted with drone-fired missiles, relations with Baghdad would sour and Turkey's close alliance with the KRG would flag. Turkey's desire to export the Anka could also undermine its recent efforts to stem proliferation in the region. Turkish President Abdullah Gul told the opening session of Turkey's parliament in October 2012 that the threats posed by WMD in the region reinforced the need to make progress towards a Middle East WMD-free zone. But Egypt, which is not a signatory to the Chemical Weapons Convention (CWC), has agreed to purchase ten Anka drones from Turkey's Turkish Aersopace Industries. If the sale is finalized, Ankara will have agreed to export a dual-use item to a non-signatory of the CWC that has a history of chemical weapons use (in North Yemen in the 1960s). While it is unlikely that Egypt would arm the Anka with chemical weapons, the sale would nevertheless send conflicting messages about Turkey's commitment to regional disarmament and nonproliferation. So, just like the United States, Turkey faces a series of unresolved political, legal, and strategic issues as it moves forward with its drone program. It may well conclude that armed drones -- and even the assassination of Turkish citizens -- are vital for Turkish security. But whatever debate the government is having is a mystery. Turkey, therefore, appears to have adopted almost all of the American established norms associated with drones. The problem is those norms are to keep all of the details secret and to prevent the public from weighing in.

Turkey is key to Iran prolif negotiations

Rouhi 13 (Mahsa Rouhi is a research associate at MIT’s Center for International Studies., 1/29/2013, "Iran and the US need a middleman – or two", www.csmonitor.com/Commentary/Opinion/2013/0129/Iran-and-the-US-need-a-middleman-or-two)

This week, Iran sparked international concern again after it announced a successful launch of a monkey into space – a testament to the progress of its missile systems – and deflected reports of an explosion at its Fordrow nuclear facility. As Iran and the international community try to agree on a date and prepare for a new round of negotiations over Iran’s nuclear program, it is time to reflect on the lessons learned from previous failed talks. Following the model of the Turkey-Brazil proposal considered in mid-2010, negotiators should once again turn to “middlemen” countries that can help fashion a deal that satisfies both Western and Iranian concerns. Turkey and Japan are **perfectly positioned as trusted intermediaries** to build a credible proposal that has a better chance of standing up to the scrutiny of Washington and Tehran than anything likely to be produced by the P5+1 (the five permanent members of the UN Security Council, plus Germany). **Only with intermediaries** that are perceived as honest brokers by both sides can the Iranian nuclear negotiations break out of what has become a zero-sum game. There have been near misses in international efforts to strike a deal with Iran, but none came closer than the Turkey-Brazil proposal to resolving the fundamental demands of both the United States and Iran. At heart, Western powers want to ensure that Iran is not pursuing nuclear weapons capabilities, while Tehran wants to ensure it preserves its “right” to develop a peaceful nuclear program. Based on an American proposal from the previous year, the 2010 Turkey-Brazil proposal would have allowed Iran to send large quantities of its low-enriched uranium to Turkey to be refined to medical reactor-grade purity, for the production of medical isotopes but not the development of a nuclear weapon. It was a good idea in principle, and was too easily dismissed by the P5+1 negotiators when it was brought back to the table by a joint effort by Turkey and Brazil. One of the key reasons the Americans mentioned for rejecting the deal was that numbers for the amount of enriched uranium to be transferred out that were discussed in 2009 were already obsolete by 2010, as Iran had continued enriching uranium over the course of the negotiations. As negotiators approach talks this time around, the specifics of an updated proposal along the lines of the Turkey-Brazil deal would have to be reworked, but the original approach was sound, and it is worth another try. Nuclear negotiations with Iran have been consistently undermined by the adversarial relationship between Iran and the West. Decades of mutual distrust have made it nearly impossible to broker an agreement. The Turkey-Brazil negotiation circumvented this tension, and Turkish and Brazilian diplomats leveraged their warm relations with Iran, the United States, and European countries and their own status as rising powers in the international community to present themselves as honest brokers. The need for credible intermediaries has not abated in the past year and a half. In fact, if there is any hope that a deal can still be reached, **the chances of success will be best** if both Iran and the P5+1 can work with intermediary countries that are trusted on both sides. Turkey remains well placed to facilitate a new agreement – it is Iran’s bridge to Europe and the West. Ankara has been eager to assert itself in the global arena and has a vested interest in the Iranian nuclear negotiations succeeding. Turkish officials would like to avoid a regional conflagration that would disrupt trade and could spill over into neighboring countries, and they would also like to avoid an Iranian bomb that could shift the balance of power in the Middle East. Threading that needle would be a diplomatic coup for Turkey. This mediation process could also help bring Iran and Turkey closer to overcome recent tensions over the Syrian crisis.

Nuclear war

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” *Foreign Affairs*, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade. There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT. n-player competition Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

The best scholarship validates our theory of arms races–unless norms precede formal agreements, they’ll be ineffective

Robert Farley 11, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, Over the Horizon: U.S. Drone Use Sets Global Precedent, October 12, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

Is the world about to see a "drone race" among the United States, China and several other major powers? Writing in the New York Times, Scott Shane argued that just such an arms race is already happening and that it is largely a result of the widespread use of drones in a counterterror role by the United States. Shane suggests that an international norm of drone usage is developing around how the United States has decided to employ drones. In the future, we may expect that China, Russia and India will employ advanced drone technologies against similar enemies, perhaps in Xinjiang or Chechnya. Kenneth Anderson agrees that the drone race is on, but disagrees about its cause, arguing that improvements in the various drone component technologies made such an arms race inevitable. Had the United States not pursued advanced drone technology or launched an aggressive drone campaign, some other country would have taken the lead in drone capabilities. So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare. States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example. What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war. However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

## Solvency

Solvency

Status quo administration policy delineates between geographic zones, but our legal justification for war everywhere remains in place

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>

Two further points are worth noting. First, the administration has acknowledged that in the case of American citizens, even when they are involved in the armed conflict, the US Constitution imposes additional requirements of due process that bring the threshold for targeted killing close to that involved in a self-defence analysis. These requirements were listed in a Department of Justice white paper that became public earlier this year.26 Second, **the administration has** at times **suggested** that even in the case of non-Americans **its policy is to concentrate its efforts against individuals who pose a significant and imminent threat to the US**. For example, John Brennan said in his Harvard speech in September 2011 that the administration’s counterterrorism efforts outside Afghanistan and Iraq were “focused on those individuals who are a threat to the United States, whose removal would cause a significant – even if only temporary – disruption of the plans and capabilities of al-Qaeda and its associated forces”.27 However, the **details** that have emerged about US targeting practices in the past few years **raise questions about how closely this approach has been followed in practice**. An analysis published by McClatchy Newspapers in April, based on classified intelligence reports, claimed that 265 out of 482 individuals killed in Pakistan in a 12-month period up to September 2011 were not senior al-Qaeda operatives but instead were assessed as Afghan, Pakistani, and unknown extremists.28 It has been widely reported that in both Pakistan and Yemen the US has at times carried out “signature strikes” or “Terrorist Attack Disruption Strikes” in which groups are targeted based not on knowledge of their identity but on a pattern of behaviour that complies with a set of indicators for militant activity. It is widely thought that these attacks have accounted for many of the civilian casualties caused by drone strikes. In both Pakistan and Yemen, there may have been times when some drone strikes – including signature strikes – could perhaps best be understood as counterinsurgency actions in support of government forces in an internal armed conflict or civil war, and in this way lawful under the laws of armed conflict. Some attacks in Pakistan may also have been directly aimed at preventing attacks across the border on US forces in Afghanistan. However, **by presenting its drone programme overall as part of** a global armed conflict. the **Obama** administration **continues to set** an expansive precedent **that is damaging to the international rule of law**. Obama’s new policy on drones It is against this background that Obama’s recent counterterrorism speech and the policy directive he announced at the same time should be understood. On the subject of remotely piloted aircraft and targeted killing, there were two key aspects to his intervention. First, he suggested that the military element in US counterterrorism may be scaled back further in the coming months, and that he envisages a time in the not-too-distant future when the fight against the al-Qaeda network will no longer qualify as an armed conflict. He said that “the core of al Qaeda in Afghanistan and Pakistan is on the path to defeat” and that while al-Qaeda franchises and other terrorists continued to plot against the US, “the scale of this threat closely resembles the types of attacks we faced before 9/11”.29 Obama promised that he would not sign legislation that expanded the mandate of the AUMF, and proclaimed that the United States’ “systematic effort to dismantle terrorist organizations must continue […] but this war, like all wars, must end”. The tone of Obama’s speech contrasted strongly with that of US **military officials** who testified before the Senate Committee on Armed Services the week before; Michael Sheehan, the Assistant Secretary of Defence for Special Operations and Low-Intensity Conflict, **said** then that **the end of the armed conflict was “a long way off**” and appeared to say that **it might continue for 10 to 20 years**.30 Second, the day before his speech, **Obama set out regulations** for drone strikes that appeared to restrict them beyond previous commitments (the guidance remains classified but a summary has been released). The guidance set out standards and procedures for drone strikes “that are either already in place or will be transitioned into place over time”.31 **Outside areas of active hostilities, lethal force will only be used “when capture is not feasible and no other reasonable alternatives exist to address the threat effectively”. It will only be used against a target “that poses a continuing, imminent threat to US persons”. And there must be “near certainty that non-combatants will not be injured or killed**”. In some respects, these standards remain unclear: the president did not specify how quickly they would be implemented, or how “areas of active hostilities” should be understood. Nevertheless, **taken at face value,** they **seem to** represent a meaningful change**, at least on a conceptual level**. Effectively, they bring the criteria for all targeted strikes into line with the standards that the administration had previously determined to apply to US citizens. **Where the administration had previously said on occasions that it focused in practice on those people who pose the greatest threat,** this is **now formalised as** official policy. In this way, the standards are **significantly** more restrictive than the limits that the laws of armed conflict set for killing in wartime, and represent a shift towards a threat-based rather than status-based approach. **In effect, the new policy endorses a self-defence standard as the** de facto basis **for US drone strikes**, even if the continuing level of attacks would strike most Europeans as far above what a genuine self-defence analysis would permit.32 The new standards would seem to prohibit signature strikes in countries such as Yemen and Somalia and confine them to Pakistan, where militant activity could be seen as posing a cross-border threat to US troops in Afghanistan. According to news reports, signature strikes will continue in the Pakistani tribal areas for the time being.33 However, the impact of the new policy will depend very much on how the concept of a continuing, imminent threat is interpreted. The administration has not given any definition of this phrase, and the leaked Department of Justice white paper contained a strikingly broad interpretation of imminence; among other points, the white paper said that it “does not require the United States to have clear evidence that a specific attack on US persons or interests will take place in the immediate future” and that it “must incorporate considerations of the relevant window of opportunity, the possibility of reducing collateral damage to civilians, and the likelihood of heading off future disastrous attacks on Americans”.34 The presidential policy guidance captures the apparent concerns behind the administration’s policy more honestly by including the criterion of continuing threat, but this begs the question of how the notions of a “continuing” and “imminent” threat relate to each other. Even since Obama’s speech, the US is reported to have carried out four drone strikes (two in Pakistan and two in Yemen) killing between 18 and 21 people – suggesting that the level of attacks is hardly diminishing **under the new guidelines**.35 It is also notable that the new standards **announced by Obama** represent a policy decision **by the US** rather than **a** revised **interpretation of its** legal obligations. In his speech, **Obama drew a distinction between legality and morality**, pointing out that “to say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance”. The suggestion was that the US was scaling back its use of drones out of practical or normative considerations, not because of any new conviction that the its previous legal claims went too far. The **background** assertion that the US **is engaged in an armed conflict with al-Qaeda and associated forces, and** might **therefore** lawfully kill any member **of the opposing forces** wherever they were found, remains in place **to serve** as a precedent **for other states that wish to claim it**.

Limiting the use of force as a first resort is critical to sustainable consensus-building on targeted killing standards

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

Legal scholars, policymakers, and state actors are embroiled in a heated debate about whether the conflict with al Qaeda is concentrated within specific geographic boundaries or extends to wherever al Qaeda members and associated forces may go. The United States' expansive view of the conflict, coupled with its broad definition of the enemy, has led to a legitimate concern about the creep of war. Conversely, the European and human rights view, which confines the conflict to a limited geographic region, ignores the potentially global nature of the threat and unduly constrains the state's ability to respond. Neither the law of international armed conflict (governing conflicts between states) nor the law of noninternational armed conflict (traditionally understood to govern intrastate conflicts) provides the answers that are so desperately needed. The zone approach proposed by this Article fills the international law gap, effectively mediating the multifaceted liberty and security interests at stake. It recognizes the broad sweep of the conflict, but distinguishes between zones of active hostilities and other areas in determining which rules apply. Specifically, it offers a set of standards that would both limit and legitimize the use of out-of-battlefield targeted killings and law of war-based detentions, subjecting their use to an individualized threat assessment, a least-harmful-means test, and significant procedural safeguards. This approach confines the use of out-of-battlefield targeted killings and detention without charge to extraordinary situations in which the security of the state so demands. It thus limits the use of force as a first resort, protects against the unnecessary erosion of peacetime norms and institutions, and safeguards individual liberty. At the same time, the zone approach ensures that the state can effectively respond to grave threats to its security, wherever those threats are based. The United States has already adopted a number of policies that distinguish between zones of active hostilities and elsewhere, implicitly recognizing the importance of this distinction. By adopting the proposed framework as a matter of law, the United States can begin to set the standards and build an international consensus as to the rules that ought to apply, not only to this conflict, but to future conflicts. The likely reputational, security, and foreign policy gains make acceptance of this framework a worthy endeavor.

Only congressional action on the scope of hostilities sends a clear signal that the US abides by the laws of armed conflict

