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### terror solvency

#### No President will ever use detention authority for domestic captures – but keeping the option on the books generates misperception of US policy as support for military detention

**Chesney and Wittes, 13** – Robert Chesney, Professor of Law at the University of Texas School of Law and Non-Resident Senior Fellow at the Brookings Institution, and Benjamin Wittes, Senior Fellow at the Brookings Institution (“Protecting U.S. Citizens’ Constitutional Rights During the War on Terror” <http://www.brookings.edu/research/testimony/2013/05/22-war-on-terror-chesney-wittes>)

In our view, Congress should put this issue to rest at last by clarifying that neither the AUMF nor the NDAA FY’12 should be read to confer detention authority over persons captured in the United States (regardless of citizenship). The benefits of keeping the option open in theory are slim, while the offsetting costs are substantial.

We say the benefits are slim chiefly because the executive branch has so little interest in using detention authority domestically. The Bush administration had little appetite for military detention in such cases all along, preferring in almost all instances involving al Qaeda suspects in the United States to stick with the civilian criminal justice system. The experiment of military detention with Padilla and al-Marri did little to encourage a different course, given the legal uncertainty the cases exposed. That uncertainty has, in turn, created an enormous disincentive for any administration—of whatever political stripe—to attempt this sort of detention again. A de facto policy thus developed in favor of using the criminal justice apparatus whenever humanly possible for terrorist suspects apprehended in the United States. And whenever humanly possible turned out to mean always; while military detention may remain potentially available as a theoretical matter, it is not functionally available for the simple reasons that (i) executive branch lawyers are not adequately confident that the Supreme Court would affirm its legality and (ii) in any event, they have a viable and far-more-reliable alternative in the criminal justice apparatus.

In September 2010, the Obama administration made this unstated policy official, announcing that it would use the criminal justice system exclusively both for domestic captures and for citizens captured anywhere in the world. In a speech at the Harvard Law School, then-White House official John Brennan stated:

it is the firm position of the Obama Administration that suspected terrorists arrested inside the United States will—in keeping with long-standing tradition—be processed through our Article III courts. As they should be. Our military does not patrol our streets or enforce our laws—nor should it. . . .

Similarly, when it comes to U.S. citizens involved in terrorist-related activity, whether they are captured overseas or at home, we will prosecute them in our criminal justice system.

To put the matter simply, military detention for citizens or for terrorist suspects captured domestically, was tried a handful of times early in the Bush administration; the strategy was abandoned; it has been many years since there was any appetite in the executive branch—under the control of either party—for trying it again; and it has for some time been the stated policy of the executive branch not to attempt it under any circumstances. We do not expect any administration of either party to break blithely with the consensus that has developed absent some dramatically changed circumstance. The litigation risk is simply too great, and the criminal justice system’s performance has been too strong to warrant assuming this risk.

But ironically, even as this strong executive norm against military detention of domestic captures and citizens has developed, a fierce commitment to this type of detention has also developed in some quarters. The fact that the norm against detention is not currently written into law has helped fuel this commitment, enabling the persistent perception that there is greater policy latitude than functionally exists. The result is that every time a major terrorist suspect has been taken into custody domestically in recent years—the arrest of Djokhar Tsarnaev is only the most recent example—the country explodes in the exact same unproductive and divisive political debate. To caricature it only slightly, one side argues that the suspect should have been held in military custody, instead of being processed through the criminal justice system; it decries the reading of the suspect his Miranda rights; and it criticizes the administration, more generally, for a supposed return to a pre-9/11 law enforcement paradigm. The other side, meanwhile, defends the civilian justice system, while also demanding the closure of Guantánamo and attacking the performance of military commissions for good measure.

This kabuki dance of a debate is **not merely a matter of rhetoric**. Separate and apart from the U.S. citizen detention language we described above, in the course of producing the 2012 NDAA Congress also explored the option of mandating military detention for suspects (citizen or not) taken into custody within the United States. The administration resisted these efforts, and the resulting language in conference committee ultimately stopped far short of requiring military detention. The administration further softened the effects of that language, moreover, through its subsequent interpretation of the new language. All of which brings us back to our point: there is a big gulf between the real, functional state of play (in which the criminal justice system provides the exclusive means of processing terrorist suspects captured within the United States) and the perception in some quarters that military detention remains a viable option, perhaps even a norm, for domestic and citizen terrorist captures.

That gulf has real costs. Most obviously, it generates significant political friction every time a major terrorist arrest happens in the United States. It increases the apparent political polarization of an area that should be above politics—and in which the counterterrorism reality is far less polarized than the inter-branch relations over the issue would suggest. And it reinforces the perception that domestic military detention remains a viable option, needlessly alarming those who fear it and needlessly misleading those who wish to see it. The resulting confusion fuels sharp debate over something that is no longer meaningfully an option in functional terms. That debate even spills over at times into litigation, most notably—and disruptively—in the context of the Hedges case in New York (in which journalists and activists persuaded a district judge to enjoin enforcement of detention authority, despite the utter implausibility of the claim that they might be subjected to it).

#### This misperception over domestic captures generates conflicts with European allies over counter-terrorism cooperation

**Chesney, 13** - Robert Chesney, Professor of Law at the University of Texas School of Law and Non-Resident Senior Fellow at the Brookings Institution (“PROTECTING U.S. CITIZENS' CONSTITUTIONAL RIGHTS DURING THE WAR ON TERROR” House Hearing, 5/22, <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg81173/html/CHRG-113hhrg81173.htm>)

 Mr. Chesney. Thank you, Ranking Member Conyers.

 I'll take those in reverse order. I'm going to start with the noncitizens question. I do agree, as I said, before that we should not draw distinction here between the citizens and the noncitizens captured within the United States, a few reasons for that. One is, I'll begin with the idea that part of why we would want to resist as a general proposition military detention for domestic captures is a deep tradition of not having the military be in the lead when it comes to domestic security when that can be avoided. There are some circumstances, obviously, the Civil War and a few other examples, where that's not the case. But, generally speaking, we have this tradition.

Insofar as having a lead role for military detention when some terrorists may be captured within the United States is possible, well, that is going to have consequences for other things the military may need to do to be prepared to execute of role. And they will be in that position and incentivized to take on certain activities as long as they've got some lead role. And if noncitizens are that lead roll, there you have it.

Secondly, when we distinguish between citizens and noncitizens, it's alarming to our allies. Now, here I'm not talking about international law professors, people who do what I do in other countries, and so forth; I'm talking about the security officials in the U.K. and elsewhere who become greatly alarmed and have difficulty and more friction in their cooperation with us insofar as we claim authorities that are differential between our citizens and theirs. It's not a dispositive point, but it's a consideration that has security implications.

Most importantly, the legal uncertainty that I described and the policy considerations that my colleague Mr. Wittes described, they are applicable on the citizens and the noncitizens capture fronts. Now, the legal uncertainty is less dramatic with respect to noncitizen captures, but if I'd had time, I would have explained how greatly divided the courts were in the case of Ali al-Marri, who was your prototypical noncitizen al-Qaeda sleeper agent. The courts were very torn up about that.

#### It will shred international cooperation and eliminate the perception that even an Article III court creates a fair trial – even if the option is never used­. Keeping it on the table means allies will doubt Obama.

**Dratel, 12** - served as defense counsel in a number of terrorism prosecutions in U.S. courts. He was the first civilian lawyer to represent a defendant, the Australian David Hicks, in the Guantenamo military commissions. He is also chair of the NACDL National Security Committee (Joshua, “WHY THE NDAA WILL SUBSTANTIALLY REDUCE, IF NOT ELIMINATE ALTOGETHER, INTERNATIONAL COOPERATION WITH RESPECT TO COUNTERTERRORISM” 63 Champion 61, March, lexis)

The politicians, pundits, advocates, and academics on one side or the other have all ventured an interpretation of the National Defense Authorization Act (NDAA) -- or thrown up their hands, protesting that the Act's vague and confusing terminology defies a straightforward or universal construction. From my perspective, what matters is not the standard or reasonable interpretation of the NDAA, or that which is constitutionally or statutorily defensible. What matters is the most extreme incarnation, since that is where anti-terrorism measures inexorably lead. Add to that the clear intent of many of the Act's proponents, coupled with the political difficulties in foregoing the toughest available approach to terrorism, and interpretation becomes less important than what the NDAA represents in possibility.

As a metaphor, the NDAA is a loaded gun on the night table. You may rest comfortably knowing you will not use it improperly. You may trust your spouse -- even your kids -- to treat it responsibly, but even that is one step removed from certainty in a context in which certainty is the only safe alternative. When you start adding additional access -- your kids' friends, unstable visiting relatives, the handyman -- you get the idea. It's a disaster waiting to happen, and your own reliability -- and who can account for emotional upheavals or misperceived "emergencies" that might cause us to act imprudently -- is irrelevant and merely a smokescreen for the larger, more articulable danger.

Not that there should be any confidence in the current administration. It is difficult to know where to file President Obama's promise -- non-binding, of course, and uttered in the course of issuing a "signing statement," a means of unilateral executive legislative interpretation so favored by President Bush, and which Obama the candidate so correctly condemned -- that he will not use the NDAA's authority to subject U.S. citizens to "military detention without trial." Should we put it in the same category as his promise to close the Guantanamo Bay detention facility? Or his pledge only last year, when signing the 2011 NDAA, that he would "seek to mitigate [its] effects" and "oppose any attempt to extend or expand them in the future"?

Obviously, in the annals of politicians' promises, those that provide your opponents an opportunity to call you "soft" on terrorism are the easiest to disregard, or in President Obama's case, not only leave unfulfilled, but in worse condition than when he assumed office. Thus, in the next year or five years, fidelity to the current promise regarding the scope of authority under the NDAA could well be as fleeting, and in practical terms, there is nothing anyone can do to hold the president to his promise. Besides, President Obama's promise itself leaves much to be desired, as it perpetuates the distinction, not recognized in constitutional jurisprudence, that in the domestic criminal context citizens are afforded more rights than aliens.

Every defendant will Face the prospect of continued indefinite uncharged detention even if acquitted.

Nor does the fact that, as national security experts within the government agree, the NDAA will impair, rather than enhance, national security appear to deter the NDAA's supporters. Debating the merits with them is like trying to convince a compulsive gambler that the odds are heavily in the casino's favor. The interference with productive investigations and interrogations, the confusion the NDAA will create regarding jurisdiction, and the legal controversies that will ensue, have all been set forth ad nauseam. The NDAA will also substantially reduce, if not eliminate altogether, international cooperation with respect to counterterrorism. U.S. allies already think twice before assisting the United States, given the expansive approach of the United States to detention and prosecution; faced with the prospect of implementation of the NDAA's provisions as a consequence of sharing information with or extraditing persons to the United States, aid from those allies will be diminished even further.

 [\*63] Also, with the government option of indefinite detention, the U.S. criminal justice system will devolve into a charade of sham show terrorism trials -- whether in the military commissions or Article III federal courts -- because the results will be meaningless. Every defendant will face the prospect of continued indefinite uncharged detention even if acquitted. Over time, of course, even those trials will be dispensable as well. Why pursue the option of formal charges when that raises the possibility of trials, which raises the possibility of an undesired result (even one "not guilty," when, as in the Ghailani case, but one guilty verdict in the same case results in life imprisonment)?

In declaring "the homeland is the battlefield," as its proponents have loudly and proudly proclaimed, Congress, through the NDAA, has bequeathed us the ultimate building block for the national security state without boundaries: a war in which the battlefield, the enemy, and time frame are limitless -- anywhere, anyone, anytime, and without any standards for guidance other than "current law," which everyone acknowledges is unclear. No more perfect vehicle -- a modern legislative Trojan horse -- for intrusions on civil liberties and fundamental American values could be constructed in the name of "national security."

#### The perception that the NDAA allows the US to violate Article 6 of the US-EU extradition treaty means terrorism suspects won’t be extradited to the US

**Hayes, 12** (Stacey, “INTERPRETING THE NEW LANGUAGE OF THE NATIONAL DEFENSE AUTHORIZATION ACT: A POTENTIAL BARRIER TO THE EXTRADITION OF HIGH VALUE TERROR SUSPECTS” 58 Wayne L. Rev. 567, Summer, lexis)

2. Article 6 Right to a Fair Trial

Article 6 most closely parallels U.S. Constitutional Amendment V in providing for the right to a fair trial and due process of law for the criminally charged. n42 Article 6 includes inter alia the right to a fair trial [\*574] by an independent and impartial tribunal, the presumption of innocence, that legal assistance will be provided in the event the accused cannot afford to defend himself, and the right to examine the evidence against him. n43

Modern extradition cases demonstrate that the American view on capital punishment, and whether such punishment amounts to inhuman and degrading (or cruel and unusual) punishment, differs greatly from the European view so much so that it is a barrier to extradition. To date, Article 6 and whether or not American courts provide a fair trial has not proven to be a barrier to extradition because European courts are persuaded that American courts offer more than adequate due process for those on trial. n44 Military tribunals however, present a different concern. Tribunals pose a threat to extradition in that terror suspects may claim Article 6 violations, arguing that a trial by military tribunal deprives them of due process and denies them a right to a fair trial.

