# 1NC

### Off

#### The affirmative should advocate the restriction of the president’s war powers authority---

#### That is authority explicitly delegated by Congress

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Congressional war powers include the prerogatives to “declare War;” ¶ “grant Letters of Marque and Reprisal,” which were operations that fell ¶ short of “war”; “make Rules for the Government and Regulation of the ¶ land and naval Forces;” “to provide for organizing, arming, and ¶ disciplining, the Militia;” “make Rules concerning Captures on Land and ¶ Water;” “raise and support Armies;” and “provide and maintain a ¶ Navy.”¶ 46¶ Alternatively, the President is endowed with one war power, ¶ that of “Commander in Chief of the Army and Navy.”¶ 47¶ Numerical ¶ comparison indicates that the intended dominant branch in war powers ¶ decisions is Congress. The Commander in Chief authority is a core preclusive power that ¶ designates the President as the head of the military command chain once ¶ Congress activates the power.¶ 48¶ Moreover, peripheral Commander in ¶ Chief powers are bridled by both statutory and treaty restrictions.¶ 49¶ The ¶ media lore of using “Commander in Chief” coterminous with “President” ¶ might occasionally be a misnomer outside of war, perhaps abetting ¶ presidential expansionism when combined with commentators employing ¶ terms such as “inherent authority.” Clearly, if Congress has not activated ¶ war powers, the President still possesses inherent authority to react ¶ expeditiously and unilaterally to defend the nation when confronted with ¶ imminent peril.¶ 50¶ However, the Framers drew a precise distinction when ¶ they specifically empowered the President “to repel and not to commence ¶ war.”¶ 51¶ Alexander Hamilton explained that latitude was required “because ¶ it is impossible to foresee or to define the extent and variety of national ¶ exigencies, and the correspondent extent and variety of the means which ¶ may be necessary to satisfy them.”¶ 52

#### Violations---

#### The affirmative only talks about the drone tech not TK authority

#### Their gaze args are about surveillance drones--- that’s as related to the rez as hobby shop RC planes

#### Two advantages---

#### 1. Community--- The resolution is the only common referent point for the debate community regardless of resource disparities, debate backgrounds, etc. Affirmation can be informed by any lit bases or methods they want but centering it on the resolution itself is key to DIALOGUE which is a prerequisite to engagement

Hanghoj 8

http://static.sdu.dk/mediafiles/Files/Information\_til/Studerende\_ved\_SDU/Din\_uddannelse/phd\_hum/afhandlinger/2009/ThorkilHanghoej.pdf¶ Thorkild Hanghøj, Copenhagen, 2008 ¶ Since this PhD project began in 2004, the present author has been affiliated with DREAM (Danish¶ Research Centre on Education and Advanced Media Materials), which is located at the Institute of¶ Literature, Media and Cultural Studies at the University of Southern Denmark. Research visits have¶ taken place at the Centre for Learning, Knowledge, and Interactive Technologies (L-KIT), the¶ Institute of Education at the University of Bristol and the institute formerly known as Learning Lab¶ Denmark at the School of Education, University of Aarhus, where I currently work as an assistant¶ professor.

Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

#### Dialogue is critical to affirming any value— failure to define all the terms in the resolution and operate within its bounds erodes deliberation and devolves into authoritarianism

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http://www.flt.uae.ac.ma/elhirech/baktine/0521831059.pdf#page=331

Northwestern Professor, Prof. Morson's work ranges over a variety of areas: literary theory (especially narrative); the history of ideas, both Russian and European; a variety of literary genres (especially satire, utopia, and the novel); and his favorite writers -- Chekhov, Gogol, and, above all, Dostoevsky and Tolstoy. He is especially interested in the relation of literature to philosophy.

Bakhtin viewed the whole process of “ideological” (in the sense of ideas and values, however unsystematic) development as an endless dialogue. As teachers, we find it difficult to avoid a voice of authority, however much we may think of ours as the rebel’s voice, because our rebelliousness against society at large speaks in the authoritative voice of our subculture.We speak the language and thoughts of academic educators, even when we imagine we are speaking in no jargon at all, and that jargon, inaudible to us, sounds with all the overtones of authority to our students. We are so prone to think of ourselves as fighting oppression that it takes some work to realize that we ourselves may be felt as oppressive and overbearing, and that our own voice may provoke the same reactions that we feel when we hear an authoritative voice with which we disagree. So it is often helpful to think back on the great authoritative oppressors and reconstruct their self-image: helpful, but often painful. I remember, many years ago, when, as a recent student rebel and activist, I taught a course on “The Theme of the Rebel” and discovered, to my considerable chagrin, that many of the great rebels of history were the very same people as the great oppressors. There is a famous exchange between Erasmus and Luther, who hoped to bring the great Dutch humanist over to the Reformation, but Erasmus kept asking Luther how he could be so certain of so many doctrinal points. We must accept a few things to be Christians at all, Erasmus wrote, but surely beyond that there must be room for us highly fallible beings to disagree. Luther would have none of such tentativeness. He knew, he was sure. The Protestant rebels were, for a while, far more intolerant than their orthodox opponents. Often enough, the oppressors are the ones who present themselves and really think of themselves as liberators. Certainty that one knows the root cause of evil: isn’t that itself often the root cause? We know from Tsar Ivan the Terrible’s letters denouncing Prince Kurbsky, a general who escaped to Poland, that Ivan saw himself as someone who had been oppressed by noblemen as a child and pictured himself as the great rebel against traditional authority when he killed masses of people or destroyed whole towns. There is something in the nature of maximal rebellion against authority that produces ever greater intolerance, unless one is very careful. For the skills of fighting or refuting an oppressive power are not those of openness, self-skepticism, or real dialogue. In preparing for my course, I remember my dismay at reading Hitler’s Mein Kampf and discovering that his self-consciousness was precisely that of the rebel speaking in the name of oppressed Germans, and that much of his amazing appeal – otherwise so inexplicable – was to the German sense that they were rebelling victims. In our time, the Serbian Communist and nationalist leader Slobodan Milosevic exploited much the same appeal. Bakhtin surely knew that Communist totalitarianism, the Gulag, and the unprecedented censorship were constructed by rebels who had come to power. His favorite writer, Dostoevsky, used to emphasize that the worst oppression comes from those who, with the rebellious psychology of “the insulted and humiliated,” have seized power – unless they have somehow cultivated the value of dialogue, as Lenin surely had not, but which Eva, in the essay by Knoeller about teaching The Autobiography of Malcolm X, surely had. Rebels often make the worst tyrants because their word, the voice they hear in their consciousness, has borrowed something crucial from the authoritative word it opposed, and perhaps exaggerated it: the aura of righteous authority. If one’s ideological becoming is understood as a struggle in which one has at last achieved the truth, one is likely to want to impose that truth with maximal authority; and rebels of the next generation may proceed in much the same way, in an ongoing spiral of intolerance.

#### 2. Stasis--- Debate over a controversial point of action creates argumentative stasis—that’s key to avoid a devolution of debate into four strangers talking past each other

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.¶ Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.¶ To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Decisionmaking is the most portable skill—key to all facets of life and advocacy

Steinberg, lecturer of communication studies – University of Miami, and Freeley, Boston based attorney who focuses on criminal, personal injury and civil rights law, ‘8

(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 9-10)

After several days of intense debate, first the United States House of Representatives and then the U.S. Senate voted to authorize President George W. Bush to attack Iraq if Saddam Hussein refused to give up weapons of mass destruction as required by United Nations's resolutions. Debate about a possible military\* action against Iraq continued in various governmental bodies and in the public for six months, until President Bush ordered an attack on Baghdad, beginning Operation Iraqi Freedom, the military campaign against the Iraqi regime of Saddam Hussein. He did so despite the unwillingness of the U.N. Security Council to support the military action, and in the face of significant international opposition.¶ Meanwhile, and perhaps equally difficult for the parties involved, a young couple deliberated over whether they should purchase a large home to accommodate their growing family or should sacrifice living space to reside in an area with better public schools; elsewhere a college sophomore reconsidered his major and a senior her choice of law school, graduate school, or a job. Each of these\* situations called for decisions to be made. Each decision maker worked hard to make well-reasoned decisions.¶ Decision making is a thoughtful process of choosing among a variety of options for acting or thinking. It requires that the decider make a choice. Life demands decision making. We make countless individual decisions every day. To make some of those decisions, we work hard to employ care and consideration; others seem to just happen. Couples, families, groups of friends, and coworkers come together to make choices, and decision-making homes from committees to juries to the U.S. Congress and the United Nations make decisions that impact us all. Every profession requires effective and ethical decision making, as do our school, community, and social organizations.¶ We all make many decisions even- day. To refinance or sell one's home, to buy a high-performance SUV or an economical hybrid car. what major to select, what to have for dinner, what candidate CO vote for. paper or plastic, all present lis with choices. Should the president deal with an international crisis through military invasion or diplomacy? How should the U.S. Congress act to address illegal immigration?¶ Is the defendant guilty as accused? Tlie Daily Show or the ball game? And upon what information should I rely to make my decision? Certainly some of these decisions are more consequential than others. Which amendment to vote for, what television program to watch, what course to take, which phone plan to purchase, and which diet to pursue all present unique challenges. At our best, we seek out research and data to inform our decisions. Yet even the choice of which information to attend to requires decision making. In 2006, TIMI: magazine named YOU its "Person of the Year." Congratulations! Its selection was based on the participation not of ''great men" in the creation of history, but rather on the contributions of a community of anonymous participants in the evolution of information. Through blogs. online networking. You Tube. Facebook, MySpace, Wikipedia, and many other "wikis," knowledge and "truth" are created from the bottom up, bypassing the authoritarian control of newspeople. academics, and publishers. We have access to infinite quantities of information, but how do we sort through it and select the best information for our needs?¶ The ability of every decision maker to make good, reasoned, and ethical decisions relies heavily upon their ability to think critically. Critical thinking enables one to break argumentation down to its component parts in order to evaluate its relative validity and strength. Critical thinkers are better users of information, as well as better advocates.¶ Colleges and universities expect their students to develop their critical thinking skills and may require students to take designated courses to that end. The importance and value of such study is widely recognized.¶ Much of the most significant communication of our lives is conducted in the form of debates. These may take place in intrapersonal communications, in which we weigh the pros and cons of an important decision in our own minds, or they may take place in interpersonal communications, in which we listen to arguments intended to influence our decision or participate in exchanges to influence the decisions of others.¶ Our success or failure in life is largely determined by our ability to make wise decisions for ourselves and to influence the decisions of others in ways that are beneficial to us. Much of our significant, purposeful activity is concerned with making decisions. Whether to join a campus organization, go to graduate school, accept a job oiler, buy a car or house, move to another city, invest in a certain stock, or vote for Garcia—these are just a few of the thousands of decisions we may have to make. Often, intelligent self-interest or a sense of responsibility will require us to win the support of others. We may want a scholarship or a particular job for ourselves, a customer for out product, or a vote for our favored political candidate.