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• First, the United States government urgently needs publicly to declare the legal rationale behind its use of drones, and defend that legal rationale in the international community, which is increasingly convinced that parts, if not all, of its use is a violation of international law. • Second, the legal rationale offered by the United States government needs to take account, not only of the use of drones on traditional battlefields by the US military, but also of the Obama administration’s signature use of drones by the CIA in operations outside of traditionally conceived zones of armed conflict, whether in Pakistan, or further afield, in Somalia or Yemen or beyond. This legal rationale must be certain to protect, in plain and unmistakable language, the lawfulness of the CIA’s participation in drone-related uses of force as it takes place today, and to protect officials and personnel from moves, in the United States or abroad, to treat them as engaged in unlawful activity. It must also be broad enough to encompass the use of drones (under the statutory arrangements long set forth in United States domestic law) by covert civilian agents of the CIA, in operations in the future, involving future presidents, future conflicts, and future reasons for using force that have no relationship to the current situation. • Third, the proper legal rationale for the use of force in drone operations in special, sometimes covert, operations outside of traditional zones of armed conflict is the customary international law doctrine of self-defense, rather than the narrower law of armed conflict. • Fourth, Congress has vital roles to play here, mostly in asserting the legality of the use of drones. These include: (i) Plain assertion of the legality of the programs as currently used by the Obama administration, as a signal to courts in the US as well as the international community and other interested actors, that the two political branches are united on an issue of vital national security and foreign policy. (ii) Congressional oversight mechanisms should also be strengthened in ensuring Congress’s meaningful knowledge and ability to make its views known. (iii) Congress also should consider legislation to clarify once and for all that that covert use of force is lawful under US law and international law of self-defense, and undertake legislation to make clear the legal protection of individual officers. (iv) Congress should also strongly encourage the administration to put a public position on the record. In my view, that public justification ought to be something (self-defense, in my view) that will ensure the availability of targeted killing for future administrations outside the context of conflict with Al Qaeda – and protect against its legal erosion by acquiescing or agreeing to interpretations of international law that would accept, even by implication, that targeted killing by the civilian CIA using drones is per se an unlawful act of extrajudicial execution. The Multiple Strategic Uses of Drones and Their Legal Rationales 4. Seen through the lens of legal policy, drones as a mechanism for using force are evolving in several different strategic and technological directions, with different legal implications for their regulation and lawful use. From my conversations and research with various actors involved in drone warfare, the situation is a little bit like the blind men and the elephant – each sees only the part, including the legal regulation, that pertains to a particular kind of use, and assumes that it covers the whole. The whole, however, is more complicated and heterogeneous. They range from traditional tactical battlefield uses in overt war to covert strikes against non-state terrorist actors hidden in failed states, ungoverned, or hostile states in the world providing safe haven to terrorist groups. They include use by uniformed military in ordinary battle but also use by the covert civilian service. 5. Although well-known, perhaps it bears re-stating the when this discussion refers to drones and unmanned vehicle systems, the system is not “unmanned” in the sense that human beings are not in the decision or control loop. Rather, “unmanned” here refers solely to “remote-piloted,” in which the pilot and weapons controllers are not physically on board the aircraft. (“Autonomous” firing systems, in which machines might make decisions about the firing of weapons, raise entirely separate issues not covered by this discussion because they are not at issue in current debates over UA Vs.) 6. Drones on traditional battlefields. The least legally complicated or controversial use of drones is on traditional battlefields, by the uniformed military, in ordinary and traditional roles of air power and air support. From the standpoint of military officers involved in such traditional operations in Afghanistan, for example, the use of drones is functionally identical to the use of missile fired from a standoff fighter plane that is many miles from the target and frequently over-the-horizon. Controllers of UAVs often have a much better idea of targeting than a pilot with limited input in the cockpit. From a legal standpoint, the use of a missile fired from a drone aircraft versus one fired from some remote platform with a human pilot makes no difference in battle as ordinarily understood. The legal rules for assessing the lawfulness of the target and anticipated collateral damage are identical. 7. Drones used in Pakistan’s border region. Drones used as part of the on-going armed conflict in Afghanistan, in which the fighting has spilled over – by Taliban and Al Qaeda flight to safe havens, particularly – into neighboring areas of Pakistan likewise raise relatively few questions about their use, on the assumption that the armed conflict has spilled, as is often the case of armed conflict, across an international boundary. There are no doubt important international and diplomatic questions raised about the use of force across the border – and that is presumably one of the major reasons why the US and Pakistan have both preferred the use of drones by the CIA with a rather shredded fig leaf, as it were, of deniability, rather than US military presence on the ground in Pakistan. The **legal questions are important**, but (unless one takes the view that the use of force by the CIA is always and per se illegal under international law, even when treated as part of the armed forces of a state in what is unquestionably an armed conflict) there is nothing legally special about UAVs that would distinguish them from other standoff weapons platforms. 8. Drones used in Pakistan outside of the border region. The use of drones to target Al Qaeda and Taliban leadership outside of places in which it is factually plain that hostilities are underway begins to invoke the current legal debates over drone warfare. From a strategic standpoint, of course, the essence of much fighting against a raiding enemy is to deny it safe haven; as safe havens in the border regions are denied, then the enemy moves to deeper cover. The strategic rationale for targeting these leaders (certainly in the view of the Obama administration) is overwhelming. Within the United States, and even more without, arguments are underway as to whether Pakistan beyond the border regions into which overt fighting has spilled can justify reach to the law of armed conflict as a basis and justification for drone strikes. 9. Drones used against Al Qaeda affiliates outside of AfPak – Somalia, Yemen or beyond. The President, in several major addresses, has stressed that the United States will take the fight to the enemy, and pointedly included places that are outside of any traditionally conceived zone of hostilities in Iraq or AfPak – Somalia and Yemen have each been specifically mentioned. And indeed, the US has undertaken uses of force in those places, either by means of drones or else by human agents. The Obama administration has made clear – entirely correctly, in my view – that it will deny safe haven to terrorists. As the president said in an address at West Point in fall 2009, we “cannot tolerate a safe-haven for terrorists whose location is known, and whose intentions are clear.”1 In this, the President follows the long-standing, traditional view of the US government endorsing, as then-State Department Legal Advisor Abraham Sofaer put it in a speech in 1989, the “right of a State to strike terrorists within the territory of another State where terrorists are using that territory as a location from which to launch terrorist attacks and where the State involved has failed to respond effectively to a demand that the attacks be stopped.”2 10. The United States might assert in these cases that the armed conflict goes where the combatants go, in the case particularly of an armed conflict (with non-state actors) that is already acknowledged to be underway. In that case, those that it targets are, in its view, combats that can lawfully be targeted, subject to the usual armed conflict rules of collateral damage. One says this without knowing for certain whether this is, in fact, the US view – although the Obama administration is under pressure for failing to articulate a public legal view, this was equally the case for the preceding two administrations. In any case, however, that view is sharply contested as a legal matter. The three main contending legal views at this point are as follows: • One legal view (the traditional view and that presumably taken by the Obama administration, except that we do not know for certain, given its reticence) is that we are in an armed conflict. Wherever the enemy goes, we are entitled to follow and attack him as a combatant. Geography and location – important for diplomatic reasons and raising questions about the territorial integrity of states, true – are irrelevant to the question of whether it is lawful to target under the laws of war; the war goes where the combatant goes. We must do so consistent with the laws of war and attention to collateral damage, and other legal and diplomatic concerns would of course constrain us if, for example, the targets fled to London or Istanbul. But the fundamental right to attack a combatant, other things being equal, surely cannot be at issue. • A second legal view directly contradicts the first, and says that the legal rights of armed conflict are limited to a particular theatre of hostilities, not to wherever combatants might flee throughout the world. This creates a peculiar question as to how, lawfully, hostilities against a non-state actor might ever get underway. But the general legal policy response is that if there is no geographic constraint consisting of a “theatre” of hostilities, then the very special legal regime of the laws of armed conflict might suddenly, and without any warning, apply – and overturn – ordinary laws of human rights that prohibit extrajudicial execution, and certainly do not allow attacks subject merely to collateral damage rules, with complete surprise and no order to it. Armed conflict is defined by its theatres of hostilities, on this view, as a mechanism for limiting the scope of war and, importantly, the reach of the laws of armed conflict insofar as the displace (with a lower standard of protection) ordinary human rights law. Again, this leaves a deep concern that this view, in effect, empowers the fleeing side, which can flee to some place where, to some extent, it is protected against attack. • A third legal view (to which I subscribe) says that armed conflict under the laws of war, both treaty law of the Geneva Conventions and customary law, indeed accepts that non-international armed conflict is defined, and therefore limited by, the presence of persistent, sustained, intense hostilities. In that sense, then, an armed conflict to which the laws of war apply exists only in particular places where those conditions are met. **That is not the end of the legal story, however**. Armed conflict as defined under the Geneva Conventions (common articles 2 and 3) is not the only international law basis for governing the use of force. The international law of self-defense is a broader basis for the use of force in, paradoxically, more limited ways that do not rise to the sustained levels of fighting that legally define hostilities. • Why is self-defense the appropriate legal doctrine for attacks taking place away from active hostilities? From a strategic perspective, a large reason for ordering a limited, pinprick, covert strike is in order to avoid, if possible, an escalation of the fighting to the level of overt intensity that would invoke the laws of war – the intent of the use of force is to avoid a wider war. Given that application of the laws of war, in other words, requires a certain level of sustained and intense hostilities, that is not always a good thing. It is often bad and precisely what covert action seeks to avoid. The legal basis for such an attack is not armed conflict as a formal legal matter – the fighting with a non-state actor does not rise to the sustained levels required under the law’s threshold definition – but instead the law of self-defense. • Is self-defense law simply a standardless license wantonly to kill? This invocation of self-defense law should not be construed as meaning that it is without limits or constraining standards. On the contrary, it is not standardless, even though it does not take on all the detailed provisions of the laws of war governing “overt” warfare, including the details of prison camp life and so on. It must conform to the customary law standards of necessity and proportionality – necessity in determining whom to target, and proportionality in considering collateral damage. The standards in those cases should essentially conform to military standards under the law of war, and in some cases the standards should be still higher. 11. The United States government seems, to judge by its lack of public statements, remarkably indifferent to the increasingly vehement and pronounced rejection of the first view, in particular, that the US can simply follow combatants anywhere and attack them. The issue is not simply collateral damage in places where no one had any reason to think there was a war underway; prominent voices in the international legal community question, at a minimum, the lawfulness of even attacking what they regard as merely alleged terrorists. In the view of important voices in international law, the practice outside of a traditional battlefield is a violation of international human rights law guarantees against extrajudicial execution and, at bottom, is just simple murder. On this view, the US has a human rights obligation to seek to arrest and then charge under some law; it cannot simply launch missiles at those it says are its terrorist enemies. It shows increasing impatience with US government silence on this issue, and with the apparent – but quite undeclared – presumption that the armed conflict goes wherever the combatants go. 12. Thus, for example, the UN special rapporteur on extrajudicial execution, NYU law professor Philip Alston, has asked in increasingly strong terms that, at a minimum, the US government explain its legal rationales for targeted killing using drones. The American Civil Liberties Union in February 2010 filed an extensive FOIA request (since re-filed as a lawsuit), seeking information on the legal rationales (but including requests for many operational facts) for all parts of the drones programs, carefully delineating military battlefield programs and CIA programs outside of the ordinary theatres of hostilities. Others have gone much further than simply requests that the US declare its legal views and have condemned them as extrajudicial execution – as Amnesty International did with respect to one of the earliest uses of force by drones, the 2002 Yemen attack on Al Qaeda members. The addition of US citizens to the kill-or-capture list, under the authorization of the President, has raised the stakes still further. The stakes, in this case, are highly unlikely to involve President Obama or Vice-President Biden or senior Obama officials. They are far more likely to involve lower level agency counsel, at the CIA or NSC, who create the target lists and make determinations of lawful engagement in any particular circumstance. It is they who would most likely be investigated, indicted, or prosecuted in a foreign court as, the US should take careful note, has already happened to Israeli officials in connection with operations against Hamas. **The reticence of the US government on this matter is frankly hard to justify**, at this point; this is not a criticism per se of the Obama administration, because the George W. Bush and Clinton administrations were equally unforthcoming. But this is the Obama administration, and **public silence on the legal legitimacy of targeted killings especially in places** and ways **that are not obviously** by the military in obvious **battlespaces is increasingly problematic**. 13. Drones used in future circumstances by future presidents against new non-state terrorists. A government official with whom I once spoke about drones as used by the CIA to launch pinpoint attacks on targets in far-away places described them, in strategic terms, as the “lightest of the light cavalry.” He noted that if terrorism, understood strategically, is a “raiding strategy” launched largely against “logistical” rather than “combat” targets – treating civilian and political will as a “logistical target” in this strategic sense – then how should we see drone attacks conducted in places like Somalia or Yemen or beyond? We should understand them, he said, as a “counter-raiding” strategy, aimed not at logistical targets, but instead at combat targets, the terrorists themselves. Although I do not regard this use of “combat” as a legal term – because, as suggested above, the proper legal frame for these strikes is self-defense rather than “armed conflict” full-on – as a strategic description, this is apt. 14. This blunt description suggests, however, that it is a profound mistake to think that the importance of drones lies principally on the traditional battlefield, as a tactical support weapon, or even in the “spillover” areas of hostilities. In those situations, it is perhaps cheaper than the alternatives of manned systems, but is mostly a substitute for accepted and existing military capabilities. Drone attacks become genuinely special as a form of strategic, yet paradoxically discrete, air power outside of overt, ordinary, traditional hostilities – the farthest project of discrete force by the lightest of the light cavalry. As these capabilities develop in several different technological direction – on the one hand, smaller vehicles, more contained and limited kinetic weaponry, and improved sensors and, on the other hand, large-scale drone aircraft capable of going after infrastructure targets as the Israelis have done with their Heron UAVs – it is highly likely that they will become a weapon of choice for future presidents, future administrations, in future conflicts and circumstances of self- defense and vital national security of the United States. Not all the enemies of the United States, including transnational terrorists and non-state actors, will be Al Qaeda or the authors of 9/11. Future presidents will need these technologies and strategies – and will need to know that they have sound, publicly and firmly asserted legal defenses of their use, including both their use and their limits in law.

Congressional restriction key to credibility and signal

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What Should Congress Do?

Does this analysis offer any practical policy prescriptions for Congress and the administration? The problem is not so much a need for new legislation to create new structures or new policies. The legislative category in which many instances of targeted killing might take place in the future already exists. The task for Congress and the administration, rather, is instead to preserve a category that is likely to be put under pressure in the future and, indeed, is already seen by many as a legal non-starter under international law. Before addressing what Congress should do in this regard, we might ask from a strictly strategic political standpoint whether, given that the Obama Administration is committed to this policy anyway, whether it is politically prudent to draw public attention to the issue at all. Israeli officials might be threatened with legal action in Spain; but so far no important actor has shown an appetite for taking on the Obama Administration. Perhaps it is better to let sleeping political dogs lie. These questions require difficult political calculations. However, the sources cited above suggest that even if no one is quite prepared at this moment to take on the Obama Administration on targeted killing, the intellectual and legal pieces of the challenge are already set up and on the table. Having asserted certain positions concerning human rights law and its application and the United States having unthinkingly abandoned its self-defense rationale for its policy, the play can be made at any time—at some later time in the Obama Administration or in the next Republican administration, prying apart the “American” position to create a de facto alliance among Democrats and Europeans and thereby undermining the ability of the United States to craft a unified American security strategy.101 The United States would be best served if the Obama Administration did that exceedingly rare thing in international law and diplomacy: Getting the United States out in front of the issue by making plain the American position, rather than merely reacting in surprise when its sovereign prerogatives are challenged by the international soft-law community. The deeper issue here is not merely a strategic and political one about targeted killing and drones but goes to the very grave policy question of whether it is time to move beyond the careful ambiguity of the CIA’s authorizing statute in referring to covert uses of force under the doctrines of vital national interest and self-defense. Is it time to abandon strategic ambiguity with regards to the Fifth Function and assert the right to use force in self-defense and yet in “peacetime”—that is, outside of the specific context of an armed conflict within the meaning of international humanitarian law? Quite possibly, the strategic ambiguity, in a world in which secrecy is more and more difficult, and in the general fragmentation of voice and ownership of international law, has lost its raison d’etre. This is a larger question than the one undertaken here, but on a range of issues including covert action, interrogation techniques, detention policy, and others, a general approach of overt legislation that removes ambiguity is to be preferred. The single most important role for Congress to play in addressing targeted killings, therefore, is the open, unapologetic, plain insistence that the American understanding of international law on this issue of self-defense is legitimate. The assertion, that is, that the United States sees its conduct as permissible for itself and for others. And it is the putting of congressional strength behind the official statements of the executive branch as the opinio juris of the United States, its authoritative view of what international law is on this subject. If this statement seems peculiar, that is because the task—as fundamental as it is—remains unfortunately poorly understood. Yet if it is really a matter of political consensus between Left and Right that targeted killing is a tool of choice for the United States in confronting its non-state enemies, then this is an essential task for Congress to play in support of the Obama Administration as it seeks to speak with a single voice for the United States to the rest of the world. The Congress needs to backstop the administration in asserting to the rest of the world— including to its own judiciary—how the United States understands international law regarding targeted killing. And it needs to make an unapologetic assertion that its views, while not dispositive or binding on others, carry international authority to an extent that relatively few others do—even in our emerging multi-polar world. International law traditionally, after all, accepts that states with particular interests, power, and impact in the world, carry more weight in particular matters than other states. The American view of maritime law matters more than does landlocked Bolivia’s. American views on international security law, as the core global provider of security, matter more than do those of Argentina, Germany or, for that matter, NGOs or academic commentators. But it has to speak—and speak loudly—if it wishes to be heard. It is an enormously important instance of the need for the United States to re-take “ownership” of international law— not as its arbiter, nor as the superpower alone, but as a very powerful, very important, and very legitimate sovereign state. Intellectually, continuing to squeeze all forms and instances of targeted killing by standoff platform under the law of IHL armed conflict is probably not the most analytically compelling way to proceed. It is certainly not a practical long-term approach. Not everyone who is an intuitively legitimate target from the standpoint of self-defense or vital national security, after all, will be already part of an armed conflict or combatant in the strict IHL sense. Requiring that we use such IHL concepts for a quite different category is likely to have the deleterious effect of deforming the laws of war, over the long term—starting, for example, with the idea of a “global war,” which is itself a certain deformation of the IHL concept of hostilities and armed conflict.

