# 1NC

## Advantage CP

**Counter Plan: The United States federal government should affirm a politics of grief for those vulnerable to the United States policy of indefinite detention by**

**closing the prison camp at Guantanamo Bay and transferring detainees to federal detention center in the contiguous United States;**

**instituting humane practices at the new facility including the end of torture, physical violence,**

**allow media access to the new facility;**

**Obama transferring from drones to detention and intel gathering now**

**Corn 13** (David, Washington Bureau Chief, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?”, 5/23/13, <http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties>)

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes. The New York Times received the customary pre-speech leak and reported: A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists. Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted. These moves may not satisfy civil-liberties-minded critics on the right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?) Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis. With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism. But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

**Shutting down detention leads a shift to drones and alternative rendition.**

**Chensney 11** (Robert M. Chesney, 5/1/2011, Prof at U Texas Law School, served on Detention Task Force with the Justice Department, <http://lawdigitalcommons.bc.edu/bclr/vol52/iss3/2/> ‘Who May Be Held? Military Detention through the Habeas Lens’)

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210 From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view it is no surprise that lethal drone strikes have increased dramatically over the past two years, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212 Decisions regarding the calibration of a detention system—the management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Review boards solve

**ROSENBERG, 13** Staff writer. http://www.miamiherald.com/2013/07/21/v-fullstory/3512527/pentagon-prepares-parole-board.html#storylink=cpy

Seventy-one Guantánamo captives will get parole-board-style hearings at the U.S. Navy base in Cuba, the Pentagon said Sunday, refusing to say when the panels will meet, whether the media can watch and which of the long-held captives will go first. The disclosure followed a flurry of emails sent after 10 p.m. Friday by Pentagon bureaucrats notifying attorneys for some of the 71 captives that preparations were underway to hold the so-called Periodic Review Boards ordered by President Barack Obama years ago. Retired Rear Adm. Norton C. Joerg, a former senior Navy lawyer during the Bush administration, advised the lawyers that the new six-member panels do not decide whether the Pentagon is lawfully imprisoning their captive client. Rather, the panel members “assess whether continued law of war detention is necessary to protect against a continuing significant threat to the security of the United States,” Joerg said. Joerg offered no explanation for the late-night notices that came amid a long-running hunger strike by prisoners at the base in Cuba over their conditions of detention. As of Sunday, the military said 46 detainees were sufficiently malnourished to require nasogastric feedings, currently conducted after dark in consideration of Ramadan. Once the daily fasting hours are over, according to prison spokesmen, Navy medical forces offer to let a force-fed hunger striker drink a nutritional supplement before shackling him into a chair, snaking a tube up his nose and into his stomach to deliver the drink. The International Committee of the Red Cross had been urging the Obama administration to get on with the reviews.Still, neither Joerg nor a Pentagon spokesman, Army Lt. Col. Todd Breasseale, would not say if the first hearing might be held by mid-September and whether there’s a target day for completion. Breasseale would only say the first would be held “when conditions dictate.” Also left unclear is whether the panel members will go to Guantánamo to hear from the captive, or watch by a video-link between the prison and Washington, D.C., that already exists for federal judges to hear from prisoners in habeas corpus petitions. The six members of the panel represent the Pentagon and separately the Joint Chiefs of Staff, the Director of National Intelligence and the Departments of State, Justice and Homeland Security. Breasseale did say that Joerg was processing 71 of the prison’s 166 captives for reviews. They include: • 46 captives currently held as “indefinite detainees,” a category created by an Obama Task force in 2010 of captives considered too dangerous to release but for whom there was no evidence that could justify a criminal trial; • 25 other captives who in 2010 were listed as candidates for trials by military commissions or civilian courts. Since then, the chief war crimes prosecutor, Army Brig Gen. Mark Martins, has decided to pursue fewer cases, citing a federal court ruling that “providing material support for terrorism” is not a war crime applicable to Guantánamo’s current detainee population. “Our number may be reduced if charges are referred to a military commission,” Breasseale said in response to a series of questions to Joerg on Saturday. “Likewise, our number could increase if convictions are overturned or charges are withdrawn.” The Pentagon plans to deliver notices to board-eligible detainees at Guantánamo this week, according to one attorney who was contacted by the Defense Department and asked if he would participate in the process. The attorney spoke to the Miami Herald on condition he not be identified in this article. Breasseale would not say whether reporters will be allowed to watch, or photograph, the hearings even if the detainee desires media coverage. Pentagon officials also would not discuss specific cases. But, based on the categories, the 71 men whose files will be reviewed include five members of the Taliban whose release is sought as part of an Afghanistan peace accord. The so-called Taliban elders are “indefinite detainees” at Guantánamo along with seven other Afghans, 26 Yemenis, three Saudis, two Kuwaitis, two Libyans, a Kenyan, a Moroccan and a Somali. Other captives who currently could argue for release as once-considered candidates for trial, include: • A 42-year-old, one-eyed prisoner known as “Abu Zubaydah” who was one of the CIA’s first war on terror prisoners. He’s Palestinian Zayn al Abdeen Mohammed al Hussein whom agents captured critically wounded in Pakistan, held naked in a dog cage and waterboarded 83 times to find out what he knew about al-Qaida before delivering him to Guantánamo in 2006. • An Indonesian man named Riduan Isomuddin, 49, better known “Hambali,” whom the CIA profiled a decade ago as a senior leader of Southeast Asia’s Jemaah Islamiya, the Islamic Group blamed for the 2002 Bali bombings that killed over 200 people. Hambali was captured in Thailand in 2003 but has never been charged with a crime. • Saudi Mohammed al Qahtani, 37,who was considered at one time for prosecution as the wannabe 20th hijacker in the Sept. 11 plot. Agents subjected him to such cruel interrogation at Guantánamo that a senior Pentagon lawyer in the Bush years concluded that the U.S. tortured him, and forbade his inclusion in the 9/11 death-penalty tribunal. Of Guantánamo’s 166 captives, six detainees are awaiting death-penalty trials and three are convicted of war crimes. So they don’t get parole hearings. Another 86 are theoretically cleared for release, and also ineligible for the reviews. But they have no release date because the Obama administration has been unable or unwilling to issue waivers to overcome Congressional restrictions on releases. So the flurry of emails over the weekend produced some skepticism among Guantánamo defense attorneys. “For the Periodic Review Boards to be taken seriously, the U.S. government should begin releasing the men that were cleared for release by the previous interagency entity years ago,” said Ramzi Kassem, law professor at the City University of New York and attorney for several Guantánamo prisoners. The panels follow the work of a federal task force President Barack Obama ordered in 2009 to sift through Guantánamo detainee files. That process produced a list of 48 indefinite detainees in January 2010. But two of those men have since died — one had a heart attack, according to the prison, and the other was found hanging by a bed sheet in a communal prison’s recreation yard in what the military said was a suicide. So now there are 46 indefinite detainees. Although that’s the same number of hunger strikers designated for forced-feedings on Sunday, a Miami Herald project to identify those being tube-fed at Guantánamo has revealed a cross-section of captives, including those cleared for release.

## T

**A. Interpretation: the aff must prove an example of the verb of the resolution to be true by affirming the verb to restrict.**

**Interpretation – A restriction limits allowable action**

**Oxford** Advanced Learner’s **Dictionary** – **2013**, <http://oald8.oxfordlearnersdictionaries.com/dictionary/restriction>

**restriction** NOUN 1 [countable] **a rule or law that limits what you can do or what can happen import/speed/travel, etc**. **restrictions** restriction on something to impose/place a restriction on something The government has agreed to lift restrictions on press freedom. There are no restrictions on the amount of money you can withdraw. 2 [uncountable] the act of limiting or controlling somebody/something sports clothes that prevent any restriction of movement A diet to lose weight relies on calorie restriction in order to obtain results. 3 [countable] a thing that limits the amount of freedom you have the restrictions of a prison

#### War powers authority is derived from unrestricted implicit or explicit congressional approval

**Krass 11** (Caroline D. Krass, Principal Deputy Assistant Attorney General, Memorandum Opinion For The Attorney General, 2011 “Authority To Use Military Force In Libya,” http://www.justice.gov/olc/2011/authority-military-use-in-libya.pdf