D. Do Military Commissions Violate Article 6?

The past decade highlighted the difficulties of achieving success within the military commission process and cast a dark shadow of doubt [\*575] as to their efficacy. n45 The examples of al-Fawwaz and the other terror suspects currently fighting extradition demonstrate that the European community expects assurances that the United States will try these suspects in regularly constituted courts and not by military commissions. n46 The past ten years have produced no evidence that the European community will now be more comfortable with trial by military commission than it was before. n47 It is safe to assume that if the United States wants to extradite these terror suspects, it will have to provide the same assurances, namely a promise of trial by regularly constituted courts with no prospect of the death penalty and avoidance of detention by the military.

Military commissions have a long history in the United States, reemerging at the forefront of the political landscape after the September 11th terrorist attacks when President George W. Bush deemed terror suspects enemy combatants to be tried by military tribunals instead of in civilian courts. n48 The prosecution of these cases was soon mired in protracted legal challenges, and in 2006, President Bush signed the Military Commissions Act (MCA) to authorize and establish procedures for military tribunals in response to the Supreme Court decision in Hamdan v. Rumsfeld. n49 Following Hamdan, pro-military tribunal advocates fought hard to pass legislation limiting terror suspects solely to military tribunals, arguing inter alia that federal law enforcement and criminal procedures were inadequate to garner much needed intelligence from detained suspects and that the American public would not stand for terrorist trials in civilian courts that are essentially in their own backyards. n50 Those opposed to limiting terror suspects to military [\*576] tribunals encompassed a wide variety of groups including law enforcement officials, human rights advocates, academics, and legal professionals. n51 Law enforcement argued primarily that such a limitation would burden the United States unnecessarily in the fight against terrorism; a fight that should use all available assets, including the FBI and intelligence agencies. n52 Human rights advocates, academics, and legal professionals argued that in fighting the war on terror, it was critical the United States abide by its long-standing commitments to due process of law and to international humanitarian law, such as the Geneva Conventions. n53

In 2009, President Barack Obama signed into law a revised version of the MCA intended to address concerns that the 2006 MCA ran afoul of the Geneva Conventions and the U.S. Constitution. n54 However, even with these revisions, the 2009 MCA failed to bring the military tribunal system into compliance with international human rights law. n55 For instance, the 2009 MCA did nothing to revise the controversial Section 7 of the 2006 MCA, which means Section 7 continues to strip the federal court system of its capacity to review petitions for writs of habeas corpus. n56

Unsatisfied that the 2006 and 2009 MCAs went far enough, and despite the U.S. Supreme Court's ruling in Hamdan, some conservative members of Congress continued to fight to limit trials of terror suspects exclusively to military tribunals, thereby cutting the judiciary entirely out of the terror suspect trial loop. n57 Meanwhile, the federal courts spent the [\*577] past decade successfully trying and convicting hundreds of suspects, n58 perhaps demonstrating the irrational fear of the pro-military tribunal advocates that those who have their day in court may not be convicted. In addition to these convictions, the Supreme Court granted certiorari to four Guantanamo cases, subsequently finding in favor of the detainees, n59 thereby demonstrating the full range of the federal court system.

On December 31, 2011, these failed attempts to limit trials to military tribunals finally met measured success when President Obama signed the NDAA into law. n60 Subtitle D of the NDAA, entitled "Counterterrorism" includes long-sought-after provisions designed to limit terror suspect trials to military tribunals, effectively by-passing the federal court system. n61 In particular, Sections 1021 and 1022 address the authority and action required by the U.S. military to detain terror suspects indefinitely pending disposition under the law of war. n62 Even with the success of passage, these provisions were modified enough from their original hard-lined proposals to result in merely codifying existing practices under the 2001 Authorization for Use of Military Force (AUMF) and the 2006 and 2009 MCAs. n63

As this Note reveals, these modifications are crucial because they allow the United States to continue to provide assurances necessary to secure the extradition of known terrorists. Viewed another way, this codification greatly hampers both federal law enforcement and the Obama Administration in their respective roles in the fight against terrorism, making it more difficult for the United States to treat terror suspects on a case-by-case basis. In order to bring some of the most sought-after terrorists to justice, the United States must continue to provide and uphold assurances to her European allies that the terror suspects being extradited to the United States will not be subjected to inhuman or degrading treatment and will be given a fair and impartial trial. Without these assurances, the U.K. and Europe will not likely [\*578] extradite the currently detained high-value terror suspects to the United States.

1. The Procedural Shortcomings Amount to a Lack of Due Process, and the 2009 MCA Falls Short in Correcting Deficiencies

As mentioned earlier, the Obama Administration sought many changes to the highly criticized 2006 MCA. But even with the 2009 modifications, the use of military tribunals under the MCA and AUMF still fails to meet international human rights standards for a fair and impartial trial, most notably because of the lack of independence and impartiality. n64 The importance of a tribunal being independent and [\*579] impartial is such that it "requires that judges be both de facto impartial and independent as well as appear to be impartial and independent." n65

Two more glaring deficiencies in military tribunals include the lack of the presumption of innocence and denial of access to the writ of habeas corpus. In Combatant Status Review Tribunals (CSRT), which are precursors to a detainee's trial by military commission, instead of a presumption of innocence favoring the defendant, there is a rebuttable presumption in favor of the government's evidence. n66 CSRTs provide a rebuttable presumption that the government's evidence submitted to determine whether the detainee is an enemy combatant is genuine and accurate. n67 To date, detained persons held in the United States have relied on habeas corpus to show that their detention is not in accord with due process, n68 but this important check still does not exist for detainees held under U.S. control outside of the United States. n69

Other procedural deficiencies with the military commission process include deprivation of the right to counsel (particularly in the beginning stages), the right to be informed (with most restrictions to information surrounding classified information, with classification being determined by the prosecution), the right to be present (the prosecution may exclude the detainee from his own hearing for reasons of national security, as determined by the prosecution), the requirement for equality (detainees are usually denied requests to call witnesses and in 89% "of the tribunals, no evidence whatsoever was presented on the detainee's behalf"), and the admittance of coerced evidence. n70

The 2009 MCA made slight improvements to some of these deficiencies by stating that "the defense shall have a reasonable opportunity to obtain witnesses and evidence," and by entirely barring the "use of statements obtained through cruel, inhuman or degrading treatment." n71 However, the new witness and evidence requirements of the 2009 MCA fall short of meeting the requirements of equal opportunity among the parties. In addition, the bar to improperly obtained statements [\*580] does not apply to former CSRTs. n72 Ensuring due process, access to counsel, and access to all proceedings and all evidence are critical guarantees that must be provided to offer a fair trial. n73 As it stands, military commissions, despite some marked improvements, are not likely to meet the standards necessary to establish the right to a fair trial as set forth in Article 6 of the Convention.

2. European Court Insight on Article 6 Compliance

What are the expectations of the European Court relative to Article 6 compliance? In twenty-two years of jurisprudence handed down from the European Court since Soering, the court never found an expulsion, until 2012, that violated Article 6 despite the claim's repeated assertion. n74 As Soering established, the European Court demands a showing of a "real risk of a flagrant denial of justice" to invoke a claim under Article 6. n75 This means that the claimant must meet a higher burden under Article 6 than Article 3; but in "assessing whether this test has been met, the Court considers that the same standard and burden of proof should apply as in Article 3 expulsion cases." n76 The court stated that the Article 6 test is a "stringent test of unfairness" and that a "flagrant denial of justice goes beyond mere irregularities or lack of safeguards in the trial procedures such as might result in a breach of Article 6 if occurring within the Contracting State itself." n77 In defining flagrant denial of justice, the court noted that it is:

Synonymous with a trial which is manifestly contrary to the provisions of Article 6 or the principles embodied therein. Although it has not yet been required to define the term in more precise terms, the Court has nonetheless indicated that certain forms of unfairness could amount to a flagrant denial of justice. These have included:

<box>conviction in absentia with no possibility subsequently to obtain a fresh determination of the merits of the charge;

 [\*581]

<box>a trial which is summary in nature and conducted with a total disregard for the rights of the defence;

<box>detention without any access to an independent and impartial tribunal to have the legality of the detention reviewed; and

<box>deliberate and systematic refusal of access to a lawyer, especially for an individual detained in a foreign country. n78

On January 17, 2012 in Othman (Abu Qatada), the court determined that evidence obtained by torture would amount to a flagrant denial of justice invoking Article 6. n79 The court went further to state that similar considerations may apply in a case that presented evidence obtained by other forms of ill-treatment that fall short of torture as well. n80 In addition to the guidelines for Article 6 that Othman now provides, the European Court previously made clear that the guarantees of a right to a fair trial apply to all types of judicial proceedings, even those deemed administrative. n81 Moreover, the court has stated that special proceedings, such as military court-martial, may "be subject to Article 6 scrutiny because of the serious criminal nature of the crime with which the defendant had been accused." n82 Thus, it is safe to assume that military tribunals, as well as their administrative precursors, CSRTs, are very likely to amount to a flagrant denial of justice under Article 6.

III. Analysis of How the NDAA Affects Extradition

Understanding how the European Court views Article 6 compliance and the current perceptions of the U.S. military tribunal system, one can surmise that the European Court is likely to block extradition if a suspect will face trials in a military tribunal. Current cases demonstrate how [\*582] terror suspects have successfully employed Article 3 to deter extradition, and forecast the future use of Article 6. n83 These cases indicate that it would be wise for the United States to continue to grant assurances that terror suspects will not be at risk of the death penalty, military detention, or trial by military commission. How the U.S. government interprets and applies the language of the NDAA, specifically Sections 1021 and 1022, n84 will prove pivotal in the fight to win extradition of these known terror suspects and ultimately bring them to justice.

A. Recent Extradition Cases

Recent cases of terror suspects invoking Article 3 to fight extradition to the United States exemplify how the European Court may respond to Article 6 claims. These cases provide insight into how the United States should proceed with regard to statutory interpretation of the NDAA, particularly when requesting extradition of terror suspects.

1. Al-Fawwaz, Bary, and Eidarous Have Successfully Thwarted Extradition Since 1998 Using Article 3

Three terror suspects, who were arrested in London in the late 1990s, have successfully fought extradition for over a decade using Article 3. Khalid al-Fawwaz, alleged not only to be an al-Qaeda member, but also one of Osama bin Laden's key lieutenants, n85 was indicted for the 1998 U.S. embassy bombings in East Africa which killed 224 people and injured more than 4,500. n86 Adel Abdel Bary and Ibrahim Eidarous, both alleged members of Egyptian Islamic Jihad, operated alongside al-Fawwaz in the London al-Qaeda cell, n87 and were subsequently arrested "on an extradition warrant following a request from the United States" in 1999 for their involvement in the bombings. n88 For several years, al-Fawwaz, Bary, and Eidarous successfully fought extradition through a [\*583] series of appeals within the U.K. n89 In 2008, the U.K. Secretary of State issued warrants for their extradition to the United States, finding that the U.S. government met the prima facie case and provided reliable assurances. n90 Thus, the men would not be at "risk of the death penalty, indefinite detention or trial by a military commission." n91

Eidarous was diagnosed with advanced cancer, put on house-arrest, and subsequently died in 2008. n92 In 2009, al-Fawwaz and Bary began their final appeal against the 2008 findings of the Secretary of State, with the British High Court of Justice finding no breach of Article 3, and al-Fawwaz's claim for breach of Article 6 unsubstantiated. n93 They soon appealed to the European Court and the case is still pending. n94 [\*584]

If the United States does not uphold the original assurances provided in 2004, the European Court could deny extradition of these long-sought-after terror suspects, destroying an otherwise perfect record of honoring the assurances the United States has provided to the U.K. and her European allies. The implications would disrupt the ultimate goal of bringing wanted terrorists to justice. It is imperative that the United States maintain the assurances as provided in 2004 and demonstrate that the new statutory language of the NDAA does not impede the President from dealing with each terror suspect case on an individual basis and as necessary to continue to effectively fight the war on terrorism.

