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#### Advantage one is Drone Wars

#### Constraints influence global drone practices – the impact is global war

Dowd, 13 [Drone Wars: Risks and Warnings Alan W. Dowd, Alan W. Dowd writes on national defense, foreign policy, and international security. His writing has appeared in multiple publications including Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Parameters 42(4)/43(1) Winter-Spring 2013]

In short, it seems Washington has been seduced by the Jupiter Complex. Being seen in such a light—as detached and remote in every sense of the word, especially in waging war—should give Americans pause. “Reliance on drone strikes allows our opponents to cast our country as a distant, high-tech, amoral purveyor of death,” argues Kurt Volker, former US ambassador to NATO. “It builds resentment, facilitates terrorist recruitment and alienates those we should seek to inspire.”40 Indeed, what appears a successful counterterrorism campaign to Americans may look very different to international observers. “In 17 of 20 countries,” a recent Pew survey found, “more than half disapprove of U.S. drone attacks targeting extremist leaders and groups in nations such as Pakistan, Yemen and Somalia.”41 Moreover, a UN official recently announced plans to create “an investigation unit” within the Human Rights Council to “inquire into individual drone attacks . . . in which it has been alleged that civilian casualties have been inflicted.”42 This is not to suggest that either side of the drone debate has a monopoly on the moral high ground; both have honorable motives. UCAV advocates want to employ drone technologies to limit US casualties, while UCAV opponents are concerned that these same technologies could make war too easy to wage. This underscores there exists no simple solution to the drone dilemma. Converting to a fully unmanned air force would be dangerous. Putting the UCAV genie back in the bottle, on the other hand, would be difficult, perhaps impossible. There are those who argue that it is a false dichotomy to say that policymakers must choose between UCAVs and manned aircraft. To be sure, UCAVs could serve as a complement to manned aircraft rather than a replacement, with pilots in the battlespace wielding UCAVs to augment their capabilities. That does not, however, appear to be where we are headed. Consider Admiral Mullen’s comments about the sunset of manned combat aircraft, the manned-versus-unmanned acquisition trajectories, the remote-control wars in Pakistan and Yemen and Somalia, and President Obama’s reliance on UCAVs. Earlier this year, for instance, when France asked for help in its counterassault against jihadists in Mali, Washington initially offered drones.43 The next president will likely follow and build upon the UCAV precedents set during the Obama administration, just as the Obama administration has with the UCAV precedents set during the Bush administration. Recall that the first shot in the drone war was fired approximately 11 years ago, in Yemen, when a CIA Predator drone retrofitted with Hellfire missiles targeted and killed one of the planners of the USS Cole attack. Given their record and growing capabilities, it seems unlikely that UCAVs will ever be renounced entirely; however, perhaps the use of drones for lethal purposes can be curtailed or at least contained. It is important to recall that the United States has circumscribed its own military power in the past by drawing the line at certain technologies. The United States halted development of the neutron bomb in the 1970s and dismantled its neutron arsenal in the 2000s; agreed to forswear chemical weapons; and renounced biological warfare “for the sake of all mankind.”44 That brings us back to The New York Times’ portrait of the drone war. Washington must be mindful that the world is watching. This is not an argument in defense of international watchdogs tying America down. The UN secretariat may refuse to recognize America’s special role, but by turning to Washington whenever civil war breaks out, or nuclear weapons sprout up, or sea lanes are threatened, or natural disasters wreak havoc, or genocide is let loose, it is tacitly conceding that the United States is, well, special. Washington has every right to kill those who are trying to kill Americans. However, the brewing international backlash against the drone war reminds us that means and methods matter as much as ends. Error War If these geo-political consequences of remote-control war do not get our attention, then the looming geo-strategic consequences should. If we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the case, the unintended consequences could be dramatic. First, if the battlespace is the entire earth, the enemy would seem to have the right to wage war on those places where UCAV operators are based. That’s a sobering thought, one few policymakers have contemplated. Second, power-projecting nations are following America’s lead and developing their own drones to target their distant enemies by remote. An estimated 75 countries have drone programs underway.45 Many of these nations are less discriminating in employing military force than the United States—and less skillful. Indeed, drones may usher in a new age of accidental wars. If the best drones deployed by the best military crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland or Georgia; China and any number of its wary neighbors. China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs and UCAVs . . . for long-range reconnaissance and strike”; development of UCAVs to enable “a greater capacity for military preemption”; and interest in “converting retired fighter aircraft into unmanned combat aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US aircraft carrier near Taiwan and relaying targeting information.48 Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ranks of power-projecting nations. Drones are a cheap alternative to long-range, long-endurance warplanes. Yet despite their low cost, drones can pack a punch. And owing to their size and range, they can conceal their home address far more effectively than the typical, nonstealthy manned warplane. Recall that the possibility of surprise attack by drones was cited to justify the war against Saddam Hussein’s Iraq.49 Of course, cutting-edge UCAVs have not fallen into undeterrable hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the United States in a direct way, it is unlikely that opposing swarms of semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes simply failing to respond to their remote-control pilots will do much to promote a liberal global order. It would be ironic if the promise of risk-free war presented by drones spawned a new era of danger for the United States and its allies.

#### Unfettered drone prolif causes deterrence crises that lead to nuclear conflict and Indo-Pak war

Boyle, 13 [“The costs and consequences of drone warfare”, MICHAEL J. BOYLE, International Affairs 89: 1 (2013) 1–29, assistant professor of political science at LaSalle University]

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, **such as Russia and China**, are beginning rapidly **to develop and deploy drones** for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them. Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an international incident if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will spiral out of control and lead to an armed confrontation.143 An accident would be even more dangerous if the US were to pursue its plans for nuclear-powered drones, which can spread radioactive material like a dirty bomb if they crash.144 Third, lethal drones create the possibility that the norms on the use of force will erode, creating a much more dangerous world and pushing the international system back towards the rule of the jungle. To some extent, this world is already being ushered in by the United States, which has set a dangerous precedent that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 **Given this precedent**, there is nothing to stop other states from following the American lead and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government. One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, due process or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the legal and evidentiary difficulties associated with giving them a fair trial.147 Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that China, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that Russia could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that Israel might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them. Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus **tilting the balance of power in authoritarian regimes** **even more decisively towards** those who wield the coercive instruments of power and against those who dare to challenge them. Conclusion Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, growing anti-Americanism and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack. In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would impose some limits on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or eliminating the strikes against the ‘foot soldiers’ or other Islamist networks not related to Al-Qaeda. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States. Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156 A final, and crucial, step towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. **The genie is out of the bottle**: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, regulated and consistent with internationally recognized human rights standards. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157 The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an opportunity to show leadership in developing an international legal architecture which might avert some of the worst consequences of their use.

#### Indo Pak war causes extinction

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out warthat could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respondin an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any suchconflict would likely continue to escalateuntil one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. A nuclear conflict in the subcontinentwould havedisastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussionsof a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union wouldresult in acatastrophic and prolonged nuclear winter,which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead toglobal cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval. Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that couldquickly escalate.

#### Escalation uniquely likely now – no impact defense

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“This is a sad reality of India-Pakistan relations — whenever things are looking up, a saboteur tries to send all progress up in smoke.” The region has been on the boil **since** the **five** Indian **soldiers were killed** in an ambush in the Poonch sector of India-administered Kashmir last week. India said Pakistani soldiers were to blame, and Pakistan disavowed the attack. More from GlobalPost: 7 graphs that prove America is overrated The incident prompted a series of cross-border skirmishes that each country has accused the other of starting. It has all-but scuttled hopes that Sharif and his Indian counterpart, Manmohan Singh, will be able to resume peace negotiations anytime soon. The so-called composite dialogue dates back to January 2004. It was called off following the November 2008 Mumbai terrorist attack, which India believes were perpetrated with the aid of Pakistan's Inter-Services Intelligence agency. Until this week, the formal talks had been set to resume this month. Now even an informal meeting between Singh and Sharif on the sidelines of the September UN General Assembly is at risk. **The situation is scary, experts say**. Kashmir — a divided territory that both India and Pakistan claim as their own — was the cause of two of the three wars the two countries have fought since they attained independence from Britain in 1947. Now both New Delhi and Islamabad control numerous nukes; Pakistan has the world’s fastest growing arsenal. As the tit-for-tat bombardment continues, the shelling already marks the heaviest exchange since the ceasefire began in 2003, raising fears that the repeated violations will result in a complete breakdown of the truce. Signaling their concern about further escalation, both Washington and the UN have appealed for calm. But which side is responsible for starting the fire? What is the endgame? And how far will the flames spread before cooler heads prevail? Indian analysts remain convinced that Pakistan uses such shelling to provide cover for jihadi militants crossing the border to attack installations in India-administered Kashmir. By India's tally, there have already been 42 such ceasefire violations in 2013, compared with 28 in 2012, according to India Today. Meanwhile, this year 40 members of India's security forces in the area have been killed, compared with 17 the year before. For Indians looking to explain who broke the truce this time, that's a smoking gun. “If you just take the common sensical point of view, India has no interest [in breaking the ceasefire], because we are not sending in infiltrators under cover of fire,” said former Indian foreign secretary Kanwal Sibal. “We have no reason to fire unilaterally because what do we then hope to achieve? We don't score any points either bilaterally or internationally.” Pakistan-watchers, however, argue that its army no longer provides such support for jihadi groups, and hint that the ambush story may have been a ploy by India, or a local Indian commander, to trigger hostilities. Admitting that Pakistani generals “may have” helped jihadis cross into India in the past, for instance, Pakistan-born Shuja Nawaz, director of the South Asia Center at the Atlantic Council, said that policy was ended under former president General Pervez Musharraf, and it would be “surprising if it is being activated again.” Nawaz also questioned why India first called the alleged ambush an attack by “persons dressed in Pakistani uniforms” – only later referring to it as an army assault — and why top military officials allowed tempers to flare for two days before activating a hotline intended to defuse these situations. “What is surprising is that the Director General Military Operations did not activate the hotline till two days [after the alleged ambush]. Why?” said Nawaz. Experts agree it’s not likely that Sharif's civilian government officially sanctioned the alleged ambush of Indian soldiers. But it may well have had the active or tacit support of the military-intelligence combine, or “deep state,” that holds the real power in Pakistan. Moreover, though the ceasefire is expected to hold, the ambush and subsequent saber rattling in Pakistan certainly establishes that its new prime minister — for all his talk of peace — must overcome enormous obstacles in his own country before he can think of negotiating with India. “Overarching all this is the fact that during the election campaign, [Sharif] spoke about his desire to improve relations with India, and there was an exchange of special envoys pretty quickly,” said India's Sibal. “There was hope that he might be able to begin turning a new page. But under his watch all the wrong things are happening... Jihadi organizations [and] what they call the ‘deep state’ in Pakistan [i.e. the army and intelligence apparatus] seem to be at work.” While Sharif has continued to preach peace since his June election, his army and spy agency don't seem to be listening. That's because both have vested interests in stoking fears of an Indian attack — lest they face a sustained drive to curtail their powers, or, worse, a deep cut to the defense budget. On August 3, terrorists whom India claims have links to Pakistan's Inter-Services Intelligence agency (ISI) attacked the Indian consulate in Jalalabad, Afghanistan. Meanwhile, Islamabad allowed alleged terrorist Hafiz Saeed to lead Eid prayers before a massive throng at the Gaddafi stadium in Lahore on August 9. India and the US accuse him of leading of Lashkar-e-Taiba, and Indians accuse of masterminding the 2008 attacks on Mumbai; Washington DC has a $10 million bounty on his head. The Eid prayers were not a one-off. Saeed also led several thousand supporters in a Lahore parade on August 14, to mark Pakistan’s independence day. And amidst the shelling this week, Pakistan's finance minister announced that a plan to grant India “most favored nation” status – once viewed an easily attained step that would be good for both countries – is now off the table. “Neither side wants war nor does either profit from a conflict escalating beyond [Kashmir’s Line of Control]. Local commanders, especially newly posted ones to the region, flex their muscles. But this is a dangerous game,” said the Atlantic Council's Nawaz. Worse still, the game is set to grow more perilous with the approach of 2014 – when the rules will change, according to the Woodrow Wilson Center's Kugelman. The US withdrawal from Afghanistan will leave India and Pakistan contending for influence there, while the exit of US troops will again make India and Kashmir the number one target for Pakistan-based terrorist groups like Lashkar-e-Taiba. Meanwhile, in the face of continued provocations since the 2008 attacks on Mumbai, India's capacity for restraint may have reached its limits, Kugelman worries. And the election slated for May 2014 will put added pressure on Singh's government to take a hard line. “As India's election grows closer, any consequent LoC hostilities could conceivably lead to escalation,” Kugelman said. “And that's a scary thought.”

#### Establishing a precedent of transparency and accountability spills over globally– a non-executive framework is key

Brooks 13 (Rosa, Professor of Law – Georgetown University Law Center, Bernard L. Schwartz Senior Fellow – New America Foundation, Former Counselor to the Undersecretary of Defense for Policy – Department of Defense, “The Constitutional and Counterterrorism Implications of Targeted Killing,” Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4-23, <http://www.judiciary.senate.gov/pdf/04-23-13BrooksTestimony.pdf>)

5. Setting Troubling International Precedents Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the same legal theories the US currently uses to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should use this window to advance a robust legal and normative framework that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a playbook for how to foment instability and –literally -- get away with murder. Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter, 43 or in self-defense "in the event of an armed attack." The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will consent to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will not consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to significantly destabilize the already shaky collective security regime created by the U.N. Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an illdefined war, why shouldn’t other states make identical arguments—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### Legal constraints key --- institutionalizing clarity key to influence norms

HRI, 11 [Human Rights Institute, Targeting Operations with Drone Technology: Humanitarian Law Implications Background Note for the American Society of International Law Annual Meeting Human Rights Institute, Columbia Law School March 25, 2011, p. online]

While they disagree on important legal issues, critics and proponents alike share at least one significant concern: drones may be the future of warfare, and the U.S. may soon find itself “on the other end of the drone,” as other governments and armed non-state groups develop drone technology. Yet **discussions of** the legal constraints lag behind the rapid advances in technological capability and deployment. Even those who believe that the U.S. government’s use of drone technology is carefully calibrated to adhere to applicable law worry that other governments or non-state groups will cite the U.S. government’s silence on legal questions as justification to shirk from transparency about their practice or even openly flout the law. In this paper, we describe three questions arising from the U.S. government’s use of drone technology, focusing on ambiguities in the government’s position which scholars have debated: the scope of the armed conflict; who may be targeted; and the legal and policy implications of who conducts the targeting. These questions stem not so much from drone technology itself, but from the kind of warfare for which the U.S. is currently using drones. Scholars and experts have sharply disagreed about the answers to these questions, but it is telling that a core set of issues has emerged as the shared focus for individuals from across the ideological spectrum. Ambiguity on these core issues exists despite **the Administration’s efforts** to establish the legality of targeting practices—most notably, State Department Legal Adviser Harold Koh’s address at the 2010 annual meeting of the American Society of International Law. Some scholars laud Koh’s speech as divorcing the Administration from an approach that invokes the privileges of the law of war while dismissing the relevance of it duties and restraints. Observers have recognized that Koh’s address reflects the Administration’s desire to legitimize its policy through forthrightness about the constraints imposed by law. However, scholars disagree about the functional difference between the paradigm of the “global war against terrorism” and the Administration’s articulation, in a variety of fora, of an armed conflict against al Qaeda, the Taliban and associated forces. Some observers have argued that without further explanation, the Administration’s position confirms the relevancy of humanitarian law but leaves unanswered questions fundamental to assessing the legality of U.S. practice. We agree that where significant ambiguity exists, it leaves the U.S. government vulnerable to challenges about the sincerity of its commitment to the rule of law. In the near future, ambiguity may also weaken the government’s ability to argue for constraints on the practice of less law-abiding states. Clarity about U.S. legal standards and policy, as we describe in this paper, would not require disclosure of classified information about who is targeted, or intelligence sources and methods. We recognize that rules of engagement are classified and vary based on the theater of combat. Instead, we encourage clarification of the existence or character of legal justifications TARGETING WITH DRONE TECHNOLOGY: HUMANITARIAN LAW IMPLICATIONS HUMAN RIGHTS INSTITUTE, COLUMBIA LAW SCHOOL 3 and standards, and generic procedural safeguards, about which scholars and experts have debated. To be sure, not all the scholars and observers whose views we present believe that the government needs to disclose more information about its legal standards and procedures. Some have objected to court scrutiny of the government’s standards or justifications. Many observers are concerned that further government clarification would require divulging sensitive information, or at least information that the government has not historically made public. They point to the extent to which the questions we raise involve not just legal standards, but policy determinations. These observers’ concerns, and countervailing concerns about the expansive or unbounded scope of the armed conflict referenced by the Administration, require further discussion—one we attempt to set the foundation for, by identifying particular areas of ambiguity and debate. For some issues, scholars disagree with each others’ characterization of the government’s position. For other issues, they agree that the government’s position is unknown. On still other issues, the question of the government’s position is relegated to the background in favor of a highly contested debate among scholars and practitioners about the relevance of the law or the practicability of a legal standard. Yet in each case, disagreement among scholars underscores the need for clarity about the U.S. government’s position. U.S. legal standards and policies are a necessary starting point for discussions among scholars, yet they are such a “moving target”—or simply a target in the fog—that discussions can be expected to devolve to speculation. Disagreement among scholars, to some degree, reflects a necessarily myopic understanding of government policy. At least to that extent, the government non-disclosure may undermine the robustness of debate among scholars and practitioners about humanitarian law standards, and effectively halt sound legal analysis of U.S. practice. Limiting scholarly debate would be detrimental to the development of clear legal standards that aid, rather than undermine, U.S. armed forces charged with conducting targeting operations. Insofar as government non-disclosure prevents public or legal accountability, it also undermines the U.S. government’s message to the international community, so evident in Koh’s ASIL speech, of commitment to the rule of law.

### Adv 2

#### Advantage two is Legitimacy

#### Unrestrained drone use collapses global stability – harms US legitimacy

Kennedy, 13 [“Drones: Legitimacy and Anti-Americanism”, Greg Kennedy is a Professor of Strategic Foreign Policy at the Defence Studies Department, King's College London, based at the Joint Services Command and Staff College, Defence Academy of the United Kingdom, in Shrivenham, Parameters 42(4)/43(1) Winter-Spring 2013]

The exponential rise in the use of drone technology in a variety of military and non-military contexts represents a real challenge to the framework of established international law and it is both right as a matter of principle, and inevitable as a matter of political reality, that the international community should now be focusing attention on the standards applicable to this technological development, particularly its deployment in counterterrorism and counter-insurgency initiatives, and attempt to reach a consensus on the legality of its use, and the standards and safeguards which should apply to it.4 deliver deadly force is taking place in both public and official domains in the United States and many other countries.5 The four key features at the heart of the debate revolve around: who is controlling the weapon system; does the system of control and oversight violate international law governing the use of force; are the drone strikes proportionate acts that provide military effectiveness given the circumstances of the conflict they are being used in; and does their use violate the sovereignty of other nations and allow the United States to disregard formal national boundaries? Unless these four questions are dealt with in the near future the impact of the unresolved legitimacy issues will have a number of repercussions for American foreign and military policies: “Without a new doctrine for the use of drones that is understandable to friends and foes, the United States risks achieving near-term tactical benefits in killing terrorists while incurring potentially significant longer-term costs to its alliances, global public opinion, the war on terrorism and international stability.”6 This article will address only the first three critical questions. The question of who controls the drones during their missions is attracting a great deal of attention. The use of drones by the Central Intelligence Agency (CIA) to conduct “signature strikes” is the most problematic factor in this matter. Between 2004 and 2013, CIA drone attacks in Pakistan killed up to 3,461—up to 891 of them civilians.7 Not only is the use of drones by the CIA the issue, but subcontracting operational control of drones to other civilian agencies is also causing great concern.8 Questions remain as to whether subcontractors were controlling drones during actual strike missions, as opposed to surveillance and reconnaissance activities. Nevertheless, the intense questioning of John O. Brennan, President Obama’s nominee for director of the CIA in February 2013, over drone usage, the secrecy of their controllers and orders, and the legality of their missions confirmed the level of concern America’s elected officials have regarding the legitimacy of drone use. Furthermore, perceptions and suspicions of illegal clandestine intelligence agency operations, already a part of the public and official psyche due to experiences from Vietnam, Iran-Contra, and Iraq II and the weapons of mass destruction debacle, have been reinforced by CIA management of drone capability. Recent revelations about the use of secret Saudi Arabian facilities for staging American drone strikes into Yemen did nothing to dissipate such suspicions of the CIA’s lack of legitimacy in its use of drones.9 The fact that the secret facility was the launching site for drones used to kill American citizens Anwar al-Awlaki and his son in September 2011, both classified by the CIA as al-Qaeda-linked threats to US security, only deepened such suspicions. Despite the fact that Gulf State observers and officials knew about American drones operating from the Arabian peninsula for years, the existence of the CIA base was not openly admitted in case such knowledge should “ . . . damage counter-terrorism collaboration with Saudi Arabia.”10 The fallout from CIA involvement and management of drone strikes prompted Senator Dianne Feinstein, Chairwoman of the Senate Intelligence Committee, to suggest the need for a court to oversee targeted killings. Such a body, she said, would replicate the Foreign Intelligence Surveillance Court, which oversees eavesdropping on American soil.11 Most importantly, such oversight would go a long way towards allaying fears of the drone usage lacking true political accountability and legitimacy. In addition, as with any use of force, drone strikes in overseas contingency operations can lead to increased attacks on already weak governments partnered with the United States. They can lead to retaliatory attacks on local governments and may contribute to local instability. Those actions occur as a result of desires for revenge and frustrations caused by the strikes. Feelings of hostility are often visited on the most immediate structures of authority—local government officials, government buildings, police, and the military.12 It can thus be argued that, at the strategic level, drone strikes are fuelling anti-American resentment among enemies and allies alike. Those reactions are often based on questions regarding the legality, ethicality, and operational legitimacy of those acts to deter opponents. Therefore, specifically related to the reaction of allies, the military legitimacy question arises if the use of drones endangers vital strategic relationships.13 One of the strategic relationships being affected by the drone legitimacy issue is that of the United States and the United Kingdom. Targeted killing, by drone strike or otherwise, is not the sole preserve of the United States. Those actions, however, attract more negative attention to the United States due to its prominence on the world’s stage, its declarations of support for human rights and democratic freedoms, and rule-of-law issues, all which appear violated by such strikes. This complexity and visibility make such targeted killings important for Anglo-American strategic relations because of the closeness of that relationship and the perception that Great Britain, therefore, condones such American activities. Because the intelligence used in such operations is seen by other nations as a shared Anglo-American asset, the use of such intelligence to identify and conduct such killings, in the opinion those operations.14 Finally, the apparent gap between stated core policies and values and the ability to practice targeted killings appears to be a starkly hypocritical and deceitful position internationally, a condition that once again makes British policymakers uncomfortable with being tarred by such a brush.15 The divide between US policy and action is exacerbated by drone technology, which makes the once covert practice of targeted killing commonplace and undeniable. It may also cause deep-rooted distrust due to a spectrum of legitimacy issues. Such questions will, therefore, undermine the US desire to export liberal democratic principles. Indeed, it may be beneficial for Western democracies to achieve adequate rather than decisive victories, thereby setting an example of restraint for the international order.16 The United States must be willing to engage and deal with drone-legitimacy issues across the entire spectrum of tactical, operational, strategic, and political levels to ensure its strategic aims are not derailed by operational and tactical expediency.