The President had the constitutional authority to direct the use of military force in Libya because he could reasonably determine that such use of force was in the national interest. Prior congressional approval was not constitutionally required to use military force in the limited operations under consideration. Earlier opinions of this Office and other historical precedents establish the framework for our analysis. As we explained in 1992, Attorneys General and this Office “have concluded that the President has the power to commit United States troops abroad,” as well as to “take military action,” “for the purpose of protecting important national interests,” even without specific prior authorization from Congress. Authority to Use United States Military Forces in Somalia, 16 Op.O.L.C. 6, 9 (1992) (“Military Forces in Somalia”). This independent authority of the President, which exists at least insofar as Congress has not specifically restricted it, see Deployment of United States Armed Forces into Haiti, 18 Op. O.L.C. 173, 176 n.4, 178 (1994) (“Haiti Deployment”), derives from the President’s “unique responsibility,” as Commander in Chief and Chief Executive, for “foreign and military affairs,” as well as national security. Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 188 (1993); U.S. Const. art. II, § 1, cl. 1, § 2, cl. 2.¶ The Constitution, to be sure, divides authority over the military between the President and Congress, assigning to Congress the authority to “declare War,” “raise and support Armies,” and “provide and maintain a Navy,” as well as general authority over the appropriations on which any military operation necessarily depends. U.S. Const. art. I, § 8, cl. 1, 11-14. Yet, under “the historical gloss on the ‘executive Power’ vested in Article II of the Constitution,” the President bears the “‘vast share of responsibility for the conduct of our foreign relations,’” Am. Ins. Ass’n v. Garamendi, 539 U.S. 396, 414 (2003) (quoting Youngstown Sheet & Tube Co.¶ v. Sawyer, 343 U.S. 579, 610-11 (1952) (Frankfurter, J., concurring)), and accordingly holds “independent authority ‘in the areas of foreign policy and national security.’” Id. at 429 (quoting Haig v. Agee, 453 U.S. 280, 291 (1981)); see also, e.g., Youngstown Sheet & Tube Co., 343 U.S.6 Authority to Use Military Force in Libya at 635-36 n.2 (Jackson, J., concurring) (noting President’s constitutional power to “act in external affairs without congressional authority”). Moreover, the President as Commander in Chief “superintend[s] the military,” Loving v. United States, 517 U.S. 748, 772 (1996), and “is authorized to direct the movements of the naval and military forces placed by law at his command.” Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850); see also Placing of United States Armed Forces Under United Nations Operational or Tactical Control, 20 Op. O.L.C. 182, 184 (1996). The President also holds “the implicit advantage . . . over the legislature under our constitutional scheme in situations calling for immediate action,” given that imminent national security threats and rapidly evolving military and diplomatic circumstances may require a swift response by the United States without the opportunity for congressional deliberation and action. Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization, 4A Op.¶ O.L.C. 185, 187 (1980) (“Presidential Power”); see also Haig, 453 U.S. at 292 (noting “‘the changeable and explosive nature of contemporary international relations, and the fact that the Executive is immediately privy to information which cannot be swiftly presented to, evaluated by, and acted upon by the legislature’” (quoting Zemel v. Rusk, 381 U.S. 1, 17 (1965)). Accordingly, as Attorney General (later Justice) Robert Jackson observed over half a century ago, “the President’s authority has long been recognized as extending to the dispatch of armed forces outside of the United States, either on missions of goodwill or rescue, or for the purpose of protecting American lives or property or American interests.” Training of British Flying Students in the United States, 40 Op. Att’y Gen. 58, 62 (1941).¶ This understanding of the President’s constitutional authority reflects not only the express assignment of powers and responsibilities to the President and Congress in the Constitution, but also, as noted, the “historical gloss” placed on the Constitution by two centuries of practice. Garamendi, 539 U.S. at 414. “Our history,” this Office observed in 1980, “is replete with instances of presidential uses of military force abroad in the absence of prior congressional approval.” Presidential Power, 4A Op. O.L.C. at 187; see generally Richard F. Grimmett, Cong. Research Serv., R41677, Instances of Use of United States Armed Forces Abroad, 1798-2010 (2011). Since then, instances of such presidential initiative have only multiplied, with Presidents ordering, to give just a few examples, bombing in Libya (1986), an intervention in Panama (1989), troop deployments to Somalia (1992), Bosnia (1995), and Haiti (twice, 1994 and 2004), air patrols and airstrikes in Bosnia (1993-1995), and a bombing campaign in Yugoslavia (1999), without specific prior authorizing legislation. See Grimmett, supra, at 13-31. This historical practice is an important indication of constitutional meaning, because it reflects the two political branches’ practical understanding, developed since the founding of the Republic, of their respective roles and responsibilities with respect to national defense, and because “[m]atters intimately related to foreign policy and national security are rarely proper subjects for judicial intervention.” Haig, 453 U.S. at 292. In this context, the “pattern of executive conduct, made under claim of right, extended over many decades and engaged in by Presidents of both parties, ‘evidences the existence of broad constitutional power.’” Haiti Deployment, 18 Op. O.L.C. at 178 (quoting Presidential Power, 4A Op. O.L.C. at 187); see also Proposed Deployment of United States Armed Forces into Bosnia, 19 Op. O.L.C. 327, 330-31 (1995) (“Proposed Bosnia Deployment”) (noting that “[t]he scope and limits” of Congress’s power to declare war “are not well defined by constitutional text, case law, or statute,” but the relationship between that power and the President’s authority as Commander in Chief and Chief Executive has been instead “clarified by 200 years of practice”).7¶ Indeed, Congress itself has implicitly recognized this presidential authority. The War Powers Resolution (“WPR”), 50 U.S.C. §§ 1541-1548 (2006), a statute Congress described as intended “to fulfill the intent of the framers of the Constitution of the United States,” id. § 1541(a), provides that, in the absence of a declaration of war, the President must report to Congress within 48 hours of taking certain actions, including introduction of U.S. forces “into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.” Id. § 1543(a). The Resolution further provides that the President generally must terminate such use of force within 60 days (or 90 days for military necessity) unless Congress extends this deadline, declares war, or “enact[s] a specific authorization.” Id. § 1544(b). As this Office has explained, although the WPR does not itself provide affirmative statutory authority for military operations, see id. § 1547(d)(2), the Resolution’s “structure . . . recognizes and presupposes the existence of unilateral presidential authority to deploy armed forces” into hostilities or circumstances presenting an imminent risk of hostilities. Haiti Deployment, 18 Op. O.L.C. at 175; see also Proposed Bosnia Deployment, 19 Op. O.L.C. at 334. That structure— requiring a report within 48 hours after the start of hostilities and their termination within 60 days after that—“makes sense only if the President may introduce troops into hostilities or potential hostilities without prior authorization by the Congress.” Haiti Deployment, 18 Op. O.L.C. at 175-76; see also Proposed Bosnia Deployment, 19 Op. O.L.C. at 334-35.1 We have acknowledged one possible constitutionally-based limit on this presidential authority to employ military force in defense of important national interests—a planned military engagement that constitutes a “war” within the meaning of the Declaration of War Clause may require prior congressional authorization. See Proposed Bosnia Deployment, 19 Op. O.L.C. at 331; Haiti Deployment, 18 Op. O.L.C. at 177. But the historical practice of presidential military action without congressional approval precludes any suggestion that Congress’s authority to declare war covers every military engagement, however limited, that the President initiates. In our view, determining whether a particular planned engagement constitutes a “war” for constitutional purposes instead requires a fact-specific assessment of the “anticipated nature, scope, and duration” of the congressional approval. Id. at 174 n.1, 178-79 & n.10; see also Address to the Nation on Haiti, 30 Weekly Comp. Pres. Doc. 1799 (Sept. 18, 1994); Maureen Taft-Morales & Clare Ribando Seelke, Cong. Research Serv., RL32294, Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns 4 (2008). “In deciding whether prior Congressional authorization for the Haitian deployment was constitutionally necessary,” we observed, “the President was entitled to take into account the anticipated nature, scope, and duration of the planned deployment, and in particular the limited antecedent risk that United States forces would encounter significant armed resistance or suffer or inflict substantial casualties as a result of the deployment.” Haiti Deployment, 18 Op. O.L.C. at 179. Similarly, a year later we concluded that a proposed deployment of approximately 20,000 ground troops to enforce a peace agreement in Bosnia and Herzegovina also was not a “war,” even though this deployment involved some “risk that the United States [would] incur (and inflict) casualties.” Proposed Bosnia Deployment, 19 Op. O.L.C. at 333. For more than two years preceding this deployment, the United States had undertaken air operations over Bosnia to enforce a UNSC-declared “no-fly zone,” protect United Nations peacekeeping forces, and secure “safe areas” for civilians, including one two-week operation in which NATO attacked hundreds of targets and the United States alone flew over 2300 sorties—all based on the President’s “constitutional authority to conduct the foreign relations of the United States and as Commander in Chief and Chief Executive,” without a declaration of war or other specific prior approval from Congress. Letter to Congressional Leaders Reporting on the Deployment of United States Aircraft to Bosnia-Herzegovina, 1995 Pub. Papers of William J. Clinton 1279, 1280 (Sept. 1, 1995); see also, e.g., Letter to Congressional Leaders on Bosnia, 30 Weekly Comp. Pres. Doc. 2431, 2431 (Nov. 22, 1994); Letter to Congressional Leaders on Bosnia-Herzegovina, 30 Weekly Comp. Pres. Doc. 1699, 1700 (Aug. 22, 1994); Letter to Congressional Leaders on Protection of United Nations Personnel in Bosnia-Herzegovina, 30 Weekly Comp. Pres. Doc. 793, 793 (Apr. 12, 1994); Letter to Congressional Leaders Reporting on NATO Action in Bosnia, 30 Weekly Comp. Pres. Doc. 406, 406 (Mar. 1, 1994); Letter to Congressional Leaders on the Conflict in the Former Yugoslavia, 30 Weekly Comp. Pres. Doc. 324, 325 (Feb. 17, 1994); Letter to Congressional Leaders Reporting on the No-Fly Zone Over Bosnia, 29 Weekly Comp. Pres. Doc. 586, 586 (Apr. 13, 1993); Proposed Bosnia Deployment, 19 Op.¶ O.L.C. at 328-29; Deliberate Force: A Case Study in Effective Air Campaigning 334, 341-44 (Col. Robert C. Owen, ed., 2000), available at http://purl.access.gpo.gov/GPO/LPS20446. This Office acknowledged that “deployment of 20,000 troops on the ground is an essentially different, and more problematic, type of intervention,” than air or naval operations because of the increased risk of United States casualties and the far greater difficulty of withdrawing United States ground forces. But we nonetheless concluded that the anticipated risks were not sufficient to make the deployment a “‘war’ in any sense of the word.” Proposed Bosnia Deployment, 19 Op. O.L.C. at 333-34.\

**B. The aff violates because they do not have action based off the verb in the resolution.**

**C. Reasons to prefer:**

**Infinite regression—disregarding resolution syntax produces an endless regression to small, trivial plans. For example, an aff only about the subject opens the door to ANY philosophy that speaks to a specific question that the aff wants to discuss.**

**Predictable limits—resolution limits encourage aff innovation, predictive research on a designated topic, and clash—a precursor to productive education. Also, the inherent value of arguments within limits is greater, which link turns education arguments.**

#### Without precision the topic is unlimited – no meaning to the phrase “war powers authority”

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(Mariah, *War Powers: The Politics of Constitutional Authority*, 2013, pp. 33-34)

I also translate this strength in a way that some will find controversial: namely, that the **branches actually link their arguments about constitutional authority to their substantive agendas for security policy**. In other words, as the Obama administration's OLC did in its reasoning on Libya, **the branches should justify their own, and challenge one another's, constitutional positions through reference to the security consequences at stake in one allocation of constitutional war authority versus another. This**, after all**, is one of their strengths: a capacity to think about the link between security processes and security outcomes. If such expertise is a reason for judicial deference on the war power, then it is also a resource that the president and legislature should use in developing their positions. This standard directly opposes the common idea that arguments about constitutional meaning should not hinge on policy consequences.** There is something questionable about interpreting the Constitution's guarantee of a qualified executive veto into an absolute veto to support a desired policy outcome. The settled, framework dimensions of the Constitution would not do a very good job of enabling secure decision-making if they were manipulable in this way. Policy-based constitutional reasoning for judges is also professionally suspect because and to the extent that judges are professionally insulated from the policy implications of the decisions they make. However, **the war powers controversy occurs within a zone of textual vagueness. It is difficult to read the war powers text of the Constitution only through the lens of a framework when the text seems to settle so little**. Also, the national Congress and presidency have strengths not in policy neutrality but in policy development

**The act is extra topical – in two ways**

**a). If our interpretation is net-beneficial it means there’s no reason to vote affirmative. If the case is true then it de-justifies the resolution. Teams are still signified by ‘aff’ and ‘neg’, so the resolution is a required measurement for ‘affirmation.’**

**b). They have garnered offense based on arguments that is outside the question of whether or not restrictions should occur against the President of the United States – that makes it impossible to be neg because we can never predict that offense.**

## 1NC Taliban DA

**Baker, 10**

[Aryn, Time magazine correspondent, “Afghan Women and the Return of the Taliban”, 29 July, http://www.time.com/time/printout/0,8816,2007238,00.html]

The Taliban pounded on the door just before midnight, demanding that Aisha, 18, be punished for running away from her husband's house. They dragged her to a mountain clearing near her village in the southern Afghan province of Uruzgan, ignoring her protests that her in-laws had been abusive, that she had no choice but to escape. Shivering in the cold air and blinded by the flashlights trained on her by her husband's family, she faced her spouse and accuser. Her in-laws treated her like a slave, Aisha pleaded. They beat her. If she hadn't run away, she would have died. Her judge, a local Taliban commander, was unmoved. Later, he would tell Aisha's uncle that she had to be made an example of lest other girls in the village try to do the same thing. The commander gave his verdict, and men moved in to deliver the punishment. Aisha's brother-in-law held her down while her husband pulled out a knife. First he sliced off her ears. Then he started on her nose. Aisha passed out from the pain but awoke soon after, choking on her own blood. The men had left her on the mountainside to die. (See managing editor Richard Stengel's message to readers about this story's cover image.)