#### This has already caused denials of extradition requests

**Margulies, 11** – professor of law at Roger Williams School of Law (Peter, “Peter Margulies on the NDAA and Extradition”, 12/5, <http://www.lawfareblog.com/2011/12/peter-margulies-on-the-ndaa-and-extradition/>)

Even more seriously, making military prosecution the rule and Article III courts the exception would ramp up anti-extradition efforts in Europe and elsewhere. Extradition to face criminal charges in Article III courts already faces severe obstacles, as the United Kingdom case of Abu Hamza demonstrates. Abu Hamza, whom the US has charged with recruiting terrorists for Al Qaeda, has argued that the United States would impose a prison term disproportionate to his crimes and that confinement in a supermax facility would violate the European Convention on Human Rights’ bar on inhuman and degrading treatment. In Babar Ahmad v. UK, the European Court of Human Rights held that Abu Hamza and others had raised “serious questions” on the legality of their extradition. Even after significant procedural reforms and the recent installation of the widely respected General Mark Martins as head of the prosecution office at the commissions, transnational tribunals will probably view military commissions as offering fewer procedural rights and stiffer sentences than Article III courts. This will make extradition an even tougher sell in those tribunals, whose jurisprudence has developed as a push-back against Bush administration policies such as coercive interrogation implemented in the immediate aftermath of September 11. Particular countries, such as Germany, go even further, expressly barring extradition when the defendant faces trial in an “extraordinary” court or for a “purely military” offense. Arguments that military commission jurisdiction fell within either or both of these bars may take years to resolve.

Moreover, advocates for these detainees and others have mobilized substantial political support in Britain against extradition. Opposing extradition is already the cause du jour for some European celebrities. Political opposition will strengthen if military commissions became the rule, rather than the exception.

In some cases, American investigators may not even be able to get their foot in the door of the cell of a detainee held abroad when military commissions are the norm. As Assistant Attorney General Monaco suggested at last week’s ABA conference, the specter of military commissions may shut off access to suspected terrorists, and may hinder real-time information- sharing by our allies. Prompt detection and investigation of terrorist plots could be the NDAA’s unintended first casualty.

#### This makes it likely that terrorist suspects will be released

**Kris, 11** – former Assistant Attorney General for National Security at the U.S. Department of Justice (David, “Law Enforcement as a Counterterrorism Tool”, 6/15, http://jnslp.com//wp-content/uploads/2011/06/01\_David-Kris.pdf )

In contrast, many of our key allies around the world are not willing to cooperate with or support our efforts to hold suspected terrorists in law of war detention or to prosecute them in military commissions. While we hope that over time they will grow more supportive of these legal mechanisms, at present many countries would not extradite individuals to the United States for military commission proceedings or law of war detention. Indeed, some of our extradition treaties explicitly forbid extradition to the United States where the person will be tried in a forum other than a criminal court. For example, our treaties with Germany (Article 13)185 and with Sweden (Article V(3))186 expressly forbid extradition when the defendant will be tried in an “extraordinary” court, and the understanding of the Indian government pursuant to its treaty with the United States is that extradition is available only for proceedings under the ordinary criminal laws of the requesting state.187 More generally, the doctrine of dual criminality – under which extradition is available only for offenses made criminal in both countries – and the relatively common exclusion of extradition for military offenses not also punishable in civilian court may also limit extradition outside the criminal justice system.188 Apart from extradition, even where we already have the terrorist in custody, many countries will not provide testimony, other information, or assistance in support of law of war detention or a military prosecution, either as a matter of national public policy or under other provisions of some of our MLATs.189

These concerns are not hypothetical. During the last Administration, the United States was obliged to give assurances against the use of military commissions in order to obtain extradition of several terrorism suspects to the United States.190 There are a number of terror suspects currently in foreign custody who likely would not be extradited to the United States by foreign nations if they faced military tribunals.191 In some of these cases, it might be necessary for the foreign nation to release these suspects if they cannot be extradited because they do not face charges pending in the foreign nation.

#### This will make Europe a safe-haven for terrorism

**Sharfstein, 2** - Associate, Strumwasser & Woocher, Santa Monica, California. Law Clerk to the Honorable Dorothy W. Nelson, United States Court of Appeals for the Ninth Circuit, 2000-2001. A.B., Harvard College, 1994; J.D., Yale Law School, 2000 (Daniel, “European Courts, American Rights: Extradition and Prison Conditions” 67 Brooklyn L. Rev. 719, Spring, lexis)

A. The Increasing Importance of Extradition

The "vast majority" of people suspected of involvement in the September 11 terrorist attacks have been arrested or are being sought overseas. n13 Although the United States has [\*725] actively bypassed formal extradition with secret, informal procedures in numerous cases of suspected terrorists, n14 the war on terrorism shows unequivocally what has become increasingly true over the past two decades: that extradition is an essential tool for prosecutors in the United States. The rising tide of people and goods across borders and the ascendance of global technologies such as the Internet have blurred the line between domestic and international criminal enforcement. From terrorism to drug trafficking to price fixing, multinational conspiracies have taken root in the fertile soil of an ever-smaller world. n15 For technology-driven crimes such as telemarketing fraud, international boundaries often separate [\*726] perpetrators and victims. n16 Even when criminals live in the same country as their victims, more fugitives from justice have managed to flee across national borders. n17

Since the Department of Justice's Office of International Affairs was created in 1979 to facilitate and rationalize extradition procedures, n18 the number of extradition requests made and received by the United States has skyrocketed. n19 Well before September 11, American policy makers had emphasized the rising threat of international crime and the crucial role of extradition in fighting it. n20 In October 1995, President Bill Clinton issued Presidential Decision Directive 42, ordering U.S. government agencies to intensify international crime-fighting efforts, and in a speech to the United Nations General Assembly, he urged "every country" to endorse "a declaration which would first include a no sanctuary pledge, so that we could say together to organized criminals, terrorists, drug traffickers and smugglers, you have nowhere to [\*727] run and nowhere to hide." n21 In an October 1997 memorandum to all U.S. Attorneys, Attorney General Janet Reno praised federal prosecutors for "going the extra mile" to obtain the international extradition of fugitives. "Your need to obtain the international extradition of fugitives [is] more important than ever," she wrote. n22 Six months later, a report developed by the Departments of Justice, State, and Treasury outlined a comprehensive strategy to fight international crime. In a chapter entitled "Denying Safe Haven to International Criminals," the report described how the Departments of State and Justice were aggressively renegotiating extradition treaties to "seek[] the broadest possible extradition obligations . . . ." n23

#### Weak EU prosecution expands EU safe havens

**Rivkin, 2 -** Associate Fellow of The Nixon Center and Lee A. Casey, partner in the Washington, DC office of Baker & Hostetler LLP., “A House Divided? War, Extradition, and the Atlantic Alliance, PART II”, The National Interest, 10/9, http://nationalinterest.org/article/a-house-divided-war-extradition-and-the-atlantic-alliance-part-ii-2137?page=1 )

Indeed, one can argue that, given the nature of this conflict, law enforcement operations have become just another version of low-intensity warfare. The current idiosyncratic European attitudes do more than just impede the U.S. ability to successfully prosecute this conflict; they pose a major threat to European security as well. To the extent that European attitudes towards extradition remain unchanged while the U.S. continues to uproot various terrorist support structures around the world, Europe might well become a magnet for Al-Qaeda, the Taliban and its terrorist allies. This is, in fact, a perennial feature of warfare; when a success by one side on a particular front causes the enemy to shift his resources to the less well defended areas. Unrealistic European law-enforcement attitudes may well make European capitals more attractive to terrorists than the warrens of Mogadishu or the slums of Sudan. In fact, recent investigations by German and Dutch authorities have already uncovered dozens of Al-Qaeda cells and demonstrated that many of the September 11 operatives spent considerable amounts of time in Europe.

#### That increases terrorist attacks against the U.S.

**Whitehair, 10** - A Thesis submitted to the Faculty of the Graduate School of Arts and Sciences of Georgetown University in partial fulfillment of the requirements for the degree of Master of Arts in Security Studies (Julia, “A PLACE TO HIDE: POPULAR SUPPORT AND TERRORIST SAFE HAVENS” 11/19, <http://repository.library.georgetown.edu/bitstream/handle/10822/553428/WhitehairJuliaC.pdf?sequence=1>)

Given U.S. efforts to shut down traditional safe havens and the attention given in recent years to homegrown terrorist cells in the United States and Europe, policymakers likely will have to confront questions about safe havens within healthy states. Terrorism experts and policymakers with counterterrorism portfolios have already raised Europe as a persistent source of terrorism targeting the United States. Michael Scheuer in his testimony before members of Congress called the European Union “the earth’s single largest terrorist safe haven” and “a major, consistent, and invulnerable source of terrorist threat to the United States.”5 Former Director of Central Intelligence Porter Goss in 2005 and former U.S. Coordinator for Counterterrorism Ambassador Harry A. Crumpton in 2006 testified about the persistent threat to the United States from terrorists based in Europe.6 Senators Lieberman and Collins of the Senate Committee on Homeland Security and Governmental Affairs spoke of an increase in homegrown terror cells and attacks with roots in the United States.7

#### European safe havens are the most likely avenue for WMD terrorism

**Ferguson, 4** - scientist-in-residence based in the Washington DC office of the Center for Nonproliferation Studies, Monterey Institute of International Studies (Charles, “The threat of nuclear terrorism in Europe” 2/6, <http://www.eurozine.com/articles/2004-06-02-ferguson-en.html>)