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

### Off

#### Class is the driver of all social and existential conditions. Only emancipation from the status quo modes of production can enact any form of human freedom

**Ebert and Zavarzadeh in 2008**(Teresa L., English, State University of New York, Albany, Mas’ud, prolific writer and expert on class ideology, “Class in Culture”, p.ix-xii)

**Class** is everywhere and nowhere. It **is the most decisive condition of social life: it shapes the economic and**, consequently, **the social and cultural resources of people**. It determines their birth, healthcare, clothing, schooling, eating, love, labor, sleep, aging, and death. Yet **it remains invisible in the every day and in practical consciousness because,** for the most part, **it is dispersed through popular culture, absorbed in cultural difference, obscured by formal equality before the law or explained away by philosophical arguments**. Class in Culture attempts to trace class in different cultural situations and practices to make its routes and effects visible. However, the strategies obscuring class are cunning, complex, and subtle, and are at work in unexpected sites of culture. Consequently, this is not a linear book: it surprises class in the segments, folds, vicinities, points, and divides of culture. It moves, for example, from Abu Ghraib to the post-deconstructive proclamations of Antonio Negri, from stem cell research to labor history, from theoretical debates on binaries to diets. It is also written in a variety of registers and lengths: in the vocabularies of theory, the idioms of description and explanation, as well as in the language of polemics, and in long, short, and shorter chapters. Regardless of the language, the plane of argument, the length of the text, and the immediate subject of our critiques, our purpose has been to tease out from these incongruous moments the critical elements of a basic grammar of class-one that might be useful in reading class in other social sites. Our text on eating, for example, unpacks two diets that, we argue, reproduce class binaries in the zone of desire. The point here is not only when one eats, one eats class, but also class works in the most unexpected comers of culture, Eating as a sensuous, even sensual corporeality, is seen as the arena of desire which is represented in the cultural imaginary as autonomous from social relations. **Desire is thought to be exemplary of the singularity of the individual and her freedom from material conditions. One desires what one desires. Desire is the absolute lack: it is the unrepresentable.** We argue, however, that **one desires what one can desire; one's desire is always and ultimately determined before one desires it, and it is determined by one's material (class) conditions.** Our point is not that **individuality and singularity** are myths but that they **are myths in class societies**. **Individuality and singularity become reality**-not stories that culture tells to divert people from their anonymity in a culture of commodities-**only when one is free from necessity beyond which "begins that development of human energy which is an end in itself'** (Marx, Capita/III, 958-59). **Class is the negation of human freedom**. **A theory of class** (such as the one we articulate) **argues that class is the material logic of social life and** therefore it **determines how people live and think**. But this is too austere for many contemporary critics. ("Determinism" is a dirty totalizing word in contemporary social critique.) Most writers who still use the concept of class prefer to talk about it in the more subtle and shaded **languages of overdetermination, lifestyle, taste, prestige, and preferences**, **or** in the **stratification** terms of income, occupation, and even status. These **are all significant** aspects of social life, **but they are effects of class and not class**. This brings us to the "simple" question: What is class? We skip the usual review of theories of class because they never lead to an answer to this question. The genre of review requires, in the name of fairness, "on the one hand, on the other hand" arguments that balance each perspective with its opposite. The purpose of Class in Culture is not review but critique not a pluralism that covers up an uncommitted wandering in texts but an argument in relation to which the reader can take a position leading to change and not simply be more informed. This is not a book of information; it is a book of critique. To answer the question (what is class?), we argue-and here lies the austerity of our theory-**class is essentially a relation of property, of owning**. Class, in short, is **a relation to labor because property is the congealed alienated labor of the other**. By owning we obviously do not mean owning just anything. Owning a home or a car or fine clothes does not by itself put a person in one or another class. What does, is **owning the labor power of others in exchange for wages.** Unlike a home or a car, labor (or to be more precise "**labor power**") **is a commodity that produces value when it is consumed**. Structures like homes or machines like cars or products such as clothes do not produce value. Labor does. **Under capitalism, the producers of value do not own what they produce**. The capitalist who has purchased the labor power of the direct producers owns what they produce. Class is this relation of labor-owning. This means wages are symptoms of estranged labor, of the unfreedom of humans, namely the exploitation of humans by humans-which is another way to begin explaining class. **To know class, one has to learn about the labor relations that construct class differences**, that enable the subjugation of the many by the few. **Under capitalism labor is unfree**, it is forced wage-labor that produces "surplus value"-an objectification of a person's labor as commodities that are appropriated by the capitalist for profit. **The labor of the worker,** therefore, **becomes "an object" that "exits outside him**, independently, as **something alien to him, and it becomes a power on its own confronting him" which**, among other things, **"means that the life which he has conferred on the object confronts him as something hostile and alien**" (Marx, Economic and Philosophic Manuscripts of 1844,272). The direct producers' own labor, in other words, negates their freedom because it is used, in part, to produce commodities not for need but for exchange. **One**, therefore, **is made "to exist, first, as a worker; and, second as a physical subject**. The height of this servitude is that it is only as a worker that he can maintain himself as a physical subject, and that it is only as a physical subject that he is a worker" (273). Under wage labor, **workers**, consequently, **relate to their own activities as "an alien activity not belonging to [**them]" (275). **The estranged relation** of people to the object of their labor **is not a local matter but includes all spheres of social life**. ln other words, it is "at the same time the relation to the sensuous external world, to the objects of nature, as an alien world inimically opposed to [them]" (275). **The scope of estrangement in a class society**, of human unfreedom caused by wage labor, is not limited to the alienation of the worker from her products. It includes the productive activity itself because what is produced is a "summary of the activity, of production," and therefore it is "manifested not only in the result but in the act of production, within the producing activity itself' (274). **The worker, in the act of production, alienates herself from herself because production activity is "active alienation, the alienation of activity, the activity of alienation**" (274)-an activity which does not belong to her. This is another way of saying that the activity of labor-life activity-is turned against the worker and "here we have self-estrangement" (275). In his theory of alienated labor, Marx distinguishes between the "natural life" of eating, drinking, and procreating which humans share with other animals and the "species life" which separates humans from animal. This distinction has significant implications for an emancipatory theory of classless society. "Species life" is the life marked by consciousness, developed senses, and a human understanding himself in history as a historical being because "his own life is an object for him" (276}--humans, as "species beings," are self-reflexive. To be more clear, "conscious life activity distinguishes man immediately from animal life activity" (276). The object of man's labor is the actualization, the "objectification of man's species-life" (277). Alienated labor, however, "in tearing away from man the object of his production, therefore, ... tears from him his species-life" (277). Consequently, "it changes for him the life of the species into a means of individual life ... it makes individual life in its abstract form the purpose of life of the species, likewise in the abstract and estranged form" (276). This is another way of saying that **the larger questions that enable humans to build their world consciously are marginalized, and sheer biological living** ("individual life in the abstract") **becomes the goal of life in class society structured by wage labor. "Life itself appears only as a means to life"** (276). **Class turns "species life" into "natural life."** Since society is an extension of the sensuous activities of humans in nature (labor), **the alienation of humans from the products of their labor, from the very process of labor, which is their life activity, and from their species-being, leads to the estrangement of humans from humans (**277)-**the alienation in class societies that is experienced on the individual level as loneliness**. In confronting oneself, one confronts others; which is another way of saying that one's **alienation from the product of one's labor**, from productive activity, and from "species life" **is** at the same time **alienation from other people, their labor, and the objects of their labor**. In class societies, **work**, therefore, **becomes the negation of the worker:** he "only feels himself outside his work, and in his work feels outside himself" (274). **Ending class structures is a re-obtaining of human freedom.** Freedom here is not simply the freedom of individuals as symbolized, for instance, in bourgeois "freedom of speech" but is a world-historical **"freedom from necessity**" (Marx, Critique of the Gotha Programme). **Class struggle is the struggle for human emancipation by putting an end to alienated labor** (as class relations). Alienated labor is the bondage of humans to production: it is an effect of wage labor (which turns labor into a means of living) and private property (which is congealed labor). **Emancipation from alienated labor is, therefore, the emancipation of humans from this bondage because "all relations of servitude," such as class relations, "are but modifications and consequences" of the relation of labor to production** (Marx, Economic and Philosophic Manuscripts of 1844,280). **Class**, in short, **is the effect of property relations that are themselves manifestations of the alienation of labor as wage labor. Wage labor alienates one from one's own product, from oneself, from other humans, and, as Marx put it, "estranges the species from man**" (276).

#### Capitalism’s preoccupation with endless accumulation will result in total ecological destruction and extinction

Foster 11,[John Bellamy ] Dec. 2011, Capitalism and the Accumulation of Catastrophe, Monthly Review, Vol. 63 Issue 07, <http://monthlyreview.org/2011/12/01/capitalism-and-the-accumulation-of-catastrophe> (Aug 2012)

Yet, the continued pursuit of Keynes’s convenient lie over the last eight decades has led to a world far more polarized and beset with contradictions than he could have foreseen. It is a world prey to the enormous unintended consequences of accumulation without limits: namely, global economic stagnation, financial crisis, and planetary ecological destruction. Keynes, though aware of some of the negative economic aspects of capitalist production, had no real understanding of the ecological perils—of which scientists had already long been warning. Today these perils are impossible to overlook. Faced with impending ecological catastrophe, it is more necessary than ever to abandon Keynes’s convenient lie and espouse the truth: that foul is foul and fair is fair. Capitalism, the society of “après moi le déluge!” is a system that fouls its own nest—both the human-social conditions and the wider natural environment on which it depends. The accumulation of capital is at the same time accumulation of catastrophe, not only for a majority of the world’s people, but living species generally. Hence, nothing is *fairer*—more just, more beautiful, and more necessary—today than the struggle to overthrow the regime of capital and to create a system of substantive equality and sustainable human development; a socialism for the twenty-first century.

#### Method is key- our alternative is dialectical materialism which provides the best method for understanding social and political relations-this education is key to achieve class consciousness and stop capitalism

**Lukacs in 67** (George, Hungarian Marxist philosopher and literary critic. He is a founder of the tradition of Western Marxism. He contributed the ideas of reification and class consciousness to Marxist philosophy and theory, and his literary criticism was influential in thinking about realism and about the novel as a literary genre. He served briefly as Hungary's Minister of Culture as part of the government of the short-lived Hungarian Soviet Republic, History and Class Consciousness)