#### An executive lead role spurs mistrust and global opposition

Goldsmith, 13 [May 1st, Jack Goldsmith teaches at Harvard Law School and is a member of the Hoover Institution Task Force on National Security and Law. He is the author, most recently, of Power and Constraint, How Obama Undermined the War on Terror http://www.newrepublic.com/article/112964/obamas-secrecy-destroying-american-support-counterterrorism]

And so Barack Obama greatly expanded the secret war that George W. Bush began. In the fall of 2009, Obama approved a "long list" of new CIA paramilitary operation proposals, as well as CIA requests for more armed drones, more spies, and larger targeting areas in Pakistan. "The CIA gets what it wants," said the president, approving the CIA requests, and conveying what Mazzetti thinks was his first-term attitude toward the Agency. The Department of Defense also got most of what it wanted. Obama approved an initiative by General David Petraeus to expand "military spying activities throughout the Muslim world," and gave special operations forces "even broader authorities to run spying missions across the globe" than they possessed under the Bush administration. Mazzetti describes Obama's souped-up secret war as "the way of the knife," a reference to Obama counterterrorism czar (and now CIA director) John Brennan's claim that the administration had replaced the "hammer" of large deployments with the "scalpel" of secret pinpoint missions. Its most famous use was the Abbottabad raid to kill bin Laden. But its most enduring legacy is Obama's significant expansion of the CIA and JSOC drone-strike campaign against Al Qaeda and affiliates, especially in Pakistan and Yemen. In 2009, the Obama administration conducted more drone strikes in those countries than the Bush administration had done in the seven years after 9/11; and to date, it has conducted almost nine times more drone strikes there than its predecessor. The administration's most controversial drone strike came against an American citizen, Anwar al-Awlaki, a leader of Al Qaeda in the Arabian Peninsula, the Yemeni organization responsible for the failed Detroit "underwear bomb" attack on Christmas in 2009 and other attempted attacks against the United States. Government lawyers gave the green light to kill al-Awlaki in 2010, but the administration had no idea where in Yemen he was. By 2011, the CIA and JSOC both had spies on the ground in Yemen and were "running two distinct drone wars," with different targeting lists, from bases in Saudi Arabia (for the CIA) and Ethiopia and Djibouti (for JSOC). In the fall of 2011, in part because of prior JSOC targeting mistakes and in part because of the CIA's extraordinary successes in Pakistan, Obama tasked the CIA alone with finding and killing al-Awlaki. On September 30, a CIA Reaper drone fired on a convoy near the Saudi Arabian desert and completed the mission. At the end of president Obama's first term, Mazzetti remarks, Americans seemed "little concerned about their government's escalation of clandestine warfare." By that point Obama's way of the knife had both decimated the senior leadership of Al Qaeda and reversed the Republicans' traditional advantage on national security. "Ask Osama bin Laden and the 22 out of 30 top Al Qaeda leaders who have been taken off the field whether I engage in appeasement," said the boastful president in December 2011, flicking away Republican charges that he was soft on terrorism. "Or whoever is left out there, ask them about that," he added. But in the last few months the Obama administration's secret war—and especially its drone program—have come under attack on multiple fronts. In 2011, The Washington Post reported the CIA's counterterrorism chief bragging of his Al Qaeda strikes that "we are killing these sons of bitches faster than they can grow them now." It is unclear whether this statement is true today. The core Al Qaeda organization appears debilitated. But its affiliate organizations are operating in Somalia, Yemen, and Iraq. And powerful new affiliates appear to be springing up elsewhere, including Al Qaeda in the Islamic Maghreb in post-Qaddafi North Africa, and the Al Nusra Front in revolutionary Syria. Secrecy is the essence of the type of war that Obama has chosen to fight. In this light, questions about the strategic success of Obama's drone campaign, and his secret war more generally, are growing. "We cannot kill our way to victory," former Congresswoman Jane Harman, who was a member of the House Intelligence Committee, testified in a counterterrorism hearing last month. General Stanley McChrystal, who presided over JSOC from 2003 to 2008, made a similar point in a recent interview in Foreign Affairs. The "danger of special operating forces," he noted, is that "you get this sense that it is satisfying, it's clean, it's low risk, it's the cure for most ills." But history provides no example of "a covert fix that solved a complex problem," he continued, adding that a too-heavy reliance on drone strikes is also "problematic" because "it's not a strategy in itself; it's a short-term tactic." One reason McChrystal questions the strategic efficacy of heavy reliance on drones is that "inhabitants of that area and the world have significant problems watching Western forces, particularly Americans, conduct drone strikes inside the terrain of another country." Last summer, Pew Research reported "considerable opposition" in "nearly all countries," and especially in predominantly Muslim countries, to Obama's drone program. It also found that Lebanon, Egypt, Jordan, and Pakistan now had a less favorable attitude toward the United States than at the end of the Bush administration. And a Gallup poll in February found that 92 percent of the people in Pakistan disapprove of the American leadership and 4 percent approve—historically bad numbers for the United States that are largely attributable to the way of the knife. These are discouraging numbers for a president who hoped to diminish the terrorism threat by establishing "a new beginning between the United States and Muslims ... based upon mutual interest and mutual respect," as Obama said in Cairo in 2009. The president added in that speech that the United States during the Bush era had acted "contrary to our ideals," and he pledged to "change course." But as the polls abroad show, Obama's change of course has not made the world think better of American ideals. Ben Emmerson, a United Nations special rapporteur on counter-terrorism and human rights, recently suggested that some American drone attacks might be war crimes. Since he launched an investigation in January, he has noted that most nations "heavily disput[e]" the legal theory underlying Obama's stealth wars, and concluded that American drone strikes violate Pakistan's sovereignty, contrary to international law. Most Americans are little interested in the popularity abroad of the way of the knife. To date, they very strongly support what they know about the president's drone campaign against foreign terrorist suspects. Support for targeting American citizens such as Anwar al-Awlaki, however, has dropped, and the focus on American citizens is affecting other elements of the way of the knife. In large part this has resulted from the administration's stilted explanations about the legal limits on killing Americans and the secret processes for placing American suspects on target lists. When a less-than-convincing Justice Department white paper on the topic leaked to the press in February, it stoked suspicions that the administration had big plans and something to hide. Questions grew when the administration continued to withhold legal memos from Congress, and when John Brennan danced around the issue during his confirmation hearings to be director of the CIA. Senator Rand Paul then cleverly asked Brennan whether the president could order a drone to kill a terrorist suspect inside the United States. When Brennan and Attorney General Eric Holder seemed to prevaricate, Paul conducted his now-famous filibuster. "I cannot sit at my desk quietly and let the president say that he will kill Americans on American soil who are not actively attacking the country," Paul proclaimed. The president never said, or suggested, any such thing. But with trust in Obama falling fast, Paul was remarkably successful in painting the secret wars abroad as a Constitution-defying threat to American citizens at home. Paul's filibuster attracted attention to the issue of drone attacks on Americans in the homeland. A more serious challenge to the president comes from growing concerns, including within his own party, about the legal integrity of his secret wars abroad. Anne-Marie Slaughter, a former senior official in Obama's State Department, recently gainsaid "the idea that this president would leave office having dramatically expanded the use of drones—including [against] American citizens—without any public standards and no checks and balances." Many in Congress want to increase the transparency of the processes and legal standards for placing a suspect (especially an American) on a targeting list, to tighten those legal standards (perhaps by recourse to a "drone court"), and to establish a more open accounting of the consequences (including civilian casualties) from the strikes. "This is now out in the public arena, and now it has to be addressed," Senator Dianne Feinstein, a Democrat, recently said. Others in Congress worry about the obsolescence of the legal foundation for the way of the knife: the congressional authorization, in 2001, of force against Al Qaeda. "I don't believe many, if any, of us believed when we voted for [the authorization] that we were voting for the longest war in the history of the United States and putting a stamp of approval on a war policy against terrorism that, 10 years plus later, we're still using," said Senator Richard Durbin, also a Democrat, in a Wall Street Journal interview. "What are the checks and balances of the system?" he asked. Senator John McCain, who led bipartisan efforts against what he saw as Bush-era legal excesses, is now focusing similar attention on Obama. "I believe that we need to revisit this whole issue of the use of drones, who uses them, whether the CIA should become their own air force, what the oversight is, [and] what the legal and political foundations [are] for this kind of conflict," he said last month. These are unhappy developments for the president who in his first inaugural address pledged with supercilious confidence that, unlike his predecessor, he would not expend the "rule of law" for "expedience's sake." Obama reportedly bristles at the legal and political questions about his secret war, and the lack of presidential trust that they imply. "This is not Dick Cheney we're talking about here," he recently pleaded to Democratic senators who complained about his administration's excessive secrecy on drones, according to Politico. And yet the president has ended up in this position because he committed the same sins that led Cheney and the administration in which he served to a similar place. The first sin is an extraordinary institutional secrecy that Obama has long promised to reduce but has failed to. In part this results from any White House's inevitable tendency to seek maximum protection for its institutional privileges and prerogatives. The administration's disappointing resistance to sharing secret legal opinions about the secret war with even a small subset of Congress falls into this category. Much of what the administrat-ion says about its secret war seems incomplete, self-serving, and ultimately non-credible. But the point goes deeper, for secrecy is the essence of the type of war that Obama has chosen to fight. The intelligence-gathering in foreign countries needed for successful drone strikes there cannot be conducted openly. Nor can lethal operations in foreign countries easily be acknowledged. Foreign leaders usually insist on non-acknowledgment as a condition of allowing American operations in their territories. And in any event, an official American confirmation of the operations might spark controversies in those countries that would render the operations infeasible. The impossible-to-deny bin Laden raid was a necessary exception to these principles, and the United States is still living with the fallout in Pakistan. For official secrecy abroad to work, the secrets must be kept at home as well. In speeches, interviews, and leaks, Obama's team has tried to explain why its operations abroad are lawful and prudent. But to comply with rules of classified information and covert action, the explanations are conveyed in limited, abstract, and often awkward terms. They usually raise more questions than they answer—and secrecy rules often preclude the administration from responding to follow-up questions, criticisms, and charges. As a result, much of what the administration says about its secret war—about civilian casualties, or the validity of its legal analysis, or the quality of its internal deliberations—seems incomplete, self-serving, and ultimately non-credible. These trust-destroying tendencies are exacerbated by its persistent resistance to transparency demands from Congress, from the press, and from organizations such as the aclu that have sought to know more about the way of the knife through Freedom of Information Act requests. A related sin is the Obama administration's surprising failure to secure formal congressional support. Nearly every element of Obama's secret war rests on laws—especially the congressional authorization of force (2001) and the covert action statute (1991)—designed for different tasks. The administration could have worked with Congress to update these laws, thereby forcing members of Congress to accept responsibility and take a stand, and putting the secret war on a firmer political and legal foundation. But doing so would have required extended political efforts, public argument, and the possibility that Congress might not give the president precisely what he wants. The administration that embraced the way of the knife in order to lower the political costs of counterterrorism abroad found it easier to avoid political costs at home as well. But this choice deprived it of the many benefits of public argumentation and congressional support. What Donald Rumsfeld said self-critically of Bush-era unilateralism applies to Obama's unilateralism as well: it fails to "take fully into account the broader picture—the complete set of strategic considerations of a president fighting a protracted, unprecedented and unfamiliar war for which he would need sustained domestic and international support." Instead of seeking contemporary congressional support, the administration has relied mostly on government lawyers' secret interpretive extensions of the old laws to authorize new operations against new enemies in more and more countries. The administration has great self-confidence in the quality of its stealth legal judgments. But as the Bush administration learned, secret legal interpretations are invariably more persuasive within the dark circle of executive branch secrecy than when exposed to public sunlight. On issues ranging from proper targeting standards, to the legality of killing American citizens, to what counts as an "imminent" attack warranting self-defensive measures, these secret legal interpretations—so reminiscent of the Bushian sin of unilateral legalism—have been less convincing in public, further contributing to presidential mistrust. Feeling the heat from these developments, President Obama promised in his recent State of the Union address "to engage with Congress to ensure not only that our targeting, detention, and prosecution of terrorists remains consistent with our laws and system of checks and balances, but that our efforts are even more transparent to the American people and to the world." So far, this promise, like similar previous ones, remains unfulfilled. The administration has floated the idea of "[shifting] the CIA's lethal targeting program to the Defense Department," as The Daily Beast reported last month. Among other potential virtues, this move might allow greater public transparency about the way of the knife to the extent that it would eliminate the covert action bar to public discussion. But JSOC's non-covert targeted killing program is no less secretive than the CIA's, and its congressional oversight is, if anything, less robust. A bigger problem with this proposed fix is that it contemplates executive branch reorganization followed, in a best-case scenario, by more executive branch speeches and testimony about what it is doing in its stealth war. The proposal fails to grapple altogether with the growing mistrust of the administration's oblique representations about secret war. The president cannot establish trust in the way of the knife through internal moves and more words. **Rather,** he must take advantage oftheseparation of powers. Military detention, military commissions, and warrantless surveillance became more legitimate and less controversial during the Bush era because **adversarial branches of government** assessed the president's policies before altering and then approving them. President Obama should ask Congress to do the same with the way of the knife, even if it means that secret war abroad is harder to conduct. Administration officials resist this route because they worry about the outcome of the public debate, and because the president is, as The Washington Post recently reported, "seen as reluctant to have the legislative expansion of another [war] added to his legacy." But the administration can influence the outcome of the debate only by engaging it. And as Mazzetti makes plain, the president's legacy already includes the dramatic and unprecedented unilateral expansion of secret war. What the president should be worried about for legacy purposes is that this form of warfare, for which he alone is today responsible, is increasingly viewed as illegitimate.

#### Drone courts key to send an international signal of accountability

Epstein, 11 [Michael, Michigan State University College of Law “Targeted Killing Court: Why The United States Needs To Adopt International Legal Standards For Targeted Killings And How To Do So In A Domestic Court”, SSRN]

VI PROPOSED NEW U.S. LEGAL MECHANISM The Obama Administration has not indicated that it will halt or alter its current policy of targeted killings of al-Qaeda terrorists and other dangerous militants abroad using drones. In order to properly comport with international law and mitigate both domestic and world-wide criticism of the current targeted killing policy, the U.S. could adopt the targeted killing standard announced in PCATI. **Congress could enact,** and President Obamacould sign into law, a statute providing for rigorous judicial review of targeted killings as laid out in PCATI; a Targeted Killing Review Court (“TKR Court”). This would simultaneously comport with current IHL and IHR standards, provide limited but assured transparency to the international community that targeted killings are not “arbitrary extra-judicial executions,” and help to assure that U.S. forces acting abroad are being held accountable when they do carry out targeted killings. By incorporating the hybrid armed conflict and law enforcement standard of PCATI through this TKR Court, the Obama Administration could provide for meaningful judicial review under international law and ensure that military and intelligence agents are not acting with carte blanche approval to carry out targeted killings worldwide. While some scholars have proposed systems of public post-killing investigations of C.I.A. actions359

#### That bolsters legitimacy

Epstein, 11 [Michael, Michigan State University College of Law “Targeted Killing Court: Why The United States Needs To Adopt International Legal Standards For Targeted Killings And How To Do So In A Domestic Court”, SSRN]

Overall, I believe that the TKR Court provides for a rigid system of Article III judicial review; comports with standards of applicable domestic and international law; and provides a mechanism for both domestic and international accountability. VII. CONCLUSION One of the nicknames for U.S. drone strikes that have been adopted by tribesmen in Pakistan is “bangana” – the Pashto word for “thunderclap.”384 The civilians living in Pakistani tribal areas have every reason for equating Predator Drone strikes to thunder; the strikes come out of nowhere, and many of the tribesmen have no idea why they occur. Drone strikes in Pakistan alone have been estimated to have killed over 1,800 people; while these strikes are likely necessary and proportionate to the grave threat they pose, these attacks cannot continue without some measure of accountability. While military strikes resulting in civilian casualties in the past have been justified due to a lack of knowledge, drone technology has advanced to a point where the U.S. government can gather the exact numbers and identities of possible civilian casualties. When Betullah Mehsud was killed, the C.I.A. agents had been observing him for two hours, and were able to gather information about whose home he was staying at (his father-in-law’s); who was at the home with him (his wife, in-laws, and eight Taliban fighters); and his current state of health (he was receiving an intravenous drip to treat a kidney disease.) Such prior knowledge could surely have been properly scrutinized by a judge to determine whether or not a strike is proportionate or not within the two hours that that the Predator drone hung over Mehsud and observed him. In the context of all of the known facts and circumstances about Mehsud’s prior acts and threat to national security he likely posed, some sort of judicial review could help salvage our reputation abroad and at home.

#### Formal judicial oversight key – maintains resolve while signaling restraint

NYT, 10 [“Lethal Force under Law”, New York Times, <http://www.nytimes.com/2010/10/10/opinion/10sun1.html>]

The drone program has been effective, killing more than 400 Al Qaeda militants this year alone, according to American officials, but fewer than 10 noncombatants. But assassinations are a grave act and subject to abuse — and imitation by other countries. The government needs to do a better job of showing the world that it is acting in strict compliance with international law. The United States has the right under international law to try to prevent attacks being planned by terrorists connected to Al Qaeda, up to and including killing the plotters. But it is not within the power of a commander in chief to simply declare anyone anywhere a combatant and kill them, without the slightest advance independent oversight. The authorization for military force approved by Congress a week after 9/11 empowers the president to go after only those groups or countries that committed or aided the 9/11 attacks. The Bush administration’s distortion of that mandate led to abuses that harmed the United States around the world. The issue of who can be targeted applies directly to the case of Anwar al-Awlaki, an American citizen hiding in Yemen, who officials have admitted is on an assassination list. Did he inspire through words the Army psychiatrist who shot up Fort Hood, Tex., last November, and the Nigerian man who tried to blow up an airliner on Christmas? Or did he actively participate in those plots, and others? The difference is crucial. If the United States starts killing every Islamic radical who has called for jihad, there will be no end to the violence. American officials insist that Mr. Awlaki is involved with actual terror plots. But human rights lawyers working on his behalf say that is not the case, and have filed suit to get him off the target list. The administration wants the case thrown out on state-secrets grounds. The Obama administration needs to go out of its way to demonstrate that it is keeping its promise to do things differently than the Bush administration did. It must explain how targets are chosen, demonstrate that attacks are limited and are a last resort, and allow independent authorities to oversee the process. PUBLIC GUIDELINES The administration keeps secret its standards for putting people on terrorist or assassination lists. In March, Harold Koh, legal adviser to the State Department, said the government adheres to international law, attacking only military targets and keeping civilian casualties to an absolute minimum. “Our procedures and practices for identifying lawful targets are extremely robust,” he said in a speech, without describing them. Privately, government officials say no C.I.A. drone strike takes place without the approval of the United States ambassador to the target country, the chief of the C.I.A. station, a deputy at the agency, and the agency’s director. So far, President Obama’s system of command seems to have prevented any serious abuses, but the approval process is entirely within the administration. After the abuses under President Bush, the world is not going to accept a simple “trust us” from the White House. There have been too many innocent people rounded up for detention and subjected to torture, too many cases of mistaken identity or trumped-up connections to terror. Unmanned drones eliminate the element of risk to American forces and make it seductively easy to attack. The government needs to make public its guidelines for determining who is a terrorist and who can be targeted for death. It should clearly describe how it follows international law in these cases and list the internal procedures and checks it uses before a killing is approved. That can be done without formally acknowledging the strikes are taking place in specific countries. LIMIT TARGETS The administration should state that it is following international law by acting strictly in self-defense, targeting only people who are actively planning or participating in terror, or who are leaders of Al Qaeda or the Taliban — not those who raise funds for terror groups, or who exhort others to acts of terror. Special measures are taken before an American citizen is added to the terrorist list, officials say, requiring the approval of lawyers from the National Security Council and the Justice Department. But again, those measures have not been made public. Doing so would help ensure that people like Mr. Awlaki are being targeted for terrorist actions, not their beliefs or associations. A LAST RESORT Assassination should in every case be a last resort. Before a decision is made to kill, particularly in areas away from recognized battlefields, the government needs to consider every other possibility for capturing the target short of lethal force. Terrorists operating on American soil should be captured using police methods, and not subject to assassination. If practical, the United States should get permission from a foreign government before carrying out an attack on its soil. The government is reluctant to discuss any of these issues publicly, in part to preserve the official fiction that the United States is not waging a formal war in Pakistan and elsewhere, but it would not harm that effort to show the world how seriously it takes international law by making clear its limits. INDEPENDENT OVERSIGHT Dealing out death requires additional oversight outside the administration. Particularly in the case of American citizens, like Mr. Awlaki, the government **needs to employ some** due process before depriving someone of life. It would be logistically impossible to conduct a full-blown trial in absentia of every assassination target, as the lawyers for Mr. Awlaki prefer. But judicial review could still be employed. The government could establish a court like the Foreign Intelligence Surveillance Court, which authorizes wiretaps on foreign agents inside the United States. Before it adds people to its target list and begins tracking them, the government could take its evidence to this court behind closed doors — along with proof of its compliance with international law — and get the equivalent of a judicial warrant in a timely and efficient way. Congressional leaders are secretly briefed on each C.I.A. attack, and say they are satisfied with the information they get and with the process. Nonetheless, that process is informal and could be changed at any time by this president or his successors. Formal oversight is a better way of demonstrating confidence in American methods. Self-defense under international law not only shows the nation’s resolve and power, but sends a powerful message to other countries that the United States couples drastic action with careful judgment.