This is current administration policy, it just needs to be formalized

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

One might be skeptical that a nation like the United States would ever accept such constraints on the exercise of its authority. There are, however, several reasons why doing so would be in the United States' best interest. First, as described in Section II.B, **the** general **framework is** largely **consistent with current U.S. practice since 2006**. The United States has, as a matter of policy, adopted important limits on its use of out-of-battlefield targeting and law-of-war detention suggesting an implicit recognition of the value and benefits of restraint. Second, while the proposed substantive and procedural safeguards are more stringent than those that are currently being employed, their implementation will lead to increased restraint and enhanced legitimacy, which in turn inure to the state. As the U.S. Counterinsurgency Manual explains, it is impossible and self-defeating to attempt to capture or kill every potential insurgent: "Dynamic insurgencies can replace losses quickly. Skillful counterinsurgents must thus cut off the sources of that recuperative power" by increasing their own legitimacy at the expense of the insurgent's legitimacy. n215 The Counterinsurgency Manual further notes, "Excessive use of force, unlawful detention ... and punishment without trial" comprise "illegitimate actions" that are ultimately "self-defeating." n216 In this vein, the Manual advocates moving "from combat operations to law enforcement as [\*1232] quickly as feasible." n217 **In other words, the high profile and controversial nature of killings outside conflict zones** and detention without charge **can work to the advantage of terrorist groups** and to the detriment of the state. **Self-imposed limits on** the use of detention without charge and **targeted killing** can **yield legitimacy and security benefits**. n218 Third, limiting the exercise of these authorities outside zones of active hostilities better accommodates the demands of European allies, upon whose support the United States relies. As Brennan has emphasized: "**The convergence of our** legal views **with those of our international partners matters**. The effectiveness of our counterterrorism activities depends on the assistance and cooperation of our allies who, in ways public and private, take great risks to aid us in this fight." n219 By placing self-imposed limits on its actions outside the "hot" battlefield, the United States will be in a better position to participate in the development of an international consensus as to the rules that ought to apply. Fourth, such self-imposed restrictions are more consistent with the United States' long-standing role as a champion of human rights and the rule of law a role that becomes difficult for the United States to play when viewed as supporting broad-based law-of-war authority that gives it wide latitude to employ force as a first resort and bypass otherwise applicable human rights and domestic law enforcement norms. Fifth, **and critically, while the U**nited **S**tates **might be confident that it will exercise its authorities responsibly, it cannot assure that other states will follow suit**. What is to prevent Russia, for example, from asserting that [\*1233] it is engaged in an armed conflict with Chechen rebels, and can, consistent with the law of war, kill or detain any person anywhere in the world which it deems to be a "functional member" of that rebel group? Or Turkey from doing so with respect to alleged "functional members" of Kurdish rebel groups? If such a theory ultimately resulted in the targeted killing or detaining without charge of an American citizen, the United States would have few principled grounds for objecting.

# 2AC

## 2AC Drones Bad

#### 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.

## K on Case

Diagnosis of problems in our methodology fails in the absence of a positive alternative. Only PRAGMATIC POLICY options can break this deadlock

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 Reading orientalism: said and the unsaid (Google eBook)

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 In sum, the essential argument of Orientalism is that a pervasive and endemic Western discourse of Orientalism has constructed "the Orient," a representation that Said insists not only is perversely false but prevents the authentic rendering of a real Orient, even by Orientals themselves. Academicized Orientalism is thus dismissed, in the words of one critic, as "the magic wand of Western domination of the 0rient."283i The notion of a single conceptual essence of Orient is the linchpin in Said's polemical reduction of all Western interpretation of the real or imagined geographical space to a single and latently homogeneous discourse. Read through Orientalism and only the Orient of Western Orientalism is to be encountered; authentic Orients are not imaginable in the text. The Orient is rhetorically available for Said simply by virtue of not really being anywhere. Opposed to this Orient is the colonialist West, exemplified by France, Britain, and the United States. East versus West, Occident over Orient: this is the debilitating binary that has framed the unending debate over Orientalism. A generation of students across disciplines has grown up with limited challenges to the polemical charge by Said that scholars who study the Middle East and Islam still do so institutionally through an interpretive sieve that divides a superior West from an inferior East. Dominating the debate has been a tiresome point/counterpoint on whether literary critic Edward Said or historian Bernard Lewis knows best. Here is where the dismissal of academic Orientalism has gone wrong. Over and over again the same problem is raised. Does the Orient as several generations of Western travelers, novelists, theologians, politicians, and scholars discoursed it really exist? To not recognize this as a fundamentally rhetorical question because of Edward Said is, nolo contendere, nonsense. No serious scholar can assume a meaningful cultural entity called "Orient" after reading Said's Orientalism; some had said so before Said wrote his polemic. Most of his readers agreed with the thrust of the Orientalism thesis because they shared the same frustration with misrepresentation. There is no rational retrofit between the imagined Orient, resplendent in epic tales and art, and the space it consciously or unwittingly misrepresented. However, there was and is a real Orient, flesh-and-blood people, viable cultural traditions, aesthetic domains, documented history, and an ongoing intellectual engagementwith the past, present, and future. What is missing from Orientalism is any systematic sense of what that real Orient was and how individuals reacted to the imposing forces that sought to label it and theoretically control it. ASLEEP IN ORIENTALISM'S WAKE I have avoided taking stands on such matters as the real, true or authentic Islamic or Arab world. —EDWARD SAID, "ORIENTALISM RECONSIDERED" Orientalism is frequently praised for exposing skeletons in the scholarly closet, but the book itself provides no blueprint for how to proceed.=84 Said's approach is of the cut-and-paste variety—a dash of Foucauldian discourse here and a dram of Gramscian hegemony there—rather than a howto model. In his review of Orientalism, anthropologist Roger Joseph concludes: Said has presented a thesis that on a number of counts is quite compelling. He seems to me, however, to have begged one major question. If discourse, by its very metanature, is destined to misrepresent and to be mediated by all sorts of private agendas, how can we represent cultural systems in ways that will allow us to escape the very dock in which Said has placed the Orientalists? The aim of the book was not to answer that question, but surely the book itself compels us to ask the question of its author.a85 Another cultural anthropologist, Charles Iindholm, criticizes Said's thesis for its "rejection of the possibility of constructing general comparative arguments about Middle Eastern cultures.286 Akbar Ahmed, a native Pakistani trained in British anthropology, goes so far as to chide Said for leading scholars into "an intellectual cul-de- sac."287 For a historian's spin, Peter Gran remarks in a favorable review that Said "does not fully work out the post-colonial metamorphosis."288 As critic Rey Chow observes, "Said's work begs the question as to how otherness—the voices, languages, and cultures of those who have been and continue to be marginalized and silenced— could become a genuine oppositional force and a usable value." Said's revisiting and reconsidering of Orientalism, as well as his literary expansion into a de-geographicalized Culture and Imperialism, never resolved the suspicion that the question still goes begging. There remains an essential problem. Said's periodic vacillation in Orientalism on whether or not the Orient could have a true essence leads him to an infinity of mere representations, presenting a default persuasive act by not representing that reality for himself and the reader. If Said claims that Orientalism created the false essence of an Orient, and critics counterclaim that Said himself proposes a false essence of Orientalism, how do we end the cycle of guilt by essentialization? Is there a way out of this epistemologieal morass? If not a broad way to truth, at least a narrow path toward a clearing? With most of the old intellectual sureties now crumbling, the prospect of ever finding a consensus is numbing, in part because the formidably linguistic roadblocks are—or at least should be—humbling. The history of philosophy, aided by Orientalist and ethnographic renderings of the panhumanities writ and unwrit large, is littered with searches for meaning. Yet, mystical ontologies aside, the barrier that has thus far proved unbreachable is the very necessity of using language, reducing material reality and imaginary potentiality to mere words. As long as concepts are essential for understanding and communication, reality—conterminous concept that it must be—will be embraced through worded essences. Reality must be represented, like it or not, so how is it to be done better? Neither categorical nor canonical Truth" need be of the essence. One of the pragmatic results of much postmodern criticism is the conscious subversion of belief in a singular Truth" in which any given pronouncement could be ascribed the eternal verity once reserved for holy writ. In rational inquiry, all truths are limited by the inescapable force of pragmatic change. Ideas with "whole truth" in them can only be patched together for so long. Intellectual activity proceeds by characterizing verbally what is encountered and by reducing the complex to simpler and more graspable elements. A world without proposed and debated essences would be an unimaginable realm with no imagination, annotation without nuance, activity without art. I suggest that when cogito ergo sum is melded with "to err is human," essentialization of human realities becomes less an unresolvable problem and more a profound challenge. Contra Said's polemical contentions, not all that has been created discursively about an Orient is essentially wrong or without redeeming intellectual value. Edward Lane and Sir Richard Burton can be read for valuable firsthand observations despite their ethnocentric baggage. Wilfrid and Anne Blunt can be appreciated for their moral suasion. TheJ 'accuse of criticism must be tempered constructively with the louche of everyday human give-and-take. In planed biblical English, it is helpful to see that the beam in one's own rhetorical eye usually blocks appreciation of the mote in the other's eye. Speaking truth to power a la Said's oppositional criticism is appealing at first glance, but speaking truths to varieties of ever-shifting powers is surely a more productive process for a pluralistic society. As Richard King has eloquently put it, "Emphasis upon the diversity, fluidity and complexity within as well as between cultures precludes a reification of their differences and allows one to avoid the kind of monadic essentialism that renders cross-cultural engagement an a priori impossibility from the outset."2?0 Contrasted essentialisms, as the debate over Orientalism bears out, do not rule each other out. Claiming that an argument is essentialist does not disprove it; such a ploy serves mainly to taint the ideas opposed and thus tends to rhetorically mitigate opposing views. Thesis countered by antithesis becomes sickeningly cyclical without a willingness to negotiate synthesis. The critical irony is that Said, the author as advocate who at times denies agency to authors as individuals, uniquely writes and frames the entire script of his own text. Texts, in the loose sense of anything conveniently fashioned with words, become the meter for Said's poetic performance. The historical backdrop is hastily arranged, not systematically researched, to authorize the staging of his argument. The past becomes the whiggishly drawn rationale for pursuing a present grievance. As the historian Robert Berkhofer suggests, Said "uses many voices to exemplify the stereotyped view, but he makes no attempt to show how the new self/other relationship ought to be represented. Said's book does not practice what it preaches multiculturally."29i Said's method, Berkhofer continues, is to "quote past persons and paraphrase them to reveal their viewpoints as stereotyped and hegemonic." Napoleon's savants, Renan's racism, and Flaubert's flirtations serve to accentuate the complicity of modern-day social scientists who support Israel. Orientalism is a prime example of a historical study with one voice and one viewpoint. Some critics have argued in rhetorical defense of Said that he should not be held accountable for providing an alternative. The voice of dissent, the critique (of Orientalism or any other hegemonic discourse) does not need to propose an alternative for the critique to be effective and valid," claim Ashcroft and Ahluwalia.29= Saree Makdisi suggests that Said's goal in Orientalism is "to specify the constructedness of reality" rather than to "unmask and dispel" the illusion of Orientalist discourse.=93 Timothy Brennan argues that Said's aim is not to describe the "brute reality" of a real Orient but rather to point out the "relative indifference" of Western intellectuals to that reality.=94 Certainly no author is under an invisible hand of presumption to solve a problem he or she wishes to expose. Yet, it is curious that Said would not want to suggest an alternative, to directly engage the issue of how the "real" Orient could be represented. He reacts forcefully to American literary critics of the "left" who fail to specify the ideas, values, and engagement being urged.=95 If, as Said, insists "politics is something more than liking or disliking some intellectual orthodoxy now holding sway over a department of literature,"=9'6 then why would he not follow through with what this "something more" might be for the discourse he calls Orientalism? As Abdallah Laroui eloquently asks, "Having become concerned with an essentially political problem, the Arab intelligentsia must inevitably reach the stage where it passes from diagnosis of the situation to prescription of remedial action. Why should I escape this rule?"=97 This is a question that escapes Edward Said in Orientalism, although it imbues his life work as an advocate against ethnocentric bias. CLASH TALKING AD NAUSEAM The questioning of whether or not there really is an Orient, a West, or a unified discourse called Orientalism might be relatively harmless philosophical musing, were it not for the contemporary, confrontational political involvement of the United States and major European nations with buyable governments and bombable people in the Middle East. One of the reasons Said's book has been so influential, especially among scholars in the emerging field of post-colonial studies, is that it appeared at the very moment in which the Cold War divide reached a zenith in Middle East politics. In 1979, the fall of the United States-backed and anti-communist Shah allowed for the creation of the first modern Islamic republic in Iran, even as the Soviet Union invaded Afghanistan to try to prevent the same thing happening there. Almost three decades later, the escalation of tension and violence sometimes described as "Islamic terrorism" has become a pressing global concern. In the climate of renewed American and British political engagement in Afghanistan and Iraq after September 11, 2001, the essential categories of East and West continue to dominate public debate through the widely touted mantra of a "clash of civilizations.\* The idea of civilizations at war with each other is probably as old as the very idea of civilization. The modern turn of phrase owes its current popularity to the title of a 1993 Foreign Affairs article by political historian Samuel Huntington, although this is quite clearly a conscious borrowing from a 1990 Atlantic Monthly article by Said's nemesis, Bernard Lewis. Huntington, speculating in an influential policy forum, suggests that Arnold Toynbee's outdated list of twenty-one major civilizations had been reduced after the Cold War to six, to which he adds two more. With the exception of his own additions of Latin America and Africa, the primary rivals of the West, according to his list, are currently Confucian, Japanese, Islamic, Hindu, and Slavic-Orthodox. To say, as Huntington insists, that the main criterion separating these civilizations is religion, given the labels chosen, borders on the tautological.2?8 But logical order here would suggest that the West be seen as Christian, given its dominant religion. In a sense, Huntington echoes the simplistic separation of the West from the Rest, for secular Western civilization is clearly the dominant and superior system in his mind. The rejection of the religious label for his own civilization, secular as it might appear to him, seriously imbalances Huntington's civilizational breakdown. It strains credulity to imagine that religion in itself is an independent variable in the contemporary world of nation-states that make up the transnationalized mix of cultural identities outside the United Sates and Europe. Following earlier commentary of Bernard Lewis, Huntington posits a "fault line" between the West and Islamic civilization ever since the Arabs were turned back in 732 CE at the Battle of Tours.=99 The fault of Islam, however, appears to be less religious than politie-al and ideological. The fundamental clash Huntington describes revolves around the seeming rejection by Islam (and indeed all the rest) of "Western ideas of individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, free markets, the separation of church and state/300 In citing this neoconservative laundry list, Huntington is blind to the modern history of Western nations. He assumes that these idealized values have in fact governed policy in Europe and America, as though divine kingship, tyranny, and fascism have not plagued European history. Nor is it credible to claim that such values have all been rejected by non-Western nations. To assert, for example, that the rule of law is not consonant with Islam, or that Islamic teaching is somehow less concerned with human rights than Western governments, implies that the real clash is between Huntington's highly subjective reading of a history he does not know very well and a current reality he does not like. Huntington's thesis was challenged from the start in the very next issue of Foreign Affairs. "But Huntington is wrong," asserts Fouad Ajami.301 Even former U. N. Ambassador Jeane Kirkpatrick, hardly a proponent of postcolonial criticism, called Huntington's list of civilizations 'strange."3°= Ironically, both Ajami and Kirkpatrick fit Said's vision of bad-faith Orientalism. Being wrong in the eyes of many of his peers did not prevent Huntington from expanding the tentative proposals of a controversial essay into a book, nor from going well outside his field of expertise to write specifically on the resurgence of Islam. Soon after the September 11,2001, tragedy, Edward Said weighed in with a biting expose on Huntington's "clash of ignorance." Said rightly crushes the blatant political message inherent in the clash thesis, explaining why labels such as "Islam\* and "the West" are unedifying: They mislead and confuse the mind, which is trying to make sense of a disorderly reality that won't be pigeonholed or strapped down as easily as all that."3°3 Exactly, but the same must therefore be true about Said's imagined discourse of Orientalism. Pigeonholing all previous scholars who wrote about Islam or Arabs into one negative category is discursively akin to Huntington's pitting of Westerners against Muslims. Said is right to attack this pernicious binary, but again he leaves it intact by not posing a viable alternative. Both Edward Said and Fouad Ajami, who rarely seem to agree on anything, rightly question the terms of Huntington's clash thesis. To relabel the Orient of myth as a Confucian-Islamic military complex is not only ethnocentric but resoundingly ahistorical. No competent historian of either Islam or Confucianism recognizes such a misleading civilizational halfbreed. Saddam Hussein's Iraq and Kim Jong Il's Korea could be equated as totalitarian states assumed to have weapons of mass destruction, but not for any religious collusion. This is the domain of competing political ideologies, not the result of religious affiliation. And, as Richard Bulliet warns, the phrase "clash of civilizations\* so readily stirs up Islamophobia in the United States that it "must be retired from public discourse before the people who like to use it actually begin to believe it."3°4 Unfortunately, many policy-makers and media experts talk and act as if they do believe it. The best way to defeat such simplistic ideology, I suggest, is not to lapse into blame-casting polemics but to encourage sound scholarship of the real Orient that Said so passionately tried to defend.