If the question were really to be formulated in terms of such a crude antithesis it would deserve at best a pitying smile. But in fact it is not (and never has been) quite so straightforward. Let us assume for the sake of argument that recent research had disproved once and for all every one of Marx's individual theses. Even if this were to be proved, every serious 'orthodox' Marxist would still be able to accept all such modern findings without reservation and hence dismiss all of Marx's theses in toto—without having to renounce his orthodoxy for a single moment. **Orthodox Marxism**, therefore, **does not imply the uncritical acceptance of the results of Marx's investigations**. It is not the 'belief in this or that thesis, nor the exegesis of a 'sacred' book. **On the contrary, orthodoxy refers exclusively to method. It is the scientific conviction that dialectical materialism is the road to truth and that its methods can be developed, expanded and deepened** only along the lines laid down by its founders. It is the conviction, moreover, that all attempts to surpass or 'improve' it have led and must lead to over-simplification, triviality and eclecticism. Materialist dialectic is a revolutionary dialectic. **This definition is so important** and altogether so crucial for an understanding of its nature **that if the problem is to be approached in the right way this must be fully grasped before we venture upon a discussion of the dialectical method itself**. **The issue turns on the question of theory and practice**. And this not merely in the sense given it by Marx when he says in his first critique of Hegel that "theory becomes a material force when it grips the masses".1 Even **more to the point is the need to discover those features and definitions both of the theory and the ways of gripping the masses which convert the theory, the dialectical method, into a vehicle of revolution**. We must extract the practical essence of the theory from the method and its relation to its object. **If this is not done that 'gripping the masses' could well turn out to be a will o' the wisp**. **It might turn out that the masses were in the grip of quite different forces**, that they were in pursuit of quite different ends. **In that event**, there would be no necessary connection between the theory and their activity, **it would be a form that enables the masses to become conscious of their socially necessary or fortuitous actions, without ensuring a genuine and necessary bond between consciousness and action**. In the same essay\* Marx clearly defined the conditions in which a relation between theory and practice becomes possible. "It is not enough that thought should seek to realise itself; reality must also strive towards thought." Or, as he expresses it in an earlier work:3 "It will then be realised that the world has long since possessed something in the form of a dream which it need only take possession of consciously, in order to possess it in reality." **Only when consciousness stands in such a relation to reality can theory and practice be united. But for this to happen the emergence of consciousness must become the decisive step which the historical process must take** towards its proper end (an end constituted by the wills of men, but neither dependent on human whim, nor the product of human invention). The historical function of theory is to make this step a practical possibility. Only when a historical situation has arisen in which a class must understand society if it is to assert itself; only when the fact that a class understands itself means that it understands society as a whole and when, in consequence, the class becomes both the subject and the object of knowledge; in short, **only when these conditions are all satisfied will the unity of theory and practice, the precondition of the revolutionary function of the theory, become possible**. Such a situation has in fact arisen with the entry of the proletariat into history. "When the proletariat proclaims the dissolution of the existing social order,” Marx declares, "it does no more than disclose the secret of its own existence, for it is the effective dissolution of that order." \* **The links between the theory that affirms this and the revolution are not just arbitrary, nor are they particularly tortuous** or open to misunderstanding. **On the contrary, the theory is essentially the intellectual expression of the revolutionary process itself. In it every stage of the process becomes fixed so that it may be generalised**, communicated, utilised **and developed**. **Because the theory does nothing but arrest and make conscious each necessary step, it becomes at the same time the necessary premise of the following one**. <1-3>

#### Our method is the only way to stop capitalism-their knowledge only values individual epistemologies and identity. This cuts analysis off from the totality of capitalism ensuring the case fails.

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**It is not the primacy of economic motives in historical explanation that constitutes the decisive difference between Marxism and bourgeois thought, but the point of view of totality**. **The category of totality, the** all-pervasive **supremacy of the whole over the parts is the essence of the method which** **Marx** took over from Hegel and brilliantly **transformed into the foundations of a wholly new science**. **The capitalist separation of the producer from the total process of production**, the division of the process of labour into parts at the cost of the individual humanity of the worker, **the atomisation of society into individuals** who simply go on producing without rhyme or reason, **must all have a profound influence on the** thought, the science and the **philosophy of capitalism**. **Proletarian science is revolutionary not just by virtue of its revolutionary ideas** which it opposes to bourgeois society, **but above all because of its method**. The primacy of the category of totality is the bearer of the principle of revolution in science. The revolutionary nature of Hegelian dialectics had often been recognised as such before Marx, notwithstanding Hegel's own conservative applications of the method. But no one had converted this knowledge into a science of revolution. It was Marx who transformed the Hegelian method into what Herzen described as the 'algebra of revolution\*. **It was not enough**, however, **to give it a materialist twist.** **The revolutionary principle** inherent in Hegel's dialectic **was able to come to the surface** less **because of** that than because of **the validity of the method itself, viz. the concept of totality**, the subordination of every part to the whole unity of history and thought. **In Marx the dialectical method aims at understanding society as a whole. Bourgeois thought concerns itself with objects** that arise either from the process of studying phenomena in isolation, or from the division of labour and specialisation in the different disciplines. **It holds abstractions to be 'real' if it is naively realistic, and 'autonomous' if it is critical**. **Marxism**, however, **simultaneously raises and reduces all specialisations to the level of aspects in a dialectical process**. This is not to deny that the process of abstraction and hence the isolation of the elements and concepts in the special disciplines and whole areas of study is of the very essence of science. **But what is decisive is whether this process of isolation is a means towards understanding the whole** and whether it is integrated within the context it presupposes and requires, **or whether the abstract knowledge of an isolated fragment retains its 'autonomy\* and becomes an end in itself.** In the last **analysis Marxism docs not acknowledge the existence of independent sciences of law, economics or history**, etc.: **there is nothing but a single, unifed— dialectical and historical—science of the evolution of society as a totality**. The category of totality, however, determines not only the object of knowledge but also the subject. **Bourgeois thought judges social phenomena** consciously or unconsciously, naively or subtly, consistently **from the standpoint of the individual**.1 **No path leads from the individual to the totality; there is at best a road leading to aspects of particular areas, mere fragments for the most part**, 'facts\* bare of any context, or to abstract, special laws. The totality of an object can only be posited if the positing subject is itself a totality; and if the subject wishes to understand itself, it must conceive of the object as a totality. In modern society only the classes can represent this total point of view. By tackling every problem from this angle, above all in Capital, Marx supplied a corrective to Hegel who still wavered between the "great individual and the abstract spirit of the people." Although his successors understood him even less well here than on the issue of'idealism' versus 'materialism\* this corrective proved even more salutary and decisive. <27-28>

### Off

#### The United States Congress should limit the President's war powers authority to assert, on behalf of the United States, immunity from judicial review by establishing a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings.

#### Ex post review solves accountability and transparency

Jaffer 2013 [Jameel Jaffer, Director of the ACLU's Center for Democracy 126 Harv. L. Rev. F. 185 (2013) “Judicial Review of Targeted Killings” http://www.harvardlawreview.org/issues/126/april13/forum\_1002.php]

Second, judicial engagement with the targeted killing program does not actually require the establishment of a new court. In a case pending before Judge Rosemary Collyer of the District Court for the District of Columbia, the ACLU and the Center for Constitutional Rights represent the estates of the three U.S. citizens whom the CIA and JSOC killed in Yemen in 2011. The complaint, brought under Bivens v. Six Unknown Named Agents, seeks to hold senior executive officials liable for conduct that allegedly violated the Fourth and Fifth Amendments. It asks the court to articulate the limits of the government’s legal authority and to assess whether those limits were honored. In other words, the complaint asks the court to conduct the kind of review that many now seem to agree that courts should conduct.¶ This kind of review—ex post review in the context of a Bivens action—could clarify the relevant legal framework in the same way that review by a specialized court could. But it also has many advantages over the kind of review that would likely take place in a specialized court. In a Bivens action, the proceedings are adversarial rather than ex parte, increasing their procedural legitimacy and improving their substantive accuracy. Hearings are open to the public, at least presumptively. The court can focus on events that have already transpired rather than events that might or might not transpire in the future. And a Bivens action can also provide a kind of accountability that could not be supplied by a specialized court reviewing contemplated strikes ex ante: redress for family members of people killed unlawfully, and civil liability for officials whose conduct in approving or carrying out the strike violated the Constitution. (Of course, in one profound sense a Bivens action will always come too late, because the strike alleged to be unlawful will already have been carried out. Again, though, if “imminence” is a requirement, ex ante judicial review is infeasible by definition.)

#### Legal restraints work---exception theory is self-serving and wrong

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

Yet this argument relies on Schmitt’s controversial model of politics, as outlined eloquently but unconvincingly in his famous Concept of the Political. To be sure, there are intense conflicts in which it is naïve to expect an easy resolution by legal or juridical means. But the argument suffers from a troubling circularity: Schmitt occasionally wants to define “political” conflicts as those irresolvable by legal or juridical devices in order then to argue against legal or juridical solutions to them. The claim also suffers from a certain vagueness and lack of conceptual precision. At times, it seems to be directed against trying to resolve conflicts in the courts or juridical system narrowly understood; at other times it is directed against any legal regulation of intense conflict. The former argument is surely stronger than the latter. After all, legal devices have undoubtedly played a positive role in taming or at least minimizing the potential dangers of harsh political antagonisms. In the Cold War, for example, international law contributed to the peaceful resolution of conflicts which otherwise might have exploded into horrific violence, even if attempts to bring such conflicts before an international court or tribunal probably would have failed.22¶ Second, Schmitt dwells on the legal inconsistencies that result from modifying the traditional state-centered system of international law by expanding protections to non-state fighters. His view is that irregular combatants logically enjoyed no protections in the state-centered Westphalian model. By broadening protections to include them, international law helps undermine the traditional state system and its accompanying legal framework. Why is this troubling? The most obvious answer is that Schmitt believes that the traditional state system is normatively superior to recent attempts to modify it by, for example, extending international human rights protections to individuals against states. 23 But what if we refuse to endorse his nostalgic preference for the traditional state system? Then a sympathetic reading of the argument would take the form of suggesting that the project of regulating irregular combatants by ordinary law must fail for another reason: it rests on a misguided quest to integrate incongruent models of interstate relations and international law. We cannot, in short, maintain core features of the (state-centered) Westphalian system while extending ambitious new protections to non-state actors.¶ This is a powerful argument, but it remains flawed. Every modern legal order rests on diverse and even conflicting normative elements and ideals, in part because human existence itself is always “in transition.” When one examines the so-called classical liberal legal systems of nineteenth-century England or the United States, for example, one quickly identifies liberal elements coexisting uneasily alongside paternalistic and authoritarian (e.g., the law of slavery in the United States), monarchist, as well as republican and communitarian moments. The same may be said of the legal moorings of the modern welfare state, which arguably rest on a hodgepodge of socialist, liberal, and Christian and even Catholic (for example, in some European maternity policies) programmatic sources. In short, it is by no means self-evident that trying to give coherent legal form to a transitional political and social moment is always doomed to fail. Moreover, there may be sound reasons for claiming that the contemporary transitional juncture in the rules of war is by no means as incongruent as Schmitt asserts. In some recent accounts, the general trend towards extending basic protections to non-state actors is plausibly interpreted in a more positive – and by no means incoherent – light.24¶ Third, Schmitt identifies a deep tension between the classical quest for codified and stable law and the empirical reality of a social world subject to permanent change: “The tendency to modify or even dissolve classical [legal] concepts…is general, and in view of the rapid change of the world it is entirely understandable” (12). Schmitt’s postwar writings include many provocative comments about what contemporary legal scholars describe as the dilemma of legal obsolescence. 25 In The Partisan, he suggests that the “great transformations and modifications” in the technological apparatus of modern warfare place strains on the aspiration for cogent legal norms capable of regulating human affairs (17; see also 48–50). Given the ever-changing character of warfare and the fast pace of change in military technology, it inevitably proves difficult to codify a set of cogent and stable rules of war. The Geneva Convention proviso that legal combatants must bear their weapons openly, for example, seems poorly attuned to a world where military might ultimately depends on nuclear silos buried deep beneath the surface of the earth, and not the success of traditional standing armies massed in battle on the open field. “Or what does the requirement mean of an insignia visible from afar in night battle, or in battle with the long-range weapons of modern technology of war?” (17).¶ As I have tried to show elsewhere, these are powerful considerations deserving of close scrutiny; Schmitt is probably right to argue that the enigma of legal obsolescence takes on special significance in the context of rapid-fire social change.26 Unfortunately, he seems uninterested in the slightest possibility that we might successfully adapt the process of lawmaking to our dynamic social universe. To be sure, he discusses the “motorization of lawmaking” in a fascinating 1950 publication, but only in order to underscore its pathological core.27 Yet one possible resolution of the dilemma he describes would be to figure how to reform the process whereby rules of war are adapted to novel changes in military affairs in order to minimize the danger of anachronistic or out-of-date law. Instead, Schmitt simply employs the dilemma of legal obsolescence as a battering ram against the rule of law and the quest to develop a legal apparatus suited to the special problem of irregular combatants.