#### External court based oversight maintains legitimacy – key internal link to global stability

Knowles, 09 [Robert, Assistant Professor, NYU Law, “Article: American Hegemony and the Foreign Affairs Constitution”, 41 Ariz. St. L.J. 87, p. lexis]

The hegemonic model also reduces the need for executive branch flexibility, and the institutional competence terrain shifts toward the courts. The stability of the current U.S.-led international system depends on the ability of the U.S. to govern effectively. Effective governance depends on, among other things, predictability. n422 G. John Ikenberry analogizes America's hegemonic position to that of a "giant corporation" seeking foreign investors: "The rule of law and the institutions of policy making in a democracy are the political equivalent of corporate transparency and [\*155] accountability." n423 Stable interpretation of the law bolsters the stability of the system because other nations will know that they **can rely on** those **interpretations** and that there will be at least some degree of enforcement by the United States. At the same time, the separation of powers serves the global-governance function by reducing the ability of the executive branch to make "abrupt or aggressive moves toward other states." n424 The Bush Administration's detainee policy, for all of its virtues and faults, was an exceedingly aggressive departure from existing norms, and was therefore bound to generate intense controversy. It was formulated quickly, by a small group of policy-makers and legal advisors without consulting Congress and over the objections of even some within the executive branch. n425 Although the Administration invoked the law of armed conflict to justify its detention of enemy combatants, it did not seem to recognize limits imposed by that law. n426 Most significantly, it designed the detention scheme around interrogation rather than incapacitation and excluded the detainees from all legal protections of the Geneva Conventions. n427 It declared all detainees at Guantanamo to be "enemy combatants" without establishing a regularized process for making an individual determination for each detainee. n428 And when it established the military commissions, also without consulting Congress, the Administration denied defendants important procedural protections. n429 In an anarchic world characterized by great power conflict, one could make the argument that the executive branch requires maximum flexibility to defeat the enemy, who may not adhere to international law. Indeed, the precedents relied on most heavily by the Administration in the enemy combatant cases date from the 1930s and 1940s - a period when the international system was radically unstable, and the United States was one of several great powers vying for advantage. n430 But during that time, the executive branch faced much more exogenous pressure from other great powers to comply with international law in the treatment of captured enemies. If the United States strayed too far from established norms, it would risk retaliation upon its own soldiers or other consequences from [\*156] powerful rivals. Today, there are no such constraints: enemies such as al Qaeda are not great powers and are not likely to obey international law anyway. Instead, the danger is that American rule-breaking will set a pattern of rule-breaking for the world, leading to instability. n431 America's military predominance enables it to set the rules of the game. When the U.S. breaks its own rules, it loses legitimacy. The Supreme Court's response to the detainee policy enabled the U.S. government as a whole to hew more closely to established procedures and norms, and to regularize the process for departing from them. After Hamdi, n432 the Department of Defense established a process, the CSRTs, for making an individual determination about the enemy combatant status of all detainees at Guantanamo. After the Court recognized habeas jurisdiction at Guantanamo, Congress passed the DTA, n433 establishing direct judicial review of CSRT determinations in lieu of habeas. Similarly, after the Court declared the military commissions unlawful in Hamdan, n434 this forced the Administration to seek congressional approval for commissions that restored some of the rights afforded at courts martial. n435 In Boumediene, the Court rejected the executive branch's foreign policy arguments, and bucked Congress as well, to restore the norm of habeas review. n436 Throughout this enemy combatant litigation, it has been the courts' relative insulation from politics that has enabled them to take the long view. In contrast, the President's (and Congress's) responsiveness to political concerns in the wake of 9/11 has encouraged them to depart from established norms for the nation's perceived short-term advantage, even at the expense of the nation's long-term interests. n437 As Derek Jinks and Neal Katyal have observed, "treaties are part of [a] system of time-tested standards, and this feature makes the wisdom of their judicial interpretation manifest." n438 At the same time, the enemy combatant cases make allowances for the executive branch's superior speed. The care that the Court took to limit the issues it decided in each case gave the executive branch plenty of time to [\*157] arrive at an effective detainee policy. n439 Hamdi, Rasul, and Boumediene recognized that the availability of habeas would depend on the distance from the battlefield and the length of detention. n440 The enemy combatant litigation also underscores the extent to which the classic realist assumptions about courts' legitimacy in foreign affairs have been turned on their head. In an anarchic world, legitimacy derives largely from brute force. The courts have no armies at their disposal and look weak when they issue decisions that cannot be enforced. n441 But in a hegemonic system, where governance depends on voluntary acquiesnce, the courts have a greater role to play. Rather than hobbling the exercise of foreign policy, the courts are a key form of "soft power." n442 As Justice Kennedy's majority opinion observed in Boumediene, courts can bestow external legitimacy on the acts of the political branches. n443 Acts having a basis in law are almost universally regarded as more legitimate than merely political acts. Most foreign policy experts believe that the Bush Administration's detention scheme "hurt America's image and standing in the world." n444 The restoration of habeas corpus in Boumediene may help begin to counteract this loss of prestige. Finally, the enemy combatant cases are striking in that they embrace a role for representation-reinforcement in the international realm. n445 Although defenders of special deference acknowledge that courts' strengths lie in protecting the rights of minorities, it has been very difficult for courts to protect these rights in the face of exigencies asserted by the executive branch in foreign affairs matters. This is especially difficult when the minorities are alleged enemy aliens being held outside the sovereign territory of the United States in wartime. In the infamous Korematsu decision, another World War II-era case, the Court bowed to the President's factual assessment of the emergency justifying detention of U.S. citizens of Japanese ancestry living in the United States. n446 In Boumediene, the Court [\*158] pointedly declined to defer to the executive branch's factual assessments of military necessity. n447 The court may have recognized that a more aggressive role in protecting the rights of non-citizens was required by American hegemony. In fact, the arguments for deference with respect to the rights of non-citizens are even weaker because aliens lack a political constituency in the United States. n448 This outward-looking form of representation-reinforcement serves important functions. It strengthens the legitimacy of U.S. hegemony by establishing equality as a benchmark and reinforces the sense that our constitutional values reflect universal human rights. n449 Conclusion When it comes to the constitutional regime of foreign affairs, geopolitics has always mattered. Understandings about America's role in the world have shaped foreign affairs doctrines. But the classic realist assumptions that support special deference do not reflect the world as it is today. A better, more realist, approach looks to the ways that the courts can reinforce and legitimize America's leadership role. The Supreme Court's rejection of the government's claimed exigencies in the enemy combatant cases strongly indicates that the Judiciary is becoming reconciled to the current world order and is asserting its prerogatives in response to the fewer constraints imposed on the executive branch. In other words, the courts are moving toward the hegemonic model. In the great dismal swamp that is the judicial treatment of foreign affairs, this transformation offers hope for clarity: the positive reality of the international system, despite terrorism and other serious challenges, permits the courts to reduce the "deference gap" between foreign and domestic cases.

#### Prior, judicial oversight is key – informed and non-biased decision-making is vital to legitimacy

Adelsberg 12 (Samuel, J.D. – Yale Law School, “Bouncing the Executive's Blank Check: Judicial Review and the Targeting of Citizens,” Harvard Law & Policy Review, Summer, 6 Harv. L. & Pol'y Rev. 437, Lexis)

The relevance of these precedents to the targeting of citizens is clear: the constitutional right to due process is alive and well--regardless of geographic location. We now turn to what type of process is due.

III. BRING IN THE COURTS: BRINGING JUDICIAL LEGITIMACY TO TARGETED KILLINGS

The function of this Article is not to argue that targeted killing should be removed from the toolbox of American military options. Targeted killing as a military tactic is here to stay. n34 Targeting strikes have robust bipartisan political support and have become an increasingly relied upon weapon as the United States decreases its presence in Iraq and Afghanistan. n35 The argument being asserted here, therefore, is that in light of the protections the Constitution affords U.S. citizens, there must be a degree of inter-branch process when the government targets such individuals.

The current intra-executive process afforded to U.S. citizens is not only unlawful, but also dangerous. n36 Justice O'Connor acknowledged the danger inherent in exclusively intra-branch process in Hamdi when she asserted that an interrogator is not a neutral decision-maker as the "even purportedly fair adjudicators are disqualified by their interest in the controversy." n37 In rejecting the government's argument that a "separation of powers" analysis mandates a heavily circumscribed role for the courts in these circumstances, Justice O'Connor contended that, in times of conflict, the Constitution "most assuredly envisions a role for all three branches when individual liberties are at stake." n38 Similarly, Justice Kennedy was unequivocal in Boumediene about the right of courts to enforce the Constitution even in times of war. Quoting Chief Justice Marshall in Marbury v. Madison, n39 Kennedy argued that holding "that the political branches may switch the constitution on or off at will would lead to a regime in which they, not this Court, say 'what the law is.'" n40 This sentiment is very relevant to our targeted killing analysis: in the realm of targeted killing, where the deprivation is of one's life, the absence of any "neutral decision-maker" outside the executive branch is a clear violation of due process guaranteed by the Constitution.

Justices O'Connor and Kennedy are pointing to a dangerous institutional tension inherent in any intra-executive process regime. Targeting decisions are no different; indeed, the goal of those charged with targeting citizens like al-Awlaki is not to strike a delicate balance between security [\*444] and liberty but rather, quite single-mindedly, to prevent attacks on the United States. n41 In describing the precarious nature of covert actions, James Baker, a distinguished military judge, noted, "the twin necessities of secrecy and speed may pull as they do against the competing interests of deliberate review, dissent, and informed accountable decision-making." n42 While Judge Baker concluded that these risks "magnify the importance of a meaningful process of ongoing executive appraisal," he overlooked the institutional tension, seized upon by Justices O'Connor and Kennedy, which would preclude the type of process that he was advocating. n43

Although there may be a role for Congress in such instances, a legislative warrant for specific cases would likely be cumbersome, carry significant security risks, and may violate the spirit of the Bill of Attainder Clause, which prohibits the legislature from performing judicial or executive functions. The current inter-branch process for covert actions, in which the President must make a finding and notify the leaders of Congress and the intelligence committees, is entirely ex post and also has not been proven to provide a meaningful check on executive power. n44 Moreover, most politicians are unqualified to make the necessary legal judgments that these situations require.

Solutions calling for the expatriation of citizens deemed to be terrorists are fraught with judicial complications and set very dangerous precedents for citizenship revocation. n45 Any post-deprivation process, such as a Bivens-style action, for a targeted attack would also be problematic. n46 Government officials charged with carrying out these attacks might be hesitant to do so if there were a threat of prosecution. Moreover, post-deprivation process for a target would be effectively meaningless in the wake of a successful attack.

[\*445] Rather, as recognized by the Founders in the Fourth Amendment, balancing the needs of security against the imperatives of liberty is a traditional role for judges to play. Two scholars of national security law recently highlighted the value of judicial inclusion in targeting decisions: "Judicial control of targeted killing could increase the accuracy of target selection, reducing the danger of mistaken or illegal destruction of lives, limbs, and property. Independent judges who double-check targeting decisions could catch errors and cause executive officials to avoid making them in the first place." n47 Judges are both knowledgeable in the law and accustomed to dealing with sensitive security considerations. These qualifications make them ideal candidates to ensure that the executive exercises constitutional restraint when targeting citizens.

Reforming the decision-making process for executing American citizens to allow for judicial oversight would restore the separation of powers framework envisioned by the Founders and increase democratic legitimacy by placing these determinations on steadier constitutional ground. For those fearful of judicial encroachment on executive war-making powers, there is a strong argument that this will actually strengthen the President and empower him to take decisive action without worrying about the judicial consequences. As Justice Kennedy put it, "the exercise of [executive] powers is vindicated, not eroded, when confirmed by the Judicial Branch." n48 Now, we will turn to what this judicial involvement would look like.

#### Legitimacy of U.S. hegemony’s key to global stability---prevents great power war

Fujimoto 12 (Kevin Fujimoto 12, Lt. Colonel, U.S. Army, January 11, 2012, “Preserving U.S. National Security Interests Through a Liberal World Construct,” online: <http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/Preserving-US-National-Security-Interests-Liberal-World-Construct/2012/1/11>)

The emergence of peer competitors, not terrorism, presents the greatest long-term threat to our national security. Over the past decade, while the United States concentrated its geopolitical focus on fighting two land wars in Iraq and Afghanistan, China has quietly begun implementing a strategy to emerge as the dominant imperial power within Southeast Asia and the Indian Ocean. Within the next 2 decades, China will likely replace the United States as the Asia-Pacific regional hegemonic power, if not replace us as the global superpower.1 Although China presents its rise as peaceful and non-hegemonic, its construction of naval bases in neighboring countries and military expansion in the region contradict that argument. With a credible threat to its leading position in a unipolar global order, the United States should adopt a grand strategy of “investment,” building legitimacy and capacity in the very institutions that will protect our interests in a liberal global construct of the future when we are no longer the dominant imperial power. Similar to the Clinton era's grand strategy of “enlargement,”2 investment supports a world order predicated upon a system of basic rules and principles, however, it differs in that the United States should concentrate on the institutions (i.e., United Nations, World Trade Organization, ASEAN, alliances, etc.) that support a world order, as opposed to expanding democracy as a system of governance for other sovereign nations. Despite its claims of a benevolent expansion, China is already executing a strategy of expansion similar to that of Imperial Japan's Manchukuo policy during the 1930s.3 This three-part strategy involves: “(i) (providing) significant investments in economic infrastructure for extracting natural resources; (ii) (conducting) military interventions (to) protect economic interests; and, (iii) . . . (annexing) via installation of puppet governments.”4 China has already solidified its control over neighboring North Korea and Burma, and has similarly begun more ambitious engagements in Africa and Central Asia where it seeks to expand its frontier.5 Noted political scientist Samuel P. Huntington provides further analysis of the motives behind China's imperial aspirations. He contends that “China (has) historically conceived itself as encompassing a “‘Sinic Zone'. . . (with) two goals: to become the champion of Chinese culture . . . and to resume its historical position, which it lost in the nineteenth century, as the hegemonic power in East Asia.”6 Furthermore, China holds one quarter of the world's population, and rapid economic growth will increase its demand for natural resources from outside its borders as its people seek a standard of living comparable to that of Western civilization. The rise of peer competitors has historically resulted in regional instability and one should compare “the emergence of China to the rise of. . . Germany as the dominant power in Europe in the late nineteenth century.”7 Furthermore, the rise of another peer competitor on the level of the Soviet Union of the Cold War ultimately threatens U.S. global influence, challenging its concepts of human rights, liberalism, and democracy; as well as its ability to co-opt other nations to accept them.8 This decline in influence, while initially limited to the Asia-Pacific region, threatens to result in significant conflict if it ultimately leads to a paradigm shift in the ideas and principles that govern the existing world order. A grand strategy of investment to address the threat of China requires investing in institutions, addressing ungoverned states, and building legitimacy through multilateralism. The United States must build capacity in the existing institutions and alliances accepted globally as legitimate representative bodies of the world's governments. For true legitimacy, the United States must support these institutions, not only when convenient, in order to avoid the appearance of unilateralism, which would ultimately undermine the very organizations upon whom it will rely when it is no longer the global hegemon. The United States must also address ungoverned states, not only as breeding grounds for terrorism, but as conflicts that threaten to spread into regional instability, thereby drawing in superpowers with competing interests. Huntington proposes that the greatest source of conflict will come from what he defines as one “core” nation's involvement in a conflict between another core nation and a minor state within its immediate sphere of influence.9 For example, regional instability in South Asia10 threatens to involve combatants from the United States, India, China, and the surrounding nations. Appropriately, the United States, as a global power, must apply all elements of its national power now to address the problem of weak and failing states, which threaten to serve as the principal catalysts of future global conflicts.11 Admittedly, the application of American power in the internal affairs of a sovereign nation raises issues. Experts have posed the question of whether the United States should act as the world's enforcer of stability, imposing its concepts of human rights on other states. In response to this concern, The International Commission on Intervention and State Sovereignty authored a study titled, The Responsibility to Protect,12 calling for revisions to the understanding of sovereignty within the United Nations (UN) charter. This commission places the responsibility to protect peoples of sovereign nations on both the state itself and, more importantly, on the international community.13 If approved, this revision will establish a precedent whereby the United States has not only the authority and responsibility to act within the internal affairs of a repressive government, but does so with global legitimacy if done under the auspices of a UN mandate. Any effort to legitimize and support a liberal world construct requires the United States to adopt a multilateral doctrine whichavoidsthe precepts of the previous administration: “preemptive war, democratization, and U.S. primacy of unilateralism,”14 which have resulted in the alienation of former allies worldwide. Predominantly Muslim nations, whose citizens had previously looked to the United States as an example of representative governance, viewed the Iraq invasion as the seminal dividing action between the Western and the Islamic world. Appropriately, any future American interventions into the internal affairs of another sovereign nation must first seek to establish consensus by gaining the approval of a body representing global opinion, and must reject military unilateralism as a threat to that governing body's legitimacy. Despite the long-standing U.S. tradition of a liberal foreign policy since the start of the Cold War, the famous liberal leviathan, John Ikenberry, argues that “the post-9/11 doctrine of national security strategy . . . has been based on . . . American global dominance, the preventative use of force, coalitions of the willing, and the struggle between liberty and evil.”15 American foreign policy has misguidedly focused on spreading democracy, as opposed to building a liberal international order based on universally accepted principles that actually set the conditions for individual nation states to select their own system of governance. Anne-Marie Slaughter, the former Dean of the Woodrow Wilson School of Public and International Affairs, argues that true Wilsonian idealists “support liberal democracy, but reject the possibility of democratizing peoples . . .”16 and reject military primacy in favor of supporting a rules-based system of order. Investment in a liberal world order would also set the conditions for the United States to garner support from noncommitted regional powers (i.e., Russia, India, Japan, etc.), or “swing civilizations,” in countering China's increasing hegemonic influence.17 These states reside within close proximity to the Indian Ocean, which will likely emerge as the geopolitical focus of the American foreign policy during the 21st century, and appropriately have the ability to offset China's imperial dominance in the region.18 Critics of a liberal world construct argue that idealism is not necessary, based on the assumption that nations that trade together will not go to war with each other.19 In response, foreign affairs columnist Thomas L. Friedman rebukes their arguments, acknowledging the predicate of commercial interdependence as a factor only in the decision to go to war, and argues that while globalization is creating a new international order, differences between civilizations still create friction that may overcome all other factors and lead to conflict.20 Detractors also warn that as China grows in power, it will no longer observe “the basic rules and principles of a liberal international order,” which largely result from Western concepts of foreign relations. Ikenberry addresses this risk, citing that China's leaders already recognize that they will gain more authority within the existing liberal order, as opposed to contesting it. China's leaders “want the protection and rights that come from the international order's . . . defense of sovereignty,”21 from which they have benefitted during their recent history of economic growth and international expansion. Even if China executes a peaceful rise and the United States overestimates a Sinic threat to its national security interest, the emergence of a new imperial power will challenge American leadership in the Indian Ocean and Asia-Pacific region. That being said, it is more likely that China, as evidenced by its military and economic expansion, will displace the United States as the regional hegemonic power. Recognizing this threat now, the United States must prepare for the eventual transition and immediately begin building the legitimacy and support of a system of rules that will protect its interests later when we are no longer the world's only superpower.

#### The impact is global conflict escalation

Brooks, et al, 13 [Don't Come Home, America: The Case against Retrenchment Stephen G. Brooks [(bio)](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#back), G. John Ikenberry [(bio)](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#back) and William C. Wohlforth [(bio)](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#back), Stephen G. Brooks; G. John Ikenberry and William C. Wohlforth STEPHEN G. BROOKS is Associate Professor of Government at Dartmouth College. G. JOHN IKENBERRY is Albert G. Milbank Professor of Politics and International Affairs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul. WILLIAM C. WOHLFORTH is Daniel Webster Professor of Government at Dartmouth College, International Security ¶ [Volume 37, Number 3, Winter 2012](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/toc/ins.37.3.html), p. Project Muse]