The alt guarantees global violence through naïve rejection of necessary responses to specific threats

Jean Bethke Elshtain, Laura Spelman Rockefeller Professor of Social and Political Ethics, Divinity School, The University of Chicago, with appointments in Political Science and the Committee on International Relations, 2003, Just War Against Terror, p. 107-11

Writing shortly after the world had only just passed through the horror that was World War II, Niebuhr chided those who had shrunk from doing what was necessary to combat Nazi tyranny, especially those who made the claim that in the process of fighting fascism, "we would all become fascists."17 **This did not happen**. Liberties were "fairly well preserved" even during a prolonged, total war (with some notable exceptions, like the internment of Japanese and Japanese Americans). We are always well advised to fly the flags of warning about descending into terror as we fight terror, or authoritarianism as we fight authoritarianism. But these perils do not negate the need to respond; rather, they make self-examination even more necessary.

The peace of God, writes Niebuhr, "cannot be equated with the peace of detachment." There is a role for forgiveness in human affairs, but forgiveness does not allow us to avoid facing the facts and confronting a disharmonious world. Forgiveness is possible "only to those who have some recognition of common guilt," for all have fallen short.18 Those struggling against brutality cannot forget their own sins as they engage in that struggle. The world of political action is one that may give rise to moral regret as we confront what political theorists call the problem of "dirty hands," for we cannot remain pure in a difficult and often dangerous world. Christian realists, as they are often called, appreciate that "political units—cities, provinces, and nations. . . gather up all people within a given geographical area, and so must create a workable community from those who have not come together sharing a set of beliefs or commitments."19 Politics is the way these plural, diverse groups of people order a life together.

The theologian Robin Lovin reminds us that the starting point for Christian realists (and for the just war tradition, as I construe it) is Augustinian and hence quite different from Aristotelianism, which held that politics somehow fulfills and completes our nature (or at least the nature of the more completely rational free male). The primary and most compelling reason Christians enter politics, by contrast, is to restrain evi1.20 If the restraint of evil remains their exclusive concern, however, they may become complacent toward systematic inequities, so long as violence is kept at a minimum. By the same token, a politics of the common good, which always sounds good, may prompt its adherents to **evade doing what is necessary to curb violence**, domestic and international; they may indulge in naive advocacy and refuse to engage with the least pleasant realities of a world in conflict. "**Justice" and "nonviolence" too easily become mantras divorced from the realities of a world descending into a vortex of horrible threats and even more terrible realities**.

By contrast, those who, like Niebuhr, link the restraint of evil to a politics of justice and the common good gain a rich and complex perspective. Above all, Niebuhr insists, Christians dare not lose the language of justice. No doubt he would have cautioned us against calling September 11 a tragedy: If it is a tragedy, we can simply succor the wounded and grief-stricken and avoid dealing with the knowledge that planned terror remains a clear and present danger. Usually when a true tragedy occurs—a flood roars through a canyon, for instance, and kills vacationers—there is no one to punish. When acts of terror destroy lives, however, there are specific persons we do, rightly, punish. It is this task of punishment, essential to any workable vision of political justice, that many contemporary Christians shun.21 Perhaps because our culture, steeped in a therapeutic ethos, is tuned in to syndromes but resistant to sin, we prefer not to conjure with humanly willed horror.

Tied to this recognition is another: We have particular moral responsibilities to those nearest and dearest to us—parents to children, friends to other friends, but also citizens to fellow citizens. Vague talk about our responsibility for the entire human race is meaningless.22 **Unless we tie our responsibility to concrete tasks, we are simply issuing greeting card nostrums**. To call myself a "citizen of the world," as Hannah Arendt rightly insisted, is to strip citizenship of concrete meaning and to flee the world of political actuality for a world of vague goodwill. Those who take on the vocation of concrete political responsibility have a special obligation to their fellow citizens. Their obligations are not exclusive to their own citizenry, but they are far more meaningful and demanding than any thinned-out obligations to those who are not citizens. One dimension of a Niebuhrian ethic is to insist that, when Christianity is interpreted as an ethos of universal benevolence, it loses the concrete neighbor love we should always connect with it.

Niebuhr's larger contribution to the ongoing debate about Christ and culture and what is demanded from believers lies in his hardheaded insistence that Christianity is not solely a religion of love. Because the God of mercy is also a God of judgment, justice and love go together. Chiding what he calls "Christian moralism," Niebuhr reminds us that justice "requires discriminate judgments between conflicting claims." By contrast to simplistic moralism, a "profounder Christian faith must encourage men to create systems of justice" in a realm that presents "tragic choices, which are seldom envisaged in a type of idealism in which all choices are regarded as simple."23

Unfortunately, what presents itself as true Christian idealism, the idea that "pure moral suasion could solve every social problem," may be a form of self-delusion. This kind of idealism ignores the fall and the inheritance of sin and embraces an overly optimistic view of human nature and possibility. Niebuhr continues: "Whether the task of reconciliation is conceived in terms of pure moral suasion or whether it recognizes the inevitabilities of conflict in society and only seeks to avoid violence in such conflicts, it is interesting that the consequence of such conceptions is to create moral idealists who imagine that they are changing the world by their moral ideals." Or, one might add, by their condemnations. But either stance evades "responsibility for maintaining a relative justice in an evil world," a stance that Niebuhr insists is central to biblical understanding.24

Whether Niebuhr was calling for repeal of the Neutrality Act of 1939 as an immoral law promoting isolationism, urging Christians into the fight against Nazism, or opposing the war in Vietnam, he held that the world must be engaged. Sentimentality in the name of Christianity must be avoided and idolatry of the state—any state—eschewed. Christians must understand that their own freedom is entangled with political realities and possibilities. It follows that Christians as citizens have "an important stake in politics" and in all the institutions that are the warp and woof of a democratic society.25 Niebuhr was especially scathing in his criticism of those who advocate a withdrawal from what he called "world responsibility"—**people who keep their own hands clean by refusing to confront the inevitable moral ambiguities of politics**.

Most pertinent to the contemporary war against terrorism are Niebuhr's World War II–era writings. In a potent essay, "Love Your Enemies," Niebuhr argued with a "certain rather hysterical" strain of Christian idealism that believed that, since Christians are enjoined to love all men, and "it is impossible to love an enemy, you must have no enemy." Is this really so? he queried. He challenged those who were then "touring the country with the message that all people who are participating in the war will become so corrupted by hatred that they will be incapable of contributing to a decent peace." Niebuhr called, in cutting tones, on "the handful of nonparticipants to hold themselves in readiness to build a new world after the rest of us have ruined it."26

A summary of Niebuhr's response to this idealistic message—here one is reminded of Camus's see-no-evil "humanists"—is reducible to one word: **balderdash**. Of course, war and conflict tempt some to hatred, but "this hatred is not nearly as universal as our idealists assume. And it is least general among those who are engaged in the actual horrors of belligerency." Niebuhr points to a commonly accepted fact of war-fighting: combatants themselves usually do not hate. Bloodthirstiness is more often found on the sidelines. Niebuhr also mulls over the poverty of the idealists' deployment of terms like "love." Christian agape, the love of the Kingdom of God, is more than a "refined form of sympathy, for it does not depend upon the likes and dislikes that men may have for each other."27 We may struggle against a determined foe intent on our harm and destruction without hating that foe.

Yet criticism of and contempt for, the military comes readily to the lips of many religious people, perhaps because they put the worst possible interpretation on those who have determined that a resort to force is justified. Niebuhr insists, however, that such contempt flows from a sentimentalized Christianity whose adherents have reduced the complexities of the Christian message to slogans that exalt alleged victims, encourage condemnation of responsible authorities, and traffic in attention-getting breast-beating. Sometimes what looks like self-effacement is really a form of self-promotion.

On December 18, 1940, pondering America's entry into World War II, Niebuhr published an essay, "To Prevent the Triumph of an Intolerable

Tyranny," in the journal Christian Century.28 America was not, as some alleged, plunging recklessly into conflict, Niebuhr argues. To the contrary, "contemporary history refutes the idea that nations are drawn into war too precipitately. It proves, on the contrary, that it is the general inclination, of democratic nations at least, to hesitate so long before taking this fateful plunge that the dictator nations gain a fateful advantage over them by having the opportunity of overwhelming them singly, instead of being forced to meet their common resistance." (Niebuhr was referring to appeasement of the German National Socialists, who, by the time the essay was written, had already overrun Poland and Czechoslovakia.) It is naive to assume that "all war could be avoided if only you could persuade nations not to cross each other's borders." Those who counseled neutrality for America in 1940 so as to avoid entering the conflict, Niebuhr claims, exhibited the fruit of a "moral confusion that issues from moral perfectionism, whenever moral perfectionism seeks to construct political systems." The result is that evil flourishes, as in Germany, "its fury . . fed by a pagan religion of tribal self-glorification; . . . it intends to root out the Christian religion; . . . it defies all the universal standards of justice," and it threatens the Jewish people "with annihilation."

**How can one not respond to** such **attacks**? To condemn America's alleged rush to war, to make that the focus of critique rather than the statements and aims of those on the attack, is a rhetoric of perfectionism of the sort **that** informs much of liberal Protestantism in America. This brand of Protestantism, Niebuhr stated rather bitingly during World War II, **is "wrong not only about this war and the contemporary international situation. It is wrong about the whole nature of historical reality.**" Sadly, he concludes, much pacifism in America (he calls it "perfectionist pacifism") springs from this same well of historic utopianism rather than from solid scriptural resources. Liberal pacifism, for Niebuhr, is a position that relies far more on a general faith in human perfectibility and a teleology of historic progress than it does on the teachings of Jesus of Nazareth. It is, in other words, an ideological, not a gospel, stance.29 Are Christians not obliged to respond, even at the risk of dirtying their hands?

## Gray

#### No risk of militarism escalating – alt doesn’t solve it

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7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is **not at all convincing**. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, **must be nothing if not pragmatic**.

## 2AC Congress Key

#### Links to politics – makes Obama a lightning rod

Phillip Cooper 97, Prof of Public Administration @ Portland State, Nov 97, “Power tools for an effective and responsible presidency” Administration and Society, Vol. 29, p. Proquest

Interestingly enough, the effort to avoid opposition from Congress or agencies can have the effect of turning the White House itself into a lightning rod. When an administrative agency takes action under its statutory authority and responsibility, its opponents generally focus their conflicts as limited disputes aimed at the agency involved. Where the White House employs an executive order, for example, to shift critical elements of decision making from the agencies to the executive office of the president, the nature of conflict changes and the focus shifts to 1600 Pennsylvania Avenue or at least to the executive office buildings The saga of the OTRA battle with Congress under regulatory review orders and the murky status of the Quayle Commission working in concert with OIRA provides a dramatic case in point.

#### Congress is key

#### First – public backlash

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/)

**Without a hardheaded effort on the part of Congress** and the executive branch to make drone policy, **the efforts to discredit drones will continue**. The current wide public support in the United States today should not mask the ways in which **public perception and sentiment can be shifted,** here and abroad. The campaign of delegitimation is modeled on the one against Guantanamo Bay during the George W. Bush administration; the British campaigning organization Reprieve tweets that it will make drones the Obama administration’s Guantanamo. **Then as now, administration officials did not, or were unforgivably slow to, believe that a mere civil-society campaign could** force a reset of their policies. They miscalculated then and, as former Bush administration officials John Bellinger and Jack Goldsmith have repeatedly warned, **they might well be miscalculating now**.

#### Only congress can ensure sufficient clarity

Mark David Maxwell, Colonel, Judge Advocate with the U.S. Army, Winter 2012, TARGETED KILLING, THE LAW, AND TERRORISTS, Joint Force Quarterly, http://www.ndu.edu/press/targeted-killing.html

The weakness of this theory is that it is not codified in U.S. law; it is merely the extrapolation of international theorists and organizations. The only entity under the Constitution that can frame and settle Presidential power regarding the enforcement of international norms is Congress. As the check on executive power, Congress must amend the AUMF to give the executive a statutory roadmap that articulates when force is appropriate and under what circumstances the President can use targeted killing. This would be the needed endorsement from Congress, the other political branch of government, to clarify the U.S. position on its use of force regarding targeted killing. For example, it would spell out the limits of American lethality once an individual takes the status of being a member of an organized group. Additionally, statutory clarification will give other states a roadmap for the contours of what constitutes anticipatory self-defense and the proper conduct of the military under the law of war. Congress should also require that the President brief it on the decision matrix of articulated guidelines before a targeted killing mission is ordered. As Kenneth Anderson notes, “[t]he point about briefings to Congress is partly to allow it to exercise its democratic role as the people’s representative.”74 The desire to feel safe is understandable. The consumers who buy SUVs are not buying them to be less safe. Likewise, the champions of targeted killings want the feeling of safety achieved by the elimination of those who would do the United States harm. But allowing the President to order targeted killing without congressional limits means the President can manipulate force in the name of national security without tethering it to the law advanced by international norms. The potential consequence of such unilateral executive action is that it gives other states, such as North Korea and Iran, the customary precedent to do the same. Targeted killing might be required in certain circumstances, but if the guidelines are debated and understood, the decision can be executed with the full faith of the people’s representative, Congress. When the decision is made without Congress, the result might make the United States feel safer, but the process eschews what gives a state its greatest safety: the rule of law.