### Case

#### Western rationality is the best structuring for the system- constantly increases the circle of community that is within liberalism

http://www.commondreams.org/views04/1230-05.htm Gwynne **Dyer** December 30, 200**4** is a Canadian journalist based in London whose articles are published in 45 papers worldwide. This is an abridged version of the last chapter in his updated book, War, first published in 1985. His latest book is Future: Tense. The Coming Global Order, published by McClelland and Stewart. by the Toronto Star The End of War Our Task Over the Next Few Years is to Transform the World of Independent States into a Genuine Global Village by Gwynne Dyer

War is deeply embedded in our history and our culture, probably since before we were even fully human, but weaning ourselves away from it should not be a bigger mountain to climb than some of the other changes we have already made in the way we live, given the right incentives. And we have certainly been given the right incentives: The holiday from history that we have enjoyed since the early '90s may be drawing to an end, and another great-power war, fought next time with nuclear weapons, may be lurking in our future. The "firebreak" against nuclear weapons use that we began building after Hiroshima and Nagasaki has held for well over half a century now. But the proliferation of nuclear weapons to new powers is a major challenge to the stability of the system. So are the coming crises, mostly environmental in origin, which will hit some countries much harder than others, and may drive some to desperation. Add in the huge impending shifts in the great-power system as China and India grow to rival the United States in GDP over the next 30 or 40 years and it will be hard to keep things from spinning out of control. With good luck and good management, we may be able to ride out the next half-century without the first-magnitude catastrophe of a global nuclear war, but the potential certainly exists for a major die-back of human population. We cannot command the good luck, but good management is something we can choose to provide. It depends, above all, on preserving and extending the multilateral system that we have been building since the end of World War II. The rising powers must be absorbed into a system that emphasizes co-operation and makes room for them, rather than one that deals in confrontation and raw military power. If they are obliged to play the traditional great-power game of winners and losers, then history will repeat itself and everybody loses. Our hopes for mitigating the severity of the coming environmental crises also depend on early and concerted global action of a sort that can only happen in a basically co-operative international system. When the great powers are locked into a military confrontation, there is simply not enough spare attention, let alone enough trust, to make deals on those issues, so the highest priority at the moment is to keep the multilateral approach alive and avoid a drift back into alliance systems and arms races. And there is no point in dreaming that we can leap straight into some never-land of universal brotherhood; we will have to confront these challenges and solve the problem of war within the context of the existing state system. The solution to the state of international anarchy that compels every state to arm itself for war was so obvious that it arose almost spontaneously in 1918. The wars by which independent states had always settled their quarrels in the past had grown so monstrously destructive that some alternative system had to be devised, and that could only be a pooling of sovereignty, at least in matters concerning war and peace, by all the states of the world. So the victors of World War I promptly created the League of Nations. But the solution was as difficult in practice as it was simple in concept. Every member of the League of Nations understood that if the organization somehow acquired the ability to act in a concerted and effective fashion, it could end up being used against them, so no major government was willing to give the League of Nations any real power. Instead, they got World War II, and that war was so bad — by the end the first nuclear weapons had been used on cities — that the victors made a second attempt in 1945 to create an international organization that really could prevent war. They literally changed international law and made war illegal, but they were well aware that all of that history and all those reflexes were not going to vanish overnight. It would be depressing to catalogue the many failures of the United Nations, but it would also be misleading. The implication would be that this was an enterprise that should have succeeded from the start, and has failed irrevocably. On the contrary; it was bound to be a relative failure at the outset. It was always going to be very hard to persuade sovereign governments to surrender power to an untried world authority which might then make decisions that went against their particular interests. In the words of the traditional Irish directions to a lost traveler: "If that's where you want to get to, sir, I wouldn't start from here." But here is where we must start from, for it is states that run the world. The present international system, based on heavily armed and jealously independent states, often exaggerates the conflicts between the multitude of human communities in the world, but it does reflect an underlying reality: We cannot all get all we want, and some method must exist to decide who gets what. That is why neighboring states have lived in a perpetual state of potential war, just as neighboring hunter-gatherer bands did 20,000 years ago. If we now must abandon war as a method of settling our disputes and devise an alternative, it only can be done with the full co-operation of the world's governments. That means it certainly will be a monumentally difficult and lengthy task: Mistrust reigns everywhere and no nation will allow even the least of its interests to be decided upon by a collection of foreigners. Even the majority of states that are more or less satisfied with their borders and their status in the world would face huge internal opposition from nationalist elements to any transfer of sovereignty to the United Nations. The good news for humans is that it looks like peaceful conditions, once established, can be maintained. And if baboons can do it, why not us? The U.N. as presently constituted is certainly no place for idealists, but they would feel even more uncomfortable in a United Nations that actually worked as was originally intended. It is an association of poachers turned game-keepers, not an assembly of saints, and it would not make its decisions according to some impartial standard of justice. There is no impartial concept of justice to which all of mankind would subscribe and, in any case, it is not "mankind" that makes decisions at the United Nations, but governments with their own national interests to protect. To envision how a functioning world authority might reach its decisions, at least in its first century or so, begin with the arrogant promotion of self-interest by the great powers that would continue to dominate U.N. decision-making and add in the crass expediency masquerading as principle that characterizes the shifting coalitions among the lesser powers in the present General Assembly: It would be an intensely political process. The decisions it produced would be kept within reasonable bounds only by the need never to act in a way so damaging to the interest of any major member or group of members that it forced them into total defiance, and so destroyed the fundamental consensus that keeps war at bay. There is nothing shocking about this. National politics in every country operates with the same combination: a little bit of principle, a lot of power, and a final constraint on the ruthless exercise of that power based mainly on the need to preserve the essential consensus on which the nation is founded and to avoid civil war. In an international organization whose members represent such radically different traditions, interests, and levels of development, the proportion of principle to power is bound to be even lower. It's a pity that there is no practical alternative to the United Nations, but there isn't. If the abolition of great-power war and the establishment of international law is truly a hundred-year project, then we are running a bit behind schedule but we have made substantial progress. We have not had World War III, and that is thanks at least in part to the United Nations, which gave the great powers an excuse to back off from several of their most dangerous confrontations without losing face. No great power has fought another since 1945, and the wars that have broken out between middle-sized powers from time to time — Arab-Israeli wars and Indo-Pakistani wars, mostly — seldom lasted more than a month, because the U.N.'s offers of ceasefires and peacekeeping troops offered a quick way out for the losing side. If you assessed the progress that has been made since 1945 from the perspective of that terrifying time, the glass would look at least half-full. The enormous growth of international organizations since 1945, and especially the survival of the United Nations as a permanent forum where the states of the world are committed to avoiding war (and often succeed), has already created a context new to history. The present political fragmentation of the world into more than 150 stubbornly independent territorial units will doubtless persist for a good while to come. But it is already becoming an anachronism, for, in every other context, from commerce, technology, and the mass media to fashions in ideology, music, and marriage, the outlines of a single global culture (with wide local variations) are visibly taking shape. It is very likely that we began our career as a rising young species by exterminating our nearest relatives, the Neanderthals, and it is entirely possible we will end it by exterminating ourselves, but the fact that we have always had war as part of our culture does not mean that we are doomed always to fight wars. Other aspects of our behavioral repertoire are a good deal more encouraging. There is, for example, a slow but quite perceptible revolution in human consciousness taking place: the last of the great redefinitions of humanity. At all times in our history, we have run our affairs on the assumption that there is a special category of people (our lot) whom we regard as full human beings, having rights and duties approximately equal to our own, and whom we ought not to kill even when we quarrel. Over the past 15,000 or 20,000 years we have successively widened this category from the original hunting-and-gathering band to encompass larger and larger groups. First it was the tribe of some thousands of people bound together by kinship and ritual ties; then the state, where we recognize our shared interests with millions of people whom we don't know and will never meet; and now, finally, the entire human race. There was nothing in the least idealistic or sentimental in any of the previous redefinitions. They occurred because they were useful in advancing people's material interests and ensuring their survival. The same is true for this final act of redefinition: We have reached a point where our moral imagination must expand again to embrace the whole of mankind. It's no coincidence that the period in which the concept of the national state is finally coming under challenge by a wider definition of humanity is also the period that has seen history's most catastrophic wars, for they provide the practical incentive for change. But the transition to a different system is a risky business: The danger of another world war which would cut the whole process short is tiny in any given year, but cumulatively, given how long the process of change will take, it is extreme. That is no reason not to keep trying. Our task over the next few generations is to transform the world of independent states in which we live into some sort of genuine international community. If we succeed in creating that community, however quarrelsome, discontented, and full of injustice it will probably be, then we shall effectively have abolished the ancient institution of warfare. Good riddance.

#### Anti-imperialist strategies distort struggles for real global justice – resorting in massive violence in the periphery of your anti-western struggle

Martin Shaw (Professor of International Relations and Politics at the University of Sussex) April 2001 “The Problem of the Quasi-Imperial State” http://www.sussex.ac.uk/Units/CGPE/Failed%20States/shaw.pdf

It is worth asking how the politics of anti-imperialism distorts Western leftists' responses to global struggles for justice. John Pilger, for example, consistently seeks to minimise the crimes of Milosevic in Kosovo, and to deny their genocidal character - purely because these crimes formed part of the rationale for Western intervention against Serbia. He never attempted to minimise the crimes of the pro-Western Suharto regime in the same way. The crimes of quasi-imperial regimes are similar in cases like Yugoslavia and Indonesia, but the West's attitudes towards them are undeniably uneven and inconsistent. To take as the criterion of one's politics opposition to Western policy, rather than the demands for justice of the victims of oppression as such, distorts our responses to the victims and our commitment to justice. We need to support the victims regardless of whether Western governments take up their cause or not; we need to judge Western power not according to a general assumption of 'new imperialism' but according to its actual role in relation to the victims.

#### Blaming imperialism for all oppression masks more violent forms of oppression – prefer our evidence, its comparative

Fred Halliday (Middle East Report) 1999 “The Middle East at the Millennial Turn” http://www.merip.org/mer/mer213/213\_hallliday.html

Recent developments in the Middle East and the onset of new global trends and uncertainties pose a challenge not only to those who live in the region but also to those who engage it from outside. Here, too, previously-established patterns of thought and commitment are now open to question. The context of the l960s, in which journals such as MERIP Reports (the precursor of this publication) and the Journal of the North American Committee on Latin America (NACLA) were founded, was one of solidarity with the struggles of Third World peoples and opposition to external, imperialist intervention. That agenda remains valid: Gross inequalities of wealth, power and access to rights–a.k.a. imperialism–persist. This agenda has been enhanced by political and ethical developments in subsequent decades. Those who struggle include not only the national groups (Palestinians and Kurds) oppressed by chauvinist regimes and the workers and peasants (remember them?) whose labor sustains these states, but now also includes analyses of gender oppression, press and academic suppression and the denial of ecological security. The agenda has also elaborated a more explicit stress on individual rights in tandem with the defense of collective rights. History itself and the changing intellectual context of the West have, however, challenged this emancipatory agenda in some key respects. On the one hand, oppression, denial of rights and military intervention are not the prerogative of external states alone: An anti-imperialism that cannot recognize–and denounce–indigenous forms of dictatorship and aggression, or that seeks, with varying degrees of exaggeration, to blame all oppression and injustice on imperialism, is deficient. The Iranian Revolution, Ba‘thist Iraq, confessional militias in Lebanon, armed guerrilla groups in a range of countries, not to mention the Taliban in Afghanistan, often represent a much greater immediate threat to human rights and the principles in whose name solidarity was originally formulated than does Western imperialism. Islamist movements from below meet repressive states from above in their conduct. What many people in the region want is not less external involvement but a greater commitment by the outside world, official and non-governmental, to protecting and realizing rights that are universally proclaimed but seldom respected. At the same time, in a congruence between relativist renunciation from the region and critiques of "foundationalist" and Enlightenment thinking in the West, doubt has been cast on the very ethical foundation of solidarity: a belief in universal human rights and the possibility of a solidarity based on such rights. Critical engagement with the region is now often caught between a denunciation of the West's failure actively to pursue the democratic and human rights principles it proclaims and a rejection of the validity of these principles as well as the possibility of any external encouragement of them. This brings the argument back to the critique of Western policy, and of the relation of that critique to the policy process itself. On human rights and democratization, official Washington and its European friends continue to speak in euphemism and evasion. But the issue here is not to see all US involvement as inherently negative, let alone to denounce all international standards of rights as imperialist or ethnocentric, but rather, to hold the US and its European allies accountable to the universal principles they proclaim elsewhere. An anti-imperialism of disengagement serves only to reinforce the hold of authoritarian regimes and oppressive social practices within the Middle East.