This didn't happen 10 years ago, when the Taliban ruled Afghanistan. It happened last year. Now hidden in a secret women's shelter in the relative safety of Kabul, where she was taken after receiving care from U.S. forces, Aisha recounts her tale in a monotone, her eyes flat and distant. She listens obsessively to the news on a small radio that she keeps by her side. Talk that the Afghan government is considering some kind of political accommodation with the Taliban is the only thing that elicits an emotional response. "They are the people that did this to me," she says, touching the jagged bridge of scarred flesh and bone that frames the gaping hole in an otherwise beautiful face. "How can we reconcile with them?" That is exactly what the Afghan government plans to do. In June, President Hamid Karzai established a peace council tasked with exploring negotiations with Afghanistan's "upset brothers," as he calls the Taliban. A month later, Tom Malinowski, the Washington advocacy director for Human Rights Watch, a New York — based NGO, flew to Kabul seeking assurances that human rights would be protected in the course of negotiations. During their conversation, Karzai mused on the cost of the conflict in human lives and wondered aloud if he had any right to talk about human rights when so many were dying. "He essentially asked me," says Malinowski, "What is more important, protecting the right of a girl to go to school or saving her life?" How Karzai and his international allies answer that question will have far-reaching consequences. Aisha has no doubt. "The Taliban are not good people," she says. "If they come back, the situation will be worse for everyone." But for others, the rights of Afghan women are only one aspect of a complex situation. How that situation will eventually be ordered remains unclear. (See pictures of Afghan women and the return of the Taliban.) As the war in Afghanistan enters its ninth year, the need for an exit strategy weighs on the minds of U.S. policymakers. The publication of some 90,000 documents on the war by the freedom-of-information activists at WikiLeaks — working with the New York Times, the Guardian in London and the German newsmagazine Der Spiegel — has intensified international debate. Though the documents mainly consist of low-level intelligence reports, taken together they reveal a war in which a shadowy insurgency shows determined resilience; where fighting that enemy often claims the lives of innocent civilians; and where supposed allies, like Pakistan's security services, are suspected of playing a deadly double game. Allegations of fraud and corruption in the Afghan government have exasperated Congress, as has evidence that the billions of dollars spent training and equipping the Afghan security forces have so far achieved little. In May, the U.S. death toll passed 1,000. As frustrations mount over a war that even top U.S. commanders think is not susceptible to a purely military solution, demands intensify for a political way out of the quagmire. Watch TIME's video on photographing Aisha for the cover. See pictures of Muslim women leading a soft revolution. Such an outcome, it is assumed, would involve a reconciliation with the Taliban or, at the very least, some elements within its fold. But without safeguards, that would pose significant risks to the very women U.S. Secretary of State Hillary Clinton promised in May not to abandon. "We will stand with you always," she said to female members of Karzai's delegation in Washington. Afghan women are not convinced. They fear that in the quest for a quick peace, their progress may be sidelined. "Women's rights must not be the sacrifice by which peace is achieved," says Fawzia Koofi, the former Deputy Speaker of Afghanistan's parliament. Yet that may be where negotiations are heading. In December, President Obama set a July 2011 deadline for the beginning of a drawdown of U.S. troops from Afghanistan. That has made Taliban leaders feel they have the upper hand. In negotiations, the Taliban will be advocating a version of an Afghan state in line with their own conservative views, particularly on the issue of women's rights, which they deem a Western concept that contravenes Islamic teaching. Already there is a growing acceptance that some concessions to the Taliban are inevitable if there is to be genuine reconciliation. "You have to be realistic," says a senior Western diplomat in Kabul, who spoke on the condition of anonymity. "We are not going to be sending troops and spending money forever. There will have to be a compromise, and sacrifices will have to be made." Which sounds understandable. But who, precisely, will be asked to make the sacrifice?

**Failure to engage the socialization of gender discrimination ensures a terminally dysfunctional social order. The end result is extinction.**

**Warren and Cady, 96** (Karen Warren and Duane Cady, Professors at Macalester and Hamline, Bringing peace home: feminism, violence, and nature, 1996, p. 12-13)

Operationalized, the evidence of patriarchy as a dysfunctional system is found in the behaviors to which it gives rise, (c) the unmanageability, (d) which results. For example, in the United States, current estimates are that one out of every three or four women will be raped by someone she knows; globally, rape, sexual harassment, spouse-beating, and sado-massochistic pornography are examples of behaviors practiced**,** sanctioned, or toleratedwithin patriarchy. In the realm of environmentally destructive behaviors**,** strip-mining, factory farming, and pollution of the air, water, and soil are instances of behaviors maintained and sanctioned within patriarchy. They, too**,** rest on the faulty beliefs that it isokay to “rape the earth,” that it is “man’s God-given right” to have dominion(that is domination) over the earth,that nature has only instrumental value that environmental destruction is the acceptable price we pay for “progress.” And the presumptionof warism**,** that war is a natural**,** righteous**,** and ordinary way to impose dominionon a people or nation,goes hand in hand with patriarchy and leads to dysfunctional behaviors of nationsand ultimately to international unmanageability**.** Much of the current “unmanageability” of contemporary life in patriarchal societies**,** (d)isthen viewed asa consequence of a patriarchal preoccupation with activities**,** events, and experiencesthat reflecthistoricallymale-gender-identifiedbeliefs**,** values**,** attitudes, and assumptions**.** Included among these real-life consequences areprecisely those concerns withnuclear proliferation, war, and environmental destruction, and violence towards women**,** which many feminists see as the logical outgrowth of patriarchal thinking. In fact, it is often only through observing these dysfunctional behaviors—the symptoms of dysfunctionality—that one can truly see that and how patriarchy serves to maintain and perpetuate them**.** When patriarchy is understood as a dysfunctional system, this “unmanageability” can be seen forwhat it is—asa predictable andthuslogical consequence of patriarchy**.** The theme that global environmental crises, war, and violence generally are predictable and logical consequences of sexism and patriarchal culture is pervasive in ecofeminist literature. Ecofeminist Charlene Spretnak, for instance, argues that “a militarism and warfare are continual features of a patriarchal society because they reflect and instill patriarchal values and fulfill needs of such a system. Acknowledging the context of patriarchal conceptualizations that feed militarism is a first step toward reducing their impact and preserving life on Earth.” Stated in terms of the foregoing model of patriarchy as a dysfunctional social system, the claims by Spretnak and other feminists take on a clearer meaning: Patriarchal conceptual frameworks legitimate impaired thinking (about women, national and regional conflict, the environment) which is manifested in behaviors which**,** if continued, will make life on earth difficult, if not impossible. It is a stark message, but it is plausible. Its plausibility lies in understanding the conceptual roots of various woman-nature-peace connections in regional, national, and global contexts.

## Case

**Maximizing all lives is the only way to affirm equality**

**Cummiskey 90** – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

**Nuke war first**

**Bostrom 2** – Oxford Philosophy Professor and director of the Future of Humanity Institute (Nick, Existential Risks, http://www.jetpress.org/volume9/risks.html, AG)

It’s dangerous to be alive and risks are everywhere. Luckily, not all risks are equally serious. For present purposes we can use three dimensions to describe the magnitude of a risk: scope, intensity, and probability. By “scope” I mean the size of the group of people that are at risk. By “intensity” I mean how badly each individual in the group would be affected. And by “probability” I mean the best current subjective estimate of the probability of the adverse outcome.[1] 1.1 A typology of risk We can distinguish six qualitatively distinct types of risks based on their scope and intensity (figure 1). The third dimension, probability, can be superimposed on the two dimensions plotted in the figure. Other things equal, a risk is more serious if it has a substantial probability and if our actions can make that probability significantly greater or smaller. “Personal”, “local”, or “global” refer to the size of the population that is directly affected; a global risk is one that affects the whole of humankind (and our successors). “Endurable” vs. “terminal” indicates how intensely the target population would be affected. An endurable risk may cause great destruction, but one can either recover from the damage or find ways of coping with the fallout. In contrast, a terminal risk is one where the targets are either annihilated or irreversibly crippled in ways that radically reduce their potential to live the sort of life they aspire to. In the case of personal risks, for instance, a terminal outcome could for example be death, permanent severe brain injury, or a lifetime prison sentence. An example of a local terminal risk would be genocide leading to the annihilation of a people (this happened to several Indian nations). Permanent enslavement is another example. 1.2 Existential risks In this paper we shall discuss risks of the sixth category, the one marked with an X. This is the category of global, terminal risks. I shall call these existential risks. Existential risks are distinct from global endurable risks. Examples of the latter kind include: threats to the biodiversity of Earth’s ecosphere, moderate global warming, global economic recessions (even major ones), and possibly stifling cultural or religious eras such as the “dark ages”, even if they encompass the whole global community, provided they are transitory (though see the section on “Shrieks” below). To say that a particular global risk is endurable is evidently not to say that it is acceptable or not very serious. A world war fought with conventional weapons or a Nazi-style Reich lasting for a decade would be extremely horrible events even though they would fall under the rubric of endurable global risks since humanity could eventually recover. (On the other hand, they could be a local terminal risk for many individuals and for persecuted ethnic groups.) I shall use the following definition of existential risks: Existential risk – One where an adverse outcome would either annihilate Earth-originating intelligent life or permanently and drastically curtail its potential. An existential risk is one where humankind as a whole is imperiled. Existential disasters have major adverse consequences for the course of human civilization for all time to come. 2 The unique challenge of existential risks Risks in this sixth category are a recent phenomenon. This is part of the reason why it is useful to distinguish them from other risks. We have not evolved mechanisms, either biologically or culturally, for managing such risks. Our intuitions and coping strategies have been shaped by our long experience with risks such as dangerous animals, hostile individuals or tribes, poisonous foods, automobile accidents, Chernobyl, Bhopal, volcano eruptions, earthquakes, draughts, World War I, World War II, epidemics of influenza, smallpox, black plague, and AIDS. These types of disasters have occurred many times and our cultural attitudes towards risk have been shaped by trial-and-error in managing such hazards. But tragic as such events are to the people immediately affected, in the big picture of things – from the perspective of humankind as a whole – even the worst of these catastrophes are mere ripples on the surface of the great sea of life. They haven’t significantly affected the total amount of human suffering or happiness or determined the long-term fate of our species. With the exception of a species-destroying comet or asteroid impact (an extremely rare occurrence), there were probably no significant existential risks in human history until the mid-twentieth century, and certainly none that it was within our power to do something about. The first manmade existential risk was the inaugural detonation of an atomic bomb. At the time, there was some concern that the explosion might start a runaway chain-reaction by “igniting” the atmosphere. Although we now know that such an outcome was physically impossible, it qualifies as an existential risk that was present at the time. For there to be a risk, given the knowledge and understanding available, it suffices that there is some subjective probability of an adverse outcome, even if it later turns out that objectively there was no chance of something bad happening. If we don’t know whether something is objectively risky or not, then it is risky in the subjective sense. The subjective sense is of course what we must base our decisions on.[2] At any given time we must use our best current subjective estimate of what the objective risk factors are.[3] A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization.[4] Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind’s potential permanently. Such a war might however be a local terminal risk for the cities most likely to be targeted. Unfortunately, we shall see that nuclear Armageddon and comet or asteroid strikes are mere preludes to the existential risks that we will encounter in the 21st century. The special nature of the challenges posed by existential risks is illustrated by the following points: \* Our approach to existential risks cannot be one of trial-and-error. There is no opportunity to learn from errors. The reactive approach – see what happens, limit damages, and learn from experience – is unworkable. Rather, we must take a proactive approach. This requires foresight to anticipate new types of threats and a willingness to take decisive preventive action and to bear the costs (moral and economic) of such actions. \* We cannot necessarily rely on the institutions, moral norms, social attitudes or national security policies that developed from our experience with managing other sorts of risks**. Existential risks are a different kind of beast**. We might find it hard to take them as seriously as we should simply because we have never yet witnessed such disasters.[5] Our collective fear-response is likely ill calibrated to the magnitude of threat. \* Reductions in existential risks are global public goods [13] and may therefore be undersupplied by the market [14]. Existential risks are a menace for everybody and may require acting on the international plane. Respect for national sovereignty is not a legitimate excuse for failing to take countermeasures against a major existential risk. \* If we take into account the welfare of future generations, the harm done by existential risks is multiplied by another factor, the size of which depends on whether and how much we discount future benefits [15,16]. In view of its undeniable importance, it is surprising how little systematic work has been done in this area. Part of the explanation may be that many of the gravest risks stem (as we shall see) from anticipated future technologies that we have only recently begun to understand. Another part of the explanation may be the unavoidably interdisciplinary and speculative nature of the subject. And in part the neglect may also be attributable to an aversion against thinking seriously about a depressing topic. The point, however, is not to wallow in gloom and doom but simply to take a sober look at what could go wrong so we can create responsible strategies for improving our chances of survival. In order to do that, we need to know where to focus our efforts.

