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## Off

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#### “Resolved” implies a policy or legislative decision

Parcher 1 - Jeff Parcher, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. **Resolved comes from the adoption of resolutions by legislative bodies**. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Second, the agent of the resolution is the USFG---we’ll read ev later if they contest this obvious fact

#### Finally, “should” means “shall” or “must” – the affirmative is required to defend implementation

Nieto 9 --- Judge Henry Nieto, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the **weight of authority** appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word **"**conveys a sense of duty and obligationand **could not be misunderstood** by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and **not discretion**. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as **synonymous with the word "must**" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words **have the same meaning**. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that **a legislature's or commission's use of the word "should" is meant to convey duty or obligation**. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

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#### Due process reforms result in catastrophic terrorism---releases them and kills intel gathering

Jack Goldsmith 9, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### Due process collapses intelligence gathering --- sources dry up --- destroys the heart of counter-terror policy

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Defendants' Motion to Dismiss, United States' Statement of Interest, Case 1:12-cv-01192-RMC Document 18 Filed 12/14/12 Page 1 of 58, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 12/14/2012

Third. Plaintiffs' claims raise the specter of disclosing classified intelligence information in open court. The D.C. Circuit has recognized that "the difficulties associated with subjecting allegations involving CIA operations and covert operatives to judicial and public scrutiny" are pertinent to the special factors analysis. Wilson, 535 F.3d at 710. In such suits, "'even a small chance that some court will order disclosure of a source's identity could well impair intelligence gathering and cause sources to close up like a clam."'1 Id. (quoting Tenet v. Doe, 544 U.S. 1,11 (2005)). And where litigation of a plaintiffs allegations "would inevitably require an inquiry into "classified information that may undermine ongoing covert operations,"\* special factors apply. Wilson, 535 F.3d at 710 (quoting Tenet, 544 U.S. at 11). See also Vance, 2012 WL 5416500 at "8 ("When the state-secrets privilege did not block the claim, a court would find it challenging to prevent the disclosure of secret information.11); Lebron, 670 F.3d at 554 (noting that the "chilling effects on intelligence sources of possible disclosures during civil litigation and the impact of such disclosures on military and diplomatic initiatives at the heart of counterterrorism policy1' are special factors); Arar, 585 F.3d at 576 (holding that the risk of disclosure of classified information is a special factor in the "extraordinary rendition" context).

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

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

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

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

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

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

#### A violent war on terror is the only way to solve—nonviolent solutions empirically fail

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

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

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#### The Executive branch of the United States should make necessary adjustments to its targeted killing policy to ensure compliance with relevant domestic and international law, including principles of necessity, distinction, and proportionality. The Executive branch should publicly articulate its legal rationale for its targeted killing policy, including the process and safeguards in place for target selection.

#### The CP’s the best middle ground---preserves the vital counter-terror role of targeted killings while resolving all their downsides

Daniel Byman 13, 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, July/August 2013, “Why Drones Work,” Foreign Affairs, Vol. 92, No. 4

Despite President Barack Obama's recent call to reduce the United States' reliance on drones, they will likely remain his administration's weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the centerpiece of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused.

Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage.

So drone warfare is here to stay, and it is likely to expand in the years to come as other countries' capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid.

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#### The political is defined by relationships of enmity and the inevitability of violence---the goal of politics must be to limit but not eradicate war---the affirmatives attempt to limit the sovereign destroys the foundation of the political itself

Rasch 5 – William Rasch, Professor of Germanic Studies at the University of Indiana, Spring 2005, “Lines in the Sand: Enmity as a Structuring Principle,” The South Atlantic Quarterly, Vol. 104, No. 2, p. 253-262 [ ] = modified

In The Concept of the Political, Schmitt concludes that ‘‘all genuine political theories presuppose [hu]man[s] to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being.’’2 This anthropological fiction—and Schmitt is aware of the claim’s fictional status—serves as the logical premise that secures Schmitt’s definition of the political as the friend/enemy distinction. We live in a world, he says, in which associations with likeminded others are our only means of security and happiness. Indiscriminate concourse of all with all cannot be the foundation for necessary political discriminations. Thus, the anthropological presupposition of evil, guilt, and violence is designed to expose what Schmitt sees as the duplicity of liberal theory, which consists in using the promise of formal equality to camouflage political power by displacing it in the realms of economics and morality. Liberal theory denies original enmity by **assuming the innate goodness of the human being**. Those—communitarians and liberals alike— who say there is no war presuppose a counterfactual ‘‘ontological priority of non-violence,’’ a ‘‘state of total peace’’ 3 that invites universal inclusion based on the ‘‘essential homogeneity and natural virtue of mankind.’’ 4 If, in such a benign state of nature, violence were to break out, such violence would be considered a perversion and, if all else were to fail, would have to be extirpated by an even greater violence. To cite John Locke, this ‘‘State of perfect Freedom’’ and universal ‘‘Equality,’’ governed solely by reason and natural law, can be disturbed only by an ‘‘Offender’’ who ‘‘declares himself to live by another Rule, than that of reason and common Equity.’’ Such a ‘‘Criminal’’ has ‘‘declared War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger, one of those wild Savage Beasts, with whom Men can have no Society nor Security.’’ 5 The political, on this view, emerges only as the result of the Fall—that is, emerges only to fight the war against war, a war always initiated by a sinful or bestial other. It seeks to make itself superfluous by restoring or, more progressively, establishing for the first time this natural order of peace. Should one demur and find the perfect state to be less than advertised, then one’s demurral would most assuredly be recog nized not as legitimate political opposition, but rather as evidence of greed, moral perversity, or some other pathological behavior.