#### Drones are the ultimate in reflexivity in Western thought- improvements in technology make them incredibly precise and make oversight awesome

Cartwright 2013 [General (ret) James E. Cartwright¶ my testimony will be based on my 40 years of military experience and work I am currently supporting with various universities, think tanks and studies Testimony to the Senate Judiciary Subcommittee on the ¶ Constitution, Civil Rights, and Human Rights¶ 24 March 2013 “CONSTITUTIONAL AND COUNTER TERRORISM IMPLICATIONS OF TARGETED KILLING” http://www.judiciary.senate.gov/pdf/04-23-13CartwrightTestimony.pdf]

Advances in high band-width satellite communications, sensing technologies -¶ particularly full motion video - combined with existing aircraft technology has allowed ¶ armed drones to emerge as the platform of choice in this counter terror mission space. In ¶ military operations, these drones are highly capable and sought after by ground forces. ¶ They cost roughly $4-5M versus a modern fighter’s $150M. They persist on station for ¶ 15-20 hours without refueling, versus 1-2 hours for fighter attack aircraft. They consume ¶ 100 gallons of fuel per flight versus 1,000-3,000 gallons for an unrefueled fighter attack ¶ aircraft. Their optics provides full motion imagery at far greater distances and altitudes ¶ than the human eye, and the crews are not distracted or disabled by the constant duties of ¶ flight. Their sensor information can be distributed to fixed and mobile users in real time. ¶ For a Marine, this means getting up in the morning, getting a patrol assignment, ¶ monitoring the target area in real time, while conducting mission planning, followed by ¶ travel to the target area, execution of the mission, return to base and debriefing. They can ¶ rerun the entire mission for accurate debriefings and mission effectiveness and ¶ accountability. During all that, they have an armed escort that can see over hills, and ¶ around corners, in the palm of their hand. Not hard to see why military operations are ¶ significantly improved by this technology.¶ Drones offer many advantages over other conventional forces in counter terrorism ¶ missions. Basing can be located far from the area of interest without sacrificing time on ¶ station. They have far greater mobility than a similar ground or naval capability. Their ¶ elevated sensors are generally more effective in locating and pursuing a threat. They can ¶ persist in an area for extended periods of time awaiting emergence or a clear opportunity. ¶ They can quickly adapt to fixed and mobile targets. These and many other attributes of ¶ armed drones make them the leading choice in counter terrorism operations.

#### There is a linear increase in risk every time the Aff prevents action

Metz 2013 [Steven Metz is a defense analyst and the author of "Iraq and the Evolution of American Strategy." His weekly WPR column, Strategic Horizons, appears every Wednesday 27 Feb 2013 World Politics Review “Strategic Horizons: The Strategy Behind U.S. Drone Strikes” http://www.worldpoliticsreview.com/articles/12747/strategic-horizons-the-strategy-behind-u-s-drone-strikes]

The current strategy of containing al-Qaida-style extremism may repeat this pattern. Its strategic logic is the same, even if its methods differ. Yet, as during the Cold War, remaining steadfast until the strategy works will not be easy. Many parts of it are difficult, even repellent. Drone strikes are an example. But there is no other sustainable method of offensive actions that can effectively hinder the ability of the terrorists to organize and execute attacks. Even though this conflict does not look like the sort of traditional wars that Americans are used to, it cannot be handled like a law enforcement issue. And those who support a strictly defensive version of containment may be right that al-Qaida's flame will eventually burn out on its own. But without an offensive element to U.S. strategy, this day will be postponed, increasing the chances that a terrorist will get through America's defenses. And extending the conflict also brings even greater suffering to the people al-Qaida and its ilk hide behind.¶ Nearly all Americans would embrace a strategy that counters and defeats al-Qaida-style extremists without using drone strikes. So far, though, critics of the drones have not provided a viable alternative or made the case that the strategic costs of drones outweigh the benefits. At this point, drones remain the only effective offensive tool in a strategy that requires them.

#### Nuclear terrorism breaks the nuclear taboo

Bin ‘9 (5-22-09 About the Authors Prof. Li Bin is a leading Chinese expert on arms control and is currently the director of Arms Control Program at the Institute of International Studies, Tsinghua University. He received his Bachelor and Master Degrees in Physics from Peking University before joining China Academy of Engineering Physics (CAEP) to pursue a doctorate in the technical aspects of arms control. He served as a part-time assistant on arms control for the Committee of Science, Technology and Industry for National Defense (COSTIND).Upon graduation Dr. Li entered the Institute of Applied Physics and Computational Mathematics (IAPCM) as a research fellow and joined the COSTIND technical group supporting Chinese negotiation team on Comprehensive Test Ban Treaty (CTBT). He attended the final round of CTBT negotiations as a technical advisor to the Chinese negotiating team. Nie Hongyi is an officer in the People’s Liberation Army with an MA from China’s National Defense University and a Ph.D. in International Studies from Tsinghua University, which he completed in 2009 under Prof. Li Bin. )

**The nuclear taboo is a** kind **of international norm and this type of norm is supported by the promotion of the norm through international social exchange.** **But at present the increased threat of nuclear terrorism has lowered people’s confidence that nuclear weapons will not be used**. **China and the United States have a broad common interest in combating nuclear terrorism.** **Using technical and institutional measures to break the foundation of nuclear terrorism and lessen the possibility of a nuclear terrorist attack can not only weaken the danger of nuclear terrorism itself but also** strengthen people’s confidence in the nuclear taboo**, and in this way preserve an international environment beneficial to both China and the United States.** **In this way even if there is crisis in China-U.S. relations caused by conflict, the nuclear taboo can also help both countries reduce suspicions about the nuclear weapons problem, avoid miscalculation and thereby reduce the** danger of a nuclear war**.**

#### Drone prolif eliminates the possibility of miscalc- it functionally eliminates the fog of war

Rosén 2013 [Frederik Rosén Danish Institute For International Studies, Defence and Security, Post-Doc DIIS Working Paper 2013:04 “Extremely Stealthy and Incredibly Close: Drones, Control, and Legal Responsibility” http://www.academia.edu/2907252/Extremely\_Stealthy\_and\_Incredibly\_Close\_Drones\_Control\_and\_Responsibility]

Looking back on recent armed conﬂicts in Libya, Afghanistan, Iraq, Kosovo, and Kuwait, all of which were fought with cutting-edge western military technology, we see that weak intelligence has been the dominant cause of combat-related collateral damage. Furthermore, weak intelligence results more often than not from an understandable reluctance to send in reconnaissance troops to collect the necessary information to guide weapon delivery. The surveillance capability of drone technology provides an effective remedy by collecting real-time intelligence. Combined with other forms of surveillance technology, we are moving swiftly towards an era where the “fog of war” has become history. For the high tech military, armed conﬂicts move pixel by pixel towards ultrahigh deﬁnition and total transparency. This is not only a question of whether states want transparency or not. Rather, insofar as proper technology is available, states are obliged by international law to move it in that direction. The critical question of the use of armed force in the age of drone technology is about the moral and legal obligations that total surveillance entails.

#### Drones are much better than alternatives for civilian casualties

Byman 2013 [Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution Foreign Affairs “Why Drones Work” July-August 2013 Vol. 92, Issue 4]

Furthermore, although a drone strike may violate the local state's sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenadelike warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone.¶ Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States' behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups.

#### Actually they are lower- drones allow for greater precision

Brooks 2012 [Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department “What's Not Wrong With Drones?” September 5, 2012 Foreign Policy http://www.foreignpolicy.com/articles/2012/09/05/whats\_not\_wrong\_with\_drones?page=0,3]

But to paraphrase the NRA, "Drones don't kill people, people kill people." At any rate, drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. Drones actually permit far greater precision in targeting. Today's unmanned aerial vehicles (UAVs) can carry small bombs that do less widespread damage, and there's no human pilot whose fatigue might limit flight time. Their low profile and relative fuel efficiency combines with this to permit them to spend more "time on target" than any manned aircraft.¶ Drones can engage in "persistent surveillance.­" That means they don't just swoop in, fire missiles and swoop out: they may spend hours, days, or even months monitoring a potential target. Equipped with imaging technologies that enable operators even thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems.

#### Tech improvements and more stringent doctrine already solves

Brooks 2012 [Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department “What's Not Wrong With Drones?” September 5, 2012 Foreign Policy http://www.foreignpolicy.com/articles/2012/09/05/whats\_not\_wrong\_with\_drones?page=0,3]

But drone strikes have also gotten far less lethal for civilians in the last few years: the New America Foundation concludes that only three to nine civilians were killed during 72 U.S. drone strikes in Pakistan in 2011, and the 2012 number -- so far -- is zero civilians killed in 36 strikes. In part, this is due to technological advances over the last decade, but it's also due to far more stringent rules for when drones can release weapons.