¶ Assessing the Security Benefits of Deep Engagement¶ Even if deep engagement's costs are far less than retrenchment advocates claim, they are not worth bearing unless they yield greater benefits. We focus here on the strategy's major security benefits; in the next section, we take up the wider payoffs of the United States' security role for its interests in other realms, notably the global economy—an interaction relatively unexplored by international relations scholars.¶ A core premise of deep engagement is that it prevents the emergence **of a far** [End Page 33] **more dangerous global security environment**. For one thing, as noted above, the United States' overseas presence gives it the leverage to **restrain partners** from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the "American Pacifier" is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war.72¶ How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia's security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge.¶ The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions.[73](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f73) Defensive realists maintain that the high expected [End Page 34] costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia's major states could manage regional multipolarity peacefully without the American pacifier.¶ Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays.74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers.¶ What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington—notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region's prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and [End Page 35] Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States.[75](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f75)¶ The second body of scholarship casting doubt on the bet on defensive realism's sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism's optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives.76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case.[77](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f77) In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices.¶ To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world's key regions. We have already [End Page 36] mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war).¶ Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world's core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States.¶ Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces.78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem.[79](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f79) Usually carried out in dyadic terms, the debate [End Page 37] over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows.80 Moreover, the risk of "unforeseen crisis dynamics" that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome.¶ The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and "pass the buck" to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the mid-twentieth century.¶ The problem is that China's rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, "The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves."[81](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f81) [End Page 38] Therefore, unless China's rise stalls, "the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War."82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia—just what the United States is doing.[83](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f83)¶ In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difficult.¶ Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world's key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States' formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the "focused enmity" [End Page 39] of the United States.84 All of the world's most modern militaries are U.S. allies (America's alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking.[85](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f85)¶ In the end, therefore, deep engagement reduces security competition and does so in a way that slows the diffusion of power away from the United States. This in turn makes it easier to sustain the policy over the long term.¶ The Wider Benefits of Deep Engagement¶ The case against deep engagement overstates its costs and underestimates its security benefits. Perhaps its most important weakness, however, is that its preoccupation with security issues diverts attention from some of deep engagement's most important benefits: sustaining the global economy and fostering institutionalized cooperation in ways advantageous to U.S. national interests.¶ Economic Benefits¶ Deep engagement is based on a premise central to realist scholarship from E.H. Carr to Robert Gilpin: economic orders do not just emerge spontaneously; they are created and sustained by and for powerful states.86 To be sure, the sheer size of its economy would guarantee the United States a significant role in the politics of the global economy whatever grand strategy it adopted. Yet the fact that it is the leading military power and security provider also enables economic leadership. The security role figures in the creation, maintenance, and expansion of the system. In part because other states—including all but one of the world's largest economies—were heavily dependent on U.S. security protection during the Cold War, the United States was able not only to foster the economic order but also to prod other states to buy into it and to support plans for its progressive expansion.[87](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f87) Today, as the discussion in the [End Page 40] previous section underscores, the security commitments of deep engagement support the global economic order by reducing the likelihood of security dilemmas, arms racing, instability, regional conflicts and, in extremis, major power war. In so doing, the strategy helps to maintain a stable and comparatively open world economy—a long-standing U.S. national interest.¶ In addition to ensuring the global economy against important sources of insecurity, the extensive set of U.S. military commitments and deployments helps to protect the "global economic commons." One key way is by helping to keep sea-lanes and other shipping corridors freely available for commerce.88 A second key way is by helping to establish and protect property/sovereignty rights in the oceans. Although it is not the only global actor relevant to protecting the global economic commons, the United States has by far the most important role given its massive naval superiority and the leadership role it plays in international economic institutions. If the United States were to pull back from the world, protecting the global economic commons would likely be much harder to accomplish for a number of reasons: cooperating with other nations on these matters would be less likely to occur; maintaining the relevant institutional foundations for promoting this goal would be harder; and preserving access to bases throughout the world—which is needed to accomplish this mission—would likely be curtailed to some degree.¶ Advocates of retrenchment agree that a flourishing global economy is an important U.S. interest, but they are largely silent on the role U.S. grand strategy plays in sustaining it.[89](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f89) For their part, many scholars of international political [End Page 41] economy have long argued that economic openness might continue even in the absence of hegemonic leadership.90 Yet this does not address the real question of interest: Does hegemonic leadership make the continuation of global economic stability more likely? The voluminous literature contains no analysis that suggests a negative answer; what scholars instead note is that the likelihood of overcoming problems of collective action, relative gains, and incomplete information drops in the absence of leadership.[91](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f91) It would thus take a bold if not reckless leader to run a grand experiment to determine whether the global economy can continue to expand in the absence of U.S. leadership.¶ Deep engagement not only helps to underwrite the global economy in a general sense, but it also allows the United States to structure it in ways that serve the United States' narrow economic interests. Carla Norrlof argues persuasively that America disproportionately benefits from the current structure of the global economy, and that its ability to reap these advantages is directly tied to its position of military preeminence within the system.92 One way this occurs is via "microlevel structuring"—that is, the United States gets better economic bargains or increased economic cooperation on some specific issues than it would if it did not play such a key security role. As Joseph Nye observes, [End Page 42] "Even if the direct use of force were banned among a group of countries, military force would still play an important political role. For example, the American military role in deterring threats to allies, or of assuring access to a crucial resource such as oil in the Persian Gulf, means that the provision of protective force can be used in bargaining situations. Sometimes the linkage may be direct; more often it is a factor not mentioned openly but present in the back of statesmen's minds."[93](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f93) Although Nye is right that such linkage will generally be implicit, extensive analyses of declassified documents by historians shows that the United States directly used its overseas security commitments and military deployments to convince allies to change their economic policies to its benefit during the Cold War.94¶ The United States' security commitments continue to bolster the pursuit of its economic interests. Interviews with current and past U.S. administration officials reveal wide agreement that alliance ties help gain favorable outcomes on trade and other economic issues. To the question, "Does the alliance system pay dividends for America in nonsecurity areas, such as economic relations?," the typical answer in interviews is "an unequivocal yes."[95](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f95) U.S. security commitments sometimes enhance bargaining leverage over the specific terms of economic agreements and give other governments more general incentives to enter into agreements that benefit the United States economically—two recent examples being the 2012 Korea-United States Free Trade Agreement (KORUS FTA) and the United States-Australia FTA (which entered into force in 2005).96 Officials across administrations of different parties stress that the desire of Korea and Australia to tighten their security relationships with the United States was a core reason why Washington was able to enter into free [End Page 43] trade agreements with them and to do so on terms favorable to U.S. economic interests. As one former official indicates, "The KORUS FTA—and I was involved in the initial planning—was attractive to Korea in large measure because it would help to underpin the US-ROK [South Korea] alliance at a time of shifting power in the region."[97](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f97) Korean leaders' interest in maintaining a strong security relationship with the United States, another former official stressed, made them more willing to be flexible regarding the terms of the agreement because "failure would look like a setback to the political and security relationship. Once we got into negotiations with the ROK, look at how many times we reneged even after we signed a deal. . . . We asked for changes in labor and environment clauses, in auto clauses and the Koreans took it all."98¶ U.S. security leverage is economically beneficial in a second respect: it can facilitate "macrolevel structuring" of the global economy. Macrolevel structuring is crucial because so much of what the United States wants from the economic order is simply "more of the same"—it prefers the structure of the main international economic institutions such as the World Trade Organization and the International Monetary Fund; it prefers the existence of "open regionalism" [99](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f99); it prefers the dollar as the reserve currency; and so on. U.S. interests are thus well served to the extent that American allies favor the global economic status quo rather than revisions that could be harmful to U.S. economic interests. One reason they are often inclined to take this approach is because of their security relationship with the United States. For example, interviews with U.S. officials stress that alliance ties give Washington leverage and authority in the current struggle over multilateral governance institutions in Asia. As one official noted, "On the economic side, the existence of the security alliance contributes to an atmosphere of trust that enables the United States and Japan to present a united front on shared economic goals—such as open markets and transparency, for example, through APEC [Asia-Pacific Economic Cooperation]."100 Likewise, Japan's current interest in the Trans-Pacific Partnership, the Obama administration's most important long-term economic initiative in East Asia, is widely understood to be shaped less by specific Japanese [End Page 44] economic interests than by the belief of Yoshihiko Noda's administration that it will strengthen alliance ties with the United States.[101](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f101) As one former administration official stressed, this enhanced allied interest in supporting U.S. favored economic frameworks as a means of strengthening security ties with the United States helps to ensure against any shift to "a Sino-centric/ nontransparent/more mercantilist economic order in Asia."102¶ The United States' security leverage over its allies matters even if it is not used actively to garner support for its conception of the global economy and other economic issues. This is perhaps best illustrated by the status of the dollar as the reserve currency, which confers major benefits on the United States.[103](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f103) For many analysts, the U.S. position as the leading superpower with worldwide security commitments is an important reason why the dollar was established as the reserve currency and why it is likely to retain this status for a long time.104 In the past, Washington frequently used direct security leverage to get its allies to support the dollar.[105](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f105) There are a number of subtler mechanisms, however, through which the current U.S. geopolitical position serves the same end. First, Kathleen McNamara builds on the logic of focal points to argue that the U.S. global military role bolsters the likelihood that the dollar will long continue to be the currency that actors converge upon as the "'natural' dominant currency."106 Second, Norrlof emphasizes the significance of a mechanism that U.S. officials also stress: the United States' geopolitical position gives it the ability to constrain certain forms of Asian regionalism that, if they were to eventuate, could help to promote movement away from the dollar. [107](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f107) Third, Adam Posen emphasizes that the EU's security dependence on the United States makes it less likely that the euro countries will develop a true [End Page 45] global military capacity and thus "that the dollar will continue to benefit from the geopolitical sources of its global role" in ways that the euro countries will never match.108¶ In sum, the United States is a key pillar of the global economy, but it does not provide this service for free: it also extracts disproportionate benefits. Undertaking retrenchment would place these benefits at risk.¶ Institutional Benefits¶ What goes for the global economy also applies to larger patterns of institutionalized cooperation. Here, too, the leadership enabled by the United States' grand strategy fosters cooperation that generates diffuse benefits for many states but often disproportionately reflects U.S. preferences. This basic premise subsumes three claims.¶ First, benefits flow to the United States from institutionalized cooperation to address a wide range of problems. There is general agreement that a stable, open, and loosely rule-based international order serves the interests of the United States. Indeed, we are aware of no serious studies suggesting that U.S. interests would be better advanced in a world that is closed (i.e., built around blocs and spheres of influence) and devoid of basic, agreed-upon rules and institutions. As scholars have long argued, under conditions of rising complex interdependence, states often can benefit from institutionalized cooperation.[109](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f109)¶ In the security realm, newly emerging threats arguably are producing a rapid rise in the benefits of such cooperation for the United States. Some of these threats are transnational and emerge from environmental, health, and resource vulnerabilities, such as those concerning pandemics. Transnational nonstate groups with various capacities for violence have also become salient in recent decades, including groups involved in terrorism, piracy, and organized crime.110 [End Page 46] As is widely argued, these sorts of nontraditional, transnational threats can be realistically addressed only through various types of collective action.[111](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f111) Unless countries are prepared to radically restrict their integration into an increasingly globalized world system, the problems must be solved through coordinated action. 112 In the face of these diffuse and shifting threats, the United States is going to find itself needing to work with other states to an increasing degree, sharing information, building capacities, and responding to crises.[113](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f113)¶ Second, U.S. leadership increases the prospects that such cooperation will emerge in a manner relatively favorable to U.S. interests. Of course, the prospects for cooperation are partly a function of compatible interests. Yet even when interests overlap, scholars of all theoretical stripes have established that institutionalized cooperation does not emerge effortlessly: generating agreement on the particular cooperative solution can often be elusive. And when interests do not overlap, the bargaining becomes tougher yet: not just how, but whether cooperation will occur is on the table. Many factors affect the initiation of cooperation, and under various conditions states can and have cooperated without hegemonic leadership.114 As noted above, however, scholars acknowledge that **the likelihood of cooperation drops in the absence of leadership**.¶ Finally, U.S. security commitments are an integral component of this leadership. Historically, as Gilpin and other theorists of hegemonic order have shown, the background security and stability that the United States provided facilitated the creation of multilateral institutions for ongoing cooperation across policy areas.[115](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f115) As in the case of the global economy, U.S. security provision [End Page 47] plays a role in fostering stability within and across regions, and this has an impact on the ability of states to engage in institutional cooperation. Institutional cooperation is least likely in areas of the world where instability is pervasive. It is more likely to flourish in areas where states are secure and leaders can anticipate stable and continuous relations—where the "shadow of the future" is most evident. And because of the key security role it plays in fostering this institutional cooperation, the United States is in a stronger position to help shape the contours of these cooperative efforts.¶ The United States' extended system of security commitments creates a set of institutional relationships that foster political communication. Alliance institutions are in the first instance about security protection, but they are also mechanisms that provide a kind of "political architecture" that is useful beyond narrow issues of military affairs. Alliances bind states together and create institutional channels of communication. NATO has facilitated ties and associated institutions—such as the Atlantic Council—that increase the ability of the United States and Europe to talk to each other and do business.116 Likewise, the bilateral alliances in East Asia also play a communication role beyond narrow security issues. Consultations and exchanges spill over into other policy areas.[117](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f117) For example, when U.S. officials travel to Seoul to consult on alliance issues, they also routinely talk about other pending issues, such as, recently, the Korea-United States Free Trade Agreement and the Trans-Pacific Partnership. This gives the United States the capacity to work across issue areas, using assets and bargaining chips in one area to make progress in another. It also provides more diffuse political benefits to cooperation that flow from the "voice opportunities" created by the security alliance architecture.118 The alliances provide channels and access points for wider flows of communication—and [End Page 48] the benefits of greater political solidarity and institutional cooperation that follow.¶ The benefits of these communication flows cut across all international issues, but are arguably enhanced with respect to generating security cooperation to deal with new kinds of threats—such as terrorism and health pandemics—that require a multitude of novel bargains and newly established procedures of shared responsibilities among a wide range of countries. With the existing U.S.-led security system in place, the United States is in a stronger position than it otherwise would be to strike bargains and share burdens of security cooperation in such areas. The challenge of rising security interdependence is greater security cooperation. That is, when countries are increasingly mutually vulnerable to nontraditional, diffuse, transnational threats, they need to work together to eradicate the conditions that allow for these threats and limit the damage. The U.S.-led alliance system is a platform with already existing capacities and routines for security cooperation. These assets can be used or adapted, saving the cost of generating security cooperation from scratch. In short, having an institution in place to facilitate cooperation on one issue makes it easier, and more likely, that the participating states will be able to achieve cooperation rapidly on a related issue.[119](http://muse.jhu.edu.proxy.lib.umich.edu/journals/international_security/v037/37.3.brooks.html#f119)¶ The usefulness of the U.S. alliance system for generating enhanced non-security cooperation is confirmed in interviews with former State Department and National Security Council officials. One former administration official noted, using the examples of Australia and South Korea, that the security ties "create nonsecurity benefits in terms of support for global agenda issues," such as Afghanistan, Copenhagen, disaster relief, and the financial crisis. "This is not security leverage per se, but it is an indication of how the deepness of the security relationship creates working relationships [and] interoperability that can then be leveraged to address other regional issues." This official notes, "We could not have organized the Core Group (India, U.S., Australia, Japan) in [End Page 49] response to the 2004 tsunami without the deep bilateral military relationships that had already been in place. It was much easier for us to organize with these countries almost immediately (within forty-eight hours) than anyone else for a large-scale humanitarian operation because our militaries were accustomed to each other."120¶ The United States' role as security provider also has a more direct effect of enhancing its authority and capacity to initiate institutional cooperation in various policy areas. The fact that the United States is a security patron of Japan, South Korea, and other countries in East Asia, for example, gives it a weight and presence in regional diplomacy over the shape and scope of multilateral cooperation not just within the region but also elsewhere. This does not mean that the United States always wins these diplomatic encounters, but its leverage is greater than it would be if the United States were purely an offshore great power without institutionalized security ties to the region.¶ In sum, the deep engagement strategy enables U.S. leadership, which results in more cooperation on matters of importance than would occur if the United States disengaged—even as it pushes cooperation toward U.S. preferences.

#### The world is getting better now – heg haters are wrong

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Is Unipolarity Peaceful? As evidence, Monteiro provides metrics of the number of years during which great powers have been at war. For the unipolar era since the end of the Cold War, the United States has been at war 13 of those 22 years or 59% (see his Table 2 below). Now, I've been following some of the discussion by and about Steven Pinker and Joshua Goldstein's [work](http://www.nytimes.com/2011/12/18/opinion/sunday/war-really-is-going-out-of-style.html?pagewanted=all) that suggests the world is becoming more peaceful with interstate wars and intrastate wars becoming more rare. I was struck by the graphic that Pinker used in a Wall Street Journal [piece](http://online.wsj.com/article/SB10001424053111904106704576583203589408180.html) back in September that drew on the Uppsala Conflict Data, which shows a steep decline in the number of deaths per 100,000 people. How do we square this account by Monteiro of a unipolar world that is not peaceful (with the U.S. at war during this period in Iraq twice, Afghanistan, Kosovo) and Pinker's account which suggests declining violence in the contemporary period? Where Pinker is focused on systemic outcomes, Monteiro's measure merely reflect years during which the great powers are at war. Under unipolarity, there is only one great power so the measure is partial and not systemic. However, Monteiro's theory aims to be systemic rather than partial. In critiquing Wohlforth's early work on unipolarity stability, Monteiro notes: Wohlforth’s argument does not exclude all kinds of war. Although power preponderance allows the unipole to manage conflicts globally, this argument is not meant to apply to relations between major and minor powers, or among the latter (17). So presumably, **a more adequate test of the peacefulness or not of unipolarity** (at least for Monteiro) is not the number of years the great power has been at war **but whether the system as a whole is becoming more peaceful under unipolarity compared** to previous eras, including wars between major and minor powers or wars between minor powers and whether the wars that do happen are as violent as the ones that came before. Now, as Ross Douthat pointed [out](http://douthat.blogs.nytimes.com/2011/10/17/steven-pinkers-history-of-violence/), Pinker's argument isn't based on a logic of benign hegemony. It could be that even if the present era is more peaceful, unipolarity has nothing to do with it. Moreover, Pinker may be wrong. Maybe the world isn't all that peaceful. I keep thinking about the places I don't want to go to anymore because they are violent (Mexico, Honduras, El Salvador, Nigeria, Pakistan, etc.) As Tyler Cowen [noted](http://marginalrevolution.com/marginalrevolution/2011/10/steven-pinker-on-violence.html), the measure Pinker uses to suggest violence is a per capita one, which doesn't get at the absolute level of violence perpetrated in an era of a greater world population. **But, if my read of other** [**reports**](http://www.hsrgroup.org/human-security-reports/20092010/graphs-and-tables.aspx) **based on Uppsala data is right, war is becoming more rare and less deadly** (though later [data](http://www.pcr.uu.se/research/ucdp/charts_and_graphs/) suggests lower level armed conflict may be increasing again since the mid-2000s). The apparent violence of the contemporary era may be something of a presentist bias and reflect our own lived experience and the ubiquity of news media .Even if the U.S. has been at war for the better part of unipolarity, the deadliness is declining, even compared with Vietnam, let alone World War II. Does Unipolarity Drive Conflict? So, I kind of took issue with the Monteiro's premise that unipolarity is not peaceful. What about his argument that unipolarity drives conflict? Monteiro suggests that the unipole has three available strategies - defensive dominance, offensive dominance and disengagement - though is less likely to use the third. Like Rosato and Schuessler, Monteiro suggests because other states cannot trust the intentions of other states, namely the unipole, that minor states won't merely bandwagon with the unipole. Some "recalcitrant" minor powers will attempt to see what they can get away with and try to build up their capabilities. As an aside, in Rosato and Schuessler world, unless these are located in strategically important areas (i.e. places where there is oil), then the unipole (the United States) should disengage. In Monteiro's world, disengagement would inexorably lead to instability and draw in the U.S. again (though I'm not sure this necessarily follows), but neither defensive or offensive dominance

offer much possibility for peace either since it is U.S. power in and of itself that makes other states insecure, even though they can't balance against it.

#### The plan reverses otherwise inevitable executive groupthink – judicial action key

Chehab, 12 [Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review]

The practical, pragmatic justification for the COAACC derives largely from considering social psychological findings regarding the skewed potential associated with limiting unchecked decision-making in a group of individuals. As an initial point, psychologists have long pointed out how individuals frequently fall prey to cognitive illusions that produce systematic errors in judgment.137 People simply do not make decisions by choosing the optimal outcome from available alternatives, but instead employ shortcuts (i.e., heuristics) for convenience.138 Cognitive biases like groupthink can hamper effective policy deliberations and formulations.139 Groupthink largely arises when a group of decision-makers seek conformity and agreement, thereby avoiding alternative points of view that are critical of the consensus position.140 This theory suggests that some groups—particularly those characterized by a strong leader, considerable internal cohesion, internal loyalty, overconfidence, and a shared world view or value system—suffer from a deterioration in their capacity to engage in critical analysis.141 Many factors can affect such judgment, including a lack of crucial information, insufficient timing for decision-making, poor judgment, pure luck, and/or unexpected actions by adversaries.142 Moreover, decision-makers inevitably tend to become influenced by irrelevant information,143 seek out data and assessments that confirm their beliefs and personal hypotheses notwithstanding contradictory evidence,144 and “[i]rrationally avoid choices that represent extremes when a decision involves a trade-off between two incommensurable values.”145 Self-serving biases can also hamper judgment given as it has been shown to induce well-intentioned people to rationalize virtually any behavior, judgment or action after the fact.146 The confirmation and overconfidence bias, both conceptually related to groupthink, also result in large part from neglecting to consider contradictory evidence coupled with an irrational persistence in pursuing ideological positions divorced from concern of alternative viewpoints.147 Professor Cass Sunstein has described situations in which groupthink produced poor results precisely because consensus resulted from the failure to consider alternative sources of information.148 The failures of past presidents to consider alternative sources of information, critically question risk assessments, ensure neutral-free ideological sentiment among those deliberating,149 and/or generally ensure properly deliberated national security policy has produced prominent and devastating blunders,150 including the Iraq War of 2003,151 the Bay of Pigs debacle in the 1960’s,152 and the controversial decision to wage war against Vietnam.153 Professor Sunstein also has described the related phenomenon of “group polarization,” which includes the tendency to push group members toward a “more extreme position.”154 Given that both groupthink and group polarization can lead to erroneous and ideologically tainted policy positions, the notion of giving the President unchecked authority in determining who is eligible for assassination can only serve to increase the likelihood for committing significant errors.155 The reality is that psychological mistakes, organizational ineptitude, lack of structural coherence and other associated deficiencies are inevitable features in Executive Branch decision-making. D. THE NEED FOR ACCOUNTABILITY CHECKS To check the vices of groupthink and shortcomings of human judgment, the psychology literature emphasizes a focus on accountability mechanisms in which a better reasoned decision-making process can flourish.156 By serving as a constraint on behavior, “accountability functions as a critical norm-enforcement mechanism—the social psychological link between individual decision makers on the one hand and social systems on the other.”157 Such institutional review can channel recognition for the need by government decision-makers to be more self-critical in policy targeted killing designations, more willing to consider alternative points of view, and more willing to anticipate possible objections.158 Findings have also shown that ex ante awareness can lead to more reasoned judgment while also preventing tendentious and ideological inclinations (and political motivations incentivized and exploited by popular hysteria and fear).159 Requiring accounting in a formalized way prior to engaging in a targeted killing—by providing, for example, in camera review, limited declassification of information, explaining threat assessments outside the immediate circle of policy advisors, and securing meaningful judicial review via a COAACC-like tribunal—can promote a more reliable and informed deliberation in the executive branch. With process-based judicial review, the COAACC could effectively reorient the decision to target individuals abroad by examining key procedural aspects—particularly assessing the reliability of the “terrorist” designation—and can further incentivize national security policy-makers to engage in more carefully reasoned choices and evaluate available alternatives than when subject to little to no review.

#### **Independently causes wars**

Jervis, 4(Robert, political science and international politics professor at Columbia University and a consultant to the CIA, The Record, 7/14, lexis)

But was that indeed what happened? "Groupthink" - identified in the early 1970s by the late Yale psychologist Irving Janis - refers to a process by which conformity grows out of deliberations in small groups. It can indeed be quite powerful. The way Janis explained it, groupthink operates when individuals work closely together over a sustained period. It isn't merely that members of the group come to think alike but that they come to overvalue the harmonious functioning of the group. In their eagerness to reach consensus, they become inhibited from questioning established assumptions or from raising questions that might disturb their colleagues and friends. A vicious circle begins as the group feels good about itself because it has discovered the truth, and this truth is accepted by each person because it is believed by the others. In this way, a group of intelligent individuals can confidently arrive at conclusions that are wildly removed from reality. Most social scientists agree that groupthink has contributed to many disastrous decisions in business, families, and foreign policy. President Kennedy and his top advisers, for instance, fell into a groupthink trap, believing that the landings of the Cuban exiles at the Bay of Pigs in April 1961 might overthrow Fidel Castro. Intense face-to-face meetings among the president's top foreign policy planners formed strong bonds that no one wanted to loosen. In hindsight, their plans were so badly flawed that it is hard to understand how such world-wise leaders could have endorsed them. But apparently each individual grew confident because the others were - each was reassured because the group was functioning so well and without discord; no one felt the need, or had the nerve, to insist they consider the possibility that the group was on the totally wrong track.

Richard Nixon's Watergate cover-up was in part maintained by the same dynamic. To many outsiders even at the time, it was obvious that the only way for Nixon to survive was to air the full truth early on. But the Nixon White House was a small group, closed-mouthed and predisposed to keeping everything secret.

### Plan

#### The United States Federal Government should create a federal court with jurisdiction over uninhabited aerial vehicle targeted killing.