## 2AC word pics

#### Discursive rejection is the worst possible option – it allows elites to fill in the vacuum of meaning – turns the impact

Schram, professor of social theory and policy – Bryn Mawr College, ‘95

(Sanford F, Words of welfare: The Poverty of Social Science and the Social Science of Poverty, pg. 20-26 “The sounds of silence…what isolated instances of renaming can accomplish”)

The sounds of silence are several in poverty research. Whereas many welfare policy analysts are constrained by economistic- herapeutic-manage- na1 discourse, others find themselves silenced by a politics of euphemisms. The latter suggests that if only the right words can be found, then political change will quickly follow. This is what happens when a good idea goes bad, when the interrogation of discourse collapses into the valorization of terminological distinctions.' Recently, I attended a conference of social workers who were part of a network of agencies seeking to assist homeless youths. A state legisla- tor addressed the group and at one point in the question-and-answer pe- riod commiserated with one professional about how the by then well- accepted phrase children at risk ought to be dropped, for it is pejorative. The legislator preferred children under stress as a more "politically correct" euphemism. Much discussion ensued regarding how to categorize clients so as to neither patronize nor marginalize them. No one, however, mentioned the reifying effects of all categorization, or how antiseptic language only exacerbates the problem by projecting young people in need onto one or another dehumanizing dimension of therapeutic discourse.' No one sug- gested that although isolated name changes may be a necessary part of po- litical action, they are insufficient by themselves. No one emphasized the need for renamings that destabilize prevailing institutional practices.' In- stead, a science of renaming seemed to displace a politics of interrogation. A fascination with correcting the terms of interpersonal communication had replaced an interest in the critique of structure. A comfort in dealing with discourse in the most narrow and literal sense had replaced an inter- est in the broader discursive structures that set the terms for reproducing organized daily life. I was left to question how discourse and structure need to be seen as connected before reflection about poverty can inform political action.' The deconstruction of prevailing discursive structures helps politi- cize the institutionalized practices that inhibit alternative ways of con- structing social relations.5 Isolated acts of renaming, however, are unlikely to help promote political change if they are not tied to interrogations of the structures that serve as the interpretive context for making sense of new terms.' This is especially the case when renamings take the form of eu-phemisms designed to make what is described appear to be consonant with the existing order. In other words, the problems of a politics of renaming are not confined to the left, but are endemic to what amounts to a classic American practice utilized across the political spectrum.' Homeless, wel- fare, and family planning provide three examples of how isolated in- stances of renaming fail in their efforts to make a politics out of sanitizing language. Reconsidering the Politics of Renaming Renaming can do much to indicate respect and sympathy. It may strategi- cally recast concerns so that they can be articulated in ways that are more appealing and less dismissive. Renaming the objects of political contesta- tion may help promote the basis for articulating latent affinities among disparate political constituencies. The relentless march of renamings can help denaturalize and delegitimate ascendant categories and the constraints they place on political possibility. At the moment of fissure, destabilizing renamings have the potential to encourage reconsideration of how biases embedded in names are tied to power relations." Yet isolated acts of renam- ing do not guarantee that audiences will be any more predisposed to treat things differently than they were before. The problem is not limited to the political reality that dominant groups possess greater resources for influenc- ing discourse. Ascendant political economies, such as liberal postindustrial capitalism, whether understood structurally or discursively, operate as insti- tutionalized systems of interpretation that can subvert the most earnest of renamings." It is just as dangerous to suggest that paid employment exhausts possi- bilities for achieving self-sufficiency as to suggest that political action can be meaningfully confined to isolated renamings.'° Neither the workplace nor a name is the definitive venue for effectuating self-worth or political intervention." Strategies that accept the prevailing work ethos will con- tinue to marginalize those who cannot work, and increasingly so in a post- industrial economy that does not require nearly as large a workforce as its industrial predecessor. Exclusive preoccupation with sanitizing names over- looks the fact that names often do not matter to those who live out their lives according to the institutionalized narratives of the broader political economy, whether it is understood structurally or discursively, whether it is monolithically hegemonic or reproduced through allied, if disparate, prac- tices. What is named is always encoded in some publicly accessible and as- cendent discourse." Getting the names right will not matter if the names are interpreted according to the institutionalized insistences of organized society." Only when those insistences are relaxed does there emerge the possibil- ity for new names to restructure daily practices. Texts, as it now has become notoriously apparent, can be read in many ways, and they are most often read according to how prevailing discursive structures provide an interpretive context for reading diem. 14 The meanings implied by new names of necessity overflow their categorizations, often to be reinterpreted in terms of available systems of intelligibility (most often tied to existing institutions). Whereas re- naming can maneuver change within the interstices of pervasive discursive structures, renaming is limited in reciprocal fashion. Strategies of contain- ment that seek to confine practice to sanitized categories appreciate the discursive character of social life, but insufficiently and wrongheadedly. I do not mean to suggest that discourse is dependent on structure as much as that structures are hegemonic discourses. The operative structures reproduced through a multitude of daily practices and reinforced by the efforts of aligned groups may be nothing more than stabilized ascendent discourses." Structure is the alibi for discourse. We need to destabilize this prevailing interpretive context and the power plays that reinforce it, rather than hope that isolated acts of linguistic sanitization will lead to political change. Interrogating structures as discourses can politicize the terms used to fix meaning, produce value, and establish identity. Denaturalizing value as the product of nothing more than fixed interpretations can create new possibilities for creating value in other less insistent and injurious ways. The discursively/structurally reproduced reality of liberal capitalism as deployed by power blocs of aligned groups serves to inform the existentially lived experiences of citizens in the contemporary postindustrial order." The powerful get to reproduce a broader context that works to reduce the dissonance between new names and established practices. As long as the prevailing discursive structures of liberal capitalism create value from some practices, experiences, and identities over others, no matter how often new names are insisted upon, some people will continue to be seen as inferior simply because they do not engage in the same practices as those who are currently dominant in positions of influence and prestige. Therefore, as much as there is a need to reconsider the terms of debate, to interrogate the embedded biases of discursive practices, and to resist living out the invid- ious distinctions that hegemonic categories impose, there are real limits to what isolated instances of renaming can accomplish.

Renaming points to the profoundly political character of labels. Labels oper- ate as sources of power that serve to frame identities and interests. They predispose actors to treat the subjects in question in certain ways, whether they are street people or social policies. This increasingly common strategy, however, overlooks at least three major pitfalls to the politics of renaming." Each reflects a failure to appreciate language's inability to say all that is meant by any act of signification. First, many renamings are part of a politics of euphemisms that conspires to legitimate things in ways consonant with hegemonic discourse. This is done by stressing what is consistent and de-emphasizing what is inconsis- tent with prevailing discourse. When welfare advocates urge the nation to invest in its most important economic resource, its children, they are seek- ing to recharacterize efforts on behalf of poor families as critical for the country's international economic success in a way that is entirely consonant with the economistic biases of the dominant order. They are also distracting the economic-minded from the social democratic politics that such policy changes represent." This is a slippery politics best pursued with attention to how such renamings may reinforce entrenched institutional practices." Yet Walter Truett Anderson's characterization of what happened to the "cultural revolution" of the 1960s has relevance here: One reason it is so hard to tell when true cultural revolutions have occurred is that societies are terribly good at co-opting their opponents; something that starts out to destroy the prevailing social construction of reality ends up being a part of it. Culture and counterculture overlap and merge in countless ways. And the hostility, toward established social constructions of reality that produced strikingly new movements and behaviors in the early decades of this century, and peaked in the 1960s, is now a familiar part of the cultural scene. Destruction itself becomes institutionalized." According to Jeffrey Goldfarb, cynicism has lost its critical edge and has become the common denominator of the very society that cynical criticism sought to debunk .21 If this is the case, politically crafted characterizations can easily get co-opted by a cynical society that already anticipates the politi- cal character of such selective renamings. The politics of renaming itself gets interpreted as a form of cynicism that uses renamings in a disingenuous ashion in order to achieve political ends. Renaming not only loses credibility but also corrupts the terms used. This danger is ever present, given the limits of language. Because all terms are partial and incomplete characterizations, every new term can be invalidated as not capturing all that needs to be said about any topic? With time, the odds increase that a new term will lose its potency as it fails to emphasize ne-glected dimensions of a problem. As newer concerns replace the ones that helped inspire the terminological shift, newer terms will be introduced to ad- dress what has been neglected. Where disabled was once an improvement over handicapped, other terms are now deployed to make society inclusive of all people, however differentially situated. The "disabled" are now "physi- cally challenged" or "mentally challenged?' The politics of renaming promotes higher and higher levels of neutralizing language." Yet a neutralized language is itself already a partial reading even if it is only implicitly biased in favor of some attributes over others. Neutrality is always relative to the prevailing context As the context changes, what was once neutral becomes seen as biased. Implicit moves of emphasis and de-emphasis become more visible in a new light. "Physically" and "mentally challenged" already begin to look insufficiently affirmative as efforts intensify to include people with such attributes in all avenues of contemporary life.24 Not just terms risk being corrupted by a politics ofrenaming. Proponents of a politics of renaming risk their personal credibility as well. Proponents of a politics of renaming often pose a double bind for their audiences. The politics of renaming often seeks to highlight sameness and difference si- multaneously.25 It calls for stressing the special needs of the group while at the same time denying that the group has needs different from those of anyone else. Whether it is women, people of color, gays and lesbians, the disabled, or even "the homeless:' renaming seeks to both affirm and deny difference. This can be legitimate, but it is surely almost always bound to be difficult. Women can have special needs, such as during pregnancy, that make it unfair to hold them to male standards; however, once those differ- ent circumstances are taken into account, it becomes inappropriate to as- sume that men and women are fundamentally different in socially signifi- cant ways .21 Yet emphasizing special work arrangements for women, such as paid maternity leave, may reinforce sexist stereotyping that dooms women to inferior positions in the labor force. Under these circumstances, advocates of particular renamings can easily be accused of paralyzing their audience and immobilizing potential sup- porters. Insisting that people use terms that imply sameness and difference simultaneously is a good way to ensure such terms do not get used. This encourages the complaint that proponents of new terms are less interested in meeting people's needs than in demonstrating who is more sophisticated and sensitive. Others turn away, asking why they cannot still be involved in trying to right wrongs even if they cannot correct their use of terminology," Right-minded, if wrong-worded, people fear being labeled as the enemy; important allies are lost on the high ground of linguistic purity. Euphemisms also encourage self-censorship. The politics of renaming discourages its proponents from being able to respond to inconvenient infor- mation inconsistent with the operative euphemism. Yet those who oppose it are free to dominate interpretations of the inconvenient facts. This is bad politics. Rather than suppressing stories about the poor, for instance, it would be much better to promote actively as many intelligent interpretations as possible. The politics of renaming overlooks that life may be more complicated than attempts to regulate the categories of analysis. Take, for instance, the curious negative example of "culture?' Somescholars have been quite insis- tent that it is almost always incorrect to speak about culture as a factor in explaining poverty, especially among African Americans .211 Whereas some might suggest that attempts to discourage examining cultural differences, say in family structure, are a form of self-censorship, others might want to argue that it is just clearheaded, informed analysis that de- mphasizes cul- ture's relationship to poverty.29 Still others suggest that the question of what should or should not be discussed cannot be divorced from the fact that when blacks talk publicly in this country it is always in a racist society that uses their words to reinforcetheir subordination. Open disagreement among African Americans will be exploited by whites to delegitimate any challengesto racism and to affirm the idea that black marginalization is self-generated.3° Emphasizing cultural differences between blacks and whites and exposing internal "problems" in the black community minimize how "problems" across races and structural political-economic factors, including especially the racist and sexist practices of institutionalized society, are the primary causes of poverty. Yet it is distinctly possible that although theories proclaiming a "culture of poverty" are incorrect, cultural variation itself may be an important issue in need of examination." For instance, there is much to be gained from contrasting the extended-family tradition among African Americans with the welfare system of white society, which is dedicated to reinforcing the nuclear two-parent family.32 A result of self-censorship, however, is that animportant subject is left to be studied by the wrong people. Although ana- lyzing cultural differences may not tell us much about poverty and may be dangerous in a racist society, leaving it to others to study culture and poverty can be a real mistake as well. Culture in their hands almost always becomes "culture of poverty."" A politics of renaming risks reducing the discussants to only those who help reinforce existing prejudices.

#### “Targeted killing” is the most precise and objective term which avoids euphemism---all alternative terms fail

Nils Melzer 8, Legal Advisor for the International Committee of the Red Cross, "Targeted Killing in International Law", May 29, Oxford University Press, Google Books, p. 6-8

Depending on factors such as academic, political or military perspective, a wide variety of alternative terms has been used to describe State-sponsored targeted killings. On the non-technical end of the scale, the terminology ranges from simple euphemisms such as ‘liquidation’,9 ‘neutralization’,10 ‘elimination’,” or ‘interception’,’2 w more sophisticated composite terms emphasizing the selective, preventative or military character of the act, such as ‘targeted liquidation, targeted elimination, targeted thwarting, targeted self- defence’,’6 ‘preventive liquidation),7 ‘preventive killing,8 ‘selective argeting,9 or ‘strategic elimination’,20 and culminates in almost artistic verbiage such as ‘pinpointed preemptive actions’,21 ‘long-range hot pursuit’22 or ‘targeted frustration of terrorism’.23 Quite obviously, these terms not only lack sufficiently precise definitional contours, but also tend to indicate political preferences, which render them unsuitable for an objective and unprejudiced analysis of the method of targeted killing under international law.¶ On the more technical end of the scale, targeted killings are often, and some-times interchangeably,24 referred to as ‘extrajudicial executions’,25 ‘extrajudicial killings’,26 ‘extrajudicial punishment’27 or ‘assassinations’,28 terms which are widely regarded as referring to inherently unlawful conduct and, therefore, are equally unsuitable for an unprejudiced legal analysis.29 Moreover, for historical reasons, the prevailing legal definition of ‘assassination’ is far too narrow for a comprehensive analysis of the legal problems raised by the currently emerging State practice of targeted killing.30 Reference should finally be made to the technical terms used in German and Swiss legal doctrine, legislation and jurisprudence for the deliberate use of lethal force in law enforcement operations, which could literally be translated as ‘final rescue shot’ (finder Retrungsschuss,3’ ‘targeted shot of death’ (gezielter Thdesschuss32 and ‘targeted killing’ (gezielte Tbtung.33¶ The terms ‘final rescue shot’ and ‘targeted shot of death’ are too narrow for the intended scope of this analysis, because both presuppose the use of firearms, and the former additionally implies the use of lethal force in order to rescue a person. The notion of ‘targeted killing’ (gezieíte Törung), however, seems to reflect the decisive traits of the method under review with sufficient precision and neutral objectivity to allow a technical discussion without inclination to euphemism or polemic. At the same time, the notion of ‘targeted killing’ indicates no presumptions as to the international lawfulness of the method, and makes no unnecessary restrictions as to the means used or the motivation underlying a particular deprivation of life.34 The word ‘targeting’ describes the entire process of making a target of a person, from individual selection to the application of lethal force, whereas the word ‘killing’ describes the ultimate aim and result of the targeting process. The notion of ‘targeted killing’ has been adopted without substantial opposition by a large part of the legal doctrine,’5 and has also been used in the press36 and, most recently, by the UN Secretary-General.’7 For the purposes of the present analysis, therefore, the notion of ‘targeted killing’ will be preferred over alternative terms.

## 2ac buddhism

#### The ballot should simulate the effects of the 1AC—key to fairness and relevant decision making

Donohue 13 [2013 Nation al Security Pedagogy: The Role of Simulations, Associate Professor of Law, Georgetown Law, <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2172&context=facpub>]

C ONCLUDING R EMARKS The legal academy has, of late, been swept up in concern about the econom ic conditions that affect the placement of law school graduates. The image being conveyed , however, does not resonate in every legal field. I t is particularly inapposite to the burgeoning opportunities presented to students in national security. That th e conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one - size fits all approach currently dominating the conversation in legal education , however, appears ill - suited to this realm. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselv es. This does not mean that the goals identified are exclusive to, for instance, national security law , but it does suggest a greater nuance with regard to how the pedagogical skills present. With this approach in mind, I have here suggested six pedagogical goals for national security . For following graduation, s tudents must be able to perform in each of the areas identified — i.e., (1 ) understanding the law as applied , (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high - stakes, highly - charged environment, and (6) creating continued opportunities for self - learning . They also must learn how to integrate these different skills into one experience, ensuring that they will be most effective when they enter the field. The problem with the current structures in l egal education is that they fall short, in important ways, from helping students to obtain these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises49 These are important devices to introduce into the classroom. T he amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law, which allows for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, here may provide an important way forward. Such simulations also help to address shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within it . I t makes use of technology and physical space to engage students in a multi - day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve . While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for t he years to come.model above. NSL Sim 2.0 ce rtainly is not the only solution, but it does provide a starting point for moving forward.

#### Case is a DA

#### Alt doesn’t solve satellite Ks

Psychoanalysis is cookie cutter and has been disproven

Todd Dufresne 6, Professor of Philosophy and founding Director of The Advanced Institute for Globalization & Culture at Lakehead University, Killing Freud, googlebooks

TD: I tried to make the heterogeneity of opinion about Freuds death drive theory work on a few levels, one being a pointed criticism of the arbitrary nature of criticism in the history of psychoanalysis. In this respect the apparent dissensus about the fundamentals of psychoanalysis is a scandal. For this dissensus implies that for over one hundred years smart people haven't been able to derive any conclusions about Freuds so-called discoveries — that the verdict is still out. But that's untrue! Informed critics know very well that Freud fabricated his findings and was motivated by factors other than science and objectivity.