# 2NC

## Counterplan

#### President’s authority over targeted killing is over determination of imminent threat- the CP doesn’t restrain that just reviews the action

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

¶ Therefore, the President was justified in using lethal force to protect the nation against Aulaqi, or any other American, if that individual presented a concrete threat that satisfied the “imminence” standard.109 However, the judiciary may, as a matter of law, review the use of military force to ensure that it conforms with the limitations and conditions of statutory and constitional grants of authority.110 In the context of targeted killing, a federal court could evaluate the targeted killing program to determine whether it satisfies the constitutional standard for the use of defensive force by the Executive Branch. Targeted killing, by its very name, suggests an entirely premeditated and offensive form of military force.111 Moreover, the overview of the CIA’s targeted killing program revealed a rigorous process involving an enormous amount of advance research, planning, and approval.112 While the President has exclusive authority over determining whether a specific situation or individual presents an imminent threat to the nation, the judiciary has the authority to define “imminence” as a legal standard.113 These are general concepts of law, not political questions, and they are subject to judicial review.114

#### Pragmatic policy-focused approach is critical to productive change---K’s abstractions fail

William J. Novak 8, Associate Professor of History at the University of Chicago and Research Professor at the American Bar Foundation, “The Myth of the “Weak” American State”, June, http://www.history.ucsb.edu/projects/labor/speakers/documents/TheMythoftheWeakAmericanState.pdf

There is an alternative. In the early twentieth century, amid a first wave of nation- state and economic consolidation and assertiveness, American social science generated some fresh ways of looking at power in all its guises—social, economic, political, and legal. Overshadowed to some extent by exuberant bursts of American exceptionalism that greeted confrontations with totalitarianism and then terrorism, the pragmatic, critical, and realistic appraisal of American power is worth recovering. From Lester Frank Ward and John Dewey to Ernst Freund and John Commons to Morris Cohen and Robert Lee Hale, early American socioeconomic theorists developed a critique of a thin, private, and individualistic conception of American liberalism and interrogated the location, organization, and distribution of power in a modernizing United States. All understood the problem of power in America as complex and multifaceted, not simple or one-dimensional, especially as it concerned the relationship of state and civil society. Rather than spend endless time debating the proper definition of law or the correct empirical measure of the state, they concentrated instead on detailed investigations of power in action in the everyday practices and policies that constituted American public life. Rather than confine the examination of power to the abstract realm of political theory or the official political acts of elites, electorates, interest groups, or social movements, these analysts instead embraced a more capacious conception of governance as “an activity which is apt to appear whenever men are associated together.”35 More significantly, these political and legal realists never forgot, amid the rhetoric of law and the pious platitudes that routinely flow from American political life, the very real, concrete consequences of the deployment of legal and political power. They never forgot the brutal fact that Robert Cover would later state so provocatively at the start of his article “Violence and the Word” that legal and political interpretation take place “in a field of pain and death.” 36 The real consequences of American state power are all around us. In a democratic republic, where force should always be on the side of the governed, writing the history of that power has never been more urgent.

## Case

#### Calculation good doesn’t devalue life

Revesz 2008 Richard L. Revesz (Dean and Lawrence King Professor of Law at New York University School of Law, JD Yale Law School) and Michael A Livermore. (JD NYU School of Law, Executive Director of the Institute for Policy Integrity, and Managing director of the NYU Law Review). Retaking Rationality How Cots-Benefit Analysis Can Better protect the Environment and Our Health. 2008. P. 1-4.

Governmental decisions are also fundamentally different from personal decisions in that they often affect people in the aggregate. In our individual lives, we come into contact with at least some of the consequences of our decisions. If we fail to consult a map, we pay the price: losing valuable time driving around in circles and listening to the complaints of our passengers. We are constantly confronted with the consequences of the choices that we have made. Not so for governments, however, which exercise authority by making decisions at a distance. Perhaps one of the most challenging aspects of governmental decisions is that they require a special kind of compassion—one that can seem, at first glance, cold and calculating, the antithesis of empathy. The aggregate and complex nature of governmental decisions does not address people as human beings, with concerns and interests, families and emotional relationships, secrets and sorrows. Rather, people are numbers stacked in a column or points on a graph, described not through their individual stories of triumph and despair, but by equations, functions, and dose-response curves. The language of governmental decisionmaking can seem to—and to a certain extent does—ignore what makes individuals unique and morally important. But, although the language of bureaucratic decisionmaking can be dehumanizing, it is also a prerequisite for the kind of compassion that is needed in contemporary society. Elaine Scarry has developed a comparison between individual compassion and statistical compassion.' Individual compassion is familiar—when we see a person suffering, or hear the story of some terrible tragedy, we are moved to take action. Statistical compassion seems foreign—we hear only a string of numbers but must comprehend "the concrete realities embedded there."' Individual compassion derives from our social nature, and may be hardwired directly into the human brain.' Statistical compassion calls on us to use our higher reasoning power to extend our natural compassion to the task of solving more abstract—but no less real—problems. Because compassion is not just about making us feel better—which we could do as easily by forgetting about a problem as by addressing it—we have a responsibility to make the best decisions that we can. This book argues that cost-benefit analysis, properly conducted, can improve environmental and public health policy. Cost-benefit analysis—the translation of human lives and acres of forest into the language of dollars and cents—can seem harsh and impersonal. But such an approach is also necessary to improve the quality of decisions that regulators make. Saving the most lives, and best protecting the quality of our environment and our health—in short, exercising our compassion most effectively—requires us to step back and use our best analytic tools. Sometimes, in order to save a life, we need to treat a person like a number. This is the challenge of statistical compassion. This book is about making good decisions. It focuses on the area of environmental, health and safety regulation. These regulations have been the source of numerous and hard-fought controversies over the past several decades, particularly at the federal level. Reaching the right decisions in the areas of environmental protection, increasing safety, and improving public health is clearly of high importance. Although it is admirable (and fashionable) for people to buy green or avoid products made in sweatshops, efforts taken at the individual level are not enough to address the pressing problems we face—there is a vital role for government in tackling these issues, and sound collective decisions concerning regulation are needed. There is a temptation to rely on gut-level decisionmaking in order to avoid economic analysis, which, to many, is a foreign language on top of seeming cold and unsympathetic. For government to make good decisions, however, it cannot abandon reasoned analysis. Because of the complex nature of governmental decisions, we have no choice but to deploy complex analytic tools in order to make the best choices possible. Failing to use these tools, which amounts to abandoning our duties to one another, is not a legitimate response. Rather, we must exercise statistical compassion by recognizing what numbers of lives saved represent: living and breathing human beings, unique, with rich inner lives and an interlocking web of emotional relationships. The acres of a forest can be tallied up in a chart, but that should not blind us to the beauty of a single stand of trees. We need to use complex tools to make good decisions while simultaneously remembering that we are not engaging in abstract exercises, but that we are having real effects on people and the environment. In our personal lives, it would be unwise not to shop around for the best price when making a major purchase, or to fail to think through our options when making a major life decision. It is equally foolish for government to fail to fully examine alternative policies when making regulatory decisions with life-or-death consequences. This reality has been recognized by four successive presidential administrations. Since 1981, the cost-benefit analysis of major regulations has been required by presidential order. Over the past twenty-five years, however, environmental and other progressive groups have declined to participate in the key governmental proceedings concerning the cost-benefit analysis of federal regulations, instead preferring to criticize the technique from the outside. The resulting asymmetry in political participation has had profound negative consequences, both for the state of federal regulation and for the technique of cost-benefit analysis itself. Ironically, this state of affairs has left progressives open to the charge of rejecting reason, when in fact strong environmental and public health pro-grams are often justified by cost-benefit analysis. It is time for progressive groups, as well as ordinary citizens, to retake the high ground by embracing and reforming cost-benefit analysis. The difference between being unthinking—failing to use the best tools to analyze policy—and unfeeling—making decisions without compassion—is unimportant: Both lead to bad policy. Calamities can result from the failure to use either emotion or reason. Our emotions provide us with the grounding for our principles, our innate interconnectedness, and our sense of obligation to others. We use our powers of reason to build on that emotional foundation, and act effectively to bring about a better world.

### Otherness D

#### Not the root cause of conflict – other factors overwhelm

Volf 2002 Miroslav Volf (Henry B. Wright Professor of Theology at Yale Divinity School since 1998) Journal of Ecumenical Studies 1-1-02

Though “otherness”–cultural, ethnic, religious, racial difference–is an important factor in our relations with others, we should not overestimate it as a cause of conflict. During the war in the former Yugoslavia in the early 1990′s, I was often asked, “What is this war about? Is it about religious and cultural differences? Is it about economic advantage? Is it about political power? Is it about land?” The correct response was, of course, that the war was about all of these things. Monocausal explanations of major eruptions of violence are rarely right. Moreover, various causes are intimately intertwined, and each contributes to others. That holds true also for otherness, which I am highlighting here. However, neither should we underestimate otherness as a factor. The contest for political power, for economic advantage, and for a share of the land took place between people who belonged to discrete cultural and ethnic groups. Part of the goal of the war in the former Yugoslavia was the creation of ethnically clean territories with economic and political autonomy. The importance of “otherness” is only slightly diminished if we grant that the sense of ethnic and religious belonging was manipulated by unscrupulous, corrupt, and greedy politicians for their own political and economic gain. The fact that conjured fears for one’s identity could serve to legitimize a war whose major driving force lay elsewhere is itself a testimony to how much “otherness” matters.

### Enlightenment Rules

#### Blaming imperialism for all oppression masks more violent forms of oppression – prefer our evidence, its comparative

Fred Halliday (Middle East Report) 1999 “The Middle East at the Millennial Turn” http://www.merip.org/mer/mer213/213\_hallliday.html

Recent developments in the Middle East and the onset of new global trends and uncertainties pose a challenge not only to those who live in the region but also to those who engage it from outside. Here, too, previously-established patterns of thought and commitment are now open to question. The context of the l960s, in which journals such as MERIP Reports (the precursor of this publication) and the Journal of the North American Committee on Latin America (NACLA) were founded, was one of solidarity with the struggles of Third World peoples and opposition to external, imperialist intervention. That agenda remains valid: Gross inequalities of wealth, power and access to rights–a.k.a. imperialism–persist. This agenda has been enhanced by political and ethical developments in subsequent decades. Those who struggle include not only the national groups (Palestinians and Kurds) oppressed by chauvinist regimes and the workers and peasants (remember them?) whose labor sustains these states, but now also includes analyses of gender oppression, press and academic suppression and the denial of ecological security. The agenda has also elaborated a more explicit stress on individual rights in tandem with the defense of collective rights. History itself and the changing intellectual context of the West have, however, challenged this emancipatory agenda in some key respects. On the one hand, oppression, denial of rights and military intervention are not the prerogative of external states alone: An anti-imperialism that cannot recognize–and denounce–indigenous forms of dictatorship and aggression, or that seeks, with varying degrees of exaggeration, to blame all oppression and injustice on imperialism, is deficient. The Iranian Revolution, Ba‘thist Iraq, confessional militias in Lebanon, armed guerrilla groups in a range of countries, not to mention the Taliban in Afghanistan, often represent a much greater immediate threat to human rights and the principles in whose name solidarity was originally formulated than does Western imperialism. Islamist movements from below meet repressive states from above in their conduct. What many people in the region want is not less external involvement but a greater commitment by the outside world, official and non-governmental, to protecting and realizing rights that are universally proclaimed but seldom respected. At the same time, in a congruence between relativist renunciation from the region and critiques of "foundationalist" and Enlightenment thinking in the West, doubt has been cast on the very ethical foundation of solidarity: a belief in universal human rights and the possibility of a solidarity based on such rights. Critical engagement with the region is now often caught between a denunciation of the West's failure actively to pursue the democratic and human rights principles it proclaims and a rejection of the validity of these principles as well as the possibility of any external encouragement of them. This brings the argument back to the critique of Western policy, and of the relation of that critique to the policy process itself. On human rights and democratization, official Washington and its European friends continue to speak in euphemism and evasion. But the issue here is not to see all US involvement as inherently negative, let alone to denounce all international standards of rights as imperialist or ethnocentric, but rather, to hold the US and its European allies accountable to the universal principles they proclaim elsewhere. An anti-imperialism of disengagement serves only to reinforce the hold of authoritarian regimes and oppressive social practices within the Middle East.