### Solvency

#### Solvency!

#### Congressional action key to create a court with jurisdiction and to establish independent oversight – it’s effective

McKelvey, 11 [Benjamin, JD Candidate, Senior Editorial Board, Vanderbilt Journal of Transnational Law, “Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power,” Vanderbilt Journal of Transnational Law, November, 44 VAND. J. TRANSNAT'L L. 1353, <http://www.vanderbilt.edu/jotl/2012/06/due-process-rights-and-the-targeted-killing-of-suspected-terrorists-the-unconstitutional-scope-of-executive-killing-power/>]

A. Option One: Congress Could Pass Legislation to Establish Screening and Oversight of Targeted Killing As the Aulaqi case demonstrates, any resolution to the problem of targeted killing would require a delicate balance between due process protections and executive power.204 In order to accomplish this delicate balance, Congress can pass legislation modeled on the Foreign Intelligence Surveillance Act (FISA) that establishes a federal court with jurisdiction over targeted killing orders, similar to the wiretapping court established by FISA.205 There are several advantages to a legislative solution. First, FISA provides a working model for the judicial oversight of real-time intelligence and national security decisions that have the potential to violate civil liberties.206 FISA also effectively balances the legitimate but competing claims at issue in Aulaqi: the sensitive nature of classified intelligence and national security decisions versus the civil liberties protections of the Constitution.207 A legislative solution can provide judicial enforcement of due process while also respecting the seriousness and sensitivity of executive counterterrorism duties.208 In this way, congress can alleviate fears over the abuse of targeted killing without interfering with executive duties and authority. Perhaps most importantly, a legislative solution would provide the branches of government and the American public with a clear articulation of the law of targeted killing.209 The court in Aulaqi began its opinion by explaining that the existence of a targeted killing program is no more than media speculation, as the government has neither confirmed nor denied the existence of the program.210 Congress can acknowledge targeted killing in the light of day while ensuring that it is only used against Americans out of absolute necessity.211 Independent oversight would promote the use of all peaceful measures before lethal force is pursued.212 i. FISA as an Applicable Model FISA is an existing legislative model that is applicable both in substance and structure.213 FISA was passed to resolve concerns over civil liberties in the context of executive counterintelligence.214 It is therefore a legislative response to a set of issues analogous to the constitutional problems of targeted killing.215 FISA also provides a structural model that could help solve the targeted killing dilemma.216 The FISA court is an example of a congressionally created federal court with special jurisdiction over a sensitive national security issue.217 Most importantly, **FISA works**. Over the years, the FISA court has proven itself capable of handling a large volume of warrant requests in a way that provides judicial screening without diminishing executive authority.218 Contrary to the DOJ’s claims in Aulaqi, the FISA court proves that independent judicial oversight is institutionally capable of managing real-time executive decisions that affect national security.219 The motivation for passing FISA makes this an obvious choice for a legislative model to address targeted killing. With FISA, Congress established independent safeguards and a form of oversight in response to President Nixon’s abusive wiretapping practices.220 The constitutional concern in FISA involved the violation of Fourth Amendment privacy protections by excessive, unregulated executivepower.221 Similarly, the current state of targeted killing law allows for executive infringement on Fifth Amendment due process rights. Although there is no evidence of abusive or negligent practices of targeted killing, the main purpose of congressional intervention is to ensure that targeted killing is conducted only in lawful circumstances after a demonstration of sufficient evidence. Finally, a FISA-style court is a potentially effective possibility because it would provide ex ante review of targeted killing orders, and the pre-killing stage is the only stage during which judicial review would be meaningful.222 In the context of targeted killing, due process is not effective after the decision to deprive an American of life has already been carried out. Pre-screening targeted killing orders is a critical component of judicial oversight. Currently, this screening is conducted by a team of attorneys at the CIA.223 Despite assurances that review of the evidence against potential targets is rigorous and careful, due process is best accomplished through independent judicial review.224 The FISA court provides a working model for judicial review of real-time requests related to national security.225 FISA also established the requisite level of probable cause for clandestine wiretapping and guidelines for the execution and lifetime of the warrant, whereas the legal standards used by the CIA’s attorneys are unknown.226 The only meaningful way to ensure that Americans are not wrongfully targeted with lethal force is to screen the evidence for the decision and to give ultimate authority to an impartial judge with no institutional connection to the CIA.

#### Simulating high magnitude scenarios in security policy are an exercise in problem-based learning—it’s a unique venue where we can make mistakes and develop strategies to cope with info overload

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

V . T OTAL I MMERSION S IMULATION S The concept of simulations as an aspect of higher education, or in the law school environment, is not new . 162 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national s ecurity course that takes advantage of the doctrinal and experiential comp onents of law school education, and integrating the experience through a multi - day simulation. In 2009 I taught the first module based on this design at Stanford Law, which I develo ped the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full - scale Top Off icial (“TopOff”) exercises, used to train government officials to respond to domestic c r i s e s . 163 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specifi c legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. U nlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, t he Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one - day, and then a multi - day simulation. The course design an d simulation conti nues to evolve . It offers a one model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security l a w y e r s . 164 A . Course Design The central idea in structuring the course, which I refer to as National Security Law Simulation 2.0 (“ NSL Sim 2.0 ”) was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns . 165 The exercise itself is a form of problem - based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (i.e., directed and focused on certain areas of the law and legal education) and flexible (i.e., responsive to student input and decision - making). P erhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will in evitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple, and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation. 166 Additionally**,** while authenticity matters, it is worth noting that at some level, the fact that the incident does not take place in a real - world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes— without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Si m 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course f ocuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key part of the course design is in retaining both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive kn owle dge, and (3 ) critical thought. To be sure, a certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well - suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolut ion [1(d )], the simulation itself takes place over a multi - day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a mu lti - user virtual environment. The use of such technology is critical to creating more powerful, immersive s i m u l a t i o n s . 167 It also allow s for continual interaction between the players. Multi - user virtual environments have the further advantage in h elping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing p r a c t i c e s . 168 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require students to be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, two attorneys in practice, a media expert, six to eight former simulation students, and technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of the shifting authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional 44 respo nsibility. The two attorneys fro m practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. T hroughout the simulation, the C ontrol T eam is constantly reacting to student choices . Where unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and l eaking information to the media ). Unlike the more limited experiential tools of hypotheticals or doctrinal problems, a total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: i.e., factual chaos and information overload. The drivin g aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple injects relating to background noise. Thus, unlike hypotheticals , doct rinal problems, single - experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem - based, giving players agency in driving the evolution of the experience— thus addressing goal [2(c)]. This requires a real - time response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to push on different areas of the law and the s tudents’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal — i.e., the types of situations in which national security lawyers will find themselves . Particular emphasis is placed on nontraditional modes of communication : e.g., legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well a s during the last class ses sion . This is paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applic ations for search warrants under Title III, and administrative subpoenas such as National Securi ty Letters. In addition, students are required to prepare a paper prior to the simulation, outlining their legal authorities – and following the session, to deliver a 90 second oral briefing. To replicate the high - stakes, political environment at issue in goals (1) and (5), students are divided into political and legal roles, and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state officials, nongovernmental organizations, and the media. This req uires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of (many) different considerati ons that decisionmakers take into account in the national security domain. Scenarios are then selected with high consequence events in mind , to ensure that students recognize both the domestic and international dimensions of national security law . Further injects into the simulation provide for the broader political context — for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prom inent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast me dia, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercis e, in the course of which players may at times be required to appear before the camera. This media component thus helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decision s give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous injects from both the Control Team and the participants in the sim ulation itself. As aforementioned, one professor on the Control Team , and a practicing attorney who has previously gone through a simulation , focus on raising decision points that encourage students to consider ethical and professional considerations. Th roughout the Frameworkjudgment and leadership play a key role , directly impacting the players’ effectiveness , with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedb ack that players receive prior to, during, and following the simulation to help t hem to gauge their effectiveness. T he Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law . Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real - time feedback from both peers and professors . The Contr ol Team provides data points for player reflection — for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficientThe simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the si mulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mento ring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead - up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments . Judges , who are senior members of the bar in the field of national security law, observe player interaction s and provide additional debriefing . The simulation, moreover, is recorded through both the cyber portal and throu gh VNN, allowing students to go back and to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and issues that ar ose in the course of the simulation and with an aim towards developing frameworks for how to analyze uncertainty, tension with colleagues, mistakes, and successes in the future.B . Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security . It focuses on specific authorities that may be brought to bear in the course of a crisis . The decision of which areas to explore is made well in advance of the cour se. It is particularly helpful here to think about national security authorities on a continuum, as a way to press students on shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between c rime, drugs, terrorism and war. Another might push on the intersection of pandemic disease and biological weapons. A third could turn to cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal port ion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out what authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus , emine nt domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence - gathering. The critical areas can then be divided into the dominant constitutional authority, statut ory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The aut horities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional resp onsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storyl ines that push on the interstices between different areas of the law. The storylines are used to present a coherent, non - linear scenario that can adapt to student injects. Each scenario is mapped out in a three to seven page document, which is then check ed with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potentia l connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to push on the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation ( e.g., by someone who has traveled from overseas), but then for the storyline to move into the second realm (i.e., awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of pushing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and T itle 10/Title 32 questions would similarly arise — with the storyline designed to raise these questions. A third storyline might simply be (well developed) noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, with containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might prove the focus. The sixth storyline could be further noise in the system — loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather upda tes, private communications, and the like. The five to six storylines, prep ared by the Control Team in consultation with experts, becomes the basis for the preparation of scenario “injects”: i.e., newspaper articles, VNN 47 broadcasts, reports from NGOs, private communications between officials, classified information, government l eaks, etc., which , when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi - day period. All six scenarios are p laced on the same chart, in six columns, giving the Control Team a birds - eye view of the progression. C . How it Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often do not occur at convenient times and may well involve limited sleep and competing d e m a n d s . 169 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Student s at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team th e opportunity to converse in a “ classified ” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital A rchives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the cour se of play). Additional “ classified ” material — both general and SCI — has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting , may include face - to - face meetings), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released) . This time period provides a ramp - up to the third (or fourth) day of play, all owing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which m eetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a d ifferent area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assi gned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of POTUS, the Vice President, the President’s Chief of Staff, the Governor of a state, and public health officials. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well - experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurre d during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges (and formal observers) then offer reflections on the simulat ion and determine which teams performed most effectively**.** Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions t hat arose in regard to their grasp of the law, the types of decision - making processes that occurred , and the effectiveness or their — and other students’ — performance s . Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future . The course then c o n c l u d e s . 17V I .

#### Debating legal solutions to war powers develops transferable skills through active assessment—no risk of passive spectators

Farrar-Myers, 07 [Victoria A. Farrar-Myers, professor University of Texas at Arlington, PROMOTING ACTIVE LEARNING THROUGH SIMULATIONS IN PRESIDENCY CLASSES, <http://cstl-cla.semo.edu/Renka/PRG/PRG_Reports/Fall_2007.pdf>]

Lao-Tse’s insight captures the essence of an active learning based approach to education. Such an approach calls for students to have a role and responsibility in developing their own knowledge; in the words of John Dewey, learning is “something that an individual does when he studies. It is an active, personally conducted affair” (1924). Unlike more traditional teaching styles where the instructor simply transfers information to the student, who is required to do little more than act as a depository for such information (Freire, 1970) or as a sponge soaking it up (Keeley, Ali & Gebing, 1998; Fox-Cardamone & Rue, 2003), an active learning approach places an emphasis on students’ independent inquiry, restructuring of their knowledge, and other constructivist qualities (Niemi, 2002). Employing active learning strategies in political science classes not only has been shown to work (Brock & Cameron, 1999), but more importantly would seem to be a natural fit. “Learning is not a spectator sport” (Chickering and Gamson, 1987), and neither is the world of politics. As a result, one way to enhance students’ learning about the political world is for them to “talk about what they are learning, write about it, relate it to past experiences and apply it to their daily lives. They must make what they learn part of themselves” (Chickering and Gamson, 1987). Further, active learning techniques – particularly if tied to learning outcomes designed to promote higher order thinking skills such as analysis, application, synthesis, and evaluation (Bloom, 1956) – can help students prepare “to tackle a multitude of challenges that they are likely to face in their personal lives, careers, and duties as responsible citizens” (Tsui, 2002). As political scientists, we may be in the best position in the academy to promote a sense of civic engagement in our students, and the use of intentionally designed active learning techniques tied to specific learning outcomes can greatly assist us in helping to instill this sense. The use of active learning encompasses a wide array of teaching techniques that can be used in large classes as well as small ones; techniques such as: using guided lectures and answering open-ended, student-generated questions (Bonwell & Eison, 1991); using primary sources in the classroom (May, 1986); cooperative learning (Smith, 1986); and simulations and role-playing games (Shannon, 1986; for a general discussion on active learning strategies, see Bonwell & Eison, 1991; Astin et al., 1984; and Schomberg, 1986). However, finding a technique that works successfully can be influenced by: •Institutional variables: e.g., size of class, physical arrangement of classrooms, and lack of incentives for professors to undertake new active learning strategies (see generally Bonwell & Eison, 1991); •The professor: e.g., the professor’s comfort level with student interaction and the amount of control in the classroom the professor desires (see generally Bonwell & Sutherland, 1996); and •The students: e.g., prior exposure and experiences (Hoover, 2006), students’ different learning styles (Kolb, 1981; Cross, 1998), and student motivation (Gross Davis, 1993) or indifference (Warren, 1997) to participate in active learning activities. The POTUS and PASS projects were two semester-long, in-class simulations employing active learning techniques and designed to achieve desired course learning outcomes. Despite some initial reluctance by the students, these simulations helped them achieve the course outcomes, but more significantly generated a high level of efficacy, engagement, and understanding. Although the specific model employed may not work in every context (the variables noted above will create a different dynamic in each class), the process by which these projects were developed and employed may provide those who teach presidency-related classes with insights on how to best employ active learning techniques in their own setting. The 2008 presidential election marks the first time since 1952 that a sitting president or vice president will not be a candidate for nomination in either major party. As I was developing my general survey course on the U.S. Presidency in the fall of 2005, I contemplated how to make this factoid become more relevant to my students, especially since encouraging civic engagement and voter participation in the 18-24 year-old age group has been a focus in recent presidential races. I wanted a way to bring to life the usual discussion of presidential elections and encourage my students to become active participants in the process of identifying, evaluating, and promoting various candidates. Out of these thoughts germinated The POTUS Project – short for The President Of The United States Project. In this simulation, my students took on the role of political consultants responsible for developing a plan to guide their candidate to the Oval Office. Each student started by assessing the viability of a chosen candidate and then developing a strategy for winning that candidate’s party nomination. At mid-semester, the class divided into two groups – the two major parties – to hold a nomination convention where each party chose its own presidential-vice presidential ticket. Students had to caucus and advocate for their own candidate much like the Iowa caucus. From there, each team developed a “Vision Statement” for its candidate to let the voters know their candidate’s strategy for winning the general election, transitioning into power, and governing as president once in office. Each group presented its “Vision Statement” to the full class and to two real-world politiFall 2007 11 cal consultants. The students were not alone in their learning endeavor. I took the liberty of writing to each of our selected candidates, telling them about the project and asking them to write my students. Two of the candidates did and in sharing these letters with the class, my students and I became acutely aware that what we were learning has meaning outside the four walls of our classroom; the very lesson I hope to impart in each of my classes. In the end, The POTUS Project allowed the students to combine the course material with real life events and possibilities, and to work with their classmates to create a comprehensive electoral plan for someone who might become the next President of the United States. In doing so, the students were able to reinforce their learning through individual and group-effort written analysis and oral presentation. Further, the Project achieved the desired outcome of fostering collaborative action after individual analysis. Since most political enterprises take place within working groups or teams, these simulations allowed the students to gain experience with, as well as a direct appreciation for, this important political enterprise. Most significantly, through both a formal student evaluation of The POTUS Project and informal discussions with individual students, I found that they applied their knowledge in more sophisticated ways than in my more traditional course offering as well as reported more ownership and comfort with the core concepts of the class. They also reported a greater sense of efficacy and understanding of the presidential selection process; even two years later, I received an email from a student indicating how she is using the knowledge and insights gained from her class experience to be more engaged with this year’s actual presidential primaries. With the lessons I learned from The POTUS Project, I decided to employ a similar model in an upper-division course entitled Presidency and Foreign Policy. In The PASS Project (Presidential Advisory Strategy Simulation), the students played the role of foreign policy analysts and advisors. Each student selected his or her country of expertise, completed an assessment of the U.S. foreign relations with that country, and prepared a briefing paper for a current presidential candidate based upon a vision statement outlined by their candidate in the journal Foreign Affairs. Students then teamed-up with classmates who selected the same candidate and developed a comprehensive foreign policy/ national security strategy for that candidate. The students worked with their teams during the semester, and then shared their collective insights with their classmates in a final presentation during an “Advisory Summit.” The PASS Project required the students to play different roles throughout the simulation and, as a result, develop and employ different cognitive skills. In becoming a country expert, the students served as foreign policy analysts responsible for obtaining knowledge and being able to critically analyze it in meaningful ways. In fact, I was able to have a foreign policy analyst from the Department of State as a guest speaker by means of teleconferencing, and he showed the students how the skills they were using in class were the same ones that the speaker used in his job. The next portion of the simulation, where the students prepared a briefing paper, required them to apply their knowledge in a specific context of a presidential candidate’s general statements on foreign affairs. Finally, the group project required the students to synthesize their collective knowledge into a coherent plan for their presidential candidate and evaluate the effectiveness of their proposals. From the POTUS and PASS projects, a number of lessons emerged for effectively employing simulations in presidency classes, including: •Intentionality of design: Although the rewards in successfully employing an active-learning simulation are well worth it for both student and teacher, doing so requires that the instructor put substantial thought up front into the design of the program. Certainly, this lesson speaks to understanding the desired learning outcomes of the simulation, but also extends to such matters as evaluation and simulation mechanics. For example, students tend to be wary of group projects and free-riders who might bring a student’s grade down. To address this concern, I structured the evaluative aspects of the simulations so that most of the items for which the students were graded upon were based solely on their own work (e.g., individual assignments that were then later used in the group project or reflection papers on the group project process). In a few instances, though, where a student received the same grade as other group members for their collective effort, I limited both the number of people within each working subgroup, and also limited the percentage of the student’s overall grade attributed to the group effort. As far as design mechanics, the instructor needs to identify as many potential glitches as possible and develop prevention methods. For example, to ensure a proper balance of students working for either party in The POTUS Project or for any candidate in The PASS Project, I reserved the right to require students to switch to a different party or candidate as needed. •Assessing achievement of learning outcomes: Active learning techniques have been shown to have a powerful impact on students’ learning, for example on “measures of transfer of knowledge to new situations or measures of problem-solving, thinking, attitude change, or motivation for further learning” (McKeachie et al., 1986; for other studies measuring the impact of active learning techniques, see Kuh et al., 1997; Springer, 1997; Cabrera et al., 1998; McCarthy and Anderson, 2000; and Pascarella and Terenzini, 2005). Therefore, any simulation design should incorporate assessment tools that allow the instructor to measure the impact of the learning technique. For example, a pre- and post-test was administered to ascertain students’ base level of understanding of course material being covered by the simulation. Students also completed self-assessment and group assessments of their and their classmates’ participation in the simulation. Further, a reflection session was held to provide the students with the ability to discuss the strengths and weaknesses of the simulation. The insights culled from all of these various Fall 2007 12 assessments were later employed to refine implementation of similar models in future classes. •Obtaining student buy-in: As one scholar noted, “many active learning techniques fail simply because teachers do not take time to explain them” (Warren, 1997). Perhaps the best way to obtain the necessary student buy-in, therefore, appears to be communication and guidance from the professor (Felder & Brent, 2006). To this end, I included a detailed addendum to my syllabus in each class outlining every step of the simulation process and then discussed the simulation in the first day of class. Doing so put the students on notice of what was expected of them and giving them the opportunity to drop the class if they were not willing to put forth the necessary effort. Further, I sought input and feedback from the students throughout the semester – something that has been known to mitigate students’ concern related to the simulation (Sutherland, 1996) – and found ways to act on the feed back. For example, based on discussions with students, I decided to provide an additional incentive for students to do well on their oral presentation in The PASS Project by giving the winning team, as voted on by the students themselves, two extra questions to chose from in the short-answer portion of their final exam (i.e., instead of answering all eight short answer questions I gave them, the winning team had to answer eight of ten questions with each student choosing which eight she would answer). •Surrendering control: Ultimately, if the simulation is going to be a “personally conducted affair” of learning, to use John Dewey’s words, the students at some point have to control the process for themselves. Certainly, as the instructor, I established the framework of the simulations, the minimum requirements that needed to be satisfied, and the desired outcomes. In the context of oral presentations, the students showed great initiative in their presentations – from complex slide shows, to informative and eye-catching displays, to even doing their presentation in the form of a game show (Foreign Policy Jeopardy). By my surrendering some of the control over the process to the students, they made it their own and, in doing so, learned greater lessons for themselves than I simply could have told them. Of all the ways to evaluate and document the success of these simulations, the best way to do so is in the words of the students themselves. At the end of The POTUS Project, I asked the students to evaluate the Project, their contributions, and the contributions of others. Many pointed to the nominating convention as an astonishing experience – one where they were using the course material to persuade others. They noted how one student, who was alone in backing his candidate, used his knowledge to lobby others to place the candidate on the party’s ticket as the vice presidential candidate. As one student indicated, “the power of one armed with knowledge can really rule the world of poli tics!” This is the lesson of civic engagement that I wanted my students to learn – that one person, with commitment, informa tion, and passion, can influence and better the world around them – and it is a lesson that the use of active learning simulations can help them achieve.

# 2AC

## ellis

### fyis

Based on CX, they’re likely to go for “perception of legitimacy impossible—US seen as evil”

--make sure you distinguish INSTITUTIONAL legitimacy from anti-Americanism—some people are going to hate us, but transparent legal norms make us effective at locking in US-led order independent of that

--the people that are key (intransigent allies, rising powers) don’t need to love the US for us to solve—they just need to be confidence that our rules are more stable than China;s

## Case

### AT: Rubber Stamp (2ac)

#### Not a rubber stamp

Daskal, 13 [The Geography of the Battlefield: A Framework for Detention and Targeting Outside the 'Hot' Conflict Zone Jennifer Daskal American University Washington College of Law, April]

That said, there is a reasonable fear that any such court or review board will simply defer. In this vein, FISC’s high approval rate is cited as evidence that reviewing courts or review boards will do little more than rubber-stamp the Executive’s targeting decisions.180 But the high approval rates only tell part of the story. In many cases, the mere requirement of justifying an application before a court or other independent review board can serve as an internal check, creating endogenous incentives to comply with the statutory requirements and limit the breadth of executive action.181 Even if this system does little more than increase the attention paid to the stated requirements and expand the circle of persons reviewing the factual basis for the application, those features in and of themselves can lead to increased reflection and restraint.

## OLC CP

### AT: ESR (Solvency – Drone Prolif)

#### Doesn’t solve drone prolif – external oversight key to accountability – only a non-executive framework creates a guarantee and is modeled – formal constraints resolve ambiguity that prevents strong prolif constraints --- that’s Brooks and HRI

### AT: ESR (Solvency – Future Presidents)

#### Future presidents prevent solvency

Harvard Law Review 12, "Developments in the Law: Presidential Authority," Vol. 125:2057, www.harvardlawreview.org/media/pdf/vol125\_devo.pdf

The recent history of signing statements demonstrates how public opinion can effectively check presidential expansions of power by inducing executive self-binding. It remains to be seen, however, if this more restrained view of signing statements can remain intact, for **it relies on the promises of one branch — indeed of one person — to enforce and maintain the separation of powers**. To be sure, President Obama’s guidelines for the use of signing statements contain all the hallmarks of good executive branch policy: transparency, accountability, and fidelity to constitutional limitations. Yet, in practice, this apparent constraint (however well intentioned) may amount to little more than voluntary self-restraint. 146 Without a formal institutional check, it is unclear what mechanism will prevent the next President (or President Obama himself) from reverting to the allegedly abusive Bush-era practices. 147 Only time, and perhaps public opinion, will tell.