So why do so few people know, or care to know, about these sometimes stunning facts? In no small measure, and as you were just hinting, the pundits and critics themselves are to blame. In Tales I tried to expose the irreconcilable absurdity of Freud commentary over the last hundred years, from Reich and Marcuse to Lacan and Derrida. It’s obviously not the case that these people are ignorant. It is rather the case that these critics, like Freud before them, are motivated by special interests; for example, by Marxist, structuralist, or posr-structuralist interests. And because their works are dogmatically blind to intractable problems in Freuds work, including basic facts, they have the effect of blinding nearly everyone who reads them. We love to be dazzled, even by the spectacle of crushed glass.

AG: But what is a 'basic feet', and who is in a position to know one when he or she sees one? Isn't this where the post-modernist appreciation of Freud comes in?

TD: That's a lot of questions to answer all at once! First of all, yes, the posties' - post-modernists and post-structuralists - have generally embraced the idea that history is just a kind of fiction. I am sympathetic to this idea and am willing to entertain it up to a point. I have written about fiction and history in psychoanalysis precisely because, given the pre-eminent role of fantasy in the field, one has a tough time distinguishing between fact and fiction, history and case study. I think this is an interesting and amusing state of affairs, and have even written a short story that is meant as a sendup of the kind of historical work that we all read. But 1 attempt this work in an ironical spirit, believing that there are indeed facts — even if psychoanalysis has made it seem near impossible for us to know them. This, then, is a problem for psychoanalysis - but not really for me.

Naturally, though, I do worry about being too cavalier about facts in history. Is it really the case that the opinion of, say, a Holocaust denier is equal to another who believes that three million Jews, rather than six million, were killed in concentration camps? One says it didn't happen at all, while another questions the interpretation of facts. I reject the idea that truth is relative at the level of basic facts, and to this extent echo something Borch-Jacobsen once said454: namely, any relativist who ignores the facts risks becoming a dogmatist. And he's right. So when posties say, for example, that the fabricated foundations of psychoanalysis don't matter - primarily, they claim, because psychoanalysis is only interested in fantasy they are being absurd dogmatists.

But this response is still not very satisfactory, since it doesn't address your first two questions: namely, what is a basic fact, and how can we purport to know one? I would suggest, loosely following the historian R. G. Collingwood, that there are two kinds of history: one that barely deserves the name as it was once practised long ago; and modern history. The first is what Collingwood rightly calls 'scissor and paste' history, and is more or less concerned with recording dates, names and events: for example, on the ides of March Caesar crossed the Rubicon. The second is interpretive history, and is concerned with the interpretation of dates, names and events: for example, on the ides of March Caesar crossed the Rubicon because he was a megalomaniac, or because he wanted to defeat his enemies, or because he was a compulsive bed-wetter, and so on.

How does this distinction between basic and interpretive history help us? Well, because the majority of Freud scholarship is so obviously an interpretive history. The posties know this better than anyone, and are absolutely right to conclude that such interpretation, like analysis, is interminable. We can engage in debate about motives forever. However, there is a fundamental problem here in the case of psychoanalysis. Why? Because all historical interpretation, even the freewheeling interpretive history of post-modernists, is based on the scissor and paste' history of mere dates, names and events. And this is where the posties drop the ball. For almost all of the best critiques of Freud made over the last thirty years — the kind I associate with the creation of Critical Freud Studies - have begun by examining basic facts about dates, names and events. What these critics have found is that the history of Freud interpretation is the history of misinterpretation of a fundamental kind. Namely, it is interpretation of 'facts' or 'events that never happened. For example, they have found that Freud, during the period of 'discovery' and subsequent abandonment of the Seduction Theory, exaggerated his results and, when necessary, simply made them up.

AG: He said he crossed the Rubicon when he didn't?

TD: Worse. Not only didn't he cross the Rubicon, to extend the analogy, but it turns out in this case that the Rubicon itself doesn't exist! It's all a myth. And so, while the posties inevitably berate Cioffi, Crews and others for their naive belief in facts, they have simply fallen into the rabbit hole that Freud dug for them. For his part, Borch-Jacobscn replies that it is really these nay-savers who are being naive. I would only repeat my suspicion that our gullible colleagues have risked their egos on baseless interpretations that they are now incapable of retracting.

Of course, the stakes are now very high. For if the critics are right, then the majority of Freud interpretation is utterly worthless. And it is worthless in at least two ways: as history and as interpretation. At best, these groundless interpretations are a kind of literary garbage — works of unwitting fiction along the lines of Medieval discussions of angels/" Sure these works tell us a lot about the beliefs of a certain period, in this case the twentieth century, but they don't work the way the authors intended them. For me, they are cautionary tales — what Lacan would call 'poubellications', or published trash.

AG: If empiricism is just a theory, isn't a 'basic fact' just an interpretation among others?

TD: That is true and a little bit clever, but a degree of certainty is all I am after. I'm not saying that we can't get our basic facts wrong, which we obviously do. It is rather that we must be willing to revise our interpretations on the basis of the basic facts we do have. I don't blame Freud scholars for making a mess of everything with their erroneous interpretations. Freud misled everyone, beginning with himself and his closest followers. Psychoanalysis is a con-game, after all. That said, short of sticking our heads in the sand, we must confront the basic facts and rewrite the history of psychoanalysis anew.

Buddhism can’t do the work the alt assigns it – false hopes of costless peace

Harris 9

(Sam – PhD in neuroscience from UCLA and degree in philosophy from Stanford, CEO of Project Reason, a nonprofit foundation devoted to spreading scientific knowledge and secular values in society, “Killing the Buddha” July 2009, http://www.shambhalasun.com/index.php?option=com\_content&task=view&id=2903&Itemid=244)

The wisdom of the Buddha is currently trapped within the religion of Buddhism. Even in the West, where scientists and Buddhist contemplatives now collaborate in studying the effects of meditation on the brain, Buddhism remains an utterly parochial concern. While it may be true enough to say (as many Buddhist practitioners allege) that “Buddhism is not a religion,” most Buddhists worldwide practice it as such, in many of the naive, petitionary, and superstitious ways in which all religions are practiced. Needless to say, all non-Buddhists believe Buddhism to be a religion—and, what is more, they are quite certain that it is the wrong religion. To talk about “Buddhism,” therefore, inevitably imparts a false sense of the Buddha’s teaching to others. So insofar as we maintain a discourse as “Buddhists,” we ensure that the wisdom of the Buddha will do little to inform the development of civilization in the twenty-first century.

The alt is overly simplistic – it only dumbs down buddhist philosophy for marketability

Vernon 9

(Mark, PhD in philosophy and honorary research fellow – Birbeck College, London, “Buddhism and the dangers of pick'n'mix religion” 13 May 2009, The Gaurdian)

In business, it's called cherry-picking, and it makes for a very good sell. You identify the product with immediate appeal, minimal costs and instant returns, and take it to market. For contemporary western Buddhism, that often appears to mean packaging up a subtle and often dark struggle with life as the fast path to felicity. The brand is easy Happiness. It can even be wrapped in the orange of saffron robes. But the worry is this: such a consumerist confection is not enough to live by. It reduces the Noble Truths to mawkish truisms. It leads to the fixed smiles of those who have donned enlightenment as effortlessly as a hemp shirt or woven bracelet. It makes those who assert that the self is empty, with no more substance than the crest of a wave, remarkably self-obsessed. Equating Buddhism with happiness, to stay with that particular association, will dumb it down.

Alt has no capacity to accurately describe the world AND its beneficial social practices don’t spillover

Crabtree 4

(Vexen, Certificate in the Social Sciences, Open University Undergraduate in Social Sciences BSc (Hons) and contributed chapters in books onreligious studies, andcontributed to and been referenced in over thirty academic books on various subjects pertaining to religion and society. I have appeared on various TV and radio programs debating religious philosophy, “Criticisms of Buddhism” http://www.humanreligions.info/buddhism\_criticism.html#Conclusions)

6. Conclusions Buddhism is a wonderful religion socially, participating as a principle player in all forms of global peace & stability movements, very environmentally aware and an intelligent force for good in world politics. Historically it has contributed much less inhumanity to the world than have all other religions of similar stature. But its greatness is limited by its own dogma and mythology, its psychology is too idealistic and assumptive and its self-development aspects are too specific. In the West, Buddhism has become no more than the respectable elements of New Age, merely called "Buddhism" and missing all of its main elements, replacing them with commercialist and popularist gimmicks. The London Buddhist Society and other high-brow Buddhist institutions in the West are inactive, elitist gatherings of intelligent pseudo-Buddhists, genuine Buddhists in the West are very hard to find. The history of Buddhism is problematic. It has grown from the cultural practices and beliefs from particular parts of the East and there seems to be no evidence for Buddhist beliefs. Not only that, but the Buddha himself lacks any evidence for his existence, apart from the fact that many varied and contradictory stories were once passed on orally for hundreds of years before being written down. It is impossible to separate fact from fable. Buddhist traditions all claim that through a long and accurate teacher-student lineage, their practices were those ordained by the Buddha. Yet major divisions exist between the branches of Buddhism as to what practices are good, what are bad, and what the beliefs of the religion are. It is clear that with so many contradictory claims, most Buddhists must therefore be wrong in their beliefs. In an age where the UN and many secular multinational organisations have more strength and much willpower, social Buddhism has passed its hey-day as a useful tool of humanitarianism and global welfare. Buddhist groups could be replaced with secular organisations with little real change in mentality. Overly mystical and too idealistic about human nature, only the world-wide social elements of Buddhism have genuine merit, the rest is yet-another self-fulfilling religion of superstition, assumptions and pseudopsychology.

## 2ac immigration

Economic collapse doesn’t cause war

Jervis, professor of political science – Columbia University, ‘11

(Robert, Force in Our Times,” Survival, Vol. 25, No. 4, p. 403-425)

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

#### CIR not key to econ

Mike Flynn 13, Breitbart reporter, July 13, "White House Oversells Economic Benefits of Immigration Reform," www.breitbart.com/Big-Government/2013/07/13/white-house-oversells-economic-benefits-of-immigration-reform

On Saturday, President Obama used his weekly radio address to tout the economic benefits of passing the Senate immigration reform bill. On Wednesday, the White House issued a report saying the immigration reform bill would both trim the deficit and boost the economy over the next two decades. Even accepting the Administration's numbers at face-value, the report shows how little would be gained economically from reform in the long-term. In the short-term, however, there are some very real costs ignored by the White House.¶ The White House report draws heavily from a CBO analysis on the economic impact of the Senate bill, released in mid-June. The CBO estimates that, under the Senate bill, in 20 years, the nation's GDP would be $1.4 trillion higher than it otherwise would be if the bill didn't pass. The Administration claims the bill will grow the economy by 5.4% in that time-frame. ¶ Which sounds impressive, until one realizes that we are talking about a 20 year window here. An incremental growth of 5% over two decades isn't exactly an economic bonanza. In that time-span the US economy will generate $300-500 trillion in total economic impact. An extra few trillion is at the margins or the margins.¶ Worse, the economic benefits the CBO estimates will accrue only begin at least a decade after enactment. Through 2031, Gross National Product, which measures the output of US residents and firms, would be lower than it otherwise would be. In ten years, the per capita GNP would be almost 1% lower than without the Senate bill. ¶ The CBO analysis also shows that average wages of American workers would be lower than they otherwise would be through at least the first 10 years of the law's enactment. The unemployment rate would also rise for the first decade, due to a large increase in the labor force.¶ Supporters and opponents of immigration reform both overstate its economic impact. In a nation of more than 300 million people and a $16 trillion economy, any economic impact is going to be felt at the margins. The CBO, however, finds that, for at least a decade, the economic effects of the Senate bill are negative at the margins. After 2 decades, the CBO says the effects become positive at the margin. ¶ A decade of relatively worse economic performance to secure marginally better performance 20 years from now is not an obviously good bargain. One can make many argument in favor of immigration reform. Economic growth, however, seems a very weak one.

#### Immigration is dead—zero window for House passage.

Greg Sargent, 11/13, John Boehner just put immigration reform on life support, www.washingtonpost.com/blogs/plum-line/wp/2013/11/13/john-boehner-just-put-immigration-reform-on-life-support/

John Boehner, at a presser just now, just said something that pushed immigration reform closer to death than anything he has said thus far:

House Speaker John Boehner says he will not allow any House-passed immigration legislation to be blended with the Senate’s sweeping reform bill, further quashing the chances of comprehensive immigration reform legislation being signed into law anytime soon.

“We have no intention of ever going to conference on the Senate bill,” Boehner told reporters Wednesday.

At the presser, Boehner also refused to say whether any of the piecemeal proposals reportedly being developed by House Republicans will get a vote this year, which means they almost certainly won’t. He did say that GOP Rep Bob Goodlatte, the chair of the House Judiciary Committee, “is working with our members and across the aisle on developing a set of principles for us to deal with this issue.”

But if Boehner really means that Republicans will not “ever” go to conference on the Senate bill, it’s very hard to see a path to comprehensive reform. Frank Sharry, the executive director of America’s Voice, emails me this:

“If Boehner kills off immigration reform, he’s going to go down as the Speaker who helped kill off the GOP. If he doesn’t promise to go to conference, he won’t be able to get Democrats to vote for any immigration measures, and he won’t be able to pass them with just Republican votes. He’s painting himself into a corner with procedural concessions to the far right, where failure is the only possible outcome. If he keeps to this, he’s dooming reform. Let’s hope he wants a legacy that includes growing the economy and saving his party.”

The point here is this. The House GOP leadership will never hold a vote on any comprehensive reform package that includes legalization or citizenship. So the only way forward is if House Republicans pass piecemeal provisions — border security measures, plus some sort of legalization proposal for the 11 million, or barring that, the Kids Act (which gives citizenship only to the DREAMers). That would be a route to comprehensive reform if it provided a way to get to conference.

Boehner doesn’t want anything the House passes to be seen as a vehicle for going to conference, because conservatives will revolt. But here is the rub: House Republicans, on their own, probably can’t pass anything that addresses the 11 million — and may not even be able to pass the KIDS Act — if it is seen as a vehicle for going to conference, since conservatives would resist at all costs. So Democrats would be needed to pass any such proposals. But Democrats will only vote for such proposals with an assurance that we would then go to conference. And so, by ruling out conference, **Boehner** may have **just closed off the last remaining route to getting reform done.**

There has been a lot of talk lately about how the GOP establishment is going to wage war on the hard-liners inside the GOP that are forcing unelectable candidates and deeply unpopular positions on the party. Immigration reform, however, is a clear cut case where this vow isn’t mattering in the slightest.

Many of the same constituencies within the GOP who are warning against letting the hard liners’ demand for a Total War against Obamacare drag the party into situations like the recent shutdown debacle – the business community, the professional consultant establishment, etc. — are the same ones who are urging the party to adopt immigration reform, for the long term good of the GOP. But it isn’t happening. We are not getting immigration reform if House GOP leaders are not willing to get the anti-amnesty-at-all-costs crowd a bit riled up at some point in the process. Boehner’s quotes today suggest they just aren’t willing to do that, whatever the long term costs to the party.

#### Healthcare overwhelms.

Ezra Klein, WaPo, 11/14/13, Wonkbook: A low for the Obama administration, www.washingtonpost.com/blogs/wonkblog/wp/2013/11/14/wonkbook-a-new-low-for-the-obama-administration/

President Obama's second term began with two clear projects. The first was to successfully launch the Affordable Care Act. "If we don't get that right, nothing else matters," Obama would tell his staff. The second was to pass comprehensive immigration reform.

The Affordable Care Act continues to struggle, and despite the White House's insistence to the contrary, there's mounting skepticism that HealthCare.gov will be functioning smoothly come December 1st. The result is a real challenge to the law: **Congressional Democrats are defecting** and considering legislative "fixes" that could undermine the law once it is functional.