**Policy change is necessary to alleviate real and on-going suffering. Abstract claims of “epistemology” and “ontology” and non-impacts like “technological rationality” are ivory-tower constructions that condemn millions to death**

**Jarvis 00** (Darryl, Senior Lecturer in International Relations – University of Sydney, International Relations and the Challenge of Postmodernism, p. 128-130)

Questions of Relevance, Rhetoric, Fiction, and Irrationalism While Ashley's rhetoric serves to effect a number of political moves, it also helps conceal a series of blatant weaknesses implicit in his poststructural theory. The first of these we might identify as the rhetorical invention and reification of fictitious enemies, a mechanism that not only validates Ash­ley's project but gives it meaning. Frequently, for example, what Ashley purports to be attacking turns out to be a fictitious, or at best grossly exaggerated, entity. In his adoption of the "megahistorical unit, moder­nity," for example, Ashley presupposes an homogeneous, coherent phe­nomenon able to be studied—a suggestion most would find outrageous. As Tony Porter notes, "giving coherence to such a phenomenon requires doing violence to its diversity." Enlightenment thought can no more be reduced to a symmetric intellectual tradition or historical moment than can postmodernism." Indeed, emasculating such an intellectual potpourri of ideas whose only similarity is dissonance seems peculiar considering Ashley's persistent commitment to venerate difference and discursive practices. To suppose that liberalism, Marxism, conservatism, fascism, leninism, or assorted other -isms that fall under the modernist rubric are contiguous is as preposterous as conflating Derrida with Foucault, Lyotard, and Baudrillard. Yet the hubris of Ashley's entire poststructural theory rests on such simplification and not only with the concept of modernity. Positivism, realism, or technical rationality, for instance, are all reduced to overly simplistic caricatures, assumed ubiquitous, and dis­tilled into three or four rudimentary propositions that Ashley then sets about deconstructing. Technical rationality simply becomes nonreflexive problem-solving; positivism, a system of thought that divides subject from object and fact from value; while realism is reduced to the ontolog­ical presumption of the state-as-actor. While simplicity has unquestion­able heuristic value, crude reductionism for the sake of political opportunism is plainly defamatory. Rather than parsimonious theory, what Ashley delivers is a series of fictitious straw men, theoretically fabri­cated along with crude ontological and epistemological presumptions that render them congenitally deformed and thus susceptible to Ashley's poststructural interpretivism. In reality, of course, no such caricatures exist. Positivists, realists, and modernists alike are considerably more complex, divergent, and reflexive than Ashley would have us believe. In the case of realism, for example, Ashley conflates the writings of Kenneth Waltz, Robert Keohane, Stephen Krasner, Robert W. Tucker, George Modelski, Charles Kindleberger, and Robert Gilpin, disregarding the disparate set of professional and political perspectives that makes each one distinctive and debate among them fero­cious." However, it is on the basis of these exaggerated caricatures that Ashley's raison d'être for poststructural theory and political transformation ultimately rests. Perhaps more alarming though is the outright violence Ashley recom­mends in response to what at best seem trite, if not imagined, injustices. Inculpating modernity, positivism, technical rationality, or realism with violence, racism, war, and countless other crimes not only smacks of anthropomorphism but, as demonstrated by Ashley's torturous prose and reasoning, requires a dubious logic to make such connections in the first place. Are we really to believe that ethereal entities like positivism, mod­ernism, or realism emanate a "violence" that marginalizes dissidents? Indeed, where is this violence, repression, and marginalization? As self- professed dissidents supposedly exiled from the discipline, Ashley and Walker appear remarkably well integrated into the academy—vocal, pub­lished, and at the center of the Third Debate and the forefront of theo­retical research. Likewise, is Ashley seriously suggesting that, on the basis of this largely imagined violence, global transformation (perhaps even rev­olutionary violence) is a necessary, let alone desirable, response? Has the rationale for emancipation or the fight for justice been reduced to such vacuous revolutionary slogans as "Down with positivism and rationality"? The point is surely trite. Apart from members of the academy, who has heard of positivism and who for a moment imagines that they need to be emancipated from it, or from modernity, rationality, or realism for that matter? In an era of unprecedented change and turmoil, of new political and military configurations, of war in the Balkans and ethnic cleansing, is Ashley really suggesting that some of the greatest threats facing humankind or some of the great moments of history rest on such innocu­ous and largely unknown nonrealities like positivism and realism? These are imagined and fictitious enemies, theoretical fabrications that represent arcane, self-serving debates superfluous to the lives of most people and, arguably, to most issues of importance in international relations. More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil. That it does and continues to do so reflects our lack of judicious criteria for evaluating the­ory and, more importantly, the lack of attachment theorists have to the real world. Certainly it is right and proper that we ponder the depths of our theoretical imaginations, engage in epistemological and ontological debate, and analyze the sociology of our knowledge." But to suppose that this is the only task of international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggles as actors in international politics. What does Ashley's project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and des­titute? How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emigres of death squads? Does it in any way speak to those whose actions and thoughts comprise the policy and practice of international relations? On all these questions one must answer no. This is not to say, of course, that all theory should be judged by its technical rationality and problem-solving capacity as Ashley forcefully argues. But to suppose that problem-solving technical theory is not necessary—or is in some way bad—is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily. As Holsti argues, we need ask of these theorists and their theories the ultimate question, "So what?" To what purpose do they deconstruct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches? Does this get us any further, make the world any better, or enhance the human condition? In what sense can this "debate toward [a] bottomless pit of epistemology and metaphysics" be judged pertinent, relevant, help­ful, or cogent to anyone other than those foolish enough to be scholasti­cally excited by abstract and recondite debate." Contrary to Ashley's assertions, then, a poststructural approach fails to empower the marginalized and, in fact, abandons them. Rather than ana­lyze the political economy of power, wealth, oppression, production, or international relations and render an intelligible understanding of these processes, Ashley succeeds in ostracizing those he portends to represent by delivering an obscure and highly convoluted discourse. If Ashley wishes to chastise structural realism for its abstractness and detachment, he must be prepared also to face similar criticism, especially when he so adamantly intends his work to address the real life plight of those who struggle at marginal places. If the relevance of Ashley's project is questionable, so too is its logic and cogency. First, we might ask to what extent the postmodern "empha­sis on the textual, constructed nature of the world" represents "an unwar­ranted extension of approaches appropriate for literature to other areas of human practice that are more constrained by an objective reality."" All theory is socially constructed and realities like the nation-state, domestic and international politics, regimes, or transnational agencies are obviously social fabrications. But to what extent is this observation of any real use? Just because we acknowledge that the state is a socially fabricated entity, or that the division between domestic and international society is arbitrar­ily inscribed does not make the reality of the state disappear or render invisible international politics. Whether socially constructed or objectively given, the argument over the ontological status of the state is of no par­ticular moment. Does this change our experience of the state or somehow diminish the political-economic-juridical-military functions of the state? To recognize that states are not naturally inscribed but dynamic entities continually in the process of being made and reimposed and are therefore culturally dissimilar, economically different, and politically atypical, while perspicacious to our historical and theoretical understanding of the state, in no way detracts from its reality, practices, and consequences. Similarly, few would object to Ashley's hermeneutic interpretivist understanding of the international sphere as an artificially inscribed demarcation. But, to paraphrase Holsti again, so what? This does not make its effects any less real, diminish its importance in our lives, or excuse us from paying serious attention to it. That international politics and states would not exist with­out subjectivities is a banal tautology. The point, surely, is to move beyond this and study these processes. Thus, while intellectually interesting, con­structivist theory is not an end point as Ashley seems to think, where we all throw up our hands and announce there are no foundations and all real­ity is an arbitrary social construction. Rather, it should be a means of rec­ognizing the structurated nature of our being and the reciprocity between subjects and structures through history. Ashley, however, seems not to want to do this, but only to deconstruct the state, international politics, and international theory on the basis that none of these is objectively given but fictitious entities that arise out of modernist practices of representa­tion. While an interesting theoretical enterprise, it is of no great conse­quence to the study of international politics. Indeed, structuration theory has long taken care of these ontological dilemmas that otherwise seem to preoccupy Ashley."