### AT: ESR (Solvency – Groupthink)

#### Doesn’t solve groupthink – judicial review includes more voices, prevents polarization and increases deliberation – that’s Chehab and Farley

### AT: ESR (Solvency – Legitimacy)

#### Doesn’t solve legitimacy --- executive lead role doesn’t cause confidence – secrets breed mistrust – enshrined doctrine of SOP key – external oversight signals formal accountability abroad – binding checks key to access the case – courts increase the legitimacy of the political branches – that’s Goldsmith, Epstein, NYT and Knowles

### AT: OLC Mechanism

#### OLC either rubber stamps the prez or gets ignored

Sullum, 11 [Jacob Sullum is a senior editor at Reason magazine. To find out more about Jacob Sullum and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate Web page at [www.creators.com](http://www.creators.com), War Counsel: Obama Shops for Libya Advice That Lets Him Ignore the Law <http://www.creators.com/opinion/jacob-sullum/war-counsel-obama-shops-for-libya-advice-that-lets-him-ignore-the-law.html>]

During the Bush administration, when the Justice Department's Office of Legal Counsel got into the habit of rationalizing whatever the president wanted to do, Indiana University law professor Dawn Johnsen dreamed of an OLC that was willing to "say no to the president." **It turns out we have such an OLC now**. Unfortunately, as Barack Obama's defense of his unauthorized war in Libya shows, we do not have a president who is willing to take no for an answer. While running for president, Obama criticized George W. Bush's lawless unilateralism in areas such as torture, warrantless surveillance and detention of terrorism suspects. "The law is not subject to the whims of stubborn rulers," he declared in 2007, condemning "unchecked presidential power" and promising that under his administration there would be "no more ignoring the law when it is inconvenient." Obama's nomination of Johnsen to head the OLC, although ultimately blocked by Senate Republicans, was consistent with this commitment; his overreaching responses to threats ranging from terrorism to failing auto companies were not. Last week, by rejecting the OLC's advice concerning his three-month-old intervention in Libya's civil war, Obama sent the clearest signal yet that he is no more inclined than his predecessor to obey the law. Under the War Powers Act, a president who introduces U.S. armed forces into "hostilities" without a declaration of war must begin withdrawing those forces within 60 days unless Congress authorizes their deployment. Hence the OLC, backed by Attorney General Eric Holder and Defense Department General Counsel Jeh Johnson, told Obama he needed congressional permission to continue participating in NATO operations against Libyan dictator Moammar Gadhafi's forces. While the president can override the OLC's advice, that rarely happens. "Under normal circumstances," The New York Times noted, "the office's interpretation of the law is legally binding on the executive branch." In this case, rather than follow the usual procedure of having the OLC solicit opinions from different departments and determine which best comported with the law, Obama considered the office's position along with others more congenial to the course of action he had already chosen. Obama preferred the advice of White House Counsel Robert Bauer and State Department legal adviser Harold Koh, who argued that American involvement in Libya, which includes bombing air defenses and firing missiles from drone aircraft as well as providing intelligence and refueling services, does not amount to participating in "hostilities." A report that the Obama administration sent Congress says, "U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors." All that is irrelevant, since the War Powers Act says nothing about those criteria. According to the administration's logic, Congress has no say over the president's use of the armed forces as long as it does not involve boots on the ground or a serious risk of U.S. casualties — a gaping exception to the legislative branch's war powers in an era of increasingly automated and long-distance military action. As Harvard law professor Jack Goldsmith, a former head of the OLC, told the Times, "The administration's theory implies that the president can wage war with drones and all manner of offshore missiles without having to bother with the War Powers Resolution's time limits."

### AT: ESR (Permutations)

#### Perm do both:

Solves the politics link --- Obama won’t backlash against himself

Solves prez powers – combination ensures just the CP’s mandate is followed

#### Perm do the CP - the plan text says the USFG – CP is just a potential re clarification

## Politics

### AT: Politics

#### NO ev that Obama ‘s pushing – he isn’t

#### No evidence that says unpopularity causes a decrease in political capital

#### Obama not pursuing

James K Glassman (former U.S. undersecretary of state, is executive director of the George W. Bush Institute in Dallas) 4/26 http://www.foreignpolicy.com/articles/2013/04/26/trade\_winds

During the first three years of his first term, Barack Obama talked about boosting exports, but did little to expand trade. Unlike every president since Franklin Roosevelt, he declined to pursue trade promotion authority, necessary for any significant trade deal because it forces Congress to take an up-or-down vote, without amendments. Unlike his recent predecessors, he didn't push for multilateral agreements like the Doha Round, which focused on increasing trade links with developing countries. And he took nearly three years to get approval for the bilateral deals with Panama, Colombia, and South Korea that had been negotiated during President George W. Bush's tenure.

#### Plan bipartisan

Atehortua, 13 [Julian Atehortua, a Crimson editorial writer, is an economics concentrator in Leverett House, <http://www.thecrimson.com/article/2013/2/12/drone-legal-basis/>]

Of course, any international deal would be far easier if the United States were to first develop legal guidelines of its own, which could possibly serve as a framework for international negotiations. The U.S. needs to develop an effective balance between efficient systems of eliminating targets and respect for the constitutional rights of terrorists, whatever they may be. Setting current legal issues aside, it is clear that Americans support the use of drone strikes to target terrorists. However, it is also clear that bipartisan support does exist for its regulation. Though neither Democrats nor Republicans will support total prohibition on the use of armed drones, both would support regulations on their use against American citizens, specifically through judicial or congressional oversight of the program.

#### The budget fight comes before the debt ceiling and costs capital

**Koring, 9/16/13** (Paul, The Globe and Mail (Canada), “Obama faces fall clash with Congress;

Despite averting military action in Syria, U.S. President fights plunging approval ratings and feuding Republicans on Capitol Hill” lexis)

With war against Syria averted, or perhaps postponed, U.S. President Barack Obama can turn again to September's anticipated battles against his still-implacable Republican opponents.

Looming is a Sept. 30 deadline for Congress to fund ongoing government operations - everything from food stamps to new bullets - and a showdown is shaping up between a weakened President and Republicans riven by their own divisions.

Then, some time in October, the U.S. Treasury will face another crisis as it reaches its borrowing limit. Without an increase, which some Republicans want to block, the U.S. government could face default. Meanwhile, hopes for progress on major policy initiatives such as immigration reform, long expected to be the big legislative issue this fall, are fading.

As hostile as relations are, some observers suggest the averted showdown over Syria - it's now widely accepted that Congress would have rejected Mr. Obama's call for an authorization of force had it gone to a vote - didn't make things any worse.

"We don't know what September would have looked like in the absence of the Syria issue, but my guess is that it would have looked an awful lot like it looks today," said Sarah Binder, a senior fellow at the Brookings Institution, which watches Congress closely.

"These divisions over spending and size of government have been with us all along, and the [Republican] opposition to Obama has been quite strong all along. ... Set aside the issue of Syria, and really nothing has changed."

#### No PC

**Rogers, 9/17/13** (Ed, “The Insiders: Stubborn facts and bothersome polls” Washington Post, <http://www.washingtonpost.com/blogs/post-partisan/wp/2013/09/17/the-insiders-stubborn-facts-and-bothersome-polls/>)

Obama was also dealt an embarrassing blow this week as Larry Summers withdrew his name from consideration for Federal Reserve Chairman. I wasn’t even for Summers getting the job, but this was another telling sign that the president lacks any political capital on the Hill — among members of either party. If he wasn’t so weak, he might have gotten his pick for the Fed, but as it is, he must defer to the loud voices making demands. The president does not have any influence with members of Congress now, and he isn’t going to have any going forward. I think it’s safe to say he cannot take a leadership role in the looming debt ceiling and budget battles. ‎

**Obama is pushing jobs – thumps CR and the debt ceiling**

Justin **Sink**, political analyst for The Hill, **9-12**-2013, “Obama signals shift back to economic focus”, http://thehill.com/blogs/on-the-money/economy/321793-obama-signals-shift-back-to-focus-on-the-economy

**The White House is signaling it wants to shift back to the economy after** two weeks in which the **Syrian** crisis has dominated President Obama’s schedule and workload. **Obama will be “focusing” on issues related to the economy** in the coming weeks, White House press secretary Jay Carney said Wednesday at his daily briefing. He said **the president wants to push forward with economic policies** that the White House believes will grow the middle class. Obama himself in his prime-time address to the nation Tuesday on Syria said voters wanted him focused on the economy and not on Syria. Public support for a military intervention in Syria is low. “I know Americans want all of us in Washington — especially me **— to concentrate on the task of building our nation here at home: putting people back to work, educating our kids, growing our middle class,”** Obama said. **The president had wanted to use the beginning of September to press forward on his economic policies ahead of fights with Congress on government spending and debt.** **Lawmakers must agree on a continuing resolution to fund the** federal **government by the end of September**, which also marks the end of the fiscal year. **If they fail to do so, the government would shut down**, except for essential services.

#### Energy floor debates pound the DA

Amy Harder 9/12, and Clare Foran, National Journal, "The Energy Debate That Wasn't", 2013, www.nationaljournal.com/daily/the-energy-debate-that-wasn-t-20130912?mrefid=mostViewed

The second day of the Senate's first floor debate on an energy bill in six years was marked by obstruction, opposition, and frustration.¶ Sen. David Vitter, R-La., held firm in his refusal to allow debate to move forward to an energy-efficiency bill until Senate leaders agree on a time to vote on his amendment related to President Obama's health care law. Vitter first interfered with the energy debate Wednesday afternoon, shortly after Senate Majority Leader Harry Reid, D-Nev., moved to the bill in place of the Syria resolution that was put on hold.¶ Vitter's stance put an uncontroversial measure with broad support on a difficult legislative obstacle course.¶ "Senators who have talked about energy policy for years and years now say they want to have their issues that are unrelated to energy advance today, even though they have the potential to undermine this bill," Senate Energy and Natural Resources Chairman Ron Wyden, D-Ore., said on the floor, showing clear frustration. "I don't know how that adds up, if you give a lot of speeches at home about sensible energy policy and then take steps to undermine it."¶ Wyden didn't name any names, but he didn't have to.¶ "Since they were all directed at my activity, I want to respond," said Vitter just moments after Wyden concluded his comments. "I have nothing against this bill, I applaud that work. I did hear a lot this summer—quite frankly, I didn't hear about this bill or any provision of this bill. But I'm not denigrating it."¶ Vitter isn't the only Republican seeking to pivot the debate. Senate Minority Leader Mitch McConnell, R-Ky., also filed an amendment to the energy bill seeking to delay a key part of Obamacare. He spoke about the amendment Thursday morning but didn't mention the energy bill at all.¶ A number of other Republican senators also used floor time to voice opposition to the health care law, including John Barrasso of Wyoming, Dan Coats of Indiana, and Jeff Flake of Arizona.¶ Among the GOP voices, Vitter's was the loudest. Whether senators will actually get to debate energy—even controversial issues like the Keystone XL pipeline and climate-change regulations—now hinges on whether Vitter either backs down from his amendment or comes to an agreement with Senate leaders on another path to vote on it down the road.¶ Even if a deal is reached with Vitter, more obstacles await. Sens. John Hoeven, R-N.D., and Mary Landrieu, D-La., introduced an amendment Thursday that would declare the Keystone pipeline to be in the national interest. A decision on a permit for the controversial project is still pending at the State Department.¶ On another thorny issue, Sens. Joe Donnelly, D-Ind., and Roy Blunt, R-Mo., introduced an amendment that would ban the Environmental Protection Agency from requiring costly carbon-capture and sequestration technology to be used in order to comply with climate-change regulations. The amendment would instead require the EPA to develop technology standards for different fuels and different sources of emissions.¶ Barrasso is also pushing an amendment to block the agency's upcoming climate rules unless they are approved by Congress. The EPA is expected to issue regulations limiting carbon emissions for new power plants very soon.

#### Multiple fights coming – including the farm bill and Syria – thumps the DA

Dreiling 9-16 (Larry, “Congress, primed on Syria, readies for farm bill fight,” High Plains Journal, 2013, <http://www.hpj.com/archives/2013/sep13/sep16/0910FarmBillwrapupLDdbsr.cfm>)

The 113th Congress has resumed its business in Washington following an August “work session.”

Besides debating President Barack Obama’s request for a decision for a military strike against Syria, there’s plenty to look forward to, including debates over government spending, raising the debt limit, immigration reform and a probable Senate confirmation battle over the president’s nominee to be chairman of the Federal Reserve System.

Still, the battle that looms largest for rural America is the debate on a farm bill.

#### Plan gives Obama a high-profile win – without one his agenda is tanked

**Lawrence, 9/17/13 -** national correspondent at National Journal.(Jill, “Obama Says He’s Not Worried About Style Points. He Should Be.” National Journal, <http://www.nationaljournal.com/whitehouse/obama-says-he-s-not-worried-about-style-points-he-should-be-20130917>)

In some ways Obama's fifth year is typical of fifth years, when reelected presidents aim high and often fail. But in some ways it is atypical, notably in the number of failures, setbacks, and incompletes Obama has piled up. Gun control and immigration reform are stalled. Two Obama favorites withdrew their names as potential nominees in the face of congressional opposition – Susan Rice, once a frontrunner for secretary of state, followed by Larry Summers, a top candidate to head the Federal Reserve. Secretary of State John Kerry's possibly offhand remark about Assad giving up his chemical weapons, and Putin's jump into the arena with a diplomatic proposal, saved him from almost certain defeat on Capitol Hill. Edward Snowden set the national security establishment on its heels, then won temporary refuge from … Putin. It's far from clear how that will be resolved.

And that's as true for the budget and debt-limit showdowns ahead.

Some of Obama's troubles are due to the intransigence of House conservatives, and some may be inevitable in a world far less black and white than the one Reagan faced. But the impression of ineffectiveness is the same.

"People don't like it when circumstances are dictating the way in which a president behaves. They want him to be the one in charge," says Dallek, who has written books about nine presidents, including Reagan and Franklin Roosevelt. "It's unfair… On the other hand, that's what goes with the territory. People expect presidents to be in command, and they can't always be in command, and the public is not forgiving."

Obama's job approval numbers remain in the mid-40s. The farther they fall below 50 percent, history suggests, the worse he can expect Democrats to do in the midterm House and Senate elections next year. Obama would likely be in worse trouble with the public, at least in the short term, if he had pushed forward with a military strike in Syria. In fact, a new Pew Research Center poll shows 67 percent approve of Obama's switch to diplomacy. But his journey to that point made him look weak and indecisive.

Indeed, the year's setbacks are accumulating and that is dangerous for Obama.

"At some point people make a collective decision and they don't listen to the president anymore. That's what happened to both Jimmy Carter and George W. Bush," Cannon says. "I don't think Obama has quite gone off the diving board yet in the way that Carter or Bush did … but he's close to the edge. He needs to have some successes and perceptions of success."

#### PC fails

**Koring, 9/16/13** (Paul, The Globe and Mail (Canada), “Obama faces fall clash with Congress;

Despite averting military action in Syria, U.S. President fights plunging approval ratings and feuding Republicans on Capitol Hill” lexis)

The President's handling of Syria has hurt him, according to some. Mr. Obama "seems to be very uncomfortable being commander-in-chief of this nation," said Senator Bob Corker, a Tennessee Republican, adding it left the President "a diminished figure here on Capitol Hill."

Americans strongly opposed military intervention in Syria, but they still want their presidents to command global respect. Mr. Obama's embrace of Russian help on Syria may enhance his image internationally as a conciliator, but, at home, it can be seen as seen as weak - or vacillating. Americans want their presidents to speak softly and carry a big stick, even if they are also weary of overseas wars.

In turn, despite the President's impressive oratory, he may be wearing out his bully pulpit. Powerful speeches have failed, so far - on gun control, budget reform and immigration - and now the President has spent more scarce second-term political capital wooing congressional leaders on Syrian strikes that may never materialize. The mood is ugly on Capitol Hill and it's made worse by warnings that delays and the time spent talking about Syria may cost members the week off they had planned starting Sept 23.

With the President's approval rating plunging - and backing for "Obamacare" slipping below 40 per cent - the right wing of the Republican party is seeking ways to "defund" the ambitious health-care program. The most recent Pew Research Center poll, published last week, put the President's approval at 44 per cent, down 11 points over a year ago.

On Capitol Hill, it's a three-cornered fight, with Mr. Obama facing off against the Republican-dominated House of Representatives, and the Republicans in Congress bitterly divided over whether it's worth pushing the nation over a fiscal cliff to drive a stake into the President's health-care program.

Everyone has an eye on the 2014 elections and frustrations are threatening to boil.

## K

### AT: Security k (2ac)

#### Framework – the k must prove that the whole plan is bad – weighing the AFF is vital to fair and predictable engagement – allowing the neg to negate only small parts doesn’t disprove the desirability of the plan – the ballot should simulate the plans enactment

#### No empirical link between framing and conflict

**Kaufman**, Prof Poli Sci and IR – U Delaware, **‘9**

(Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs only if these factors are harnessed**.** Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. **A virtue of** this **symbolist theory is that symbolist logic explains why** ethnic **peace is more common than ethnonationalist war.** Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

#### Alt fails – cooption – political engagement key

McCormack, 10 [Tara, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 137-138]

In chapter 7 I engaged with the human security framework and some of the problematic implications of ‘emancipatory’ security policy frameworks. In this chapter I argued that the shift away from the pluralist security framework and the elevation of cosmopolitan and emancipatory goals **has served to** **enforce international power inequalities rather than lessen them**. Weak or unstable states are subjected to greater international scrutiny and international institutions and other states have greater freedom to intervene, but the citizens of these states have **no way of controlling or influencing** these international institutions or powerful states. This shift away from the pluralist security framework **has not challenged the status quo**, which may help to explain why major international institutions and states **can easily adopt** a more cosmopolitan rhetoric in their security policies. As we have seen, the shift away from the pluralist security framework has entailed a shift towards a more openly hierarchical international system, in which states are differentiated according to, for example, their ability to provide human security for their citizens or their supposed democratic commitments. In this shift, the old pluralist international norms of (formal) international sovereign equality, non-intervention and ‘blindness’ to the content of a state are overturned. Instead, international institutions and states have more freedom to intervene in weak or unstable states in order to ‘protect’ and emancipate individuals globally. Critical and emancipatory security theorists argue that the goal of the emancipation of the individual means that security must be reconceptualised away from the state. As the domestic sphere is understood to be the sphere of insecurity and disorder, the international sphere represents greater emancipatory possibilities, as Tickner argues, ‘if security is to start with the individual, its ties to state sovereignty must be severed’ (1995: 189). For critical and emancipatory theorists there must be a shift towards a ‘cosmopolitan’ legal framework, for example Mary Kaldor (2001: 10), Martin Shaw (2003: 104) and Andrew Linklater (2005). For critical theorists, one of the fundamental problems with Realism is that it is unrealistic. Because it prioritises order and the existing status quo, Realism attempts to impose a particular security framework onto a complex world, ignoring the myriad threats to people emerging from their own governments and societies. Moreover, traditional international theory serves to obscure power relations and omits a study of why the system is as it is: [O]mitting myriad strands of power amounts to exaggerating the simplicity of the entire political system. Today’s conventional portrait of international politics thus too often ends up looking like a Superman comic strip, whereas it probably should resemble a Jackson Pollock. (Enloe, 2002 [1996]: 189) Yet as I have argued, contemporary critical security theorists seem to show a marked lack of engagement with their problematic (whether the international security context, or the Yugoslav break-up and wars). **Without concrete engagement and analysis**, however, **the critical project is undermined and critical theory becomes nothing more than a request that people behave in a nicer way to each other**. Furthermore, whilst contemporary critical security theorists argue that they present a more realistic image of the world, through exposing power relations, for example, their lack of concrete analysis of the problematic considered **renders them actually unable to engage** with existing power structures and the way in which power is being exercised in the contemporary international system. For critical and emancipatory theorists the central place of the values of the theorist mean that it cannot fulfil its promise to critically engage with contemporary power relations and emancipatory possibilities. Values must be joined with engagement with the material circumstances of the time.

Permutation do the plan and

#### **The plan gives security transformative potential --- alt alone fails and their impact is false**

Nunes, 12 [Reclaiming the political: Emancipation and critique in security studies, João Nunes, Security Dialogue 2012 43: 345,Politics and International Studies, University of Warwick, UK, p. sage publications]

In the works of these authors, one can identify a tendency to see security as inherently connected to exclusion, totalization and even violence. The idea of a ‘logic’ of security is now widely present in the critical security studies literature. Claudia Aradau (2008: 72), for example, writes of an ‘exclusionary logic of security’ underpinning and legitimizing ‘forms of domination’. Rens van Munster (2007: 239) assumes a ‘logic of security’, predicated upon a ‘political organization on the exclusionary basis of fear’. Laura Shepherd (2008: 70) also identifies a liberal and highly problematic ‘organizational logic’ in security. Although there would probably be disagreement over the degree to which this logic is inescapable, it is symptomatic of an overwhelmingly pessimistic outlook that a great number of critical scholars are now making the case for moving away from security. The normative preference for desecuritization has been picked up in attempts to contest, resist and ‘unmake’ security (Aradau, 2004; Huysmans, 2006; Bigo, 2007). For these contributions, security cannot be reconstructed and political transformation can only be brought about when security and its logic are removed from the equation (Aradau, 2008; Van Munster, 2009; Peoples, 2011). This tendency in the literature is problematic for the critique of security in at least three ways. First, it constitutes a blind spot in the effort of politicization. The assumption of an exclusionary, totalizing or violent logic of security can be seen as an essentialization and a moment of closure. To be faithful to itself, the politicization of security would need to recognize that there is nothing natural or necessary about security – and that security as a paradigm of thought or a register of meaning is also a construction that depends upon its reproduction and performance through practice. The exclusionary and violent meanings that have been attached to security are themselves the result of social and historical processes, and can thus be changed. Second, the institution of this apolitical realm runs counter to the purposes of critique by foreclosing an engagement with the different ways in which security may be constructed. As Matt McDonald (2012) has argued, because security means different things for different people, one must always understand it in context. Assuming from the start that security implies the narrowing of choice and the empowerment of an elite forecloses the acknowledgment of security claims that may seek to achieve exactly the opposite: alternative possibilities in an already narrow debate and the contestation of elite power.5 In connection to this, the claims to insecurity put forward by individuals and groups run the risk of being neglected if the desire to be more secure is identified with a compulsion towards totalization, and if aspirations to a life with a degree of predictability are identified with violence. Finally, this tendency blunts critical security studies as a resource for practical politics. By overlooking the possibility of reconsidering security from within – **opting instead for its replacement** with other ideals – the critical field weakens its capacity to confront head-on the exceptionalist connotations that security has acquired in policymaking circles. Critical scholars run the risk of playing into this agenda when they tie security to exclusionary and violent practices, thereby failing to question security actors as they take those views for granted and act as if they were inevitable. Overall, security is just too important – both as a concept and as a political instrument – to be simply abandoned by critical scholars. As McDonald (2012: 163) has put it, If security is politically powerful, is the foundation of political legitimacy for a range of actors, and involves the articulation of our core values and the means of their protection, we cannot afford to allow dominant discourses of security to be confused with the essence of security itself. In sum, the trajectory that critical security studies has taken in recent years has significant limitations. The politicization of security has made extraordinary progress in problematizing predominant security ideas and practices; however, it has paradoxically resulted in a depoliticization of the meaning of security itself. By foreclosing the possibility of alternative notions of security, this imbalanced politicization weakens the analytical capacity of critical security studies, undermines its ability to function as a political resource and runs the risk of being politically counterproductive. Seeking to address these limitations, the next section revisits emancipatory understandings of security.