### Link to Case

#### Ex ante reviews of drone usage based on perspectives destroy executive flexibility in fighting terrorism

Vladeck 2013 [Written Testimony of Stephen I. Vladeck ¶ Professor of Law and Associate Dean for Scholarship, ¶ American University Washington College of Law “DRONES AND THE WAR ON TERROR:¶ WHEN CAN THE U.S. TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?”¶ Hearing Before the House Committee on the Judiciary¶ Wednesday, February 27, 2013 http://www.lawfareblog.com/wp-content/uploads/2013/02/Vladeck-02272013.pdf]

In my view, the adversity issue is the deepest legal flaw in “drone court” ¶ proposals. But the idea of an ex ante judicial process for signing off on targeted ¶ killing operations may also raise some serious practical concerns insofar as such ¶ review could directly interfere with the Executive’s ability to carry out ongoing ¶ military operations.¶ First, and most significantly, even though I am not a particularly strong ¶ defender of unilateral (and indefeasible) presidential war powers, I do think that, if ¶ the Constitution protects any such authority on the part of the President, it includes ¶ at least some discretion when it comes to the “defensive” war power, i.e., the ¶ President’s power to use military force to defend U.S. persons and territory, ¶ whether as part of an ongoing international or non-international armed conflict or ¶ not.17¶ And although the Constitution certainly constrains how the President may ¶ use that power, it’s a different issue altogether to suggest that the Constitution ¶ might forbid him for acting at all without prior judicial approval—especially in ¶ cases where the President otherwise would have the power to use lethal force.¶ This ties together with the related point of just how difficult it would be to ¶ actually have meaningful ex ante review in a context in which time is so often of the ¶ essence. If, as I have to think is true, many of the opportunities for these kinds of ¶ operations are fleeting—and often open and close within a short window—then a ¶ requirement of judicial review in all cases might actually prevent the government ¶ from otherwise carrying out authority that, in at least some cases, most would agree ¶ it has. This possibility is exactly why FISA itself was enacted with a pair of ¶ emergency provisions (one for specific emergencies;18¶ one for the beginning of a ¶ declared war19¶ ), and comparable emergency exceptions in this context would almost ¶ necessarily swallow the rule. Indeed, the narrower a definition of imminence that ¶ we accept, the more this becomes a problem, since the time frame in which the ¶ government could simultaneously demonstrate that a target (1) poses such a threat ¶ to the United States; and (2) cannot be captured through less lethal measures will necessarily be a vanishing one. Even if judicial review were possible in that context, ¶ it’s hard to imagine that it would produce wise, just, or remotely reliable decisions.

### 2NC Turns the Case

#### Drones are key to allowing for people to express their perspectives- the squo allows the balance of terror to shape the narratives of the 1AC

Johnston and Sarbahi 2013 [Patrick B. Johnston¶ RAND Corporation¶ And Anoop K. Sarbahi¶ UCLA ¶ January 3, 2013 “The Impact of US Drone Strikes on Terrorism in¶ Pakistan and Afghanistan” Earlier versions of this article were presented at the 2011 Annual Meetings of the American¶ Political Science Association, the Belfer Center for Science and International A airs at Harvard¶ Universitys Kennedy School of Government, and the New America Foundation http://patrickjohnston.info/materials/drones.pdf]

This argument is common but its logic is not ironclad: another possibility is that¶ drone strikes could reduce terrorism. One way in which it might do so is by altering¶ the terrorists logic of violence in civil war. This logic, based on Stathis N. Kalyvas¶ seminal theory, puts information at the center of an explanation of patterns of violence¶ in asymmetric wars like those in northwestern Pakistan.¶ 12¶ In such wars, both the¶ government or a third party (the incumbent, in either case) and the insurgency seek to¶ defeat the other by establishing and maintaining control, or sovereignty, over key areas.¶ Information is particularly critical in these wars, Kalyvas argues persuasively, because,¶ unlike in conventional wars in which adversaries typically engage in pitched battle, in¶ asymmetric wars such as those being waged by al-Qaida, Tehrik-e-Taliban Pakistan and¶ the Haqqani Network, the insurgent or terrorist movements that oppose incumbents¶ typically avoid direct battle because of their relative material weakness { they operate¶ clandestinely, without uniforms, and rely on unconventional tactics such as ambushes,¶ IED attacks, and suicide attacks. States often struggle to distinguish members of¶ insurgent and terrorist organizations from ordinary civilians, thus increasing the¶ importance and value of information on those who participate in activities vital to¶ the functioning militant networks. To prevent incumbent security forces from dismantling their networks, insurgents¶ and terrorists take aggressive measures to keep their tactics, techniques, and procedures¶ a secret. Like criminal gangs who must evade law enforcement to survive, successful¶ insurgent and terrorist organizations must establish and maintain tight operational¶ security to evade incumbent security services.¶ 13¶ Informants and other disloyal elements¶ are key concerns. Populations living under insurgent or terrorist control have an¶ incentive to cooperate with militants, not incumbents, or face harsh sanctions when¶ temporarily deployed incumbent forces depart the area. This dynamic|violence as¶ a coercive instrument of social control, with information as the main objective|is¶ at the core of Kalyvas theory of violence. An implication of the theory is that when¶ an insurgent or terrorist group fully controls a locale, insurgents should perpetrate¶ little if any violence because they know that civilians have no incentive to disavow.¶ Conversely, when an area is controlled by militants, incumbent violence is likely to be¶ less precise|and sometimes indiscriminate|due to the dearth of local intelligence.¶ A potential limitation of Kalyvas' theory is that it accounts for only one type¶ of information|human intelligence, or information collected from informants.¶ 14 Al-¶ though human intelligence is the information source incumbents and militants have¶ traditionally drawn from most heavily, technological innovations are increasingly¶ changing the ways in which incumbents can counter militants|particularly when the¶ incumbent is a wealthy government with highly advanced security and intelligence¶ services, such as the United States. Drones are the best example: UAVs enable incum-¶ bents to remotely collect intelligence as well as target terrorists. Drones were initially¶ developed for intelligence collection, not for targeting terrorists; when the U.S. military¶ rst deployed drones to Bosnia in 1995, the ¶ eet was dedicated to surveillance and¶ reconnaissance. Armed strikes were not used until after the U.S. post-9/11 invasion of Afghanistan.¶ 15 Drones can loiter for long periods of time without incurring risk¶ to a pilot, making them ideal tools for monitoring suspicious activities and tracking¶ known suspects.¶ 16 Our argument is that drones reduce militant violence by altering¶ the logic of violence as it is elaborated in the literature. Physical control is no longer¶ sufficient to ensure information dominance in an area: drones enable incumbents to¶ collect information in hostile or otherwise denied areas where they may or may not¶ have a physical presence, as is currently the case for the United States in Pakistan.¶ What this means is that drone strikes erode militants ability to exercise sovereign¶ control over local areas. Even if an insurgent or terrorist organization is the only¶ armed actor on the ground, as they often are in FATA, the greater the threat from¶ above, the more costly it is for the militants to exercise de facto control in that area.¶ The standard logic of violence would predict that in such a scenario, this innovation¶ should lead us to anticipate an increase terrorist violence as a result of their e orts to¶ deter defection. This would likely mean an increase in both the number of attacks¶ conducted by militants, as well as the overall lethality of these organizations.¶ Our argument implies the opposite set of observables. It predicts that in this¶ scenario, militant violence should decrease, both in terms of its frequency and its¶ lethality. The reason is that drone strikes in an area are a meaningful indication of an¶ increased security risk to militants operating in that area. The increased risk associated¶ with continuing to operate there should apply to any type of militant activity that is¶ vulnerable to drone capabilities, which conducting attacks are, regardless of whether¶ militants would otherwise conduct operations at their \average" rate and level of¶ lethality (i.e., the null hypothesis), or if they would otherwise escalate the frequency¶ and lethality of their operations to deter potential defectors (i.e., the alternative logic of violence hypothesis).

### Drone Norms

#### Unrestricted drone usage is the condition for creating proximity- ensures that norms spill over to all types of weapons

Rosén 2013 [Frederik Rosén Danish Institute For International Studies, Defence and Security, Post-Doc DIIS Working Paper 2013:04 “Extremely Stealthy and Incredibly Close: Drones, Control, and Legal Responsibility” http://www.academia.edu/2907252/Extremely\_Stealthy\_and\_Incredibly\_Close\_Drones\_Control\_and\_Responsibility]

Therefore we need to look at drones not only as a game changer: they are also an “obligation trigger”. And the critical concept of drone technology is not remoteness but proximity. The legal situation we are presented with is not different from the situation of a satellite-based surveillance platform and precision weapons located at a distance: it is not at all different from the obligation to use binoculars to check out a target before ﬁring the mortars. What matters are surveillance, seeing and knowing, and the ability to hit a target within seconds. Drone technology represents the avant-garde of intelligence collection and targeting. Rolled into one, they simply alter not only the threshold of feasible precautionary measures but also their very rationality and they also recast the principle of precaution in both ground and air force operations.

#### The norm of precaution brought by drones ensures precaution in ALL weapons systems

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Now, the last but important conclusion shall be that the argument made here for how the currently available drone technology triggers the principle of precaution applies not only to drones. Rather, it applies to all forms of use of armed force. Any argument in this article is as valid for other means of armed force as it is for drone-based weapons. If a state possesses drone technology, and if the deployment of this technology may potentially reduce unnecessary harm from armed attacks, the state is obliged to employ the technology. In this manner, drone technology triggers precautionary obligation across all weapons systems.

#### Drones ensure nonbattlefield violence doesn’t escalate- ensures they can be deployed before other more destructive weapons systems to prevent miscalc

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Regarding urgency, here deﬁned as a military situation in which “all feasible precaution” demands less pre-operational information gathering, we may notice how signature strikes and targeted killings more often than not are carried out in the absence of actual ﬁghting, and mostly rely on careful targeting considerations. Hours, days or weeks of surveillance may lie ahead of the attack. This leaves plenty of time for considering and taking precautionary steps. It has been argued that there is “strong evidence that UAVs are better, not worse, at noncombatant discrimination.”¶ 50¶ That may or may not be true; statistics indicate the latter.¶ 51¶ The argument here is that in a strategic landscape void of the kind of urgency we have traditionally connected with armed conﬂict, such as hectic combat situations or the sudden necessity of protecting strongholds, the ‘feasibility’ parameter of balancing between urgency and precaution changes. In situations of targeted killings and signature killings, urgency does not stem from battle distress. It springs solely from the risk of missing the chance of killing a suspected or conﬁrmed target. Still, the principle of precaution applies. The question drone technology presents us with is what “all feasibility of precaution” may mean in a situation devoid of the kind of military urgency the principle originally aimed at? Furthermore, the availability of drone technology obviously attaches new precautionary obligations to many other weapon systems. The relatively swift deployment time of drones may, in many situations, require militaries to deploy drones in advance of bombing or shelling.