**The threat of terrorism is dampened now**

CNN 13 (Is terrorism still a threat to American, 7/19/2013, families?http://security.blogs.cnn.com/2013/07/19/is-terrorism-still-a-threat-to-american-families/)

After the September 11, 2001, terrorist attacks on the United States, a majority of Americans were worried about terrorism directly impacting their lives, according to a number of polls.¶ More than a decade later, is that still the case?¶ That was the primary question John Ashcroft, former attorney general under President George W. Bush, and Phillip Mudd, a former senior official at the CIA and FBI, debated at a Friday panel at the Aspen Security Forum.¶ “I think we are still at war,” Ashcroft said bluntly. “I don’t know if I will be able to be sure to say when we will be able to say we are not at war. But as long as they are continuing to hit us and allege that they are at war, I think we can.”¶ In response, Mudd directly challenged Ashcroft.¶ “I don't agree, by the way, that we are at war,” the author said.¶ Instead, Mudd argued, that we have a dynamic and ever-changing face of terrorism that may prove to be difficult to squash completely.¶ But because of two wars in Iraq and Afghanistan, he said the threat of terrorism is not nearly what it used to be.¶ “In 2001, we would have said terrorism is a potential threat to American families,” Mudd said. “And I would say today, that is not true."¶ Mudd added that he believed it was a false distinction.¶ “I have 10 nieces and nephews, I don't think I have ever talked to them about terrorism. … The gang problems in the city that I live in, Memphis, Tennessee, are outrageous. People in this country, partly because there is a racial divide in this country, don’t care. But four people die in an attack and this is a national disaster, I don’t get it,” he said.

**Guatanamo Bay key to preventing terrorism**

Meese, 12

(Edwin Meese III, the Ronald Reagan Distinguished Fellow in Public Policy and chairman of the Center for Legal & Judicial Studies at the Heritage Foundation. He served as the 75th attorney general of the United States under President Reagan, "Guantanamo Bay Prison is Necessary", Jan 11, [www.heritage.org/research/commentary/2012/01/guantanamo-bay-prison-is-necessary](http://www.heritage.org/research/commentary/2012/01/guantanamo-bay-prison-is-necessary) NL)

The detention and interrogation facility at Guantanamo Bay, Cuba, which I have visited, has served and continues to serve an important role in the war against terrorists since it opened 10 years ago. It houses high-value terrorist detainees, like Khalid Sheikh Mohammed, the architect of September 11. The military commissions' courthouse, called the Expeditionary Legal Compound, is a world-class, state-of-the-art facility specifically designed to accommodate the needs of both defense and prosecutors dealing with classified information. The detainees there are represented by civilian and military counsel, and the Supreme Court has ruled that they enjoy the constitutional right of habeas corpus. The conditions of detention there are safe, secure and humane and comply with national and international standards, including Common Article 3 of the Geneva Conventions. It is important to remember that the United States of America is engaged in armed conflict and has been since September 11, 2001. The September 18, 2001, Authorization for Use of Military Force, relied upon by both the Bush and Obama administrations, gives our military the legal authority to engage the enemy under appropriate circumstances.

**The terror threat is real – it goes nuclear**

**Brill and Luongo 12** (KENNETH C. BRILL and KENNETH N. LUONGO, “Nuclear Terrorism: A Clear Danger,” March 15, 2012, <http://www.nytimes.com/2012/03/16/opinion/nuclear-terrorism-a-clear-danger.html?_r=0>) GANGEEZY

Terrorists exploit gaps in security. The current global regime for protecting the nuclear materials that terrorists desire for their ultimate weapon is far from seamless. It is based largely on unaccountable, voluntary arrangements that are inconsistent across borders. Its weak links make it dangerous and inadequate to prevent nuclear terrorism. Later this month in Seoul, the more than 50 world leaders who will gather for the second Nuclear Security Summit need to seize the opportunity to start developing an accountable regime to prevent nuclear terrorism. There is a consensus among international leaders that the threat of nuclear terrorism is real, not a Hollywood confection. President Obama, the leaders of 46 other nations, the heads of the [International Atomic Energy Agency](http://topics.nytimes.com/top/reference/timestopics/organizations/i/international_atomic_energy_agency/index.html?inline=nyt-org) and the United Nations, and numerous experts have called nuclear terrorism one of the most serious threats to global security and stability. It is also preventable with more aggressive action. At least four terrorist groups, including Al Qaeda, have demonstrated interest in using a nuclear device. These groups operate in or near states with histories of questionable nuclear security practices. Terrorists do not need to steal a nuclear weapon. It is quite possible to make an improvised nuclear device from highly enriched uranium or plutonium being used for civilian purposes. And there is a black market in such material. There have been 18 confirmed thefts or loss of weapons-usable nuclear material. In 2011, the Moldovan police broke up part of a smuggling ring attempting to sell highly enriched uranium; one member is thought to remain at large with a kilogram of this material.

**Extinction**

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

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

**No alternative to realism – countries never put the interests of greater humanity above survival**

**Solomon, 96**

Hussein Solomon Senior Researcher, Human Security Project, Institute for Defence Policy Published in African Security Review Vol 5 No 2, 1996 <http://www.iss.co.za/pubs/ASR/5No2/5No2/InDefence.html>

The post-modern/critical theory challenge to realism has been tested, and proved wanting. Realism remains the single most reliable analytical framework through which to understand and evaluate global change. Post-modernism can provide no practical alternatives to the realist paradigm. We know what a realist world looks like (we are living in one!); but what does a post-modernist world look like? As long as humanity is motivated by hate, envy, greed and egotism, realism will continue to be invaluable to the policy-maker and the scholar. In this regard it has to be pointed out that from the end of World War II until 1992, hundreds of major conflicts around the world have left some twenty million human beings dead.109 Neither has the end of the Cold War showed any sign that such conflict will end. By the end of 1993 a record of 53 wars were being waged in 37 countries across the globe.110 Until a fundamental change in human nature occurs, realism will continue to dominate the discipline of international relations. The most fundamental problem with post-modernism is that it assumes a more optimistic view of human nature. Srebrenica, Bihac, Tuzla, Zeppa, Goma, Chechnya, Ogoniland, and KwaZulu-Natal all bear testimony to the folly of such a view.

**No Solvency – The aff has no way to connect their discursive challenge with actual political change --- their failure to account for exclusion as a function of politics means their politics of vulnerability and non violence just shifts oppression to new areas.**

**Schott, 04**

[Robin Schott, Ph.D., lecturer at the Department of Philosophy, Education, and Rhetoric, University of Copenhagen, December 20, 2004, http://www.kvinfo.dk/side/563/article/297/]

Butler's discussion of dependency and vulnerability in this book leads her also to use the language of relationality. Feminist philosophers have focused a good deal of attention on the relations that constitute human subjectivity, ethics and politics, though Butler has not previously used these terms. In Bodies that Matter, she writes of "subjectivation" and "subjection" to highlight the framework by which power, discourse, and the imaginary precede any actual encounter between people . In Precarious Life, however, she explicitly states her affinity to the term "relationality", but adds, "we may need other language to approach...how we not only are constituted by our relations but also dispossessed by them as well." Butler's primary position in this book in terms of identity politics is not that of a feminist or lesbian, but that of a "progressive Jew". She turns to Levinas to work through "what an ethic of Jewish non-violence might be.". She boldly criticizes current Israeli politics, arguing against the tendency to identify anti-Zionism and anti-Semitism. And she argues for the possibility of a revised form of Zionism, a post-Zionist Israel, an autonomous Palestinian state, or a secular, one-state solution. Why does Jewishness have such a prominent position in her current reflection? On the theoretical level, she draws inspiration from Jewish philosophers like Levinas and Derrida. On the political level, by speaking publicly as a Jew who criticizes Israeli policies, she displaces the position of Jew as eternal victim. She notes that the victim is transposable: "it can shift from minute to minute from the Jew atrociously killed by suicide bombers on a bus to the Palestinian child atrociously killed by Israeli gunfire." Butler's essays are a very timely intervention in the political crises since September 11, 2001. She demonstrates how theories developed to analyze gender and sexuality provide important resources for addressing issues of political violence. Nonetheless, engaging with her work raises a number of questions. First, what is the relation between human vulnerability and politics? Thomas Hobbes also thought that human beings are vulnerable when he wrote in 1660 that human life is nasty, brutish and short *(Leviathan* I, 13). Yet the politics that Hobbes endorses is far from what Butler has in mind. The politics that she envisions is one that many progressives want. It is a politics that is opposed to war, to American imperialism, to the violation of human rights and the destruction of human lives. What is the connection between her starting point, that we are vulnerable, and her conclusion, that we must struggle for "a politics that seeks to diminish suffering universally"? Although Butler charts her course through the ethical theory of Levinas, many other progressives reach this political vision by a critique of capitalism, imperialism, racism and war. So her ethical theory is not a necessary step for reaching this political vision. Second, I wonder whether her own theory can support her call for us to widen the concept of the human. Her theoretical work has elaborated on how the process of dehumanization, which excludes certain lives from being recognized as human, is also constitutive of the concept of the human. If this is right, can one ever eliminate the logic by which some lives are treated as non-human? Is the ethical task to try to limit the number of lives who fall into this category? Or do we merely shift who is considered non-human in different places and times?

**Value to life disad –**

**Butler’s focus on biological vulnerability of bodies places mere existence as the primary focus of political community – that’s the foundation for violent regimes of biopolitics.**

**Zizek, 03**

 Slavoj Zizek, Professor of Sociology at the Institute for Sociology, Ljubljana University, September 25, 2003, Homo Sacer as the Object of the Discourse of the University, online: http://www.lacan.com/hsacer.htm, accessed October 1, 2006

However, what we were describing what cannot but appear as two opposite ideological spaces: that of the reduction of humans to bare life, to homo sacer as the dispensable object of the expert caretaking knowledge; and that of the respect for the vulnerable Other brought to extreme, of the attitude of narcissistic subjectivity which experiences itself as vulnerable, constantly exposed to a multitude of potential "harassments." Is there a stronger contrast than the one between the respect for the Other's vulnerability and the reduction of the Other to "mere life" regulated by the administrative knowledge? But what if these two stances nonetheless rely on the same root, what if they are the two aspects of one and the same underlying attitude, what if they coincide in what one is tempted to designate as the contemporary case of the Hegelian "infinite judgement" which asserts the identity of opposites? **What** the two poles share is precisely the underlying refusal of any higher Causes, the notion that the ultimate goal of our lives is life itself. Nowhere is the complicity of these two levels clearer as in the case of the opposition to death penalty — no wonder, since (violently putting another human being to) death is, quite logically, the ultimate traumatic point of biopolitics, the politics of the administration of life. To put it in Foucauldian terms, is the abolition of death penalty not part of a certain "biopolitics" which considers crime as the result of social, psychological, ideological, etc., circumstances: the notion of the morally/legally responsible subject is an ideological fiction whose function is to cover up the network of power relations, individuals are not responsible for the crimes they commit, so they should not be punished? Is, however, the obverse of this thesis not that those who control the circumstances control the people? No wonder the two strongest industrial complexes are today the military and the medical, that of destroying and that of prolonging life.