#### Security isn’t fundamental – the alt causes conservative backlash and threats real

Nunes, 12 [Reclaiming the political: Emancipation and critique in security studies, João Nunes, Security Dialogue 2012 43: 345,Politics and International Studies, University of Warwick, UK, p. sage publications]

Conclusion This article advanced three main arguments. First, the commitment to politicization that constitutes the cornerstone of critical security studies has been detrimentally affected by a tendency to conceive security as having an undesirable logic. This happens at a time when critique is blunted by the proliferation of the ‘critical’ label and by the successes of critical security studies in highlighting the problems with predominant ways of thinking and doing security. Next, it was argued that security as emancipation can potentially provide a platform **for reclaiming** **the political** in critical security studies. By taking insecurity as its starting point, by conceiving theory as a form of praxis and by mobilizing immanent critique, this approach promises to address the current blind spots of politicization. Finally, the article provided a revision of security as emancipation that addresses the shortcomings of the versions provided by Booth and Wyn Jones. Two themes are central to this revised version: recognition of the political relations and structures underpinning the reality of security, and engagement with the multifaceted nature of power as determination of action, government and domination. This article has suggested that a re-engagement with – as well as reconsideration of – security as emancipation is crucial for addressing the current impasse in critical security studies. As in previous moments in the development of this field, there is much to gain from dialogue between approaches. However, this discussion also suggests that it is perhaps time to abandon the idea of a division of labour between the deconstructive and reconstructive sides of critical security studies. This was at the heart of the Copenhagen School’s reluctance to consider at length the transformative potential of its work.14 It was also accepted by Booth, for whom deconstructing security is runs the risk of becoming a conservative stance that diverts attention from the ‘real’ condition of insecurity. In contrast with this division of labour, this article has begun to show the fruitfulness of a cumulative vision of critique. Indeed, the reconsideration of security as emancipation proposed here points towards a notion of critique that is committed to deconstruction but also unashamedly reconstructive. It brings together insights that for too long have been kept apart in the critical literature, and introduces other insights that so far have been insufficiently considered: that security has no fundamental logic; that a detailed analysis of its assumptions and effects can be achieved by problematizing its reality and by working with a broad notion of power; that one can make judgments about the desirability of security arrangements by considering structures and relations of vulnerability and disadvantage; and that, on the basis of this, it is possible to identify potential for transformation and devise strategies to achieve it. The conjunction of these insights can help realize the promise of the critical security literature and provide critique with a renewed strength and sense of purpose.

### AT: Mack

#### Threats aren’t psychological projections and the alt fails

Hoffman, 86 [Stanley, Center for European Studies at Harvard,  “On the Political Psychology of Peace and War: A Critique and an Agenda,” Political Psychology 7.1 JSTOR]

The traditionalists, even when, in their own work, they try scrupulous-ly to transcend national prejudices and to seek scientific truth, believe that it is unrealistic to expect statesmen to stand above the fray: By definition, the statesmen are there to worry not only about planetary survival, but — first of all—about national survival and safety. To be sure, they ought to be able to see how certain policies, aimed at enhancing security, actually increase in-security all around. But there are sharp limits to how far they can go in their mutual empathy or in their acts (unlike intellectuals in their advice), as long as the states' antagonisms persist, as long as uncertainty about each other's intentions prevails, and as long as there is reason to fear that one side's wise restraint, or unilateral moves toward "sanity," will be met, not by the rival's similar restraint or moves, but either by swift or skillful political or military exploitation of the opportunity created for unilateral gain, or by a for-midable domestic backlash if national self-restraint appears to result in ex-ternal losses, humiliations or perceptions of weakness. There is little point in saying that the state of affairs which imposes such limits is "anachronistic" or "unrational." To traditionalists, the radicals' stance — condemnation from the top of Mount Olympus — can only impede understanding of the limits and possibilities of reform. To be sure, the fragmentation of mankind is a formidable obstacle to the solution of many problems that cannot be handled well in a national framework, and a deadly peril insofar as the use of force, the very distinctive feature of world politics, now entails the risk of nuclear war. But one can hardly call anachronistic a phenomenon—the assertion of national identity — that, to the bulk of [HU]mankind, appears not only as a necessity but also as a positive good, since humanity's fragmentation results from the very aspiration to self-determination. Many people have only recently emerged from foreign mastery, and have reason to fear that the alternative to national self-mastery is not a world government of assured fairness and efficiency, but alien domination. As for "unrationality," the drama lies in the contrast between the ra-tionality of the whole, which scholars are concerned about—the greatest good of the greatest number, in utilitarian terms — and the rationality or greatest good of the part, which is what statesmen worry about and are responsible for. What the radicals denounce as irrational and irresponsible from the viewpoint of mankind is what Weber called the statesman's ethic of responsibility. What keeps ordinary "competitive conflict processes" (Deutsch, 1983)— the very stuff of society — from becoming "unrational" or destructive, isprecisely what the nature of world politics excludes: the restraint of the partners either because of the ties of affection or responsibility that mitigate the conflict, or because of the existence of an outsider — marriage counselor, arbitrator, judge, policeman or legislator— capable of inducing or imposing restraints. Here we come to a third point of difference. The very absence of such safeguards of rationality, the obvious discrepancy between what each part intends, and what it (and the whole world) ends with, the crudeness of some of the psychological mechanisms at work in international affairs—as one can see from the statements of leaders, or from the media, or from inflamed publics—have led many radicals, especially among those whose training or profession is in psychoanalysis or mental health, to treat the age-old contests of states in terms, not of the psychology of politics, but of individual psychology and pathology. There are two manifestations of this. One is the tendency to look at nations or states as individuals writ large, stuck at an early stage of development (similarly, John Mack (1985) in a recent paper talks of political ideologies as carrying "forward the dichotomized structures of childhood"). One of my predecessors writes about "the correspondence between development of the individual self and that of the group or nation," and concludes "that intergroup or international conflict contains the basic elements of the conflict each individual experiences psychologically" (Volkan, 1985). Robert Holt, from the viewpoint of cognitive psychology, finds "the largest part of the American public" immature, in a "phase of development below the Conscientious" (Holt, 1984). The second related aspect is the tendency to look at the notions statesmen or publics have of "the enemy," not only as residues of childhood or adolescent phases of development, but as images that express "disavowed aspects of the self" (Stein, 1985), reveal truths about our own fears and hatreds, and amount to masks we put on the "enemy," because of our own psychological needs. Here is where the clash between traditionalists and radicals is strongest. Traditionalists do not accept a view of group life derived from the study of individual development or family relations, or a view of modern society derived from the simplistic Freudian model of regressed followers identifying with a leader. They don't see in ideologies just irra-tional constructs, but often rationally selected maps allowing individuals to cope with reality. They don't see national identification as pathological, as an appeal to the people's baser instincts, more aggressive impulses or un-sophisticated mental defenses; it is, as Jean-Jacques Rousseau so well understood, the competition of sovereign states that frequently pushes people from "sane" patriotism to "insane" nationalism (Rousseau's way of preventing the former from veering into the latter was, to say the least, im-practical: to remain poor in isolation). Nor do they see anything "primitive" in the nation's concern for survival: It is a moral and structural requirement. Traditionalists also believe that the "intra-psychic" approach distorts reality. Enemies are not mere projections of negative identities; they are often quite real. To be sure, the Nazis' view of the Jews fits the metaphor of the mask put on the enemy for one's own needs. But were, in return, those Jews who understood what enemies they had in the Nazis, doing the same? Is the Soviet domination of Eastern Europe, is the Soviet regime's treatment of dissidents, was the Gulag merely a convenient projection of our intrapsychic battles? Clichés such as the one about how our enemy "understands only force" may tell us a great deal about ourselves; but sometimes they contain half-truths about him, and not just revelations about us. Our fears flow not only from our private fantasies but also from concrete realities and from the fantasies which the international state of nature generates. In other words, the psychology of politics which traditionalists deem adequate is not derived from theories of psychic development and health; it is derived from the logic of the international milieu, which breeds the kind of vocabulary found in the historians and theorists of the state of nature: fear and power, pride and honor, survival and security, self-interest and reputation, distrust and misunderstanding, commitment and credibility. It is also derived from the social psychology of small or large groups, which resorts to the standard psychological vocabulary that describes mental mechanisms or maneuvers and cognitive processes: denial, projection, guilt, repression, closure, rigidity, etc.... But using this vocabulary does not imply that a group whose style of politics is paranoid is therefore composed of people who, as private individuals, are paranoid. Nor does it relieve us of the duty to look at the objective reasons and functions of these mental moves, and of the duty to make explicit our assumptions about what constitutes a "healthy," wise, or proper social process. Altogether, traditionalists find the mental health approach to world affairs unhelpful. Decisions about war and peace are usually taken by small groups of people; the temptation of analyzing their behavior either, literal-ly, in terms of their personalities, or, metaphysically, in terms borrowed from the study of human development, rather than in those of group dynamics or principles of international politics is understandable. But it is misleading. What is pathological in couples, or in a well-ordered community, is, alas, frequent, indeed normal, among states, or in a troubled state. What is malignant or crazy is usually not the actors or the social process in which they are engaged: it is the possible results. The grammar of motives which the mental health approach brands as primitive or immature is actually rational for the actors. to the substitution of labels for explanations, to bad analysis and fanciful prescriptions. Bad analysis: the tendency to see in group coherence a regressive response to a threat, whereas it often is a rational response to the "existential" threats entailed by the very nature of the international milieu. Or the tendency to see in the effacement or minimization of individual differences in a group a release of unconscious instincts, rather than a phenomenon that can be perfectly adaptive—in response to stress or threats—or result from governmental manipulation or originate in the code of conduct inculcated by the educational system, etc.. . The habit of comparing the state, or modern society, with the Church or the army, and to analyze human relations in these institutions in ways that stress the libidinal more than the cognitive and superego factors, or equate libidinal bonds and the desire for a leader. The view that enemies are above all products of mental drives, rather than inevitable concomitants of social strife at every level. Or the view that the contest with the rival fulfills inter-nal needs, which may be true, but requires careful examination of the nature of these needs (psychological? bureaucratic? economic?), obscures the objective reasons of the contest, and risks confusing cause and function. Indeed, such analysis is particularly misleading in dealing with the pre-sent scene. The radicals are so (justifiably) concerned with the nuclear peril that the traditional ways in which statesmen and publics behave seem to vindicate the pathological approach. But this, in turn, incites radicals to overlook the fundamental ambiguity of contemporary world politics. On the one hand, there is a nuclear revolution—the capacity for total destruction. On the other hand, many states, without nuclear weapons, find that the use of force remains rational (in terms of a rationality of means) and beneficial at home or abroad—ask the Vietnamese, or the Egyptians after October 1973, or Mrs. Thatcher after the Falklands, or Ronald Reagan after Grenada. The superpowers themselves, whose contest has not been abolished by the nuclear revolution (it is the stakes, the costs of failure that have, of course, been transformed), find that much of their rivalry can be conducted in traditional ways — including limited uses of force —below the level of nuclear alarm. They also find that nuclear weapons, while—perhapsunusable rationally, can usefully strengthen the very process that has been so faulty in the prenuclear ages: deterrence (this is one of the reasons for nuclear proliferation). The pathological approach interprets deterrence as expressing the deterrer's belief that his country is good, the enemy's is bad. This is often the case, but it need not be; it can also reflect the conviction that one's country has interests that are not mere figments of the imagination, and need to be protected both because of the material costs of losing them, and because of the values embedded in them. As for war planning, it is not a case of "psychological denial of unwelcome reality" (Montville, 1985). but a — perhaps futile, perhaps dangerous—necessity in a world where deterrence may once more fail. The prescriptions that result from the radicals' psychological approach also run into traditionalist objections. Even if one accepts the metaphors of collective disease or pathology, one must understand that the "cure" can only be provided by politics. All too often, the radicals' cures consist of perfectly sensible recommendations for lowering tensions, but fail to tell us how to get them carried out —they only tell us how much better the world would be, if only "such rules could be established" (Deutsch, 1983). Sometimes, they express generous aspirations — for common or mutual security—without much awareness of the obstacles which conflict-ing interests, fears about allies or clients, and the nature of the weapons themselves, continue to erect. Sometimes, they too neglect the ambiguity of life in a nuclear world: The much lamented redundancy of weapons, a calamity if nuclear deterrence fails, can also be a cushion against failure. Finally, many of the remedies offered are based on an admirable liberal model of personality and politics: the ideal of the mature, well-adjusted, open-minded person (produced by liberal education and healthy family relations) transposed on the political level, and thus accompanied by the triumph of democracy in the community, by the elimination of militarism and the spread of functional cooperation abroad. But three obstacles remain unconquered: first, a major part of the world rejects this ideal and keeps itself closed to it (many of the radicals seem to deny it, or to ignore it, or to believe it doesn't matter). Second, the record shows that real democracies, in their behavior toward non-democratic or less "advanced" societies, do not conform to the happy model (think of the US in Central America). Third, the task of reform, both of the publics and of the statesmen, through consciousness raising and education is hopelessly huge, incapable of being pursued equally in all the important states, and — indeed — too slow if one accepts the idea of a mortal nuclear peril. These, then, are the dimensions of a split that should not be minimized or denied

### AT: Epistemology

#### Vote aff despite prior questions—impact timeframe means you gotta act on the best info available

Kratochwil, professor of international relations – European University Institute, 2008 (Friedrich, “The Puzzles of Politics,” pg. 200-213)

The lesson seems clear. Even at the danger of “fuzzy boundaries”, when we deal with “practice” ( just as with the “pragmatic turn”), we would be well advised to rely on the use of the term rather than on its reference (pointing to some property of the object under study), in order to draw the bounds of sense and understand the meaning of the concept. My argument for the fruitful character of a pragmatic approach in IR, therefore, does not depend on a comprehensive mapping of the varieties of research in this area, nor on an arbitrary appropriation or exegesis of any specific and self-absorbed theoretical orientation. For this reason, in what follows, I will not provide a rigidly specified definition, nor will I refer exclusively to some prepackaged theoretical approach. Instead, I will sketch out the reasons for which a pragmatic orientation in social analysis seems to hold particular promise. These reasons pertain both to the more general area of knowledge appropriate for praxis and to the more specific types of investigation in the field. The follow- ing ten points are – without a claim to completeness – intended to engender some critical reflection on both areas. Firstly, a pragmatic approach does not begin with objects or “things” (ontology), or with reason and method (epistemology), but with “acting” (prattein), thereby preventing some false starts. Since, **as historical beings placed in a** specific situations**, we do not have the luxury** of deferring decisions **until we have** found the “truth”, **we have to act and must do so always under time pressures and in the face of incomplete information.** Pre- cisely because the social world is characterised by strategic interactions, what a situation “is”, is hardly ever clear ex ante, because it is being “produced” by the actors and their interactions, and the multiple possibilities are rife with incentives for (dis)information. This puts a premium on quick diagnostic and cognitive shortcuts informing actors about the relevant features of the situ- ation, and on leaving an alternative open (“plan B”) in case of unexpected difficulties. Instead of relying on certainty and universal validity gained through abstraction and controlled experiments, we know that completeness and attentiveness to detail, rather than to generality, matter. To that extent, likening practical choices to simple “discoveries” of an already independently existing “reality” which discloses itself to an “observer” – or relying on optimal strategies – is somewhat heroic. These points have been made vividly by “realists” such as Clausewitz in his controversy with von Bülow, in which he criticised the latter’s obsession with a strategic “science” (Paret et al. 1986). While Clausewitz has become an icon for realists, only a few of them (usually dubbed “old” realists) have taken seriously his warnings against the misplaced belief in the reliability and use- fulness of a “scientific” study of strategy. Instead, most of them, especially “neorealists” of various stripes, have embraced the “theory”-building based on the epistemological project as the via regia to the creation of knowledge. A pragmatist orientation would most certainly not endorse such a position. Secondly, since acting in the social world often involves acting “for” someone, special responsibilities arise that aggravate both the incompleteness of knowledge as well as its generality problem. Since we owe special care to those entrusted to us, for example, as teachers, doctors or lawyers, we cannot just rely on what is generally true, but have to pay special attention to the particular case. Aside from avoiding the foreclosure of options, we cannot refuse to act on the basis of incomplete information or insufficient know- ledge, and the necessary diagnostic will involve typification and comparison, reasoning by analogy rather than generalization or deduction. Leaving out the particularities of a case, be it a legal or medical one, in a mistaken effort to become “scientific” would be a fatal flaw. Moreover, **there still remains the crucial element of “timing” –** of knowing when to act. Students of crises have always pointed out the importance of this factor but, in attempts at building a general “theory” of international politics analogously to the natural sci- ences, such elements are neglected on the basis of the “continuity of nature” and the “large number” assumptions. Besides, “timing” seems to be quite recalcitrant to analytical treatment.

### condo

#### Conditionality is a voting issue for deterrence – straightjackets the 2ac by forcing illogical argumentative interactions, undermines the depth of education and kills advocacy skills –

#### Counter interpretation no conditionality but a rigorous focus on pre round research

### add on

#### 1ac Dowd says unrestricted spread of drones precipitates Russian conflict over Chechnya to clamp down on separatism

#### Nuclear war

**Blank, 01** (Stephen, Demokratizatsiya, “Russia's Ulster: The Chechen War and its consequences”, Winter, http://findarticles.com/p/articles/mi\_qa3996/is\_200101/ai\_n8951462/pg\_10)

Russian military officials and analysts also told me in June 1999 that NATO's Kosovo campaign led doctrine writers to include provisions for deploying tactical nuclear weapons in unspecified conventional threat scenarios.62 In December 1999, Moscow confirmed this when the commander in chief of the Strategic Nuclear Forces, General Vladimir Yakovlev, admitted that Moscow had to lower the threshold of conflict wherein it might launch a first-strike nuclear attack because it could not otherwise defend against local wars and conflicts, a category that could be stretched to include Chechnya.63 The security concept reiterated his statements, overtly expressing Russia's strategy of deterrence and nuclear warfighting for limited and unlimited nuclear war.64 Other authoritative statements by Deputy Defense Minister Vladimir Mikhailov confirm the trend toward nuclear warfighting for limited and unlimited nuclear war scenarios and announce Moscow's belief that it can control such situations despite forty years of Soviet argument that no such control was feasible.65 Indeed, the national security concept openly advocated limited nuclear war.66

# 1AR

### AT: Environment Impact

#### Zero chance of environmental collapse—if it’s true then it’s clearly non unique

**Easterbrook 95** – senior editor of The New Republic, fellow at Brookings, editor of The Washington Monthly, distinguished fellow of the Fulbright Foundation (Gregg, A Moment on Earth, p. 25)

IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. The environment that contains them is close to indestructible. The living environment of Earth has survived ice ages; bombardments of cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the planet's magnetic poles; the **rearrangement of continents**; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; 300-foot vacillations in sea levels; shortening and lengthening of the seasons caused by shifts in the planetary axis; collisions of asteroids and comets bearing far more force than man's nuclear arsenals; and the years without summer that followed these impacts. Yet hearts beat on, and petals unfold still. Were the environment fragile it would have expired many **eons before** the advent of the industrial affronts of the dreaming ape.Human assaults on the environment, though mischievous, are **pinpricks compared to forces of the magnitude** nature is accustomed to resisting.

### 1ar fw stuff

Dropped a fairness DA—prereq to education as well as contestation against a prepared opponent which is key to make critical education effective—no offense because our framework doesn’t require the alt to be a counterplan, it just requires that the IMPLICATION of the K be that the plan is a bad idea—if they don’t win that, we have impact turned the alt

Policy simulation good—we’ll win substantive offense—most of these arguments are transferable to the alt because they assume policy solutions will magically appear if we question the 1ac enough—not the case

--Donahue says high stakes simulations are key because they train students to cope with info overload and creative problem solving—the explicit goal of a policy solution makes us better advocates

--Kartochwil says prior questions don’t assume decisions with limited timeframe—drone court is the best middle ground because it requires deliberation but doesn’t wallow in prior questions—doing so means you get overwhelmed in a crisis

--Farrar is a solid defense of war powers education—legal solutions are key to that—prefer it because it’s the only way to speak with a credible voice on the subject

#### “Academic critic” alt leads to parochialism and changes nothing

**Gitlin 5** (Todd Gitlin formerly served as professor of sociology and director of the mass communications program at the University of California, Berkeley, and then a professor of culture, journalism and sociology at New York University. He is now a professor of journalism and sociology and chair of the Ph.D. program in Communications at Columbia University.  “The Intellectuals and the Flag”, <http://www.ciaonet.org.proxy2.cl.msu.edu/book/git01/git01_04.pdf>

Yet the audacious adepts of “theory” constitute themselves the equivalent of a vanguard party—laying out propositions to be admired for their audacity rather than their truth, defending themselves when necessary as victims of stodgy and parochial old-think, priding themselves on their cosmopolitan majesty. “Theory” dresses critical thought in a language that, for all its impenetrability, certifies that intellectuals are central and indispensable to the ideological and political future. The far right might be firmly in charge of Washington, but Foucault (and his rivals) rules the seminars. At a time of political rollback, intellectual flights feel like righteous and thrilling consolations. Masters of “theory,” left to themselves, could choose among three ways of understanding their political role. They could choose the more-or-less Leninist route, flattering themselves that they are in the process of reaching correct formulations and hence (eventually) bringing true consciousness to benighted souls who suffer from its absence. They could choose the populist path, getting themselves off the political hook in the here and now by theorizing that potent forces will **some day,** willy-nilly, gather to upend the system. Or they could reconcile themselves to Frankfurt-style futilitarianism, conceding that history has run into a cul-de-sac and making do nevertheless. In any event, practitioners of “theory” could carry on with their lives, practicing politics by publishing without perishing, indeed, without having to set foot outside the precincts of the academy. As the revolutionary tide has gone out, a vanguard marooned without a rearguard has made the university into an asylum. As many founders and masters of “theory” pass from the scene, the genre has calcified, lost much of its verve, but in the academy verve is no prerequisite for institutional weight, and so the preoccupation and the style go on and on.