While most terrorist groups are not motivated to unleash nuclear terror, at least one terrorist network - al Qaeda - has expressed strong interest in acquiring weapons of mass destruction. Al Qaeda operatives and their brethren in like-minded organizations have spread their web across numerous countries. According to a January report by The Observer , Islamic militants have built up an extensive network in Europe since 11 September 2001, using Great Britain as a logistical hub and nerve center. In recent years, Islamic extremists have expanded eastward into Bulgaria, the Czech Republic, Poland, and Romania. Terrorist cells have become rooted in Austria, France, and Germany and have recruited new members in these and other countries. Intelligence officials have warned that labeling all of these groups as al Qaeda misses the complexity behind the terrorist network. While most of the cells follow a similar agenda as al Qaeda, few directly hold their allegiance to this organization. The current focus on Islamic extremist groups should not blind us from seeing other terrorist organizations that would covet nuclear means of destruction. For example, Aum Shinrikyo, an apocalyptic cult with no ties to Islamic extremism, sought out nuclear weapons and released deadly sarin gas in a 1995 chemical attack in the Tokyo subway system. Despite the growth of terrorist cells in Europe, one must not assume that they will ultimately go nuclear. Climbing the escalation ladder to acts of nuclear terror requires leaping over several barriers. Regardless of the nuclear terror act under consideration, the terrorist group must be motivated to conduct extreme levels of violence and to venture into unconventional methods of attack. While a terrorist organization with a well-defined constituency would most likely not want to alienate its constituency with a nuclear act, groups that have weak or non-existent ties to constituencies would not face as many moral or political constraints. For example, the Chechen rebels, a national-separatist group, depend strongly on their supporters within Chechnya. In contrast, the character and agenda of al Qaeda, a political-religious terrorist network, make this organization apparently less concerned about directly harming constituents. The final barriers for a terrorist group to cross are technical in nature. The group would have to acquire the nuclear assets. If the group decided to attack a nuclear power plant, it would have to identify a vulnerable nuclear facility. The organization would have to develop or hire the skills needed to build and detonate a weapon or to sabotage a nuclear facility. Finally, the group would have to be able to deliver the attack without being detected during the development or completion phase. Vulnerable Nuclear and Radiological Assets in Europe Tactical nuclear weapons: Though intact nuclear weapons tend to be well-guarded, some are more susceptible than others to falling into the hands of terrorists. Most experts believe that portable so-called tactical nuclear weapons (TNWs) are more vulnerable to terrorist seizure than are strategic nuclear weapons. TNWs are designed for nuclear-war fighting or battlefield use. As such, they tend to be more portable than their strategic cousins. In Europe, concerns over loose nuclear weapons have focused on the thousands of Russian TNWs that are in various physical conditions and under varying security storage and use. The United States also maintains about 150-180 TNWs in about six NATO countries. While European politicians want to keep the issue of NATO's nuclear weapons out of public view, they need to take steps to reassure Russia that nuclear arms will not be deployed in new NATO-member states. This confidence building measure could serve as a way toward achieving more openness about how to improve the security of Russian TNWs. Uranium: Of the two types of weapons-usable nuclear material, highly enriched uranium (HEU) poses the greatest concern, because it can be used in the simplest nuclear bomb - a gun-type device - to produce a high-yield explosion. Most weapons experts agree that a well-funded terrorist group could build a gun-type bomb, which simply slams two pieces of HEU together inside a gun barrel. The major barrier to stopping construction of such a device is access to HEU. Research sites in Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Yugoslavia have HEU, supplied mostly from Russia. Over the past several years, experts have warned that HEU from these sites could find its way to terrorists. The December 1994 seizure of almost three kilograms of weapons-usable HEU in the Czech Republic highlighted this danger. Since the fall of the Soviet Union, there have been many incidents of illicit trafficking of nuclear and radiological materials in Central and Eastern Europe and the newly independent states. Many more incidents could be happening than are being detected. Fortunately, efforts to secure and repatriate HEU from vulnerable sites in this region have begun. Since the summer of 2002, the United States, Russia, the International Atomic Energy Agency (IAEA), partner governments, and non-governmental organizations, such as the Nuclear Threat Initiative, have conducted three successful missions - Belgrade, Romania and Bulgaria - to secure HEU at research sites and to repatriate it to Russia. But more needs to be done, since about 20 additional research sites, each containing enough Russian-origin HEU for at least one bomb, still exist. Some of these sites are located in Central and Eastern Europe. Radiation: Within the past few years, the European Union has commissioned two studies to determine the effectiveness of the existing regulatory practices concerning the life cycle of radioactive sources. The first study examined the controls within the EU itself and found that radioactive materials management varied across the EU. The report underscored the risk posed by some 30,000 disused sources that are in danger of becoming orphaned, that is, of falling outside of regulatory controls. On the heels of that study, the EU investigated the regulatory practices in the Czech Republic, Estonia, Hungary, Poland, and Slovenia, states that were being considered for early admission to the EU. The EU study concluded that these states have regulatory controls that meet the general standards found throughout the EU. While the results of these pre-11 September reports are by and large encouraging, it should be noted that they focused on safety considerations and did not examine details of security procedures. Nuclear power plants: Well-designed nuclear power plants employ defense-in-depth safety features. To release radioactivity from a nuclear plant, terrorists would have to destroy or disable multiple safety systems. Unfortunately, Central and Eastern Europe contain many Soviet-designed nuclear power plants that do not meet Western safety standards. For example, early Soviet-designed models lack an adequate emergency core cooling system and containment structure, and have an inadequate fire protection system. Such reactors operate in Bulgaria, Slovenia, the Czech Republic, Hungary and Slovakia and Lithuania. While these reactors have engendered discussion regarding safety and security, attacks and sabotage against research centers - where security procedures tend to be less rigorous than at commercial plants - have been overlooked. Many research reactors are located at universities in or near major urban areas. While the inventory of radioactivity in a typical research reactor pales in comparison to the large quantities of lethal fission products within a commercial reactor, release of radioactivity from research sites could suit nuclear terrorists' purposes.

### Yes Terrorism

#### Risk of nuclear terrorism is real and high now

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

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

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction---equivalent to full-scale nuclear war

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

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

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### AT: CTS

#### Jackson and critical terror studies are wrong – no evidence to substantiate their claims and no viable alternative

Jones and Smith, 9 - \* University of Queensland, Queensland, Australia AND \*\* King's College, University of London, London, UK (David and M.L.R.,“We're All Terrorists Now: Critical—or Hypocritical—Studies “on” Terrorism?,” Studies in Conflict & Terrorism, Volume 32, Issue 4 April 2009 , pages 292 **–** 302**,** Taylor and Francis)

The journal, in other words, is not intended, as one might assume, to evaluate critically those state or non-state actors that might have recourse to terrorism as a strategy. Instead, the journal's ambition is to deconstruct what it views as the ambiguity of the word “terror,” its manipulation by ostensibly liberal democratic state actors, and the complicity of “orthodox” terrorism studies in this authoritarian enterprise. Exposing the deficiencies in any field of study is, of course, a legitimate scholarly exercise, but what the symposium introducing the new volume announces questions both the research agenda and academic integrity of journals like *Studies in Conflict and Terrorism* and those who contribute to them. Do these claims, one might wonder, have any substance?

Significantly, the original proposal circulated by the publisher Routledge and one of the editors, Richard Jackson, suggested some uncertainty concerning the preferred title of the journal. *Critical Studies on Terrorism* appeared last on a list where the first choice was *Review of Terror Studies*. Evidently, the concision of a review fails to capture the critical perspective the journal promotes. Criticism, then, is central to the new journal's philosophy and the adjective connotes a distinct ideological and, as shall be seen, far from pluralist and inclusive purpose. So, one might ask, what exactly does a critical approach to terrorism involve?

What it Means to be Critical

The editors and contributors explore what it means to be “critical” in detail, repetition, and opacity, along with an excessive fondness for italics, in the editorial symposium that introduces the first issue, and in a number of subsequent articles. The editors inform us that the study of terrorism is “a growth industry,” observing with a mixture of envy and disapproval that “literally thousands of new books and articles on terrorism are published every year” (pp. l-2). In adding to this literature the editors premise the need for yet another journal on their resistance to what currently constitutes scholarship in the field of terrorism study and its allegedly uncritical acceptance of the Western democratic state's security perspective.

Indeed, to be critical requires a radical reversal of what the journal assumes to be the typical perception of terrorism and the methodology of terrorism research. To focus on the strategies practiced by non-state actors that feature under the conventional denotation “terror” is, for the critical theorist, misplaced. As the symposium explains, “acts of clandestine non-state terrorism are committed by a tiny number of individuals and result in between a few hundred and a few thousand casualties *per year over the entire world*” (original italics) (p. 1). The United States's and its allies' preoccupation with terrorism is, therefore, out of proportion to its effects.1 At the same time, the more pervasive and repressive terror practiced by the state has been “silenced from public and … academic discourse” (p. 1).

The complicity of terrorism studies with the increasingly authoritarian demands of Western, liberal state and media practice, together with the moral and political blindness of established terrorism analysts to this relationship forms the journal's overriding assumption and one that its core contributors repeat ad nauseam. Thus, Michael Stohl, in his contribution “Old Myths, New Fantasies and the Enduring Realities of Terrorism” (pp. 5-16), not only discovers ten “myths” informing the understanding of terrorism, but also finds that these myths reflect a “state centric security focus,” where analysts rarely consider “the violence perpetrated by the state” (p. 5). He complains that the press have become too close to government over the matter. Somewhat contradictorily Stohl subsequently asserts that media reporting is “central to terrorism and counter-terrorism as political action,” that media reportage provides the oxygen of terrorism, and that politicians consider journalists to be “the terrorist's best friend” (p. 7).

Stohl further compounds this incoherence, claiming that “the media are far more likely to focus on the destructive actions, rather than on … grievances or the social conditions that breed [terrorism]—to present episodic rather than thematic stories” (p. 7). He argues that terror attacks between 1968 and 1980 were scarcely reported in the United States, and that reporters do not delve deeply into the sources of conflict (p. 8). All of this is quite contentious, with no direct evidence produced to support such statements. The “media” is after all a very broad term, and to assume that it is monolithic is to replace criticism with conspiracy theory. Moreover, even if it were true that the media always serves as a government propaganda agency, then by Stohl's own logic, terrorism as a method of political communication is clearly futile as no rational actor would engage in a campaign doomed to be endlessly misreported.

Nevertheless, the notion that an inherent pro-state bias vitiates terrorism studies pervades the critical position. Anthony Burke, in “The End of Terrorism Studies” (pp. 37-49), asserts that established analysts like Bruce Hoffman “specifically exclude states as possible perpetrators” of terror. Consequently, the emergence of “critical terrorism studies” “may signal the end of a particular kind of traditionally state-focused and directed 'problem-solving' terrorism studies—at least in terms of its ability to assume that its categories and commitments are immune from challenge and correspond to a stable picture of reality” (p. 42).

Elsewhere, Adrian Guelke, in “Great Whites, Paedophiles and Terrorists: The Need for Critical Thinking in a New Era of Terror” (pp. 17-25), considers British government-induced media “scare-mongering” to have legitimated an “authoritarian approach” to the purported new era of terror (pp. 22-23). Meanwhile, Joseba Zulaika and William A. Douglass, in “The Terrorist Subject: Terrorist Studies and the Absent Subjectivity” (pp. 27-36), find the War on Terror constitutes “*the* single,” all embracing paradigm of analysis where the critical voice is “not allowed to ask: what is the reality itself?” (original italics) (pp. 28-29). The construction of this condition, they further reveal, if somewhat abstrusely, reflects an abstract “desire” that demands terror as “an ever-present threat” (p. 31). In order to sustain this fabrication: “Terrorism experts and commentators” function as “realist policemen”; and not very smart ones at that, who while “gazing at the evidence” are “unable to read the paradoxical logic of the desire that fuels it, whereby *lack* turns to*excess*” (original italics) (p. 32). Finally, Ken Booth, in “The Human Faces of Terror: Reflections in a Cracked Looking Glass” (pp. 65-79), reiterates Richard Jackson's contention that state terrorism “is a much more serious problem than non-state terrorism” (p. 76).

Yet, one searches in vain in these articles for evidence to support the ubiquitous assertion of state bias: assuming this bias in conventional terrorism analysis as a fact seemingly does not require a corresponding concern with evidence of this fact, merely its continual reiteration by conceptual fiat. A critical perspective dispenses not only with terrorism studies but also with the norms of accepted scholarship. Asserting what needs to be demonstrated commits, of course, the elementary logical fallacy *petitio principii*. But critical theory apparently emancipates (to use its favorite verb) its practitioners from the confines of logic, reason, and the usual standards of academic inquiry.

Alleging a constitutive weakness in established scholarship without the necessity of providing proof to support it, therefore, appears to define the critical posture. The unproved “state centricity” of terrorism studies serves as a platform for further unsubstantiated accusations about the state of the discipline. Jackson and his fellow editors, along with later claims by Zulaika and Douglass, and Booth, again assert that “orthodox” analysts rarely bother “to interview or engage with those involved in 'terrorist' activity” (p. 2) or spend any time “on the ground in the areas most affected by conflict” (p. 74). Given that Booth and Jackson spend most of their time on the ground in Aberystwyth, Ceredigion, not a notably terror rich environment if we discount the operations of *Meibion Glyndwr* who would as a matter of principle avoid *pob sais* like Jackson and Booth, this seems a bit like the pot calling the kettle black. It also overlooks the fact that *Studies in Conflict and Terrorism* first advertised the problem of “talking to terrorists” in 2001 and has gone to great lengths to rectify this lacuna, if it is one, regularly publishing articles by analysts with first-hand experience of groups like the Taliban, Al Qaeda and *Jemaah Islamiyah*.

A consequence of avoiding primary research, it is further alleged, leads conventional analysts uncritically to apply psychological and problem-solving approaches to their object of study. This propensity, Booth maintains, occasions another unrecognized weakness in traditional terrorism research, namely, an inability to engage with “the particular dynamics of the political world” (p. 70). Analogously, Stohl claims that “the US and English [sic] media” exhibit a tendency to psychologize terrorist acts, which reduces “structural and political problems” into issues of individual pathology (p. 7). Preoccupied with this problem-solving, psychopathologizing methodology, terrorism analysts have lost the capacity to reflect on both their practice and their research ethics.

By contrast, the critical approach is not only self-reflective, but also and, for good measure, self-reflexive. In fact, the editors and a number of the journal's contributors use these terms interchangeably, treating a reflection and a reflex as synonyms (p. 2). A cursory encounter with the *Shorter Oxford Dictionary* would reveal that they are not. Despite this linguistically challenged misidentification, “reflexivity” is made to do a lot of work in the critical idiom. Reflexivity, the editors inform us, requires a capacity “to challenge dominant knowledge and understandings, is sensitive to the politics of labelling … is transparent about its own values and political standpoints, adheres to a set of responsible research ethics, and is committed to a broadly defined notion of emancipation” (p. 2). This covers a range of not very obviously related but critically approved virtues. Let us examine what reflexivity involves as Stohl, Guelke, Zulaika and Douglass, Burke, and Booth explore, somewhat repetitively, its implications.

Reflexive or Defective?