With its pacific presuppositions, liberalism, according to Schmitt, dissolves the specificity of the political and hides the necessarily asymmetric power relations that mark all political maneuverings. By way of an anthropological sleight of hand, liberalism represents itself as an ethos, a moral and economic emancipation, and not as what it really is, namely, a power-political regime with traditional power-political aims. For Schmitt, distinctions, rather than the effacement of distinctions, structure the space within which we live, including the space of the political. Only within structured space, space literally marked by human activities, by human groupings and the boundaries they draw, do terms achieve their meanings. Norms, he repeatedly stated, are derived from situations, normal situations; they are not derived logically from underived first principles. Categories like ‘‘liberty’’ and ‘‘equality’’ can have political significance only when defined and delineated within the sphere of the political. They are neither natural nor innately human qualities; they are not self-evident truths. Consequently, Schmitt’s suspicion of liberalism, pacifism, or any other -ism that denies an initial and therefore ever-present potential war of all against all is a suspicion of those who wish to make their operative distinctions invisible, and thus incontestable, by claiming the immorality or illegality of all distinction. Schmitt’s insistence, then, on our ‘‘evil’’ nature is evidence neither of his existential misanthropy nor even, necessarily, of his conservative authoritarianism, but rather of his desire to secure the autonomy and necessity of that human mechanism called ‘‘the political.’’ To the question of whether there is a war, Schmitt emphatically answers ‘‘yes’’—by which he means to affirm not armed conflict or bloodshed as a virtue in and of itself, but rather the necessity of the view that the proverbial state of nature is, as Hobbes knew, a state marked by imperfection, and that this imperfection manifests itself as violence and the guilt associated with it.

#### That generates total war through paranoia and genocidal conflicts of all against all

Reinhard 4 – Kenneth Reinhard, Professor of Jewish Studies at UCLA, 2004, “Towards a Political Theology- Of the Neighbor,” online: http://www.cjs.ucla.edu/Mellon/Towards\_Political\_Theology.pdf

If the concept of the political is defined, as Carl Schmitt does, in terms of the Enemy/Friend opposition, the world we find ourselves in today is one from which the political may have already disappeared, or at least has mutated into some strange new shape. A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship:

The effects of this destructuration would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation-states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77)

If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stability, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia.

Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous –forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

#### The alternative is to affirm the necessity of the sovereign to define the state of exception

de Benoist 7 – Alexis de Benoist, editor of the two French academic journals Krisis and Nouvelle Ecole, has translated articles by Carl Schmitt into French and has published the first full bibliography of Schmitt’s works, 2007, “Global terrorism and the state of permanent exception: The significance of Carl Schmitt’s thought today,” in The International Political Thought of Carl Schmitt, Edited by: Odysseos and Petito, p. 85-87

The notion of the ‘state of emergency’ (Ernstfall) or the state of exception (Ausnahmezustand) plays a central role in Schmitt’s political and constitutional theory, where it is clearly linked to his critique of liberalism (see Schmitt 1985: chapter 1). For Schmitt, the exception being unpredictable, it is vain to believe that one can determine in advance the methods with which to respond to it. Liberalism, inspired either by neo-Kantian formalism or by Kelsenian positivism, cannot understand the nature of the exception, neither can it face the exception without betraying itself, because it adheres to a legal conception which is strictly formal or procedural, and which claims that a pre-established rule or norm can be applied to any situation.

Schmitt adds that, in suspending legal norms, the exception helps us to understand and appreciate the nature of the political, in the sense that it reveals to us the domain of the sovereign, meaning in this case the concrete capacity to make a decision in the face of an urgent or exceptional situation. The state of exception reveals both who is sovereign and also where sovereignty lies, in the very moment that it makes the decision appear (Entscheidung) in its ‘absolute purity’. In such conditions, one can see that the politically sovereign instance does not coincide automatically with the state. ‘Souverän ist, wer über den Ausnahmezustand entscheidet (Sovereign is he who decides on the exception)’, writes Schmitt (2004a: 13). This famous formula can be understood in two ways: first, he who is sovereign is he who decides in the case of exception, and second, also sovereign is he who decides about the exception itself, that is he who decides that it is no longer a normal situation and that the rules no longer apply. There is therefore a close connection between the exception and the decision, which Schmitt identifies as the ‘premier cause’ of all political society. To Schmitt, the purest expression of the political act is the decision in (and about) the case of exception (or emergency): the suspension of legal norms in the case of exception constitutes the ultimate manifestation of political sovereignty. Sovereignty, he underscores, is not so much the power to make laws as the power to suspend them. But one would be wrong to interpret this affirmation as an apology for arbitrariness. On the one hand, Schmitt emphasizes that in making decisions in a case of exception, the sovereign is not rendered free by circumstances to act according to his own pleasure, but he is, on the contrary, obliged to act in a way that makes him responsible for them. On the other hand, he stresses that the exception defines the rule in the sense that we cannot understand a rule without taking into consideration its limits, which is to say the circumstances that can make it inapplicable. In other words: whoever decides to derogate from the norm is equally fixing the norm.