**That ensures the affirmative solidifies the war on terror by identifying the problem as a problem of management of life in Iraq and Afghanistan rather than sovereignty in general**

**Moore, 05**

 Don Moore , doctoral candidate in English and Cultural Studies at McMaster University, 2005, Politics and Culture, Issue 1, online: http://aspen.conncoll.edu/politicsandculture/page.cfm?key=375, accessed October 1, 2006

And I will argue here that Agamben's critique allows for differing degrees of a subject's exclusion from biopolitical life through the sovereign exception. Examples of this ongoing negotiation over the shifting limits of "bare life " vs biopolitical life are the ethics around abortion, "brain death," the space of the concentration camp, and Agamben's example of the "wolf man " (Agamben 104-11). The wolf-man is a particularly interesting case due to its embodiment of an ambivalent human/animal subject. A mythical category in ancient Greek law, it was used to identify and apprehend human subjects on the basis that they fall neither into the categories of animality nor of humanity, and thus could not be murdered or sacrificed since they were already judged as "dead" by the law. The juridicial language of the "wolf-man" brings to mind President George W. Bush's vow to bomb terrorists and soldiers hiding in "caves" in Afghanistan "back to the stone age." The ethical implications and political stakes of such a dehumanizing, social Darwinist rhetoric are much more clear to me when I think, by way of Agamben's homo sacer, how the individual lives of these fighters have been rendered almost pre-historic, "animal" or "insect" (as dwelling underground or in caves suggests) and thus exterminatable outside of international human rights law or the Geneva convention, as opposed to Butler's method of straining to hear, within the rhetorical din (where I am in danger of become contained and managed as a critic) for the feint whispers of Butler's precariously human other. I think an important point here is not to dismiss Butler's method as irredeemably "western-centric," nor to discard her performative subject as somehow methodologically ineffective. Clearly this is not the case, and surely the rigorous exercise of "straining to hear" for gaps and absences in such a rhetorical morass as Bush's ethical rhetoric is worth the effort. But in order to better judge what traces of radical otherness we can actually hope to find in such a violent ethical discourse , perhaps it is important to recognize the drastic extent to which certain very powerful sovereign discourses of political exceptionalism can in effect erase the humanity, or the relevance, of certain "publics " within the dominant discourse of humanity, and that this depoliticization, which amounts to dehumanization, is the very condition and operating principle of power. I would argue that such a realization doesn't diminish the effectiveness of Butlerian power as a critical hinge for unpacking the nuances of biopower dynamics, but rather expands the effectiveness of that hinge by identifying the radical potentiality of understanding what it can't account for. The methodological point I am trying to make here is to underline the importance of rethinking the limitations of Butlerian power as a ground by which Precarious Life : The Powers of Mourning and Violence theorizes the power of mourning to discursively produce the ethical limits of the "human " subject. Reading this book more carefully for the ways in which it is in dialogue with Agamben's critique of power demonstrates, for me, that power is not so much a totalizing "ground" by which to measure the operations of all modalities of subjectivity, i.e. class, race, gender, age, but is instead an important yet limited concept that works in, through, and alongside these other modalities of subjectivity. Not recognizing the epistemological limits of power as a concept, as Spivak and Agamben have pointed out, is to blind oneself - as perhaps Butler sometimes does - to the ways in which humanity is constituted by the sovereign exception over that which does not count in the biopolitics of humanity . And surely this is a crucial point to ponder for those interested in negotiating the possibilities of political agency for subjects that may find themselves not subject to power; those who, through the powerful hegemonic exceptionalism of certain sovereign groups - the abused prisoners of Abu Ghraib whose human rights were suspended by the US government come to mind - are either partially or entirely excluded from humanity and thus the rights afforded to humans .

# 2NC

## 2NC Overview

## DA

### 2NC A/T: WOT Fails

#### Al Qaeda is weak now but could recover if the US allows them the opportunity

**McLaughlin 13** (John McLaughlin was a CIA officer for 32 years and served as deputy director and acting director from 2000-2004. He currently teaches at the Johns Hopkins University's School of Advanced International Studies and is a Non-Resident Senior Fellow at the Brookings Institution, ¶ 06:00 AM ET¶ Terrorism at a moment of transition7/12, http://security.blogs.cnn.com/2013/07/12/terrorism-at-a-moment-of-transition/)

A third major trend has to do with the debate underway among terrorists over tactics, targets, and ways to correct past errors.¶ On targets, jihadists are now pulled in many directions. Many experts contend they are less capable of a major attack on the U.S. homeland. But given the steady stream of surprises they’ve sprung – ranging from the 2009 “underwear bomber” to the more recent idea of a surgically implanted explosive – it is hard to believe they’ve given up trying to surprise us with innovations designed to penetrate our defenses.¶ We especially should remain alert that some of the smaller groups could surprise us by pointing an attacker toward the United States, as Pakistan’s Tehrik e Taliban did in preparing Faizal Shazad for his attempted bombing of Times Square in 2010.¶ At the same time, many of the groups are becoming intrigued by the possibility of scoring gains against regional governments that are now struggling to gain or keep their balance – opportunities that did not exist at the time of the 9/11 attacks.¶ Equally important, jihadists are now learning from their mistakes, especially the reasons for their past rejection by populations where they temporarily gained sway.¶ Documents from al Qaeda in the Islamic Maghreb, discovered after French forces chased them from Mali, reveal awareness that they were too harsh on local inhabitants, especially women. They also recognized that they need to move more gradually and provide tangible services to populations – a practice that has contributed to the success of Hezbollah in Lebanon.¶ We are now seeing a similar awareness among jihadists in Syria, Tunisia, Libya, and Yemen. If these “lessons learned” take hold and spread, it will become harder to separate terrorists from populations and root them out.¶ Taken together, these three trends are a cautionary tale for those seeking to gauge the future of the terrorist threat.¶ Al Qaeda today may be weakened, but its wounds are far from fatal. It is at a moment of transition, immersed in circumstances that could sow confusion and division in the movement or, more likely, extend its life and impart new momentum.¶ So if we are ever tempted to lower our guard in debating whether and when this war might end, we should take heed of these trends and of the wisdom J. R. R. Tolkien has Eowyn speak in “Lord of the Rings”: "It needs but one foe to breed a war, not two ..."

#### Terrorists are losing - no leadership or recruits.

Yousafzai 12 (Newsweek's correspondent in Pakistan and Afghanistan, ‘12

[Sami, “Al Qaeda on the Ropes: One Fighter’s Inside Story”, 1-2-12, The Daily Beast <http://www.thedailybeast.com/newsweek/2012/01/01/al-qaeda-on-the-ropes-one-fighter-s-inside-story.html>, RSR]

Is it still too soon to write al Qaeda’s obituary? Over the past two years, the group’s ranks have been ravaged by America’s unmanned-aerial-vehicle attacks and by a steady exodus of demoralized jihadis fleeing Pakistan’s tribal areas. When Newsweek interviewed Hanif (his nom de guerre) for our Sept. 13, 2010, cover story, “Inside Al Qaeda,” he estimated that the group had roughly 130 Arabs in Waziristan, along with dozens more Chechens, Turks, Tajiks, even recruits from Western Europe. But little more than a year later, he estimates there are no more than 40 to 60 al Qaeda operatives of any nationality on either side of the border. “Al Qaeda was once full of great jihadis, but no one is active and planning opera-tions anymore,” he complains. “Those who remain are just trying to survive.” The son of longtime Afghan war refugees living in Pakistan, Hanif had just turned 15 when (against his parents’ strenuous objections) he ran away to join the war against the U.S. forces in his home country. That was in early 2009, and for the next year and more, the bright but impressionableboy lived among al Qaeda fighters in the isolated wilds of North Waziristan. His parents finally persuaded him to return home in June 2010, but he headed out again this past June in hope of reconnecting with his old unit. He was shocked by what he found. “The flower is wilting,” he told a Newsweek correspondent who met with him in December in a Taliban safe house near the Afghan town of Khost. “I think the once-glorious chapter of al Qaeda is being closed.” Few Americans share Hanif’s regret at the terrorist group’s decline. But by all accounts, al Qaeda has been practically wiped out in its former Afghan and Pakistani strongholds. Although America has suspended its drone attacks inside Pakistan since mid-November—the program’s longest hiatus in three years—the respite seems to have come too late for bin Laden’s old associates. “The drone attacks may have ended, but only after the near ending of al Qaeda in the tribal areas,” says a senior Taliban intelligence officer who has been in contact with surviving members of the group. “As far as I can tell, the operational command of al Qaeda has almost been eliminated.” Hanif’s uncle, a Taliban operative, tells Newsweek he’s been in contact with a few al Qaeda members who have taken refuge outside the tribal areas. “All of al Qaeda’s assets who had a strategic vision have been eliminated,” they’ve told him. Hanif says it’s been months since anyone in Waziristan has seen or heard directly from bin Laden’s successor, Ayman al-Zawahiri. The Egyptian-born physician did post a video message on Dec. 1 boasting that al Qaeda had seized aid worker Warren Weinstein, a 70-year-old American, in Lahore—as if holding one old man hostage was an achievement. “I think the martyrdom of our great Sheik was the end,” Hanif says. “As long as the Sheik was alive, our leaders were strong and were determined to fight. But his death and the drones have sucked the blood out of our leadership. Now leaders seem to spend all their time moving from one place to another for their safety.” Lying low didn’t save Sheik Ayatullah; the drones got him soon after Hanif’s return to Waziristan. New recruits have stopped coming, Hanif says. “When new people came they brought new blood, enthusiasm, and money. All that has been lost.” The money may be a bigger problem than the manpower, he says. Al Qaeda used to receive millions of dollars a year from Arabian Gulf contributors, but Hanif’s uncle says his contacts tell him the donations have dried up. Instead, he believes, the money is going to the more productive and generally nonviolent Arab Spring movements in North Africa, Syria, and Yemen. “I think Arab people now think the fight should be political at home and not terrorism aimed at the West,” says the uncle. “The peaceful struggle on Arab streets has accomplished more than bin Laden and Zawahiri ever have.”