#### Doesn’t lower the threshold for conflict

Carpenter and Shaikhouni 2011 [Charli Carpenter is associate professor of international relations at the University of Massachusetts, Amherst, and blogs about human security at the Duck of Minerva. Lina Shaikhouni is completing a degree in political science at the University of Massachusetts, Amherst, with an emphasis on human rights and humanitarian law. June 7 2011 Foreign Policy “Don’t Fear the Reaper” http://www.foreignpolicy.com/articles/2011/06/07/dont\_fear\_the\_reaper?page=0,1]

Misconception No. 2: Drones Make War Easy and Game-Like, and Therefore Likelier. Remote-controlled violence even with a human in the loop also has people concerned: Nearly 40 percent of the op-eds we studied say that remote-control killing makes war too much like a video game. Many argue this increases the likelihood of armed conflict.¶ It's a variation on an old argument: Other revolutions in military technology -- the longbow, gunpowder, the airplane -- have also progressively removed the weapons-bearer from hand-to-hand combat with his foe. Many of these advances, too, were initially criticized for degrading the professional art of war or taking it away from military elites. For example, European aristocrats originally considered the longbow and firearms unchivalrous for a combination of these reasons.¶ It's true that all killing requires emotional distancing, and militaries throughout time have worked hard to devise ways to ease the psychological impact on soldiers of killing for the state in the national interest. Yet it's not so clear whether the so-called Nintendo effect of drones increases social distance or makes killing easier. Some anecdotal evidence suggests the opposite: Drone pilots say they suffer mental stress precisely because they have detailed, real-time images of their targets, and because they go home to their families afterward rather than debriefing with their units in the field. Studies haven't yet confirmed which view is accurate or whether it's somehow both.¶ Even if some variant of the Nintendo effect turns out to be real, there is little evidence that distancing soldiers from the battlefield or the act of killing makes war itself more likely rather than less. If that were true, the world would be awash in conflict. As former Lt. Col. Dave Grossman has documented, at no time in history has the combination of technology and military training strategies made killing so easy -- a trend that began after World War I. Yet as political scientist Joshua Goldstein demonstrates in a forthcoming book, the incidence of international war -- wars between two or more states -- has been declining for 70 years.¶ The political debate over drones should move away from the fear that military advancements mean war is inevitable and instead focus on whether certain weapons and platforms are more or less useful for preventing conflict at a greater or lesser cost to innocent civilian lives. Activists should keep pressure on elected officials, military personnel, and other public institutions to make armed conflict, where it occurs, as bloodless as possible. For example, some human rights groups say the Nintendo effect itself could be harnessed to serve humanitarian outcomes -- by embedding war law programming into game designs.

### A2: Kills Civilians

#### Drones are much better than alternatives for civilian casualties

Byman 2013 [Daniel Byman is a Professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University and a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution Foreign Affairs “Why Drones Work” July-August 2013 Vol. 92, Issue 4]

Furthermore, although a drone strike may violate the local state's sovereignty, it does so to a lesser degree than would putting U.S. boots on the ground or conducting a large-scale air campaign. And compared with a 500-pound bomb dropped from an F-16, the grenadelike warheads carried by most drones create smaller, more precise blast zones that decrease the risk of unexpected structural damage and casualties. Even more important, drones, unlike traditional airplanes, can loiter above a target for hours, waiting for the ideal moment to strike and thus reducing the odds that civilians will be caught in the kill zone.¶ Finally, using drones is also far less bloody than asking allies to hunt down terrorists on the United States' behalf. The Pakistani and Yemeni militaries, for example, are known to regularly torture and execute detainees, and they often indiscriminately bomb civilian areas or use scorched-earth tactics against militant groups.

# 1NR

### O/V

#### Our interp is that the aff has to advocate a restriction of presidential war powers authority

#### A limited topic based on resolutional syntax is key to community---

#### Engagement--- we have to be talking about the same thing in order to engage--- whether we have responded to the aff begs the question of whether we are adequately prepared--- circularity of truth argument

#### Accessibility--- if we’ve committed to a 1 topic per yr thing then we should follow through--- makes it harder for novices, exacerbates resources disparities, Big programs can have a new aff every other round- No topic generics sufficient to restore balance--- small schools have to debate multiple topics--- causes a retreat from resolutional debate bc everyone has to find an unbeatable aff and generic neg to offset other people doing the same

#### Our interp is a floor not a ceiling--- a multitude of situated knowledges and literature bases are good but if they’re not tied to the common referent of the rez debate is not possible

#### This requirement will enhance their advocacy

David Intrator (President of The Creative Organization) October 21, 2010 “Thinking Inside the Box,” http://www.trainingmag.com/article/thinking-inside-box

One of the most pernicious myths about creativity, one that seriously inhibits creative thinking and innovation, is the belief that one needs to “think outside the box.” As someone who has worked for decades as a professional creative, nothing could be further from the truth. This a is view shared by the vast majority of creatives, expressed famously by the modernist designer Charles Eames when he wrote, “Design depends largely upon constraints.” The myth of thinking outside the box stems from a fundamental misconception of what creativity is, and what it’s not. In the popular imagination, creativity is something weird and wacky. The creative process is magical, or divinely inspired. But, in fact, creativity is not about divine inspiration or magic. It’s about problem-solving, and by definition a problem is a constraint, a limit, a box. One of the best illustrations of this is the work of photographers. They create by excluding the great mass what’s before them, choosing a small frame in which to work. Within that tiny frame, literally a box, they uncover relationships and establish priorities. What makes creative problem-solving uniquely challenging is that you, as the creator, are the one defining the problem. You’re the one choosing the frame. And you alone determine what’s an effective solution. This can be quite demanding, both intellectually and emotionally. Intellectually, you are required to establish limits, set priorities, and cull patterns and relationships from a great deal of material, much of it fragmentary. More often than not, this is the material you generated during brainstorming sessions. At the end of these sessions, you’re usually left with a big mess of ideas, half-ideas, vague notions, and the like. Now, chances are you’ve had a great time making your mess. You might have gone off-site, enjoyed a “brainstorming camp,” played a number of warm-up games. You feel artistic and empowered. But to be truly creative, you have to clean up your mess, organizing those fragments into something real, something useful, something that actually works. That’s the hard part. It takes a lot of energy, time, and willpower to make sense of the mess you’ve just generated. It also can be emotionally difficult. You’ll need to throw out many ideas you originally thought were great, ideas you’ve become attached to, because they simply don’t fit into the rules you’re creating as you build your box.

### Targeted Killing Aff List

#### AUMF and CAS

Lawfare Wiki No Date [Lawfare Wiki No Date “Legality of U.S. Government’s Targeted Killing Program under Domestic Law” http://www.lawfareblog.com/wiki/the-lawfare-wiki-document-library/targeted-killing/legality-of-targeted-killing-program-under-u-s-domestic-law/]

Many, including former State Department Legal Adviser Harold Koh, have argued that much, if not all, of the U.S. government’s targeted killing program has been affirmatively authorized by Congress with the Authorization for the Use of Military Force (AUMF), which authorizes the Executive to use force against those enemy combatants that fall within the statute’s ambit.¶ The U.S. Government (via Eric Holder and Harold Koh) itself has stated that “[i]n response to the attacks perpetrated – and the continuing threat posed – by al Qaeda, the Taliban, and associated forces, Congress has authorized the President to use all necessary and appropriate force against those groups,” thus emphasizing the AUMF as a primary basis for its targeting authority. In addition, Holder asserted, “[t]he Constitution [itself] empowers the President to protect the nation from any imminent threat of violent attack.” Thus, en toto, the USG has asserted several bases of authority for its targeted killing program, namely (according to a leaked DOJ White Paper), “[the President's] constitutional responsibility to protect the country, the inherent right of the United States to national self defense under international law, Congress’s authorization of the use of all necessary and appropriate military force against [al-Qa'ida and associated forces], and the existence of an armed conflict with al-Qa’ida under international law.”¶ Curtis Bradley and Jack Goldsmith, in their textbook on foreign relations law, and a note in the Vanderbilt Journal of Transnational Law counter that the AUMF, to the extent that it authorizes targeted killings at all, may not be sufficient to authorize the entire scope of the U.S. government’s targeted killing program undertaken so far, thus perhaps rendering at least some iterations of the U.S. government’s targeted killing program impermissible. Note, too, that a White House fact sheet released alongside President Obama’s May 23, 2013 speech on counterterrorism asserted that the President would “engage Congress and the American people in efforts to refine, and ultimately repeal, the AUMF’s mandate.”¶ Nevertheless, Bradley and Goldsmith explain, even if Congress did not authorize the U.S. government’s targeted killing program with the AUMF, the President could in theory act against terrorists presenting an imminent threat under the Covert Action Statute (CAS), 50 U.S.C. §413b. The CAS is potentially an important authorizing authority, as its scope extends beyond that of the AUMF, namely in that it is not limited to those terrorist groups linked to the September 11, 2001 attacks. In other ways, though, the CAS may be narrower than the AUMF. For instance, Robert Chesney sets forth the argument that the CAS merely authorizes that which is otherwise lawful under Article II, and thus does not expand the scope of the President’s authority. Consequently, the CAS, like the AUMF, may be insufficient to support the entire breadth of the U.S. government’s targeted killing policy.

### 2NC History DA

#### Our interp is based on the Youngstown precedent- this interp limits out affs in the zone of twilight

Bejesky 2013 [Robert Bejesky M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law ¶ (Georgetown). The author has taught international law courses for Cooley Law School and the ¶ Department of Political Science at the University of Michigan, American government and ¶ constitutional law courses for Alma College, and business law courses at Central Michigan University ¶ and the University of Miami. 1/23/2013 “WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE “ZONE OF TWILIGHT”” St Mary’s Law Journal http://www.stmaryslawjournal.org/pdfs/Bejesky\_Step12.pdf]

The three-prong analysis parallels other constitutional axioms. For ¶ example, the President is obligated to execute laws that Congress enacts ¶ and cannot act beyond legislative parameters.¶ 65¶ In the majority opinion in ¶ Youngstown, Justice Black underscored that the President’s authority “must ¶ stem either from an act of Congress or from the Constitution itself.”¶ 66¶ ¶ The President cannot take action beyond his or her independent powers as ¶ Executive unless Congress sanctions the initiative.¶ 67¶ Accordingly, the ¶ “zone of twilight” appertains to circumstances in which there may be no ¶ congressional legislation and to factual and legal situations that involve ¶ concurring, uncertain, unsettled, or ambiguous authority.¶ 68¶ In Dames & ¶ Moore v. Regan,¶ 69¶ the Court explained, “Congress cannot anticipate and ¶ legislate with regard to every possible action the President may find it ¶ necessary to take or every possible situation in which he might act.”¶ 7

#### Youngstown is the best standard

Swaine 10 (The Political Economy of Youngstown Edward T. Swaine Associate Professor, George Washington University Law School; Volume 83:2, Southern California Law Review (2010) http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty\_publications)

Everybody loves Youngstown Sheet & Tube, also known as the Steel Seizure Case1 – and how could they not? The decision establishes that the President is governed by the law and by the courts, kind of a Marbury v. Madison for the executive branch;2 better yet, it did so despite appeals to wartime exigencies, and so reinforced the immutability of constitutional principles.3 Youngstown is one of the most celebrated cases dealing with the separation of powers, and even contends for best in show.4 Justice Jackson’s concurrence is even more beloved. This may have been unexpected: he wrote only for himself (there were five such solo concurrences) under considerable time pressure (probably contributing to the need to write separately),5 and his contemporaries were not bowled over.6 But with time, buoyed by Jackson’s growing reputation as a jurist, his concurrence’s signal contribution – a nifty three-tiered approach that looked approvingly on presidential action taken with the approval of Congress (Category One), virtually condemned action taken contrary to Congress’ will (Category Three), and cast other actions into a “zone of twilight” (Category Two)7 – has become Youngstown’s enduring legacy. When the decision’s fiftieth anniversary was celebrated,8 Justice Jackson’s approach, lately dubbed the “Youngstown framework,”9 was the subject of particular acclaim, and it is widely accepted that his opinion is one of the Court’s alltime greats.

### Areas Interp

#### Neg “areas” interp

Free Dictionary (ar·e·a n. http://www.thefreedictionary.com/area)

3. A distinct part or section, as of a building, set aside for a specific function: a storage area in the basement.