Firstly, to challenge dominant knowledge and understanding and retain sensitivity to labels leads inevitably to a fixation with language, discourse, the ambiguity of the noun, terror, and its political use and abuse. Terrorism, Booth enlightens the reader unremarkably, is “a politically loaded term” (p. 72). Meanwhile, Zulaika and Douglass consider terror “the dominant tropic [sic] space in contemporary political and journalistic discourse” (p. 30). Faced with the “serious challenge” (Booth p. 72) and pejorative connotation that the noun conveys, critical terrorologists turn to deconstruction and bring the full force of postmodern obscurantism to bear on its use. Thus the editors proclaim that terrorism is “one of the most powerful signifiers in contemporary discourse.” There is, moreover, a “yawning gap between the 'terrorism' signifier and the actual acts signified” (p. 1). “[V]irtually all of this activity,” the editors pronounce *ex cathedra*, “refers to the *response* to acts of political violence not the violence itself” (original italics) (p. 1). Here again they offer no evidence for this curious assertion and assume, it would seem, all conventional terrorism studies address issues of homeland security.

In keeping with this critical orthodoxy that he has done much to define, Anthony Burke also asserts the “instability (and thoroughly politicized nature) of the unifying master-terms of our field: 'terror' and 'terrorism'” (p. 38). To address this he contends that a critical stance requires us to “keep this radical instability and inherent politicization of the concept of terrorism at the forefront of its analysis.” Indeed, “without a conscious reflexivity about the most basic definition of the object, our discourse will not be critical at all” (p. 38). More particularly, drawing on a jargon-infused amalgam of Michel Foucault's identification of a relationship between power and knowledge, the neo-Marxist Frankfurt School's critique of democratic false consciousness, mixed with the existentialism of the Third Reich's favorite philosopher, Martin Heidegger, Burke “*questions the question*.” This intellectual *potpourri* apparently enables the critical theorist to “question the ontological status of a 'problem' before any attempt to map out, study or resolve it” (p. 38).

Interestingly, Burke, Booth, and the symposistahood deny that there might be objective data about violence or that a properly focused strategic study of terrorism would not include any prescriptive goodness or rightness of action. While a strategic theorist or a skeptical social scientist might claim to consider only the complex relational situation that involves as well as the actions, the attitude of human beings to them, the critical theorist's radical questioning of language denies this possibility.

The critical approach to language and its deconstruction of an otherwise useful, if imperfect, political vocabulary has been the source of much confusion and inconsequentiality in the practice of the social sciences. It dates from the relativist pall that French radical post structural philosophers like Gilles Deleuze and Felix Guattari, Foucault, and Jacques Derrida, cast over the social and historical sciences in order to demonstrate that social and political knowledge depended on and underpinned power relations that permeated the landscape of the social and reinforced the liberal democratic state. This radical assault on the possibility of either neutral fact or value ultimately functions unfalsifiably, and as a substitute for philosophy, social science, and a real theory of language.

The problem with the critical approach is that, as the Australian philosopher John Anderson demonstrated, to achieve a genuine study one must either investigate the facts that are talked about or the fact that they are talked about in a certain way. More precisely, as J.L. Mackie explains, “if we concentrate on the uses of language we fall between these two stools, and we are in danger of taking our discoveries about manners of speaking as answers to questions about what is there.”2 Indeed, in so far as an account of the use of language spills over into ontology it is liable to be a confused mixture of what should be two distinct investigations: the study of the facts about which the language is used, and the study of the linguistic phenomena themselves.

It is precisely, however, this confused mixture of fact and discourse that critical thinking seeks to impose on the study of terrorism and infuses the practice of critical theory more generally. From this confused seed no coherent method grows.

What is To Be Done?

This ontological confusion notwithstanding, Ken Booth sees critical theory not only exposing the dubious links between power and knowledge in established terrorism studies, but also offering an ideological agenda that transforms the face of global politics. “[*C*]*ritical knowledge*,” Booth declares, “*involves understandings of the social world that attempt to stand outside prevailing structures, processes, ideologies and orthodoxies while recognizing that all conceptualizations within the ambit of sociality derive from particular social/historical conditions*” (original italics) (p. 78). Helpfully, Booth, assuming the manner of an Old Testament prophet, provides his critical disciples with “*big-picture* navigation aids” (original italics) (p. 66) to achieve this higher knowledge. Booth promulgates fifteen commandments (as Clemenceau remarked of Woodrow Wilson's nineteen points, in a somewhat different context, “God Almighty only gave us ten”). When not stating the staggeringly obvious, the Ken Commandments are hopelessly contradictory. Critical theorists thus should “avoid exceptionalizing the study of terrorism,”3 “recognize that states can be agents of terrorism,” and “keep the long term in sight.” Unexceptional advice to be sure and long recognized by more traditional students of terrorism. The critical student, if not fully conversant with critical doublethink, however, might find the fact that she or he lives within “Powerful theories” that are “constitutive of political, social, and economic life” (6th Commandment, p. 71), sits uneasily with Booth's concluding injunction to “stand outside” prevailing ideologies (p. 78).

In his preferred imperative idiom, Booth further contends that terrorism is best studied in the context of an “academic international relations” whose role “is not only to interpret the world but to change it” (pp. 67-68). Significantly, academic—or more precisely, critical—international relations, holds no place for a realist appreciation of the status quo but approves instead a Marxist ideology of praxis. It is within this transformative praxis that critical theory situates terrorism and terrorists.

The political goals of those non-state entities that choose to practice the tactics of terrorism invariably seek a similar transformative praxis and this leads “critical global theorizing” into a curiously confused empathy with the motives of those engaged in such acts, as well as a disturbing relativism. Thus, Booth again decrees that the gap between “those who hate terrorism and those who carry it out, those who seek to delegitimize the acts of terrorists and those who incite them, and those who abjure terror and those who glorify it—is not as great as is implied or asserted by orthodox terrorism experts, the discourse of governments, or the popular press” (p. 66). The gap “between us/them is a slippery slope, not an unbridgeable political and ethical chasm” (p. 66). So, while “terrorist actions are always—without exception—wrong, they nevertheless might be contingently excusable” (p. 66). From this ultimately relativist perspective gang raping a defenseless woman, an act of terror on any critical or uncritical scale of evaluation, is, it would seem, wrong but potentially excusable.

On the basis of this worrying relativism a further Ken Commandment requires the abolition of the discourse of evil on the somewhat questionable grounds that evil releases agents from responsibility (pp. 74-75). This not only reveals a profound ignorance of theology, it also underestimates what Eric Voeglin identified as a central feature of the appeal of modern political religions from the Third Reich to Al Qaeda. As Voeglin observed in 1938, the Nazis represented an “attractive force.” To understand that force requires not the abolition of evil [so necessary to the relativist] but comprehending its attractiveness. Significantly, as Barry Cooper argues, “its attractiveness, [like that of al Qaeda] cannot fully be understood apart from its evilness.”4

The line of relativist inquiry that critical theorists like Booth evince toward terrorism leads in fact not to moral clarity but an inspissated moral confusion. This is paradoxical given that the editors make much in the journal's introductory symposium of their “responsible research ethics.” The paradox is resolved when one realizes that critical moralizing demands the “ethics of responsibility to the terrorist other.” For Ken Booth it involves, it appears, empathizing “with the ethic of responsibility” faced by those who, “in extremis” “have some explosives” (p. 76). Anthony Burke contends that a critically self-conscious normativism requires the analyst, not only to “critique” the “strategic languages” of the West, but also to “take in” the “side of the Other” or more particularly “engage” “with the highly developed forms of thinking” that provides groups like Al Qaeda “with legitimizing foundations and a world view of some profundity” (p. 44). This additionally demands a capacity not only to empathize with the “other,” but also to recognize that both Osama bin Laden in his *Messages to the West* and Sayyid Qutb in his Muslim Brotherhood manifesto *Milestones* not only offer “well observed” criticisms of Western decadence, but also “converges with elements of critical theory” (p. 45). This is not surprising given that both Islamist and critical theorists share an analogous contempt for Western democracy, the market, and the international order these structures inhabit and have done much to shape.

Histrionically Speaking

Critical theory, then, embraces relativism not only toward language but also toward social action. Relativism and the bizarre ethicism it engenders in its attempt to empathize with the terrorist other are, moreover, histrionic. As Leo Strauss classically inquired of this relativist tendency in the social sciences, “is such an understanding dependent upon our own commitment or independent of it?” Strauss explains, if it is independent, I am committed as an actor and I am uncommitted in another compartment of myself in my capacity as a social scientist. “In that latter capacity I am completely empty and therefore completely open to the perception and appreciation of all commitments or value systems.” I go through the process of empathetic understanding in order to reach clarity about my commitment for only a part of me is engaged in my empathetic understanding. This means, however, that “such understanding is not serious or genuine but histrionic.”5 It is also profoundly dependent on Western liberalism. For it is only in an open society that questions the values it promotes that the issue of empathy with the non-Western other could arise. The critical theorist's explicit loathing of the openness that affords her histrionic posturing obscures this constituting fact.

On the basis of this histrionic empathy with the “other,” critical theory concludes that democratic states “do not always abjure acts of terror whether to advance their foreign policy objectives … or to buttress order at home” (p. 73). Consequently, Ken Booth asserts: “If terror can be part of the menu of choice for the relatively strong, it is hardly surprising it becomes a weapon of the relatively weak” (p. 73). Zulaika and Douglass similarly assert that terrorism is “always” a weapon of the weak (p. 33).

At the core of this critical, ethicist, relativism therefore lies a syllogism that holds all violence is terror: Western states use violence, therefore, Western states are terrorist. Further, the greater terrorist uses the greater violence: Western governments exercise the greater violence. Therefore, it is the liberal democracies rather than Al Qaeda that are the greater terrorists.

In its desire to empathize with the transformative ends, if not the means of terrorism generally and Islamist terror in particular, critical theory reveals itself as a form of Marxist unmasking. Thus, for Booth “*terror has multiple forms*” (original italics) and the real terror is economic, the product it would seem of “global capitalism” (p. 75). Only the *engagee* intellectual academic finding in deconstructive criticism the philosophical weapons that reveal the illiberal neo-conservative purpose informing the conventional study of terrorism and the democratic state's prosecution of counterterrorism can identify the real terror lurking behind the “manipulation of the politics of fear” (p. 75).

Moreover, the resolution of this condition of escalating violence requires not any strategic solution that creates security as the basis for development whether in London or Kabul. Instead, Booth, Burke, and the editors contend that the only solution to “the world-historical crisis that is facing human society globally” (p. 76) is universal human “emancipation.” This, according to Burke, is “the normative end” that critical theory pursues. Following Jurgen Habermas, the godfather of critical theory, terrorism is really a form of distorted communication. The solution to this problem of failed communication resides not only in the improvement of living conditions, and “the political taming of unbounded capitalism,” but also in “the telos of mutual understanding.” Only through this telos with its “strong normative bias towards non violence” (p. 43) can a universal condition of peace and justice transform the globe. In other words, the only ethical solution to terrorism is conversation: sitting around an un-coerced table presided over by Kofi Annan, along with Ken Booth, Osama bin Laden, President Obama, and some European Union pacifist sandalista, a transcendental communicative reason will emerge to promulgate norms of transformative justice. As Burke enunciates, the panacea of un-coerced communication would establish “a secularism that might create an enduring architecture of basic shared values” (p. 46).

In the end, un-coerced norm projection is not concerned with the world as it is, but how it ought to be. This not only compounds the logical errors that permeate critical theory, it advances an ultimately utopian agenda under the guise of *soi-disant* cosmopolitanism where one somewhat vaguely recognizes the “human interconnection and mutual vulnerability to nature, the cosmos and each other” (p. 47) and no doubt bursts into spontaneous chanting of Kumbaya.

In analogous visionary terms, Booth defines real security as emancipation in a way that denies any definitional rigor to either term. The struggle against terrorism is, then, a struggle for emancipation from the oppression of political violence everywhere. Consequently, in this Manichean struggle for global emancipation against the real terror of Western democracy, Booth further maintains that universities have a crucial role to play. This also is something of a concern for those who do not share the critical vision, as university international relations departments are not now, it would seem, in business to pursue dispassionate analysis but instead are to serve as cheerleaders for this critically inspired vision.

Overall, the journal's fallacious commitment to emancipation undermines any ostensible claim to pluralism and diversity. Over determined by this transformative approach to world politics, it necessarily denies the possibility of a realist or prudential appreciation of politics and the promotion not of universal solutions but pragmatic ones that accept the best that may be achieved in the circumstances. Ultimately, to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians and the Western media.6

It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.” However, in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear.