#### Al Qaeda core is weak now – reduction of pressure emboldens their efforts

Nelson et al. 2011 (November 08, Project Directors, Rick “Ozzie”, senior fellow in the CSIS International, Navy helicopter pilot with over twenty years operational and intelligence experience, including assignments at the National Security Council and the National Counterterrorism Center. Security Program Thomas M. Sanderson, Project Coordinators Ben Bodurian, David Gordon Project Senior Advisers, Arnaud de Borchgrave Juan C. Zarate, “Confronting an Uncertain Threat” <http://csis.org/files/publication/110826_Nelson_%20ConfrontingAnUncertainThreat_Web.pdf>)

Even if these factors do not lessen the intensity and frequency of U.S. counterterrorism opera- tions against al Qaeda core, other demands might have the same effect. In the volatile landscape of 2011, there are any number of threats against which U.S. resources might be redirected from al Qaeda core. The most likely of these is AQAP. The group is responsible for two recent high-profile plots against the U.S. homeland—the December 2009 attempted bombing of a commercial pas- senger flight and the October 2010 attempted bombing of two cargo planes. Faced with a collaps- ing government, Yemen may present AQAP with new opportunities for recruitment and attacks as conditions in the country grow worse. Even before the killing of Osama bin Laden, a number of U.S. intelligence and counterterror- ism officials reportedly said that AQAP had come to represent a greater threat than al Qaeda core. We are likely to see more of these types of statements in the coming months and years, and such statements will likely be backed up by a tangible shift in U.S. counterterrorism resources to differ- ent parts of the world. It is reasonable to assume that counterterrorism pressure might engender at least two unin- tended, and negative, outcomes. First is the reinforcement of AQAM’s stock narrative of Islam being under attack from the West. If recent history is any guide, enhanced operations directed at AQAP, along with other targets in places like Somalia and North Africa, are likely to result in tacti- cal successes—more militants killed and captured. Such operations will not address the under- lying grievances fueling the movement, however; and AQAM operatives are likely to exploit these strikes as further evidence of supposed Western aggression against Muslims. Indeed, AQAP made this type of claim following its December 2009 plot. Similar counterterrorism operations in the future may serve as catalysts for further radicalization among potential al Qaeda recruits, especially if the Arab Spring fails to deliver on its many promises of increased freedom and democracy. Second, and most relevant to al Qaeda core, a reduction in counterterrorism pressure may give al Qaeda core the breathing room it would need to consolidate and regenerate its terrorist capabilities. This would be consistent with historical evidence of prematurely diminished counter- terrorism pressure allowing terrorist groups to reconstitute. If given a respite from counterterrorism pressure, a potentially rejuvenated al Qaeda core might take advantage of additional safe havens beyond Pakistan. Paradigm 1’s scenario posits that deteriorating political and economic conditions in Tajikistan will, by 2025, lead to a new sanctu- ary for al Qaeda core. Although such a development is plausible given Central Asia’s potential for decline and instability, accurately predicting which areas will be safe havens for transnational ter- rorism in 2025 is fraught with obvious challenges.

### 2NC A/T: WOT Bad

**Turn – terrorists have religious motivations that make discourse and compromise meaningless – the only way to win is to kill them before they kill us**

**Peters, 04**

 (Ralph, Retired Army Officer, “In Praise of Attrition,” Parameters, Summer)

Trust me. We don’t need discourses. We need plain talk, honest answers, and the will to close with the enemy and kill him. And to keep on killing him until it is unmistakably clear to the entire world who won. When military officers start speaking in academic gobbledygook, it means they have nothing to contribute to the effectiveness of our forces. They badly need an assignment to Fallujah. Consider our enemies in the War on Terror. Men who believe, literally, that they are on a mission from God to destroy your civilization and who regard death as a promotion are not impressed by elegant maneuvers. You must find them, no matter how long it takes, then kill them. If they surrender, you must accord them their rights under the laws of war and international conventions. But, as we have learned so painfully from all the mindless, left-wing nonsense spouted about the prisoners at Guantanamo, you are much better off killing them before they have a chance to surrender. We have heard no end of blather about network-centric warfare, to the great profit of defense contractors. If you want to see a superb—and cheap—example of “net-war,” look at al Qaeda. The mere possession of technology does not ensure that it will be used effectively. And effectiveness is what matters. It isn’t a question of whether or not we want to fight a war of attrition against religion-fueled terrorists. We’re in a war of attrition with them. We have no realistic choice. Indeed, our enemies are, in some respects, better suited to both global and local wars of maneuver than we are. They have a world in which to hide, and the world is full of targets for them. They do not heed laws or boundaries. They make and observe no treaties. They do not expect the approval of the United Nations Security Council. They do not face election cycles. And their weapons are largely provided by our own societies. We have the technical capabilities to deploy globally, but, for now, we are forced to watch as Pakistani forces fumble efforts to surround and destroy concentrations of terrorists; we cannot enter any country (except, temporarily, Iraq) without the permission of its government. We have many tools—military, diplomatic, economic, cultural, law enforcement, and so on—but we have less freedom of maneuver than our enemies. But we do have superior killing power, once our enemies have been located. Ultimately, the key advantage of a superpower is superpower. Faced with implacable enemies who would kill every man, woman, and child in our country and call the killing good (the ultimate war of attrition), we must be willing to use that power wisely, but remorselessly. We are, militarily and nationally, in a transition phase. Even after 9/11, we do not fully appreciate the cruelty and determination of our enemies. We will learn our lesson, painfully, because the terrorists will not quit. The only solution is to kill them and keep on killing them: a war of attrition. But a war of attrition fought on our terms, not theirs. Of course, we shall hear no end of fatuous arguments to the effect that we can’t kill our way out of the problem. Well, until a better methodology is discovered, killing every terrorist we can find is a good interim solution. The truth is that even if you can’t kill yourself out of the problem, you can make the problem a great deal smaller by effective targeting. And we shall hear that killing terrorists only creates more terrorists. This is sophomoric nonsense. The surest way to swell the ranks of terror is to follow the approach we did in the decade before 9/11 and do nothing of substance. Success breeds success. Everybody loves a winner. The clichés exist because they’re true. Al Qaeda and related terrorist groups metastasized because they were viewed in the Muslim world as standing up to the West successfully and handing the Great Satan America embarrassing defeats with impunity. Some fanatics will flock to the standard of terror, no matter what we do. But it’s far easier for Islamic societies to purge themselves of terrorists if the terrorists are on the losing end of the global struggle than if they’re allowed to become triumphant heroes to every jobless, unstable teenager in the Middle East and beyond. Far worse than fighting such a war of attrition aggressively is to pretend you’re not in one while your enemy keeps on killing you. Even the occupation of Iraq is a war of attrition. We’re doing remarkably well, given the restrictions under which our forces operate. But no grand maneuvers, no gestures of humanity, no offers of conciliation, and no compromises will persuade the terrorists to halt their efforts to disrupt the development of a democratic, rule-of-law Iraq. On the contrary, anything less than relentless pursuit, with both preemptive and retaliatory action, only encourages the terrorists and remaining Baathist gangsters.

**A violent war on terror is the only way to solve – the aff decimates that — nonviolent solutions empirically fail**

Hanson 10—Senior Fellow, Hoover. Former visiting prof, classics, Stanford. PhD in classics, Stanford (Victor Davis, The Tragic Truth of War, 19 February 2010, http://www.victorhanson.com/articles/hanson021910.html)

Victory has usually been defined throughout the ages as forcing the enemy to accept certain political objectives. “Forcing” usually meant killing, capturing, or wounding men at arms. In today’s polite and politically correct society we seem to have forgotten that nasty but eternal truth in the confusing struggle to defeat radical Islamic terrorism. What stopped the imperial German army from absorbing France in World War I and eventually made the Kaiser abdicate was the destruction of a once magnificent army on the Western front — superb soldiers and expertise that could not easily be replaced. Saddam Hussein left Kuwait in 1991 when he realized that the U.S. military was destroying his very army. Even the North Vietnamese agreed to a peace settlement in 1973, given their past horrific losses on the ground and the promise that American air power could continue indefinitely inflicting its damage on the North. When an enemy finally gives up, it is for a combination of reasons — material losses, economic hardship, loss of territory, erosion of civilian morale, fright, mental exhaustion, internal strife. But we forget that central to a concession of defeat is often the loss of the nation’s soldiers — or even the threat of such deaths. A central theme in most of the memoirs of high-ranking officers of the Third Reich is the attrition of their best warriors. In other words, among all the multifarious reasons why Nazi Germany was defeated, perhaps the key was that hundreds of thousands of its best aviators, U-boaters, panzers, infantrymen, and officers, who swept to victory throughout 1939–41, simply perished in the fighting and were no longer around to stop the allies from doing pretty much what they wanted by 1944–45. After Stalingrad and Kursk, there were not enough good German soldiers to stop the Red Army. Even the introduction of jets could not save Hitler in 1945 — given that British and American airmen had killed thousands of Luftwaffe pilots between 1939 and 1943. After the near destruction of the Grand Army in Russia in 1812, even Napoleon’s genius could not restore his European empire. Serial and massive Communist offensives between November 1950 and April 1951 in Korea cost Red China hundreds of thousands of its crack infantry — and ensured that, for all its aggressive talk, it would never retake Seoul in 1952–53. But aren’t these cherry-picked examples from conventional wars of the past that have no relevance to the present age of limited conflict, terrorism, and insurgency where ideology reigns? Not really. We don’t quite know all the factors that contributed to the amazing success of the American “surge” in Iraq in 2007–08. Surely a number of considerations played a part: Iraqi anger at the brutish nature of al-Qaeda terrorists in their midst; increased oil prices that brought massive new revenues into the country; General Petraeus’s inspired counterinsurgency tactics that helped win over Iraqis to our side by providing them with jobs and security; much-improved American equipment; and the addition of 30,000 more American troops. But what is unspoken is also the sheer cumulative number of al Qaeda and other Islamic terrorists that the U.S. military killed or wounded between 2003 and 2008 in firefights from Fallujah to Basra. There has never been reported an approximate figure of such enemy dead — perhaps wisely, in the post-Vietnam age of repugnance at “body counts” and the need to create a positive media image. Nevertheless, in those combat operations, the marines and army not only proved that to meet them in battle was a near death sentence, but also killed thousands of low-level terrorists and hundreds of top-ranking operatives who otherwise would have continued to harm Iraqi civilians and American soldiers. Is Iraq relatively quiet today because many who made it so violent are no longer around? Contemporary conventional wisdom tries to persuade us that there is no such thing as a finite number of the enemy. Instead, killing them supposedly only incites others to step up from the shadows to take their places. Violence begets violence. It is counterproductive, and creates an endless succession of the enemy. Or so we are told. We may wish that were true. But military history suggests it is not quite accurate. In fact, there was a finite number of SS diehards and kamikaze suicide bombers even in fanatical Nazi Germany and imperial Japan. When they were attrited, not only were their acts of terror curtailed, but it turned out that far fewer than expected wanted to follow the dead to martyrdom. The Israeli war in Gaza is considered by the global community to be a terrible failure — even though the number of rocket attacks against Israeli border towns is way down. That reduction may be due to international pressure, diplomacy, and Israeli goodwill shipments of food and fuel to Gaza — or it may be due to the hundreds of Hamas killers and rocketeers who died, and the thousands who do not wish to follow them, despite their frequently loud rhetoric about a desire for martyrdom. Insurgencies, of course, are complex operations, but in general even they are not immune from eternal rules of war. Winning hearts and minds is essential; providing security for the populace is crucial; improving the economy is critical to securing the peace. But all that said, we cannot avoid the pesky truth that in war — any sort of war — killing enemy soldiers stops the violence. For all the much-celebrated counterinsurgency tactics in Afghanistan, note that we are currently in an offensive in Helmand province to “secure the area.” That means killing the Taliban and their supporters, and convincing others that they will meet a violent fate if they continue their opposition. Perhaps the most politically incorrect and Neanderthal of all thoughts would be that the American military’s long efforts in both Afghanistan and Iraq to kill or capture radical Islamists has contributed to the general safety inside the United States. Modern dogma insists that our presence in those two Muslim countries incited otherwise non-bellicose young Muslims to suddenly prefer violence and leave Saudi Arabia, Yemen, or Egypt to flock to kill the infidel invader. A more tragic view would counter that there was always a large (though largely finite) number of radical jihadists who, even before 9/11, wished to kill Americans. They went to those two theaters, fought, died, and were therefore not able to conduct as many terrorist operations as they otherwise would have, and also provided a clear example to would-be followers not to emulate their various short careers. That may explain why in global polls the popularity both of bin Laden and of the tactic of suicide bombing plummeted in the Middle Eastern street — at precisely the time America was being battered in the elite international press for the Iraq War. Even the most utopian and idealistic do not escape these tragic eternal laws of war. Barack Obama may think he can win over the radical Islamic world — or at least convince the more moderate Muslim community to reject jihadism — by means such as his Cairo speech, closing Guantanamo, trying Khalid Sheikh Mohammed in New York, or having General McChrystal emphatically assure the world that killing Taliban and al-Qaeda terrorists will not secure Afghanistan. Of course, such soft- and smart-power approaches have utility in a war so laden with symbolism in an age of globalized communications. But note that Obama has upped the number of combat troops in Afghanistan, and he vastly increased the frequency of Predator-drone assassination missions on the Pakistani border. Indeed, even as Obama damns Guantanamo and tribunals, he has massively increased the number of targeted assassinations of suspected terrorists — the rationale presumably being either that we are safer with fewer jihadists alive, or that we are warning would-be jihadists that they will end up buried amid the debris of a mud-brick compound, or that it is much easier to kill a suspected terrorist abroad than detain, question, and try a known one in the United States. In any case, the president — immune from criticism from the hard Left, which is angrier about conservative presidents waterboarding known terrorists than liberal ones executing suspected ones — has concluded that one way to win in Afghanistan is to kill as many terrorists and insurgents as possible. And while the global public will praise his kinder, gentler outreach, privately he evidently thinks that we will be safer the more the U.S. marines shoot Taliban terrorists and the more Hellfire missiles blow up al-Qaeda planners. Why otherwise would a Nobel Peace Prize laureate order such continued offensive missions? Victory is most easily obtained by ending the enemy’s ability to resist — and by offering him an alternative future that might appear better than the past. We may not like to think all of that entails killing those who wish to kill us, but it does, always has, and tragically always will — until the nature of man himself changes.