Meanwhile, Speaker John Boehner hammered a final nail into the coffin of immigration reform on Tuesday. Speaking after a closed-door meeting of House Republicans, he ruled out a vote on comprehensive immigration reform. "The idea that we're going to take up a 1,300-page bill that no one had ever read, which is what the Senate did, is not going to happen in the House," Boehner said. He also warned that “We have no intention of ever going to conference on the Senate bill."

As Frank Sharry, executive director of the pro-reform alliance America's Vote, told Greg Sargent, "[**Boehner's] painting himself into a corner with procedural concessions to the far right, where failure is the only possible outcome." There will be no immigration bill in this Congress**.

Worsening matters for the White House, **Obama's political influence is at a low ebb.** An underappreciated effect of Obamacare's disastrous roll-out is that congressional Democrats feel betrayed: They took tough votes and lost dozens of seats to pass this law, and then the Obama administration failed to make good on its key political promises ("if you like your health care plan, you can keep it") and failed to implement the legislation effectively, or even vaguely competently.

And then there's Obama's poll numbers, which, according to Quinnipiac, have dropped to a new low. This graph does not improve Obama's pull in Congress:

obama bush poll numbers Politically and substantively, this is a low for the administration. "**Things suck right now**," says one Senate Democratic aide. "**They suck unbelievably much, considering where we were six weeks ago**."

#### That boosts Obama’s capital without triggering a fight over authority

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 59-60

Presidents and politicos alike have long recognized Congress's ability to reduce the political costs that the White House risks incurring by pursuing a major military initiative. While declarations of war are all but extinct in the contemporary period, Congress has repeatedly moved to authorize presidential military deployments and consequently to tie its own institutional prestige to the conduct and ultimate success of a military campaign. Such authorizing legislation, even if it fails to pass both chambers, creates a sense of shared legislative-executive responsibility for a military action's success and provides the president with considerable political support for his chosen policy course.34 Indeed, the desire for this political cover—and not for the constitutional sanction a congressional authorization affords—has historically motivated presidents to seek Congress's blessing for military endeavors. For example, both the elder and younger Bush requested legislative approval for their wars against Iraq, while assiduously maintaining that they possessed sufficient independent authority as commander in chief to order the invasions unilaterally.35 This fundamental tension is readily apparent in the elder Bush's signing statement to HJ Res 77, which authorized military action against Saddam Hussein in January of 1991. While the president expressed his gratitude for the statement of congressional support, he insisted that the resolution was not needed to authorize military action in Iraq. "As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use the Armed Forces to defend vital U.S. interests or the constitutionality of the War Powers Resolution."36

#### Fiat is immediate so no run-up debate over the plan for Obama to participate in

#### Obama capital fails and backfires

Reid Epstein, Politico, 11/10/13, White House seeks Republican immigration help, www.politico.com/story/2013/11/white-house-seeks-gop-immigration-help-99640.html

The government shutdown fight and Obama’s failure to establish relationships with Republicans haven’t helped either.

“This whole fight we had in the … past few weeks over Obamacare and the government shutdown and everything really affected relationships with members and the White House,” Valadao said. “That, I think, had a huge impact on members who were on the fence on immigration.”

Meanwhile, the conservative groups working to pass immigration reform are happy working without substantial coordination from the White House. Being seen as too close to Obama would sap their credibility with House Republicans, even as they parrot the White House talking points.

“We’re keeping the White House at arms length and the White House is not really engaging with folks directly and they’re really paying heed to the reality that this has to be owned lock, stock and barrel by the House Republicans,” said Ali Noorani, executive director of the National Immigration Forum.

Tamar Jacoby, president and CEO of the pro-reform business group ImmigrationWorks USA, said the biggest current obstacle of immigration reform in the House is that Republicans “don’t want to do Obama any favors” after the toxic shutdown and debt limit battles.

“When Obama’s out there saying, ‘I just won a big battle … and I’m demanding you do this,’ no one’s going to want to do it on those terms,” Jacoby said. “My fear is that Obama’s not really helping [reform] when he’s sort of scolding them about it all the time.”

# 1AR

## \*\*\*terror

## wilcox is wrong

Their reliance on gender binaries to explain violence is essentialist and wrong

**Harvis**, professor of government and IR – University of Sydney, **2K**

(Darryl, “Feminist revisions of international relations,” International Relations and the Challenge of Postmodernism, p. 162-3)

Critical research agendas of this type, however, are not found easily in International Relations. Critics of feminist perspectives run the risk of denouncement as either a misogynist malcontent or an androcentric keeper of the gate. At work in much of this discourse is an unstated political correctness, where the historical marginalization of women bestows intellectual autonomy, excluding those outside the identity group from legitimate participation in its discourse. Only feminist women can do real, legitimate, feminist theory since, in the mantra of identity politics, discourse must emanate from a positional (personal) ontology. Those sensitive or sympathetic to the identity politics of particular groups are, of course, welcome to lend support and encouragement, but only on terms delineated by the groups themselves. In this way, they enjoy an uncontested sovereign hegemony oyer their own self-identification, insuring the group discourse is self constituted and that its parameters, operative methodology, ,uu\ standards of argument, appraisal, and evidentiary provisions are self defined. Thus, for example, when Sylvester calls lor a "home.steading" does so "by [a] repetitive feminist insistence that we be included on our terms" (my emphasis). Rather than an invitation to engage in dialogue, this is an ultimatum that a sovereign intellectual space be provided and insulated from critics who question the merits of identity-based political discourse. Instead, Sylvester calls upon International Relations to "share space, respect, and trust in a re-formed endeavor," but one otherwise proscribed as committed to demonstrating not only "that the secure homes constructed by IR's many debaters are chimerical," but, as a consequence, to ending International Relations and remaking it along lines grounded in feminist postmodernism.93 Such stipulative provisions might be likened to a form of negotiated sovereign territoriality where, as part of the settlement for the historically aggrieved, border incursions are to be allowed but may not be met with resistance or reciprocity. Demands for entry to the discipline are thus predicated on conditions that insure two sets of rules, cocooning postmodern feminist spaces from systematic analyses while "respecting" this discourse as it hastens about the project of deconstructing International Relations as a "male space." Sylvester's impassioned plea for tolerance and "emphatic cooperation" is thus confined to like-minded individuals, those who do not challenge feminist epistemologies but accept them as a necessary means of reinventing the discipline as a discourse between postmodern identities—the most important of which is gender.94 Intolerance or misogyny thus become the ironic epithets attached to those who question the wisdom of this reinvention or the merits of the return of identity in international theory.'"' Most strategic of all, however, demands for entry to the discipline and calls for intellectual spaces betray a self-imposed, politically motivated marginality. After all, where are such calls issued from other than the discipline and the intellectual—and well established—spaces of feminist International Relations? Much like the strategies employed by male dissidents, then, feminist postmodernists too deflect as illegitimate any criticism that derives from skeptics whose vantage points are labeled privileged. And privilege is variously interpreted historically, especially along lines of race, color, and sex where the denotations white and male, to name but two, serve as generational mediums to assess the injustices of past histories. White males, for example, become generic signifiers for historical oppression, indicating an ontologicallv privileged group by which the historical experiences of the "other" can then be reclaimed in the context of their related oppression, exploitation, AND exclusion. Legitimacy, in this context, can then be claimed in terms of one's group identity and the extent to which the history of that particular group has been “silenced.” In this same way, self-identification or “self-situation” establishes one’s credentials, allowing admittance to the group and legitimating the “authoritative” vantage point from which one speaks and writes. Thus, for example, Jan Jindy Pettman includes among the introductory pages to her most recent book, *Worlding Women*, a section titled “A (personal) politics of location,” in which her identity as a woman, a feminist, and an academic, makes apparent her particular (marginal) identities and group loyalties.96 Similarly, Christine Sylvester, in the introduction to her book, insists, “It is important to provide a context for one’s work in the often-denied politics of the personal.” Accordingly, self-declaration revelas to the reader that she is a feminist, went to a Catholic girls school where she was schooled to “develop your brains and confess something called “sins” to always male forever priests,” and that these provide some pieces to her dynamic objectivity.97 Like territorial markers, self-identification permits entry to intellectual spaces whose sovereign authority is “policed” as much by marginal subjectivies as hey allege of the oppressors who “police” the discourse of realism, or who are said to walk the corridors of the discipline insuring the replication of patriarchy, hierarchical agendas, and “malestream” theory. If Sylvester’s version of feminist postmodernism is projected as tolerant, perspectivist, and encompassing of a multiplicity of approaches, in reality it is as selective, exclusionary, and dismissive of alternative perspectives as mainstream approaches are accused of being. Skillful theoretical moves of this nature underscore the adroitness of postmodern feminist theory at emasculating many of its logical inconsistencies. In arguing for a feminist postmodernism, for example, Sylvester employs a double theoretical move that, on the one hand, invokes a kind of epistemological deconstructive anarchy cum relativism in an attempt to decenter or make insecure fixed research gazes, identities, and concepts (men, women, security, and nation-state), while on the other hand turning to the lived experiences of women as if ontologically given and assuming their experiences to be authentic, real, substantive, and authoritative interpretations of the realities of international relations. Women at the peace camps of Greenham Common or in the cooperatives of Harare, represent, for Sylvester, the real coal face of international politics, their experiences and strategies the real politics of “relations international.” But why should we take the experiences of these women to be ontologically superior or more insightful than the experiences of other women or other men? As Sylvester admits elsewhere, “Experience … is at once always already an interpretation and in need of interpretation.” Why, then are experience-based modes of knowledge more insightful than knowledges derived through other modes of inquiry?98 Such espistemologies are surely crudely positivistic in their singular reliance on osmotic perception of the facts as they impact upon the personal. If, as Sylvester writes, “sceptical inlining draws on substantive everydayness as a time and site of knowledge, much as does everyday feminist theorizing,” and if, as she further notes, “it understands experience…as mobile, indeterminate, hyphenated, [and] homeless,” why should this knowledge be valued as anything other than fleeting subjective perceptions of multiple environmental stimuli whose meaning is beyond explanation other than as a personal narrative?99 Is this what Sylvester means when she calls for a re-visioning and a repainting of the “canvases of IR,” that we dissipate knowledge into an infinitesimal number of disparate sites, all equally valid, and let loose with a mélange of visceral perceptions; stories of how each of us perceive we experience international politics? If this is the case, then Sylvester’s version of feminist postmodernity does not advance our understanding of international politics, leaving untheorized and unexplained the causes of international relations. Personal narratives do not constitute theoretical discourse, nor indeed an explanation of the systemic factors that procure international events, process, or the actions of certain actors. We might also extend a contextualist lens to analyze Sylvester’s formulations, much as she insists her epistemogical approach does. Sylvester, for example, is adamant that we can not really know who “women” are, since to do so would be to invoke an essentialist concept, concealing the diversity inherent in this category. “Women” don’t really exist in Sylvester’s estimation since there are black women, white women, Hispanic, disabled, lesbin, poor, rich, middle class, and illiterate women, to name but a few. The point, for Sylvester, is that to speak of “women” is to do violence to the diversity encapsulated in this category and, in its own way, to silence those women who remain unnamed. Well and good. Yet this same analytical respect for diversity seems lost with men. Politics and international relations become the “places of men.” But which men? All men? Or just white men, or rich, educated, elite, upper class, hetero-sexual men? To speak of political places as the places of men ignores the fact that most men, in fact the overwhelming majority of men, are not in these political places at all, are not decision makers, elite, affluent, or powerful. Much as with Sylvester’s categories, there are poor, lower class, illiterate, gay, black, and white men, many of whom suffer the vestiges of hunger, poverty, despair, and disenfranchisement just as much as women. So why invoke the category “men” in such essentialist and ubiquitous ways while cognizant only of the diversity of in the category “women.” These are double standards, not erudite theoretical formulations, betraying, dare one say, sexism toward men by invoking male gender generalizations and crude caricatures. Problems of this nature, however, are really manifestations of a deeper, underlying ailment endemic to discourses derived from identity politics. At base, the most elemental question for identity discourse, as Zalewski and Enloe note, is “Who am I?”100 The personal becomes the political, evolving a discourse where self-identification, but also one’s identification by others, presupposes multiple identities that are fleeting, overlapping, and changing at any particular moment in time or place. “We have multiple identities,” argues V. Spike Peterson, “e.g., Canadian, homemaker, Jewish, Hispanic, socialist.”101 And these identities are variously depicted as transient, polymorphic, interactive, discursive, and never fixed. As Richard Brown notes, “Identity is given neither institutionally nor biologically. It evolves as one orders continuities on one’s conception of oneself.”102 Yet, if we accept this, the analytical utility of identity politics seems problematic at best. Which identity, for example, do we choose from the many that any one subject might display affinity for? Are we to assume that all identities are of equal importance or that some are more important than others? How do we know which of these identities might be transient and less consequential to one’s sense of self and, in turn, politically significant to understanding international politics? Why, for example, should we place gender identity ontologically prior to class, sexual orientation, ethnic origin, ideological perspective, or national identity?103 As Zalewski and Enloe ask, “Why do we consider states to be a major referent? Why not men? Or women?”104 But by the same token, why not dogs, shipping magnates, movie stars, or trade regimes? Why is gender more constitutive of global politics than, say, class, or an identity as a cancer survivor, laborer, or social worker? Most of all, why is gender essentialized in feminist discourse, reified into the most preeminent of all identities as the primary lens through which international relations must be viewed? Perhaps, for example, people understand difference in the context of identities outside of gender. As Jane Martin notes, “How do we know that difference…does not turn on being fat or religious or in an abusive relationship?”105 The point, perhaps flippantly made, is that identity is such a nebulous concept, its meaning so obtuse and so inherently subjective, that it is near meaningless as a conduit for understanding global politics if only because it can mean anything to anybody.

## posner

No impact to threat con

Eric A. Posner and Adrian Vermeule 3, law profs at Chicago and Harvard, Accommodating Emergencies, September, <http://www.law.uchicago.edu/files/files/48.eap-av.emergency.pdf>

Against the view that panicked government officials overreact to an emergency, and unnecessarily curtail civil liberties, we suggest a more constructive theory of the role of fear. Before the emergency, government officials are complacent. They do not think clearly or vigorously about the potential threats faced by the nation. After the terrorist attack or military intervention, their complacency is replaced by fear. Fear stimulates them to action. Action may be based on good decisions or bad: fear might cause officials to exaggerate future threats, but it also might arouse them to threats that they would otherwise not perceive. It is impossible to say in the abstract whether decisions and actions provoked by fear are likely to be better than decisions and actions made in a state of calm. But our limited point is that there is no reason to think that the fear-inspired decisions are likely to be worse. For that reason, the existence of fear during emergencies does not support the antiaccommodation theory that the Constitution should be enforced as strictly during emergencies as during non-emergencies.

C. The Influence of Fear during Emergencies

Suppose now that the simple view of fear is correct, and that it is an unambiguously negative influence on government decisionmaking. Critics of accommodation argue that this negative influence of fear justifies skepticism about emergency policies and strict enforcement of the Constitution. However, this argument is implausible. It is doubtful that fear, so understood, has more influence on decisionmaking during emergencies than decisionmaking during non-emergencies.

The panic thesis, implicit in much scholarship though rarely discussed in detail, holds that citizens and officials respond to terrorism and war in the same way that an individual in the jungle responds to a tiger or snake. The national response to emergency, because it is a standard fear response, is characterized by the same circumvention of ordinary deliberative processes: thus, (i) the response is instinctive rather than reasoned, and thus subject to error; and (ii) the error will be biased in the direction of overreaction. While the flight reaction was a good evolutionary strategy on the savannah, in a complex modern society the flight response is not suitable and can only interfere with judgment. Its advantage—speed—has minimal value for social decisionmaking. No national emergency requires an immediate reaction—except by trained professionals who execute policies established earlier—but instead over days, months, or years people make complex judgments about the appropriate institutional response. And the asymmetrical nature of fear guarantees that people will, during a national emergency, overweight the threat and underweight other things that people value, such as civil liberties.