Critical Studies and Strategic Theory—A Missed Opportunity

Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against 'Critical Terrorism Studies'” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors' willingness to acknowledge deficiencies in some terrorism research shows that critical self-reflection is already present in existing terrorism studies. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position.

Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved.

Ironically, then, strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal. Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author's distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.”

Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism.

Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.7 The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun.

Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed critical theorists who only replicate the flawed understandings of those whom they criticize. Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin.

Conclusion

In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged.

At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama *Boston Legal* Judge Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.” The Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of *Critical Studies on Terrorism* are its natural home.

#### Their criticism is based on a poorly researched caricature of terrorism studies, orthodox analysis includes a self-reflexive element that makes the permutation more likely to succeed than the alternative. Pure rejection of the Western social order won’t replace terrorism discourse and is likely to reinforce the totalitarian impulse of al Qaeda

Schmid, 9 - Chair in International Relations; the Director of the Centre for the Study of Terrorism and Political Violence at St. Andrews University(Alex, Perspectives on Terrorism, v.3, issue 4, Book Review of “Critical Terrorism Studies. A new research agenda. by Richard Jackson”, http://www.terrorismanalysts.com/pt/index.php?option=com\_rokzine&view=article&id=96

The editors accuse, in their introduction  “the orthodox field” of orthodox terrorism studies of functioning “ideologically in the service of existing power structures”, with their academic research. Furthermore, they claim that orthodox scholars are frequently being used “to legitimise coercive intervention in the global South….” (p.6). The present volume is edited by three authors associated with the Centre for the Study of Radicalisation and Contemporary Political Violence (CSRV) in the Department of International Politics in Aberystwyth (Wales, UK). They also happen to be editors of a new Routledge journal “Critical Studies on Terrorism’ . The “critical” refers principally but not exclusively to the “Frankfurt-via-Welsh School Critical Theory Perspective”. The twelve contributors are not all equally “critical” in aHabermasian sense. The programmatic introduction of the editors is followed by two solid chapters from Magnus Ranstorp (former Director of CSTPV, St. Andrews, and currently Director of the Centre for Asymmetric Threat Studies at the Swedish National Defence College) and Andrew Silke (formerly with the UK Home Office and now Field Leader for Criminology at the University of East London). They both rightfully criticize some of the past sins and present shortcomings of the field of Terrorism Studies. One of them approvingly quotes Marc Sageman who observed that “disagreements among experts are the driving force of the scientific enterprise”. Such disagreements, however, exist among “orthodox” scholars like Sageman and  Hoffman or Pape and Abrams. In that sense, the claim by some critical theorists that the field of traditional Terrorism Studies is ossified without them, is simply is not true. One of the problems with many of the adherents of the “critical” school is that the focus is almost exclusively on the strawman they set up to shoot - ”orthodox” terrorism discourse rather than on the practitioners of terrorism. Richard Jackson claims that “…most of what is accepted as well-founded ‘knowledge’ in terrorism studies is, in fact, highly debatable and unstable” (p.74), dismissing thereby almost four decades of scholarship as “based on a series of ‘virulent myths’, ‘half-truths’ and contested claims…biased towards Western state priorities” (p.80). For him “terrorism is…a social fact rather than a brute fact” and “…does not exist outside of the definitions and practices which seek to enclose it, including those of the terrorism studies field” (pp.75-76). He objects to prevailing “problem-solving theories of terrorism” in favour of an approach that questions “ the status quo and the dominant acts within it” (p.77). Another contributor, J.A. Sluka, argues, without offering any proof,  that “terrorism is fundamentally a product of social inequality and state politics” (p. 139). Behind many of the critical theorists who blame mainstream terrorism research for taking ‘the world as it finds it’ there is an agenda for changing the status quo and overthrowing existing power structures. There is, in itself, nothing wrong with wanting a new and better world order. However, it is not going to be achieved by using an alternative discourse on terrorism and counter-terrorism. Toros and Gunning, contributors of another chapter, state that “the sine qua non of Critical Theory is emancipation” (p. 99) and M. McDonald als puts “emancipation as central to the study of terrorism” (p.121). However, there is not a single word on the non-emancipated position of women under Islam in general or among the Taliban and their friends from al-Qaeda in particular. One of the strength (some argue weakness) of Western thinking is its ability for self-criticism – something largely absent in the Muslim world. In that sense, this volume falls within a Western tradition. However, self-criticism should not come at the cost of not criticising   adversaries by using the same yardstick. In this sense, this volume is strangely silent about the worldview of those terrorists who have no self-doubts and attack the Red Cross,  the United Nations, NGOs and their fellow Muslims with equal lack of scruples. A number of authors in the volume appear to equate terrorism uncritically with political violence in general while in fact it is more usefully thought of as one of some twenty sub-categories of  political violence - one characterized by deliberate attacks on civilians and non-combatants in order to intimidate, coerce or otherwise manipulate  various audiences and parties to a conflict. Part of the volume advocates reinventing the wheel. J. Gunning, for instance, recommends to employ Social Movement Theory for the study of terrorism. However, that theory has been employed already explicitly or implicitly by a number of more orthodox scholars, e.g. Donatella della Porta. Many “critical” statements in the volume are unsupported by convincing evidence, e.g. when C. Sylvester and S. Parashar state “The September 11 attacks and the ongoing war on terror reinforce gender hierarchy and power in international relations” (p.190). Jackson claims that the key question  for critical terrorism theory is “who is terrorism research for and how does terrorism knowledge support particular interests?” (p.224) It does not seem to occur to him that he could have studied this question by looking at the practitioners of terrorism and study al-Qaeda’s ideological writings and its training  and  recruiting manuals. If CTS is a call for “making a commitment to emancipatory praxis central to the research enterprise” (R. Jackson et al, p. 228), CTS academics should be the first on the barricades against jihadists who treat women not as equals and who would, if they get their way, eradicate freedom of thought and religion for all mankind. It is sad that some leading proponents of Critical Terrorism Studies appear to be in fact uncritical and blind on one eye.

#### Terrorism studies are epistemologically valid---our authors are self-reflexive

Boyle, 08 – Michael J. Boyle, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

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

#### A new study incorporating long-term metrics proves counter-terrorism is successful

**Price, 12** - major in the U.S. Army and former Assistant Professor of Social Sciences at the U.S. Military Academy (Bryan, “Targeting Top Terrorists” International Security, Spring, <http://shakes31471.typepad.com/files/how-leadership-decapitation-contributes-to-counterterrorism.pdf>)

I argue that leadership decapitation significantly increases the mortality rate of terrorist groups, even after controlling for other factors. Using an original database—the largest and most comprehensive of its kind—I analyzed the effects of leadership decapitation on the mortality rate of 207 terrorist groups from 1970 to 2008. The analysis differs from previous quantitative studies because it evaluates the effects of decapitation on the duration of terrorist groups as opposed to the number, frequency, or lethality of attacks after a group experiences leadership decapitation.15 In doing so, it challenges the conventional wisdom regarding terrorist group duration and addresses some of the most pressing questions about the effectiveness of decapitation. For example, does it matter whether a terrorist group leader is killed versus captured? Does the size, ideology, or age of the group increase its susceptibility to organizational death? In addition to answering these questions, this study illustrates the importance of evaluating the long-term effects of counterterrorism policies in conjunction with the short-term metrics more commonly used today.

#### Terrorism outweighs and acting to solve it is ethical

**Issac 02** [Professor of political science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest]

WHAT WOULD IT mean for the American left right now to take seriously the centrality of means in politics? First, it would mean taking seriously the specific means employed by the September 11 attackers--terrorism. There is a tendency in some quarters of the left to assimilate the death and destruction of September 11 to more ordinary (and still deplorable) injustices of the world system--the starvation of children in Africa, or the repression of peasants in Mexico, or the continued occupation of the West Bank and Gaza by Israel. But this assimilation is only possible by ignoring the specific modalities of September 11. It is true that in Mexico, Palestine, and elsewhere, too many innocent people suffer, and that is wrong. It may even be true that the experience of suffering is equally terrible in each case. But neither the Mexican nor the Israeli government has ever hijacked civilian airliners and deliberately flown them into crowded office buildings in the middle of cities where innocent civilians work and live, with the intention of killing thousands of people. Al-Qaeda did precisely this. That does not make the other injustices unimportant. It simply makes them different. It makes the September 11 hijackings distinctive, in their defining and malevolent purpose--to kill people and to create terror and havoc. This was not an ordinary injustice. It was an extraordinary injustice. The premise of terrorism is the sheer superfluousness of human life. This premise is inconsistent with civilized living anywhere. It threatens people of every race and class, every ethnicity and religion. **Because it threatens everyone**, and threatens values central to any decent conception of a good society, it must be fought. And it must be fought in a way commensurate with its malevolence. Ordinary injustice can be remedied. Terrorism can only be stopped. Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left--that it is often politically necessary to employ morally troubling means in the name of morally valid ends. A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won't work. In such situations our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means--perhaps the dangerous means--we have to employ in order to oppose it. In such situations there is a danger that "realism" can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies.

### Varisco

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

Varisco 7

 Reading orientalism: said and the unsaid (Google eBook)

 Dr. Daniel Martin Varisco is chair of anthropology and director of Middle Eastern and Central Asia studies at Hofstra University. He is fluent in Arabic and has lived in the Middle East (Yemen, Egypt, Qatar) for over 5 years since 1978. He has done fieldwork in Yemen, Egypt, Qatar, U.A.E. and Guatemala.

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

### Framework

#### Simulations good

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

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

### AT: Academy Wrong

#### The academy isn’t wrong – our authors would get fired if they produced wrong studies – our studies are real and create actionable knowledge

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The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly(not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates). In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that virtually every governmental role, and especially national-security roles, and particularly the roles of the uniformed mili- tary, embody expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.¶ Sub-rational models (such as “public choice”) fail to take into account even a partial dedication to the “national” interest (or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the (perhaps otherwise) self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged.¶ My own direct observation suggests that defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed” (even though, of course, some values are).¶ A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction. For these reasons, “public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure, obvious, and even not-so-obvious,“rent-seeking” would not only be shameful; it would present a severe risk of career termination. And, as mentioned, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operatecompared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.

### Particularity

#### Evaluate using particularity---no “root cause” or sweeping takeouts to our specific claims

PRICE ‘98

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One of the central departures of critical international theory from positivism is the view that we cannot escape the interpretive moment. As George (1994: 24) argues, ‘the world is always an interpreted “thing”, and it is always interpreted in conditions of disagreement and conflict, to one degree or another’. For this reason, ‘there can be no common body of observational or tested data that we can turn to for a neutral, objective knowledge of the world. There can be no ultimate knowledge, for example, that actually corresponds to reality per se.’ This proposition has been endorsed wholeheartedly by constructivists, who are at pains to deny the possibility of making ‘Big-T’ Truth claims about the world and studiously avoid attributing such status to their findings. This having been said, after undertaking sustained empirical analyses of aspects of world politics constructivists do make ‘small-t’ truth claims about the subjects they have investigated. That is, they claim to have arrived at logical and empirically *plausible* interpretations of actions**,** events or processes**,** and they appeal to the weight of evidence to sustain such claims. While admitting that their claims are always contingent and partial interpretations of a complex world, Price (1995, 1997) claims that his genealogy provides the best account to date to make sense of anomalies surrounding the use of chemical weapons, and Reus-Smit (1997) claims that a culturalist perspective offers the best explanation of institutional differences between historical societies of states. Do such claims contradict the interpretive ethos of critical international theory? For two reasons, we argue that they do not. First, the interpretive ethos of critical international theory is driven, in large measure, by a normative rejection of totalizing discourses, of general theoretical frameworks that privilege certain perspectives over others. One searches constructivist scholarship in vain, though, for such discourses. With the possible exception of Wendt’s problematic flirtation with general systemic theory and professed commitment to ‘science’, constructivist research is at its best when and because it is question driven, with self-consciously contingent claims made specifically in relation to *particular* phenomena, at a *particular* time, based on *particular* evidence, and always open to alternative interpretations. Second, the rejection of totalizing discourses based on ‘big-T’ Truth claims does not foreclose the possibility, or even the inevitability, of making ‘small-t’ truth claims. In fact, we would argue that as soon as one observes and interacts in the world such claims are unavoidable, either as a person engaged in everyday life or as a scholar. As Nietzsche pointed out long ago, we cannot help putting forth truth claims about the world. The individual who does not cannot act, and the genuinely unhypocritical relativist who cannot struggles for something to say and write. In short, if constructivists are not advancing totalizing discourses, and if making ‘small-t’ truth claims is inevitable if one is to talk about how the world works, then it is no more likely that constructivism per se violates the interpretive ethos of critical international theory than does critical theory itself.