## Case

### 2NC Util

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse, AG)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

### a/t: no terror impact

**The risk of nuclear terrorism is imminent and high now**

**Weaver 8/21** (Angela Weaver is a research intern for the Project on Nuclear Issues, “The Nuclear Terrorism Threat - Preventing Catastrophe, “AUG 21, 2013, <http://csis.org/blog/nuclear-terrorism-threat-preventing-catastrophe>) GANGEEZY

Recent media coverage often begins similarly to [CNN’s article](http://www.cnn.com/2013/08/15/us/nuclear-plants-security/?hpt=hp_t1), stating that “none of the 107 nuclear facilities in the United States are protected against a high-force terrorist attack, and some are still vulnerable to the theft of bomb-grade nuclear fuel.” However, David McIntyre, a spokesman with the Nuclear Regulatory Commission (NRC), disagreed, arguing that the report offered no new information than what was found a decade ago in research conducted after the September 11th terror attacks. The NRC, he says, “has strengthened security requirements for commercial nuclear power plants and remains confident that these important facilities are adequately protected.” [The report](http://blogs.utexas.edu/nppp/files/2013/08/NPPP-working-paper-1-2013-Aug-15.pdf), published by UT- Austin’s Nuclear Proliferation Prevention Project (NPPP), purports that terrorist organizations have looked at nuclear power plants as potential targets in the past. It cites the 9/11 commission report and previous threats or attempts by terrorists to destroy or “penetrate nuclear reactors in Argentina, Russia, Lithuania, Western Europe, South Africa, and South Korea,” though none have occurred recently. The report argues that terrorist organizations are capable of sophisticated planning, as was demonstrated on September 11, 2001. However, the attacks on 9/11 and other attacks around the world cited in the report were not chemical or nuclear in nature; they instead looked to maximize lethality with conventional weapons. Though it is a known fact that groups like al Qaeda are interested in acquiring a nuclear weapon, stealing nuclear material from U.S. facilities to do so hardly seems likely. A conventional attack on a nuclear facility in an attempt to release large amounts of radiation and create psychological terror is far more conceivable, and protections against this should be explored further. The [2010 Nuclear Posture Review](http://www.defense.gov/npr/docs/2010%20nuclear%20posture%20review%20report.pdf) report acknowledged the nuclear terrorism threat, stating “today’s most immediate and extreme danger is nuclear terrorism.” The threat of theft or seizure of nuclear material is far greater in states where the material, and the technology, is less protected and where the nuclear black market is active. While U.S. nuclear facilities may need security improvements, their level of vulnerability to theft is not necessarily a priority when faced with the greater security issues of nuclear material abroad. Work on securing nuclear material has already begun. Last week it was [reported](http://www.nytimes.com/2013/08/18/world/asia/a-secret-race-for-abandoned-nuclear-material.html) that Russian and U.S. scientists spent the last 17 years collecting plutonium and highly enriched uranium from a Soviet-era nuclear test site. There was enough material onsite to construct at least a dozen nuclear bombs, as reported by the New York Times. It is efforts like these that need to continue in order to keep loose nuclear material from falling into the hands of individuals and organizations who pose a terror threat. The 2010 NPR called for initiatives to disrupt illegal proliferation networks, prevent nuclear smuggling of both material and technology, and provide greater funding to programs like the Global Threat Reduction Initiative in an attempt to secure vulnerable nuclear material. The collection of Soviet-era material is evidence of this, but efforts must continue. It is arguably much more difficult for a terrorist organization to clandestinely purchase and transport a fully capable nuclear weapon than it is to acquire nuclear material and technology over time in an effort to construct their own. The UT report stresses the vulnerability of U.S. nuclear facilities, and while they may be a target for an attack designed to release large amounts of radiation, it seems that the greater threat to the United States is the detonation of a “dirty bomb” by either a large terrorist organization or individuals. Events like the Boston Marathon bombing speak to the relative ease by which several individuals can cause destruction, death, and terror, independent of a larger terror organization. A [recent op-ed](http://www.washingtontimes.com/news/2013/aug/20/rabin-and-waller-nuclear-terrorism-and-einsteins-a/) by Stuart Rabin and David Waller stated, “Consider the crushing impact had the Tsarnaev brothers utilized not a pressure cooker as an explosive device, but instead a radiation-dispersal device (‘dirty bomb’).” There are nuclear facilities close enough to largely populated cities that, if attacked, may have the same radiation dispersal effect as a dirty bomb detonated in an urban area. However, terror attacks are often an attempt to create mass casualties, something which an attack on a reactor may not initially do. The psychological and eventual health effects would be devastating, but immediate heavy loss of life is not guaranteed and therefore, the symbolism of the attack is less effective. A dirty bomb detonated in the vicinity of large amounts of people, however, may have both desired effects; immediate significant loss of life and radiation dispersal in an urban area, both of which have detrimental psychological effects. In light of the UT report, it seems that fears over the vulnerability of U.S. nuclear facilities may be somewhat exaggerated. The threat of theft from a U.S. nuclear reactor seems to be slim; the operation required to steal nuclear material from a U.S. facility would require multiple people, at least one of whom would need to be internal, and would require the capability to successfully escape the facility and transport the stolen nuclear material. However, the possibility for a nuclear attack on U.S. facilities, or U.S. cities, is of greater concern. An attack on a reactor would only require the capability to enter the facility and gain access to the reactor; survivability may not be of concern to the perpetrators of the attack. Additionally, the threat of a “dirty bomb” attack on U.S. soil using material sourced from abroad is a real possibility and must be protected against. It is important to recognize that nuclear terrorism is a security priority of today’s world, and the attention it was paid in the 2010 NPR is evidence of this. The first step toward preventing a “dirty bomb” detonation is preventing terrorists’ ability to acquire such a device, or the technology it takes to produce it. Without these measures, the threat of nuclear attack will most likely rise.

### a/t: root cause

The causes of terrorism can only be ameliorated once terrorism itself is stamped out

ELSHTAIN 2007 (Jean Bethke Elshtain is the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, The Price Of Peace: Just War in the Twenty-First Century, Edited by Charles Reed and David Ryall)

It is sometimes said that one person’s ‘freedom fighter’ is another person’s ‘terrorist’. This chapter argues that this is not the case: there are well accepted and clear definitions of terrorism that preclude any such reductive and simplistic equation. After having defined terrorism in a manner generally accepted among serious scholars of the subject, this chapter argues that the just war tradition – often construed as a way of thinking and adjudicating that applies only to collisions between sovereign states – can be usefully applied to conflicts between states and those non-state entities that engage in the planned and intentional destruction of innocents. For, as I have argued elsewhere, just war is not just about war: it is also a way of thinking about politics and political life more generally.1 Sadly,much political commentary today appears to have lost a robust way in which to speak about politics of which war, in the traditional sense, is a subset. Refusing to think seriously about politics leads to such widely accepted nostrums as those that claim there are ‘root causes’ for terrorism and that unless these are solved or ameliorated, terrorism will flourish. This puts the cart before the horse. It is only after relative political stability, including bringing illegitimate violence to heel, is restored that social questions can be addressed meaningfully. Without a structure of political accountability there can be no meaningful tackling of social questions. The just war tradition is a way to grapple with political questions that are too often treated naı¨vely in contemporary commentary. This means tying just war thinking to the great tradition of Augustinian realism.