But if decisionmakers rarely act immediately, then the tiger story cannot bear the metaphoric weight that is placed on it. Indeed, the flight response has nothing to do with the political response to the bombing of Pearl Harbor or the attack on September 11. The people who were there—the citizens and soldiers beneath the bombs, the office workers in the World Trade Center—no doubt felt fear, and most of them probably responded in the classic way. They experienced the standard physiological effects, and (with the exception of trained soldiers and security officials) fled without stopping to think. It is also true that in the days and weeks after the attacks, many people felt fear, although not the sort that produces a irresistible urge to flee. But this kind of fear is not the kind in which cognition shuts down. (Some people did have more severe mental reactions and, for example, shut themselves in their houses, but these reactions were rare.) The fear is probably better described as a general anxiety or jumpiness, an anxiety that was probably shared by government officials as well as ordinary citizens.53

While, as we have noted, there is psychological research suggesting that normal cognition partly shuts down in response to an immediate threat, we are aware of no research suggesting that people who feel anxious about a non-immediate threat are incapable of thinking, or thinking properly, or systematically overweight the threat relative to other values. Indeed, it would be surprising to find research that clearly distinguished “anxious thinking” and “calm thinking,” given that anxiety is a pervasive aspect of life. People are anxious about their children; about their health; about their job prospects; about their vacation arrangements; about walking home at night. No one argues that people’s anxiety about their health causes them to take too many precautions—to get too much exercise, to diet too aggressively, to go to the doctor too frequently—and to undervalue other things like leisure. So it is hard to see why anxiety about more remote threats, from terrorists or unfriendly countries with nuclear weapons, should cause the public, or elected officials, to place more emphasis on security than is justified, and to sacrifice civil liberties.

Fear generated by immediate threats, then, causes instinctive responses that are not rational in the cognitive sense, not always desirable, and not a good basis for public policy, but it is not this kind of fear that leads to restrictions of civil liberties during wartime. The internment of Japanese Americans during World War II may have been due to racial animus, or to a mistaken assessment of the risks; it was not the direct result of panic; indeed there was a delay of weeks before the policy was seriously considered.54 Post-9/11 curtailments of civil liberties, aside from immediate detentions, came after a significant delay and much deliberation. The civil libertarians’ argument that fear produces bad policy trades on the ambiguity of the word “panic,” which refers both to real fear that undermines rationality, and to collectively harmful outcomes that are driven by rational decisions, such as a bank run, where it is rational for all depositors to withdraw funds if they believe that enough other depositors are withdrawing funds. Once we eliminate the false concern about fear, it becomes clear that the panic thesis is indistinguishable from the argument that during an emergency people are likely to make mistakes. But if the only concern is that during emergencies people make mistakes, there would be no reason for demanding that the constitution be enforced normally during emergencies. Political errors occur during emergencies and nonemergencies, but the stakes are higher during emergencies, and that is the conventional reason why constitutional constraints should be relaxed.

## \*\*\*k

## case turns k

#### Any attack turns the K

Peter Beinart 8, associate professor of journalism and political science at CUNY, The Good Fight; Why Liberals – and only Liberals – Can Win the War on Terror and Make America Great Again, 110-1

Indeed, while the Bush administration bears the blame for these hor- rors, White House officials exploited a shift in public values after 9/11. When asked by Princeton Survey Research Associates in 1997 whether stopping terrorism required citizens to cede some civil liberties, less than one-t hird of Americans said yes. By the spring of 2002, that had grown to almost three- quarters. Public support for the government’s right to wire- tap phones and read people’s mail also grew exponentially. In fact, polling in the months after the attack showed Americans less concerned that the Bush administration was violating civil liberties than that **it wasn’t violating them enough**. What will happen the next time? It is, of course, impossible to predict the reaction to any particular attack. But in 2003, the Center for Public Integrity got a draft of something called the Domestic Security Enhance- ment Act, quickly dubbed Patriot II. According to the center’s executive director, Charles Lewis, **it expanded government power** five or **ten times as much as its predecessor**. One provision permitted the government to strip native-born Americans of their citizenship, allowing them to be indefinitely imprisoned without legal recourse if they were deemed to have provided any support—even nonviolent support—to groups designated as terrorist. After an outcry, the bill was shelved. But it offers a hint of what this administration—or any administration—might do if the United States were hit again. ¶ When the CIA recently tried to imagine how the world might look in 2020, it conjured four potential scenarios. One was called the “cycle of fear,” and it drastically inverted the assumption of security that C. Vann Woodward called central to America’s national character. The United States has been attacked again and the government has responded with “large- scale intrusive security measures.” In this dystopian future, two arms dealers, one with jihadist ties, text- message about a potential nuclear deal. One notes that terrorist networks have “turned into mini-s tates.” The other jokes about the global recession sparked by the latest attacks. And he muses about how terrorism has changed American life. “That new Patriot Act,” he writes, “went **way beyond anything imagined after 9/11**.” “The fear cycle generated by an increasing spread of WMD and terrorist attacks,” comments the CIA report, “once under way, would be one of the **hardest to break**.” And the more entrenched that fear cycle grows, the less free America will become. Which is why a new generation of American liberals must make the fight against this new totalitarianism their own.

## consequences

All lives are infinitely valuable, the only ethical option is to maximize the number saved

**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.\*

## psycho

And by extension, their impacts are wrong

Todd Dufresne 6, Professor of Philosophy and founding Director of The Advanced Institute for Globalization & Culture at Lakehead University, Killing Freud, googlebooks

Scholars, medically trained doctors, journalists and former patients have long objected to aspects of Freud's creation. Hardly anyone claims that Freud was right about everything - which is, of course, fair enough. Beginning with Freud himself, psychoanalysis has been characterized by constant revision and amendment of the original program. Freud may not have gotten everything right, we tend to think, but obviously he didn't get everything wrong either. And so we hang on tight to precious bits and pieces of Freudiana, of which we can include some of Freud's most famous theories and techniques: the unconscious, regression, repression, the death drive, transference, free association, dream analysis and the couch. At the same time, there is little agreement about what Freud got right and what he got wrong. Let's just admit the obvious - namely, that Freud, during the course of fifty-odd years as a theorist and a therapist, in more than twenty-three volumes of collected works, and in a correspondence that is estimated to be at least 35,000 letters long - let's admit that Freud was bound to get something. I am reminded of authors like Erich Fromm and Max Horkheimer who argue, for example, that the death drive theory may have been very wrong, but it was at least a correct recognition that people are aggressive. Or of authors as different as Herbert Marcuse and John Updike who argue that the death drive is an accurate reflection of the horrors of the Holocaust. But, really, do we need Freud to tell us that people are aggressive? Do we really need the overblown theory of the death drive to explain the rise of Nazi Germany? I think not.

So why do we keep referring to Freud as though he was essentially correct about human psychology when, arguably, he was trivially or incidentally correct? There are, no doubt, many good reasons for this ongoing, albeit vague, allegiance to Freud, but I'll mention only two here. First of all, I think Freud gets cited out of habit, and a bad habit at that, or - what is almost the same thing - out of intellectual hubris. Masters by association, we are encouraged by a culture of theory to rub our intellectual projects against Freud or, even more likely nowadays, against 'Freudians' like Jacques Lacan. This state of affairs is in fact most obviously true among theorists of the French persuasion, where a reference to Lacan in their work operates like a leaf of ratiicchio in an otherwise mundane garden salad. The second reason Freud still gets cited across the literature has to do with the culture of therapy, a plague spread throughout the Western world, but which is especially virulent in the urban centres of the United States, Canada, England, France and Argentina. If this therapeutic culture is more dangerous than the theoretical one — and no doubt it is, at least for individuals - it is only because it is a horribly botched theory in practice. One need only think about the recovered memory fiasco and Freud's historical role in it all, as exposed so publicly in The Netv York Review of Books by that scourge of institutional psychoanalysis, Frederick Crews.1

In both theoretical and therapeutic cultures, feelings are easily hurt and egos are easily bruised by no-nonsense critics that comprise what I call the field of 'Critical Freud Studies'. After all, social or group identity is fundamentally at stake — which is to say, some version of The Cause is at stake. Theorists have written books (or 'texts', depending on your theoretical persuasion) and have thus staked their reputations on the ongoing viability of Freud, however much his thought (or 'spirit') has been perverted. The same can be said of some historians and biographers. In the meantime, therapists and patients are motivated to maintain their allegiance to some version of Freud on pain of becoming social outcasts: priests, mediums and quacks on the one side, malingerers, neurasthenics or just plain hysterics on the other.

Given the stakes for participants still committed to the contradictory cultures of psychoanalysis, I realize that the work that follows is at times cold-hearted. It couldn't be otherwise. For it is my contention that our continued allegiance to Freud - based largely on our motivated disinterest in the latest intellectual, cultural and social histories of psychoanalysis - is every bit as sentimental and superstitious as a rabbits foot dangling on a key chain. So sentimental and superstitious that I would, to take just one example, draw a line between the old machine metaphors that once made us think of the body in terms of heat, waste and energy, but also of coolant; Clausiuss and Lord Kelvins ideas of entropy; the physicians mistaken belief that we should bleed the overheated body; and later, their belief that we should purge the overfull bowel, for example, with the warm and mildly laxative waters of Karlsbad; or surgically alter, with Elic Metchnik of Fand others, that very same bowel for the sake of efficiency; or dream and dream, then talk and talk until we got all the bad thoughts off our chests\*, purging with Freud our 'overheated' imaginations, bleeding off the unused energy of our memories, discharging the waste products of our baneful existence, and functioning like a machine or, at least, like a well-oiled machine is supposed to function: compulsively, repeatedly, constantly. Of course the Luddite in Freud disliked this Machine Life and thus dreamt of the ultimate constancy that comes once life is turned off and silenced: namely, death.

And so, to put it as plainly as possible, we most certainly do not need Freud to help us describe the world - inner or outer.

If, on the other hand, there is a use for Freud and psychoanalysis, it is as a cautionary tale or, if you prefer, as a case study of a modern politicoreligious movement having just about run its course. In the wake of its demise, we are left the urgent task of picking up the remaining pieces and making sense of it all - most especially for an educated lay public with an abiding interest in Freud or at least Freudiana, but also for certain professional readers of Freud, from therapists to intellectuals, who have never bothered to acquaint themselves with the latest critical thoughts about psychoanalytic history, theory and culture.2 Against this regrettable culture of motivated disinterest, Killing Frettd is issued as a provocation and call to scholarly debate.

Critic as Agent Provocateur

Freud is reported to have once said to a patient that 'An analysis is not a place for polite exchanges'3 - something he repeats, more or less, in his papers on technique. When it came to fantasy, sex, money and so on, Freud insisted as a fundamental rule that the patient, but also the analyst, speak candidly. The truths of psychoanalysis are, for this reason, typically dark, brutal, rude and anti-social. However, the seductive bad manners of psychoanalytic exchange are not merely a principle of good clinical practice, but has itself become a veritable culture, if not a worldview: a culture, however, that looks suspiciously like a Hobbsean state of nature where one's inevitable human folly is just more ammunition for a neighbours analytic acumen.

If, as critical readers, we are expected to respect the principles of this peculiar culture, we must not be afraid, in turn, to play by the house rules. We must not be afraid to provoke, or to be provoked in turn. On the other hand, a critic must never take these rules too seriously, since the game is already rigged in favour of the house. The famous logic of 'heads I win, tales you lose' means that critics of psychoanalysis are subject, in advance, to the (by now very tired) counter-charge that they protest too much and, thus, suffer from a bad case of resistance. Obviously silence in the face of this form of intellectual blackmail is a cowards game. And so I try in Killing Freud not to shrink from being as blunt or cruel as the truth demands. Yet at the end of the day this means something simple and, I assume, uncontroversial; first, I recount those basic facts that analytic historians of psychoanalysis have chosen to forget or ignore, and draw out their implications; second, I critically explore the connection not only between revised and official histories, but between history, theory, gossip and institutional politics; and third, I follow psychoanalysis into the margins of everyday life, for example, unpacking Ernest Jones's psychoanalytically inspired love for figure skating. These three approaches in Killing Freud may be considered provocative or impolite only to the extent that analysts, analysands and their band of cronies don t want to hear about them - to the extent, I suppose, that partisan interests get lampooned and embarrassed by straight talk and revelations.

It can’t explain international politics

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(Matthew and Geoff, Žižek and Politics: An Introduction, p. 182 – 185, Figure 1.5 included)

Can we bring some order to this host of criticisms? It is remarkable that, for all the criticisms of Žižek’s political Romanticism, no one has argued that the ultra- extremism of Žižek’s political position might reflect his untenable attempt to shape his model for political action on the curative final moment in clinical psychoanalysis. The differences between these two realms, listed in Figure 5.1, are nearly too many and too great to restate – which has perhaps caused the theoretical oversight. The key thing is this. Lacan’s notion of traversing the fantasy involves the radical transformation of people’s subjective structure: a refounding of their most elementary beliefs about themselves, the world, and sexual difference. This is undertaken in the security of the clinic, on the basis of the analysands’ voluntary desire to overcome their inhibitions, symptoms and anxieties.

As a clinical and existential process, it has its own independent importance and authenticity. The analysands, in transforming their subjective world, change the way they regard the objective, shared social reality outside the clinic. But they do not transform the world. The political relevance of the clinic can only be (a) as a supporting moment in ideology critique or (b) as a fully- fl edged model of politics, provided that the political subject and its social object are ultimately identical. Option (*b*), Žižek’s option, rests on the idea, not only of a subject who becomes who he is only through his (mis) recognition of the objective sociopolitical order, but whose ‘traversal of the fantasy’ is immediately identical with his transformation of the socio- political system or Other. Hence, according to Žižek, we can analyse the institutional embodiments of this Other using psychoanalytic categories. In Chapter 4, we saw Žižek’s resulting elision of the distinction between the (subjective) Ego Ideal and the (objective) Symbolic Order. This leads him to analyse our entire culture as a single subject–object, whose perverse (or perhaps even psychotic) structure is expressed in every manifestation of contemporary life. Žižek’s decisive political- theoretic errors, one substantive and the other methodological, are different (see Figure 5.1)

The *substantive problem* is to equate any political change worth the name with the total change of the subject–object that is, today, global capitalism. This is a type of change that can only mean equating politics with violent regime change, and ultimately embracing dictatorial government, as Žižek now frankly avows (*IDLC* 412–19). We have seen that the ultra- political form of Žižek’s criticism of everyone else, the theoretical Left and the wider politics, is that no one is sufficiently radical for him – even, we will discover, Chairman Mao. We now see that this is because Žižek’s model of politics proper is modelled on a pre- critical analogy with the total transformation of a subject’s entire subjective structure, at the end of the talking cure. For what could the concrete consequences of this governing analogy be?

## at karma

Buddhist conceptions of karma causes suffering and justifies not acting to prevent deaths

Slabbert 1

(Jos, Taoist teacher and philosopher, “The Power of Faith in Tao”, <http://www.taoism.net/theway/power.htm>)

Even if they should agree that some form of karma exists, people often differ on the scope of karma. Most of my students, for example, reject the watertight concept of karma found in many schools of Buddhism. They would agree that karma may function in a limited way in this life, but they would argue that life is nevertheless unfair and unjust. Many skeptics would argue that karma is difficult to believe, and they would point out that their observations often contradict the concept of causality. Too many crooked people seem to get away with their crimes, or too many people who have caused misery seem to die happily in their luxury beds, escaping the results of their evil deeds. And again, too many innocent people suffer seemingly without cause. What have the thousands of babies dying of hunger in some godforsaken desert done to deserve their terrible deaths? Another objection raised is that the concept of karma can easily become just another discreet and heartless ideology to justify suffering and inequality. You can easily argue that those starving babies deserve what they get. It is their karma. And that you who live in luxury deserve what you have. It is your karma. Does this not easily become a way to justify injustice and callous disregard? Does this not provide many people with a way to sidestep compassion? It has in this way become part of the incredibly unjust caste system practiced in India.