### Reps

#### Reps don’t cause war

Reiter 95 DAN REITER is a Professor of Political Science at Emory University and has been an Olin post-doctoral fellow in security studies at Harvard “Exploring the Powder Keg Myth” International Security v20 No2 Autumn 1995 pp 5-34 JSTOR

A criticism of assessing the frequency of preemptive wars by looking only at wars themselves is that this misses the non-events, that is, instances in which preemption would be predicted but did not occur. However, excluding non-events should bias the results in favor of finding that preemptive war is an important path to war, as the inclusion of non-events could only make it seem that the event was less frequent. Therefore, if preemptive wars seem infrequent within the set of wars alone, then this would have to be considered strong evidence in favor of the third, **most skeptical view of preemptive war**, because even when the sample is rigged to make preemptive wars seem frequent (by including only wars), they are still rare events. Below, a few cases in which preemption did not occur are discussed to illustrate factors that constrain preemption.¶ The rarity of preemptive wars offers preliminary support for the third, most skeptical view, that the preemption scenario does not tell us much about how war breaks out. Closer examination of the three cases of preemption, set forth below, casts doubt on the validity of the two preemption hypotheses discussed earlier: that hostile images of the enemy increase the chances of preemption, and that belief in the dominance of the offense increases the chances of preemption. In each case there are motives for war aside from fear of an imminent attack, indicating that such fears may not be sufficient to cause war. In addition, in these cases of war the two conditions hypothesized to stimulate preemption—hostile images of the adversary and belief in the military advantages of striking first—are present to a very high degree. This implies that these are insubstantial causal forces, as they are associated with theoutbreak of war only when they are present to a very high degree. This reduces even further the significance of these forces as causes of war. To illustrate this point, consider an analogy: say there is a hypothesis that saccharin causes cancer. Discovering that rats who were fed a lot of saccharin and also received high levels of X-ray exposure, which we know causes cancer, had a higher risk for cancer does not, however, set off alarm bells about the risks of saccharin. Though there might be a relationship between saccharin consumption and cancer, this is not demonstrated by the results of such a test.

**Discourse doesn’t shape reality, it describes it**

**Rodwell, 05** (Jonathan, PhD student at Manchester Met. researching U.S. Foreign Policy, 49th parallel, Spring, “Trendy but empty: A Response to Richard Jackson”,

http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm)

The larger problem is that without clear causal links between materially identifiable events and factors any assessment within the argument actually becomes nonsensical. Mirroring the early inability to criticise, if we have no traditional causational discussion how can we know what is happening? For example, Jackson details how the rhetoric of anti-terrorism and fear is obfuscating the real problems. It is proposed that the real world killers are not terrorism, but disease or illegal drugs or environmental issues. The problem is how do we know this? It seems we know this because there is evidence that illustrates as much – Jackson himself quoting to Dr David King who argued global warming is a greater that than terrorism. The only problem of course is that discourse analysis has established (as argued by Jackson) that King’s argument would just be self-contained discourse designed to naturalise another arguments for his own reasons. Ultimately it would be no more valid than the argument that excessive consumption of Sugar Puffs is the real global threat. It is worth repeating that I don’t personally believe global terrorism is the world’s primary threat, nor do I believe that Sugar Puffs are a global killer. But without the ability to identify real facts about the world we can simply say anything, or we can say nothing. This is clearly ridiculous and many post-structuralists can see this. Their argument is that there “are empirically more persuasive explanations.”[xi] The phrase ‘empirically persuasive’ is however the final undermining of post-structural discourse analysis. It is a seemingly fairly obvious reintroduction of traditional methodology and causal links. It implies things that can be seen to be right regardless of perspective or discourse. It again goes without saying that logically in this case if such an assessment is possible then undeniable material factors about the word are real and are knowable outside of any cultural definition. Language or culture then does not wholy constitute reality. How do we know in the end that the world not threatened by the onslaught of an oppressive and dangerous breakfast cereal? Because empirically persuasive evidence tells us this is the case. The question must then be asked, is our understanding of the world born of evidential assessment, or born of discourse analysis? Or perhaps it’s actually born of utilisation of many different possible explanations.

### Global war

#### Global war does not result from a Western desire for control---it results from lack of clearly defined strategic imperatives---the aff is necessary to reclaim the political

David Chandler **9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global.¶ Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numerous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberalism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military firepower and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involving the strategic accommodation of diverse powers and interests.

### ALT

#### Alt fails—only reformism sticks

Wright, 07 [Erik Olin, Vilas Distinguished Professor of Sociology at the University of Wisconsin, “Guidelines for Envisioning Real Utopias”, Soundings, April, [www.ssc.wisc.edu/~wright/Published%20writing/Guidelines-soundings.pdf](http://www.ssc.wisc.edu/~wright/Published%20writing/Guidelines-soundings.pdf)]

5. Waystations The final guideline for discussions of envisioning real utopias concerns the importance of waystations. The central problem of envisioning real utopias concerns the viability of institutional alternatives that embody emancipatory values**,** but the practical achievability of such institutional designs often **depends upon the existence of smaller steps**, intermediate institutional innovations that move us in the right direction but only partially embody these values**.** Institutional proposals which have an **all-or-nothing quality** to them are both **less likely to be adopted in the first place, and may pose more difficult transition-cost problems** if implemented**.** The catastrophic experience of Russia in the “shock therapy” approach to market reform is historical testimony to this problem. Waystations are a difficult theoretical and practical problem because there are many instances in which partial reforms may have very different consequences than full- bodied changes. Consider the example of unconditional basic income. Suppose that a very limited, below-subsistence basic income was instituted: not enough to survive on, but a grant of income unconditionally given to everyone. One possibility is that this kind of basic income would act mainly as a subsidy to employers who pay very low wages, since now they could attract more workers even if they offered below poverty level earnings. There may be good reasons to institute such wage subsidies, but they would not generate the positive effects of a UBI, and therefore might not function as a stepping stone. What we ideally want**, therefore,** are intermediate reforms that have two main properties: **first,** they concretely demonstrate the virtues of the fuller program of transformation, so they contribute to the ideological battle of **convincing people that the alternative is credible and desirable; and second,** they **enhance the capacity for action of people**, increasing their ability to push further in the future. Waystations that increase popular participation and **bring people together in problem-solving deliberations** for collective purposes are particularly salient in this regard**.** This is what in the 1970s was called “nonreformist reforms”**:** reforms that are **possible within existing institutions** and that **pragmatically solve real problems** while at the same time empowering people in ways which **enlarge their scope of action in the future.**

### Chow

#### Zero risk of their impact---instrumental knowledge production doesn’t cause violence and discursive criticism could never solve it anyway

Ken Hirschkop 7, Professor of English and Rhetoric at the University of Waterloo, July 25, 2007, “On Being Difficult,” Electronic Book Review, online: http://www.electronicbookreview.com/thread/criticalecologies/transitive

This defect - not being art - is one that theory should prolong and celebrate, not remedy. For the most egregious error Chow makes is to imagine that obstructing instrumentalism is somehow a desirable and effective route for left-wing politics. The case against instrumentalism is made in depth in the opening chapter, which argues with reference to Hiroshima and Nagasaki that "[t]he dropping of the atomic bombs effected what Michel Foucault would call a major shift in epistemes, a fundamental change in the organization, production and circulation of knowledge" (33). It initiates the "age of the world target" in which war becomes virtualized and knowledge militarized, particularly under the aegis of so-called "area studies".

It's hard not to see this as a Pacific version of the notorious argument that the Gulag and/or the Holocaust reveal the exhaustion of modernity. And the first thing one has to say is that this interpretation of war as no longer "the physical, mechanical struggles between combative oppositional groups" (33), as now transformed into a matter technology and vision, puts Chow in some uncomfortable intellectual company: like that of Donald Rumsfeld, whose recent humiliation is a timely reminder that wars continue to depend on the deployment of young men and women in fairly traditional forms of battle. Pace Chow, war can indeed be fought, and fought successfully, "without the skills of playing video games" (35) and this is proved, with grim results, every day.

But it's the title of this new epoch - the title of the book as well - that truly gives the game away. Heidegger's "Age of the World Picture" claimed that the distinguishing phenomena of what we like to call modernity - science, machine technology, secularization, the autonomy of art and culture - depended, in the last instance, on a particular metaphysics, that of the "world conceived of and grasped as a picture", as something prepared, if you like, for the manipulations of the subject. Against this vision of "sweeping global instrumentalism" Heidegger set not Mallarmé, but Hölderlin, and not just Hölderlin, but also "reflection", i.e., Heidegger's own philosophy.

It's a philosophical reprise of what Francis Mulhern has dubbed "metaculture", the discourse in which culture is invoked as a principle of social organization superior to the degraded machinations of "politics", degraded machinations which, at the time he was composing this essay, had led Heidegger to lower his expectations of what National Socialism might achieve. In the fog of metaphysics, every actually existing nation - America, the Soviet Union, Germany - looks just as grey, as does every conceivable form of politics. For the antithesis of the "world picture" is not a more just democratic politics, but no politics at all, and it is hard to see how this stance can serve as the starting point for a political critique.

If Chow decides to pursue this unpromising path anyhow, it is probably because turning exploitation, military conquest and prejudice into so many epiphenomena of a metaphysical "instrumentalism" grants philosophy and poetry a force and a role in revolutionising the world that would otherwise seem extravagant. Or it would do, if "instrumentalism" was, as Chow claims a "demotion of language", if language was somehow more at home exulting in its own plenitude than merely referring to things.

Poor old language. Apparently ignored for centuries, it only receives its due when poststructuralists force us to acknowledge it. In their hands, "language flexes its muscles and breaks the chains of its hitherto subordination to thought" and, as a consequence, "those who pursue poststructuralist theory in the critical writings find themselves permanently at war with those who expect, and insist on, the transparency - that is, the invisibility - of language as a tool of communication" (48).

We have been down this road before and will no doubt go down it again. In fact, it's fair to say this particular journey has become more or less the daily commute of critical theory, though few have thought it ought to be described in such openly military terms. There is good reason, however, to think Chow's chosen route will lead not to the promised land of resistance and emancipation, but to more Sisyphean frustration. In fact, there are several good reasons.

#### Instrumental thought and language don’t cause militarism and resisting them can’t break it down

Ken Hirschkop 7, Professor of English and Rhetoric at the University of Waterloo, July 25, 2007, “On Being Difficult,” Electronic Book Review, online: http://www.electronicbookreview.com/thread/criticalecologies/transitive

First, by transparency Chow seems to mean a kind of spontaneous empiricism we adopt whenever we use language "referentially". But it is perfectly possible to use language transitively without assuming that our concepts are mere abstractions from sense experience. Physicists routinely refer to a range of particles that they know are theoretical constructs or metaphors. In everyday language we regularly refer to things ("his increasing uneasiness", "the bottom line") without for a moment assuming they are things. Chow confuses a doctrine about the nature of our concepts or signifieds with the act of referring, which can coexist with a variety of epistemologies.

Second, and perhaps more serious, is the confusion of "instrumentalism", a mode of action, with referring. It's hard to conceive of instrumental relationships without acts of reference, but you can't conceive of non-instrumental relationships without them, either ("I love you", after all, requires reference). In and of itself, referring in language doesn't incline us towards any particular mode of social existence, or any particular politics: it's just something we do in language, and do naturally.

Put another way, to imagine that language is only acknowledged in philosophy and poetry - as if asking it to behave transitively were degrading, unseemly and servile - is to assign it a singular telos and function, to identify it far too closely with forms of discourse that belong to particular societies and particular circumstances. It overloads language, asking it to do too much (resist the tide of US militarism) by insisting that when it is true to itself it does very little (produce self-referring works). This linguistic romanticism has a long and broad history, and you can find traces of it in everyone from Herder to Habermas.

For sure, human cooperation is inconceivable without the activities gathered under the title of "language". But if cooperation is inconceivable without language, so is much of what we find brutal in our shared social life. You cannot explain the ruthless pursuit of extraordinary wealth, the murder of millions of European Jews or the persistence of ethnic violence and torture by thinking of it as a betrayal of language. Humans are the only creatures who have language but they are also the only creatures who make a habit of such brutality, and it's more than disingenuous to pretend these two facts aren't connected.