#### Causes endless paradigm wars

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

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

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

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

#### Epistemological debate is irrelevant - concrete action is inevitable - they fail to create useful knowledge

**Friedrichs, 09** [Jorg, University Lecturer in Politics at the Oxford Department of International Development, “From Positivist Pretense to Pragmatic Practice Varieties of Pragmatic Methodology in IR Scholarship” Pragmatism and International Relations]

As Friedrich Nietzsche ([1887] 1994:1; cf. Wilson 2002) knew, the knower isstrangely unknown to himself. In fact, it is much morehazardous to contemplate theway how we gain knowledge than to gain such knowledge in the ﬁrst place. This is not to deny that intellectuals are a narcissistic Kratochwil lot, with a penchant for omphaloskepsis. The typical result of their navel-gazing, however, is not increased self-awareness. Scholars are more likely to come up with ex-post-facto rationalizations of how they would like to see their activity than with accurate descriptions of how they go about business. As a result, in science there is a paradoxical divide between positivist pretenseand pragmatic practice. Many prominent scholars proceed pragmatically in gen-erating their knowledge, only to vest it all in a positivist cloak when it comes topresenting results. In the wake of Karl Popper (1963), fantasies about ingeniousconjectures and inexorable refutations continue to hold sway despite the muchmore prosaic way most scholars grope around in the formulation of their theo-ries, and the much less rigorous way they assess the value of their hypotheses. In proposing pragmatism as a more realistic alternative to positivist idealiza-tions, I am not concerned with the original intentions of Charles Peirce. Theseare discussed and enhanced by Ryto¨ vuori-Apunen (this forum). Instead, Ipresent various attempts to make pragmatism work as a methodology for IR scholarship. This includes my own preferred methodology, the pragmaticresearch strategy of abduction. As Fritz Kratochwil and I argue elsewhere, abduction should be at the center of our efforts, while deduction and induction areimportant but auxiliary tools (Friedrichs and 2009).Of course, one does not need to be a pragmatist to proceed in a pragmatic way. Precisely because it is derived from practice, pragmatic commonsense is a sold as the hills. For example, James Rosenau (1988:164) declared many yearsago that he coveted ‘‘a long-held conviction that one advances knowledge most effectively by continuously moving back and forth between very abstract and very empirical levels of inquiry, allowing the insights of the former to exert pressurefor the latter even as the ﬁndings of the latter, in turn, exert pressure for the for-mer, thus sustaining an endless cycle in which theory and research feed on eachother.’’ This was shortly before Rosenau’s turn to postmodernism, while he wasstill touting the virtues of behaviorism and standard scientiﬁc requisites, such asindependent and dependent variables and theory testing. But if we take his state-ment at face value, it appears that Rosenau-the-positivist was guided by a sort of pragmatism for all but the name. While such practical commonsense is certainly valuable, in and by itself, it does not qualify as scientiﬁc methodology. Science requires a higher degree of methodological awareness. For this reason, I am not interested here in pragma-tism as unspoken commonsense, or as a pretext for doing empirical researchunencumbered by theoretical and methodological considerations. Nor am I con-cerned with pragmatism as an excuse for staging yet another epistemological debate. Instead, I am interested in pragmatism as an instrument to go about research with an appropriate degree of epistemological and methodologicalawareness. Taking this criterion as my yardstick, the following three varieties of pragmatist methodology in recent IR scholarship are worth mentioning: theory synthesis, analytic eclecticism (AE), and abduction.Theory synthesis is proposed by Andrew Moravcsik (2003), who claims that theories can be combined as long as they are compatible at some unspeciﬁedfundamental level, and that data will help to identify the right combination of theories. He does not explicitly invoke pragmatism but vests his pleading in apositivist cloak by using the language of theory testing. When looking closer,however, it becomes apparent that his theoretical and methodological noncha-lance is far more pragmatic than what his positivist rhetoric suggests. Moravcsiksees himself in good company, dropping the following names: Robert Keohane,Stephen Walt, Jack Snyder, Stephen Van Evera, Bary Buzan, Bruce Russett, John O’Neal, Martha Finnemore, and Kathryn Sikkink. With the partial excep-tion of Finnemore, however, none of these scholars explicitly links his or herscholarship to pragmatism. They employ pragmatic commonsense in theirresearch, but devoutly ignore pragmatism as a philosophical and methodologicalposition. As a result, it is fair to say that theory synthesis is only on a slightly higher level of intellectual awareness than Rosenau’s statement quoted above. Analytic eclecticism, as advertized by Peter Katzenstein and Rudra Sil, links acommonsensical approach to empirical research with a more explicit commit-ment to pragmatism (Sil and Katzenstein 2005; Katzenstein and Sil 2008).The 7 Even the dean of critical rationalism, Karl Popper, is ‘‘guilty’’ of lapses into pragmatism, for example when hestates that scientists, like hungry animals, classify objects according to needs and interests, although with the impor-tant difference that they are guided in their quest for ﬁnding regularities not so much by the stomach but ratherby empirical problems and epistemic interests (Popper 1963:61–62). 646 Pragmatism and International Relations idea is to combine existing research traditions in a pragmatic fashion and thusto enable the formulation and exploration of novel and more complex sets of problems. The constituent elements of different research traditions are trans-lated into mutually compatible vocabularies and then recombined in novel ways.This implies that most scholars must continue the laborious process of formulat-ing parochial research traditions so that a few cosmopolitan colleagues will beenabled to draw upon their work and construct syncretistic collages. 8 In additionto themselves, Katzenstein and Sil cite a number of like-minded scholars such asCharles Tilly, Sidney Tarrow, Paul Pierson, and Robert Jervis. 9 The ascription isprobably correct given the highly analytical and eclectic approach of these schol-ars. Nevertheless, apart from Katzenstein and Sil themselves none of these schol-ars has explicitly avowed himself to AE.My preferred research strategy is abduction, which is epistemologically asself-aware as AE but minimizes the dependence on existing research traditions.The typical situation for abduction is when we, both in everyday life and as socialscientists, become aware of a certain class of phenomena that interests us for somereason, but for which we lack applicable theories. We simply trust, although we donot know for certain, that the observed class of phenomena is not random. Wetherefore start collecting pertinent observations and, at the same time, applyingconcepts from existing ﬁelds of our knowledge. Instead of trying to impose anabstract theoretical template (deduction) or ‘‘simply’’ inferring propositions fromfacts (induction), we start reasoning at an intermediate level (abduction). Abduction follows the predicament that science is, or should be, above all amore conscious and systematic version of the way by which humans have learnedto solve problems and generate knowledge in their everyday lives. As it iscurrently practiced, science is often a poor emulator of what we are able toachieve in practice. This is unfortunate because human practice is the ultimatemiracle. In our own practice, most of us manage to deal with many challenging situations. The way we accomplish this is completely different from**,** and far moreefﬁcient than, the way knowledge is generated according to standard scientiﬁc methods. If it is true that in our own practice we proceed not so much by induction or deduction but rather by abduction, then science would do well tomimic this at least in some respects. 10 Abduction has been invoked by numerous scholars, including Alexander Wendt, John Ruggie, Jeffrey Checkel, Martin Shapiro, Alec Stone Sweet, andMartha Finnemore. While they all use the term abduction, none has ever thor-oughly speciﬁed its meaning. To make up for this omission, I have developedabduction into an explicit methodology and applied it in my own research oninternational police cooperation (Friedrichs 2008). Unfortunately, it is impossi-ble to go into further detail here. Readers interested in abduction as a way toadvance international research and methodology can also be referred to my recent article with Fritz Kratochwil (Friedrichs and Kratochwil 2009).On a ﬁnal note, we should be careful not to erect pragmatism as the ultimateepistemological fantasy to caress the vanity of Nietzschean knowers unknown tothemselves, namely that they are ingeniously ‘‘sorting out’’ problematic situa-tions. Scientiﬁc inquiry is not simply an intimate encounter between a researchproblem and a problem solver. It is a social activity taking place in communitiesof practice (Wenger 1998). Pragmatism must be neither reduced to the utility of results regardless of their social presuppositions and meaning, nor to the 8 Pace Rudra Sil (this forum), the whole point about eclecticism is that you rely on existing traditions to blendthem into something new. There is no eclecticism without something to be eclectic about. 9 One may further expand the list by including the international society approach of the English school (Ma-kinda 2000), as well as the early Kenneth Waltz (1959). 10 Precisely for this reason, abduction understood as ‘Inference to the Best Explanation’ plays a crucial role inthe ﬁeld of Artiﬁcial Intelligence. 647 The Forum fabrication of consensus among scientists. Pragmatism as the practice of dis-cursive communities and pragmatism as a device for the generation of useful knowledge are two sides of the same coin

### threatcon

#### Threatcon is completely backwards—risk we under-react is far greater

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian,Terror in the Balance: Security, Liberty, and the Courts p. 65)

While, as we have noted, there is psychological research suggesting that normal cognition partly shuts down in response to an immediate threat, we are aware of no research suggesting that people who feel anxious about a medium-term or long-term threat are incapable of thinking, or thinking properly, or that they systematically overweight the threat relative to other values. Indeed, it would be surprising to find research that clearly distinguished “anxious thinking” and “calm thinking,” given that anxiety is a pervasive aspect of life. People are anxious about their children, about their health, about their job prospects, about their vacation arrangements, about walking home at night.16 So it is hard to see why anxiety about more remote threats, from terrorists or unfriendly countries with nuclear weapons, should cause the public or elected officials to place more emphasis on security than is justified and to sacrifice civil liberties unnecessarily. Quite the contrary, a standard view is that people ignore low-probability risks and that elected officials with short time horizons ignore remote ones; on this account, government will probably do too little to prevent terrorist threats, not too much.

#### Fear is totally justified—no link to irrational behavior

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian,Terror in the Balance: Security, Liberty, and the Courts p. 63)

The motivational benefit of fear for individuals is that it enables a rapid response to a possible threat that, if real, would not give individuals time to deliberate about available options. To the drafter of a rule that constrains the curtailment of civil liberties, or to the judge who seeks to enforce that rule or the general civil libertarian position, the decisionmaker always has a powerful argument: “your rational assessments—even if they are not clouded by your remoteness from the current emergency—may have resulted from a kind of clear thinking but are fatally compromised by your motivational remoteness. If you did not feel fear, then you cannot have put in the necessary effort to make the right decision.” Fear compels people to devote resources to solving a problem that for a dispassionate and uninvolved person may be interesting but not compelling. In this way, fear motivates not only action but deliberation. Having perceived a threat, and felt fear, people will work hard to think of ways to address it. They are more likely to discard old assumptions and complacent ways of thinking and to address problems with new vigor.

The second, complex view of fear does not deny the insights of the first view; it incorporates them into a more nuanced account. Fear will produce choices that are different from those that will be made by a person who does not feel fear, but these choices may be better or worse, depending on the context. The argument here mirrors an increasingly influential psychological and philosophical literature on the passions, a literature that stresses the constructive role of the passions in judgment.11 “Emotions provide the animal [including the human] with a sense of how the world relates to its own set of goals and projects. Without that sense, decisionmaking and action are derailed.”12 Disgust involves a form of magical thinking that causes people to avoid objects or persons who are harmless, but it also reflects moral judgments and motivates the condemnation of morally offensive behavior.13 Anger can magnify slights and provoke unreasoned violence, but it is also a response to an offense against one’s dignity or person and can motivate legitimate protest.14 The passions do not always inhibit reason; they also inform reason and provide the motivation for necessary action.

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

### AT: Chernus

#### Your psycho-analytic understanding is pop psychology – it presents little actual evidence for the existence of the psychological condition and it over-simplifies nuclear attachment as social fantasy.

Summers 91, Ph.D. Department of Psychology,. Mount Allison University. (Craig, Nuclear Texts & Contexts Spring No. 6)

The only evidence for numbing in the book is Lifton’s observations of victims in Hiroshima, which are then linked to potential victims of the contemporary nuclear threat. Lifton himself recently associated the thought processes in perpetrating Nazi mass killing, and in contemporary “perpetrators” of the nuclear threat, which would have been very relevant to reference here (Lifton and Markusen, 1990). The tendency throughout Nuclear Madness is to increasingly leave the initial evidence and begin describing events as schizophrenic, neurotic or mad. The mental health metaphors in Nuclear Madness are rooted in pre-1950s psychoanalysis. (Even continual reference to “The bomb” rather than “smart missiles,” for example, is outdated.) Chernus states Psychologists may identify nuclear weapons with interpersonal hostility, dominance needs, repressed rage, or magical defenses against insecurity. Freudians will find a mapping of infantile omnipotence desires. Jungians will find archetypal patterns of all sorts. Theologians will consider the bomb a mapped replication of our traditional image of God. But all will attest the existence of social fantasy. (p. 32. Infantile omnipotence desires? All will attest to the existence of social fantasy? **Nuclear Madness does**, but it **is** surely **a step backwards** for any reader attempting to learn something of explanations in contemporary political psychology. In relying on clinical metaphors from over forty years ago, Chernus has tied his philosophy to a clinical approach with little actual evidence, and which is generally no longer accepted. Psychic numbing and mental illness could be used successfully if not treated as just a metaphorical explanation for nuclear irrationality. This is a difference between Lifton’s (1967) actual psychiatric observations and Chernus’s numbing metaphor. But Nuclear Madness dwells on descriptive images and similes, not actually pursuing responses to the nuclear threat using either side of psychology: (a) the experimental and observational bases, which have been extensively documented, or (b) clinical psychopathology, which would be worth seriously pursuing. One could propose very real psychiatric grounds for the suicidal nature of being a passive bystander or having vested interests in the nuclear arms race (see Charny, 1986). Masking, numbing, rationalizing, or however ignoring the potential for nuclear omnicide is a psychological process that poses a very real threat to human life, and may thus fit the criteria for inclusion as a pathological disorder in the Diagnostic and Statistical Manual of Mental Disorders III (American Psychiatric Association, 1987). People with different political agendas could make completely different conclusions using the material in Nuclear Madness. It is also the case that completely different premises and images could be used to arrive at the same conclusions. A discussion of sexual and pornographic images of the nuclear threat in Rosenbaum (1978) is equally metaphorical. It is descriptive, but not explanatory. Perhaps no real explanation is necessary in Nuclear Madness, though, or even any conclusions on religious thinking or psychological processes. Chernus’s description of “the bomb” as “a symbol of neurotic ambivalence” (p. 67; also 56, 61) is almost just an abstract, artistic image. This would be okay if presented this way in the introduction. As it is, though, we are misled from the title on into thinking that this book will provide an understanding of psychological perceptions and responses to the nuclear threat.

### AT: Mack

#### Psychoanalysis is reductive and ignores difference

--means not root cause, their theory is not predictive and we should look at different places (culture, biology, sociology, etc.) to determine policy

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Matthew and Geoff, Žižek and Politics: An Introduction, p. 231 – 233

We realise that this argument, which we propose as a new ‘quilting’ framework to explain Žižek’s theoretical oscillations and political prescriptions, raises some large issues of its own. While this is not the place to further that discussion, we think its analytic force leads into a much wider critique of ‘Theory’ in parts of the latertwentieth- century academy, which emerged following the ‘cultural turn’ of the 1960s and 1970s in the wake of the collapse of Marxism. Žižek’s paradigm to try to generate all his theory of culture, subjectivity, ideology, politics and religion is psychoanalysis. But a similar criticism would apply, for instance, to theorists who feel that the method Jacques Derrida developed for criticising philosophical texts can meaningfully supplant the methodologies of political science, philosophy, economics, sociology and so forth, when it comes to thinking about ‘the political’. Or, differently, thinkers who opt for Deleuze (or Deleuze’s and Guattari’s) Nietzschean Spinozism as a new metaphysics to explain ethics, politics, aesthetics, ontology and so forth, seem to us candidates for the same type of criticism, as a reductive passing over the empirical and analytic distinctness of the different object fields in complex societies**.** In truth, we feel that Theory, and the continuing line of ‘master thinkers’ who regularly appear particularly in the English- speaking world, is the last gasp of what used to be called First Philosophy. The philosopher ascends out of the city, Plato tells us, from whence she can espie the Higher Truth, which she must then bring back down to political earth. From outside the city, we can well imagine that she can see much more widely than her benighted political contemporaries. But from these philosophical heights, we can equally suspect that the ‘master thinker’ is also **a**lways in danger of passing over the salient differences and features of political life – differences only too evident to people ‘on the ground’. Political life, after all, is always a more complex affair than a bunch of ideologically duped fools staring at and enacting a wall (or ‘politically correct screen’) of ideologically produced illusions, from Plato’s timeless cave allegory to Žižek’s theory of ideology. We know that Theory largely understands itself as avowedly ‘post- metaphysical’. It aims to erect its new claims on the gravestone of First Philosophy as the West has known it. But it also tells us that people very often do not know what they do. And so it seems to us that too many of its proponents and their followers are mourners who remain in the graveyard, propping up the gravestone of Western philosophy under the sign of some totalising account of absolutely everything – enjoyment, différance, biopower . . . Perhaps the time has come, we would argue, less for one more would- be global, allpurpose existential and political Theory than for a multi- dimensional and interdisciplinary critical theory that would challenge the chaotic specialisation neoliberalism speeds up in academe, which mirrors and accelerates the splintering of the Left over the last four decades. This would mean that we would have to shun the hope that one method, one perspective, or one master thinker could single- handedly decipher all the complexity of socio- political life, the concerns of really existing social movements – which specifi cally does not mean mindlessly celebrating difference, marginalisation and multiplicity as if they could be suffi cient ends for a new politics. It would be to reopen critical theory and non- analytic philosophy to the other intellectual disciplines, most of whom today pointedly reject Theory’s legitimacy, neither reading it nor taking it seriously.

### AT: Prolif

#### Prolif exacerbates inequality—turns the K

Biswas 1 [Shampa Biswas, Whitman College Politics Professor, December 2001, “Nuclear apartheid" as political position: race as a postcolonial resource?, Alternatives 26.4]

At one level, as Partha Chatterjee has pointed out, the concept of apartheid relates to a discourse about "democracy." (49) To use apartheid to designate the unequal distribution of nuclear resources then is also simultaneously to draw attention to the undemocratic character of international relations--or, more literally, the exclusion of a group of people from some kind of legitimate and just entitlement. More specifically, to talk in terms of nuclear haves and have-nots is to talk in terms of a concept of democratic justice based on the "possession" (or lack thereof) of something. "Apartheid," as Sumit Sarkar points out, "implies as its valorised Other a notion of equal rights." (50) But that this something is "nuclear weapons" complicates the issue a great deal. If the vision of democracy that is implicit in the concept of nuclear apartheid implies a world of "equal possession" of nuclear weapons, a position implied in the Indian decision to test, that is a frightening thought indeed. Yet surely even India does not subscribe to that vision of democracy. "Would India," asks Sarkar, "welcome a nuclearised Nepal or Bangladesh?" (51) If Jaswant Singh is serious that "the country"s national security in a world of nuclear proliferation lies either in global disarmament or in exercise of the principle of equal and legitimate security for all," (52) then it should indeed support the "equal and legitimate" nuclearization of its neighbors, which is extremely unlikely given its own demonstrated hegemonic aspirations in the South Asian region. (53) Further, if India does indeed now sign the NPT and the CTBT, and sign them in the garb of a nuclear power as it wants to do, what does that say about its commitment to nuclear democracy? Even if India and Pakistan were to be included in the treaties as NWSs, all that would do is expand the size of the categories, not delegitimize the unequal privileges and burdens written into the categories themselves. ¶ Indian military scientists claim that India has now accumulated enough data for reliable future weaponization without explosive testing, and Indian leaders have, since the tests, indicated more willingness to sign the CTBT. India has already voluntarily accepted restraints on the exports of nuclear-related materials, as required by the NPT. According to an Indian strategic analyst with respect to negotiation of the Fissile Material Cut-Off Treaty, the next major arms-control treaty to be discussed in the Conference on Disarmament, "The key question in relation to the FMCT is not if it is global and nondiscriminatory. It is whether India has sufficient nuclear material at hand to maintain a credible nuclear deterrent." (54) If all India ever wanted was to move from the side of the discriminated to the side of the discriminators, so much for speaking for democratic ideals through the symbol of nuclear apartheid. (55) ¶ There are several troublesome issues here with respect to the concept of "nuclear democracy." On the one hand, it seems clear that the widespread proliferation of nuclear weapons sits ill at ease with any notion of democratic entitlement. It seems that rather than equalizing the possession of nuclear weapons, **it would be equalizing the dispossession of nuclear weapons that entails a more compelling democratic logic.** (56) On the other hand, there is also the question of the fundamentally undemocratic nature of nuclear weapons themselves. At one level, the sheer scope of such weapons to kill and destroy indiscriminately (a democratic logic here?) renders any laws of 'just war" moot. As Braful Bidwai and Achin Vanaik point out, the very use of nuclear weapons would be to break the principle of proportionate use of force, and such weapons clearly cannot be made to distinguish between combatants and noncombatants as required in the just conduct of war. (57) ¶ In this context, it might be worth pointing to the 1996 ruling by the International Court of Justice at the Hague that stipulated that the "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict and, in particular, the principles and rules of humanitarian law." (58) If the regulation of war can be considered a democratic exercise, then nuclear weapons by their very nature make that exercise futile. At another level is the secrecy that has historically and perhaps necessarily accompanied the development of nuclear-weapons programs, relegated to an aspect of the national-security state that is immunized from democratic scrutiny. Chatterjee argues that nuclear weapons involve a technology that is intrinsically undemocratic -- both domestically and internationally -- since the enormous destructive potential that they embody requires a great deal of secrecy and inaccessibility. (59) Itty Abraham's excellent analysis shows how the intertwined emergence of the independent Indian state and the atomic-energy establishment legally foreclosed the democratic and institutional oversight of the entire atomic-energy enterprise because of its proximity to national security. In other words, the state sponsorship and control of nuclear science, and indeed its constitution in and through nuclear science, makes both science and the state susceptible to undemocratic governance. (60)

### McCormack – 1ar

#### Alt turns agency—recreates problems of securitization

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In chapters 1–3 of this work I argued that there were theoretical limits to critical and emancipatory security theories. In chapters 4–6 I argued that the dominant theoretical and analytical approaches to the Yugoslav break-up and wars took a critical and emancipatory approach to the conflict and how security policy should be. I argued that there were both theoretical limits to these approaches and political limits in terms of the policy prescription of critical approaches. These theoretical approaches posited abstract rights and groups, **failing to engage with the political implications on the ground**. At the same time, I argued that in fact international policy was much closer to that advocated by critical and cosmopolitan theorists than ‘traditional’ or pluralist security policy and that far from being an answer to conflict, this policy served to **undermine local political settlements** and placed the EC in the position of sovereignty. This illustrates that there are political limitations to cosmopolitan policies as advocated by critical and emancipatory theorists. Such policies **undermined existing political frameworks and ultimately the power of people in such situations to exercise any meaningful control over their lives**. In this penultimate chapter I return again to considering the limits to critical security theory more generally in the contemporary security context. I have argued that critical and emancipatory security theory has rested on a trenchant critique of the pluralist security framework. Critical theorists argue that this security framework is both anachronistic and immoral. Critical security theorists argue that their theory should focus on the powerless and excluded and be for the purposes of emancipation. As the state and state-based forms of political organisation are argued to be oppressive and exclusionary, for critical security theorists it is in future developments in the international realm, whether new forms of international organisation or transnational groups or networks, that the agent of emancipation will be found. Yet the context in which critical security theorists are writing is one, as we have seen in chapter 2, in which developments in international and national policy discourse are framed in terms that **cannot be understood in terms of the Cold War pluralist security framework**. Rather, as we have seen in chapter 3, one of the most striking aspects of the contemporary international security problematic seems to be a shift away from, and problematisation of, the old security framework in both international and national security policy discourse. Here, the old pluralist security framework with its underlying commitments of non-intervention and sovereign equality is held to be both anachronistic and immoral. In this chapter I turn to look at some significant aspects of contemporary international security policy and policy discourse in more detail, in particular I will look at the post-Cold War human security framework and briefly at recent military interventions. I will argue that here we can see the political limits to these policies in terms of an orientation of policy around individual rights and freedom at an abstract level, in the absence of a political constituency to **give content** **to those rights and freedoms**. In an international system which is marked by great power inequalities between states, the rejection of the old narrow national interest-based security framework by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, has the consequence of **allowing international institutions and powerful states a more interventionist role**. This **entrenches international inequality** and allows for a shift towards a hierarchical international order. Rather than empowering, this becomes a situation in which people **are disempowered**, **made wards of court rather than citizens**. Here also we can begin to see the political limits to critical and emancipatory approaches that advocate a transformation of world order into a cosmopolitan order and a shift away from state sovereignty.