Sisyphus was condemned to his task by Zeus. Cultural critics are free to stop pushing language up the hill whenever they want. Rey Chow can't emancipate the injured and exploited by giving up her vision of self-referentiality; but she'll free her readers from an illusion, and open up more promising political paths when she does.

#### -- viewing calculative thought as equivalent to domination ensures total political paralysis

Stephen Eric Bronner, Professor of Political Science at Rutgers University, 2004, Reclaiming the Enlightenment: Toward a Politics of Radical Engagement, p. 3-5

“Instrumental reason” was seen as merging with what Marx termed the “commodity form” underpinning capitalist social relations. Everything thereby became subject to the calculation of costs and benefits. Even art and aesthetic tastes would become defined by a “culture industry”—intent only upon maximizing profits by seeking the lowest common denominator for its products. Instrumental rationality was thus seen as stripping the supposed­ly “autonomous” individual, envisioned by the philosophes, of both the means and the will to resist manipulation by totalitarian movements. En­lightenment now received two connotations: its historical epoch was grounded in an anthropological understanding of civilization that, from the first, projected the opposite of progress. This gave the book its power: Horkheimer and Adorno offered not simply the critique of some prior his­torical moment in time, but of all human development. This made it possi­ble to identify enlightenment not with progress, as the philistine bourgeois might like to believe, but rather—unwittingly—with barbarism, Auschwitz, and what is still often called “the totally administered society.” Such is the picture painted by Dialectic of Enlightenment.. But it should not be forgotten that its authors were concerned with criticizing enlightenment generally, and the historical epoch known as the Enlightenment in particular, from the standpoint of enlightenment itself: thus the title of the work. Their masterpiece was actually “intended to prepare the way for a positive notion of enlightenment, which will release it from entanglement in blind domina­tion.”4 Later, in fact, Horkheimer and Adorno even talked about writing a se­quel that would have carried a title like “Rescuing the Enlightenment” (Ret­tung der Aufklarung).5 This reclamation project was never completed, and much time has been spent speculating about why it wasn’t. The reason, I be­lieve, is that the logic of their argument ultimately left them with little positive to say. Viewing instrumental rationality as equivalent with the rationality of domination, and this rationality with an increasingly seamless bureaucratic order, no room existed any longer for a concrete or effective political form of opposition: Horkheimer would thus ultimately embrace a quasi-religious “yearning for the totally other” while Adorno became interested in a form of aesthetic resistance grounded in “negative dialectics.” Their great work initiated a radical change in critical theory, but its metaphysical subjectivism sur­rendered any systematic concern with social movements and political insti­tutions. Neither of them ever genuinely appreciated the democratic inheritance of the Enlightenment and thus, not only did they render critique independent of its philosophical foundations,6 but also of any practical inter­est it might serve. Horkheimer and Adorno never really grasped that, in contrast to the sys­tem builder, the blinkered empiricist, or the fanatic, the philosophe always evidenced a “greater interest in the things of this world, a greater confidence in man and his works and his reason, the growing appetite of curiosity and the growing restlessness of the unsatisfied mind—all these things form less a doctrine than a spirit.”7 Just as Montesquieu believed it was the spirit of the laws, rather than any system of laws, that manifested the commitment to jus­tice, the spirit of Enlightenment projected the radical quality of that commit­ment and a critique of the historical limitations with which even its best thinkers are always tainted. Empiricists may deny the existence of a “spirit of the times.” Nevertheless, historical epochs can generate an ethos, an existen­tial stance toward reality, or what might even be termed a “project” uniting the diverse participants in a broader intellectual trend or movement. The Enlightenment evidenced such an ethos and a peculiar stance toward reality with respect toward its transformation. Making sense of this, howev­er, is impossible without recognizing what became a general stylistic com­mitment to clarity, communicability, and what rhetoricians term “plain speech.” For their parts, however, Horkheimer and Adorno believed that re­sistance against the incursions of the culture industry justified the extreme­ly difficult, if not often opaque, writing style for which they would become famous—or, better, infamous. Their esoteric and academic style is a far cry from that of Enlightenment intellectuals who debated first principles in pub­lic, who introduced freelance writing, who employed satire and wit to demol­ish puffery and dogma, and who were preoccupied with reaching a general audience of educated readers: Lessing put the matter in the most radical form in what became a popular saying—”Write just as you speak and it will be beautiful”—while, in a letter written to D’Alembert in April of 1766, Voltaire noted that “Twenty folio volumes will never make a revolution: it’s the small, portable books at thirty sous that are dangerous. If the Gospel had cost 1,200 sesterces, the Christian religion would never have been established.”9 Appropriating the Enlightenment for modernity calls for reconnecting with the vernacular. This does not imply some endorsement of anti-intellectualism. Debates in highly specialized fields, especially those of the natural sciences, obviously demand expertise and insisting that intellectuals must “reach the masses” has always been a questionable strategy. The sub­ject under discussion should define the language in which it is discussed and the terms employed are valid insofar as they illuminate what cannot be said in a simpler way. Horkheimer and Adorno, however, saw the matter differ­ently. They feared being integrated by the culture industry, avoided political engagement, and turned freedom into the metaphysical-aesthetic preserve of the connoisseur. They became increasingly incapable of appreciating the egalitarian impulses generated by the Enlightenment and the ability of its advocates—Ben Franklin, Thomas Jefferson, James Madison, Thomas Paine, and Rousseau—to argue clearly and with a political purpose.1’ Thus, whether or not their “critical” enterprise was “dialectically” in keeping with the impulses of the past, its assumptions prevented them from articulating anything positive for the present or the future.

### util

#### Ethical obligations are tautological—the only coherent rubric is to maximize number of lives saved

**Greene 2010** – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf), WEA)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is anyrationallycoherentnormativemoral theory that can accommodateourmoral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization.

It seems then, that we have somehow crossed the infamous "is"-"ought" divide.  How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).

Missing the Deontological Point
I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstoodwhatKant and like-minded deontologistsare all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are notdistinctivelydeontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view.
In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people asmereobjects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-beingin the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be.
What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will betautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about thembecause they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

### pinker

#### We control uniqueness – global calamities on the decline now

Fettweis 11 – Professor of Political Science @ Tulane

(Christopher, Professor of Political Science @ Tulane, Dangerous Times?: The International Politics of Great Power Peace, pg. 85-86)//BB

The evidence supports the latter. Major wars tend to be rather memorable, so there is little need to demonstrate that there has been no such conflict since the end of the Cold War. But the data seem to support the 'trickle-down" theory of stability as well. Empirical analyses of warfare have consistently shown that the number of all types of wars-interstate, civil, ethnic, revolutionary, and so forth-declined throughout the 1990s and into the new century, after a brief surge of postcolonial conflicts in the first few years of that decade.' Overall levels of conflict tell only part of the story, however. Many other aspects of international behavior, including some that might he considered secondary effects of warfare, are on the decline as well. Some of the more important, if perhaps underreported, aggregate global trends include the following: • Ethnic conflict. Ethnonational wars for independence have declined to their lowest level since 1960, the first year for which we have data.' • Repression and poh twa! discrimination against ethnic minorities. The Minorities at Risk project at the University of Maryland has tracked a decline in the number of minority groups around the world that experience discrimination at the hands of states, from seventy-five in 1991 to forty-one in 2003.1 • War termination versus outbreak. War termination settlements have proven to be more stable over time, and the number of new conflicts is lower than ever before.' • Magnitude of conflict/battle deaths. The average number of battle deaths per conflict per year has been steadily declining."' The risk for the average person of dying in battle has been plummeting since World War IT-and rather drastically so since the end of the Cold War.' • Genocide. Since war is usually a necessary condition for genocide,-9 perhaps it should be unsurprising that the incidence of genocide and other mass slaughters declined by 90 percent between 1989 and 2005, memorable tragedies notwithstanding.' • Coups. Armed overthrow of government is becoming increasingly rare, even as the number of national governments is expanding along with the number of states-"' Would-he coup plotters no longer garner the kind of automatic outside support that they could have expected during the Cold Ware or at virtually any time of great power tension. Third party intervention. Those conflicts that do persist have less support from outside actors, just as the constructivists expected. When the great powers have intervened in local conflicts, it has usually been in the attempt to bring a conflict to an end or, in the case of Iraq's invasion of Kuwait, to punish aggression." • Human rights abuses, Though not completely gone, the number of large-scale abuses of human rights is also declining. Overall, there has been a clear, if uneven, decrease in what the Human Security Centre calls "one-sided violence against civilians" since 1989.1 • Global military spending. World military spending declined by one third in the first decade after the fall of the Berlin Wall.` Today that spending is less than 2.5 percent of global CliP; which is about twothirds of what it was during the Cold War. • Terrorist attacks. In perhaps the most counterintuitive trend, the number of worldwide terrorist incidents is far smaller than it was during the Cold War. if Iraq and South Asia were to he removed from the data, a clear, steady downward trend would become apparent. There were 300 terrorist incidents worldwide in 1991, for instance, and 58 in 2005:' International conflict and crises have steadily declined in number and intensity since the end of the Cold Var. By virtually all measures, the world is a far more peaceful place than it has been at any time in recorded history. Taken together, these trends seem to suggest that the rules by which international politics are run may indeed he changing.

#### Quality of life is skyrocketing worldwide by all measures

Ridley 10 – professor at Cold Spring Harbor Laboratory

(Matt, The Rational Optimist, pg. 13-15)//BB

If my fictional family is not to your taste, perhaps you prefer statistics. Since 1800, the population of the world has multiplied six times, yet average life expectancy has more than doubled and real income has risen more than nine times. Taking a shorter perspective, in 2005, compared with 1955, the average human being on Planet Earth earned nearly three times as much money (corrected for inflation), ate one-third more calories of food, buried one-third as many of her children and could expect to live one-third longer. She was less likely to die as a result of war, murder, childbirth, accidents, tornadoes, flooding, famine, whooping cough, tuberculosis, malaria, diphtheria, typhus, typhoid, measles, smallpox, scurvy or polio. She was less likely, at any given age, to get cancer, heart disease or stroke. She was more likely to be literate and to have finished school. She was more likely to own a telephone, a flush toilet, a refrigerator and a bicycle. All this during a half-century when the world population has more than doubled, so that far from being rationed by population pressure, the goods and services available to the people of the world have expanded. It is, by any standard, an astonishing human achievement. Averages conceal a lot. But even if you break down the world into bits, it is hard to find any region that was worse off in 2005 than it was in 1955. Over that half-century, real income per head ended a little lower in only six countries (Afghanistan, Haiti, Congo, Liberia, Sierra Leone and Somalia), life expectancy in three (Russia, Swaziland and Zimbabwe), and infant survival in none. In the rest they have rocketed upward. Africa’s rate of improvement has been distressingly slow and patchy compared with the rest of the world, and many southern African countries saw life expectancy plunge in the 1990s as the AIDS epidemic took hold (before recovering in recent years). There were also moments in the half-century when you could have caught countries in episodes of dreadful deterioration of living standards or life chances – China in the 1960s, Cambodia in the 1970s, Ethiopia in the 1980s, Rwanda in the 1990s, Congo in the 2000s, North Korea throughout. Argentina had a disappointingly stagnant twentieth century. But overall, after fifty years, the outcome for the world is remarkably, astonishingly, dramatically positive. The average South Korean lives twenty-six more years and earns fifteen times as much income each year as he did in 1955 (and earns fifteen times as much as his North Korean counter part). The average Mexican lives longer now than the average Briton did in 1955. The average Botswanan earns more than the average Finn did in 1955. Infant mortality is lower today in Nepal than it was in Italy in 1951. The proportion of Vietnamese living on less than $2 a day has dropped from 90 per cent to 30 per cent in twenty years. The rich have got richer, but the poor have done even better. The poor in the developing world grew their consumption twice as fast as the world as a whole between 1980 and 2000. The Chinese are ten times as rich, one-third as fecund and twenty-eight years longer-lived than they were fifty years ago. Even Nigerians are twice as rich, 25 per cent less fecund and nine years longer-lived than they were in 1955. Despite a doubling of the world population, even the raw number of people living in absolute poverty (defined as less than a 1985 dollar a day) has fallen since the 1950s. The percentage living in such absolute poverty has dropped by more than half – to less than 18 per cent. That number is, of course, still all too horribly high, but the trend is hardly a cause for despair: at the current rate of decline, it would hit zero around 2035 – though it probably won’t. The United Nations estimates that poverty was reduced more in the last fifty years than in the previous 500.