The state of exception is also important because it reveals the original nonnormative character of the law. Moreover, it is not the law/right (Recht) which is suspended in the state of exception, but only the normative element of the law (Gesetz). Through this, the state of exception unmasks the ‘existential’ character of laws. The exception is essential, not because it is rare, but because it is unpredictable. Like the enemy himself, who cannot be determined beforehand by a pre-existing general norm – because enmity can only be defined in a specific temporal context – the exception cannot be codified in advance. In linking the law (Recht) to its non-legal source, that is the sovereign decision, Schmitt attacks all forms of constitutional rationalism, notably the theory of the rule of law (Rechtsstaat) or the positivist theory, according to which the sovereign must, under all circumstances, submit himself to the rule of law. The occurrence of an exceptional case (Ausnahmezustand), with all that is implied, shows that it is simply not possible to submit the sovereign unconditionally to the rule of law, since norms cannot predict the exception. A constitution is, in this sense, always incomplete. The most it can do is predict a situation where it is no longer applicable. However, Schmitt also underscores that the exception is, by definition, exceptional; that is, it can never be transformed into a permanent state. Exception is to rules or norms what war is to peace. As in the case of the ancient Roman dictatorships, the suspension of the norms by the sovereign can only be provisional.

It can also open a new cycle of law. In his book on dictatorship (Schmitt 1921), Schmitt states clearly that dictatorship, which can be justified in certain cases of exception, suspends norms but does not change the legal order or the nature of the state, which means that it does not have any legitimacy except inasmuch as it aims to restore the pre-existing legal order. A dictatorship therefore remains a constitutional dictatorship: the suspension of legal order does not signify its abolition.9 In an exceptional situation, if the state suspends the rule of law, it is because it wishes to preserve it. Hence, to decide on the exception means also to decide on the concrete conditions in which the norm can still be applied.

## Case

#### The aff can’t solve the broader power grabs of the state

Nasser Hussain 7, an assistant professor in the Department of Law, Jurisprudence, and Social Thought at Amherst College, Summer 07, “Beyond Norm and Exception: Guantánamo,” Critical Inquiry, Vol. 33, No. 4

Finally, what are some of the implications of the argument that norm and exception have blurred severely and perhaps irrevocably? Let me stress that my efforts to draw attention to the ways in which an administrative legality has made the concept of a state of exception superfluous is not just theoretical disagreement or just an effort to discredit one particular paradigm. One may agree or disagree about the continuing validity of a concept, but my more immediate concern here is that the concept not overshadow or distort efforts to fashion a newer, fairer, and more just response.¶ Consider then one such effort to fashion a new response: Bruce Ackerman’s proposals in “The Emergency Constitution.”50 Ackerman’s essay begins with the recognition that attacks on the U.S. similar to 9/11 are almost a virtual certainty and that without creative new constitutional concepts each attack will only prompt harsher political measures in a “downward cycle” (“A,” p. 1044). Dismissing the models currently provided for by war and crime, Ackerman settles on the concept of emergency and sets out to find a way to grant and yet control the use of extraordinary powers in the case of a genuine emergency. For Ackerman, it is time to try to rescue the concept of a state of exception from fascist thinkers like Schmitt, who used it as a battering ram against liberal democracy. Ackerman would confine a genuine emergency to a bounded state (tellingly, the “triggering event” in Ackerman’s proposals is left entirely uncharted, left to the hope of political wisdom). But because Ackerman neglects the more dispersed condition of emergency in contemporary conditions, his proposals hinge on the use of legislative oversight largely in the form of a “supermajoritarian escalator”: “majority support should serve to sustain emergency for a short time—two or three months. Continuation should require an escalating cascade of supermajorities: sixty percent for the next two months; seventy for the next; eighty thereafter” (“A,” p. 1047). While such a sensible and even workable proposal would go some of the way towards removing some of the current excesses of executive policy, my effort at highlighting the role of administrative agencies and regulations suggests that the effectiveness of Ackerman’s proposals would remain extremely limited. That is to say, only if we presume that a bounded state of exception rather than a more dispersed emergency regulation is currently being used would efforts to bind it further be effective. But proposals such as the supermajoritarian escalator would do very little to change the “spitting on the sidewalk” strategy endorsed by Ashcroft or the use of petty visa violations to enable large‐scale roundups and prolonged detention—as I noted earlier, what enables the indefinite detention of hundreds of people without charge is not the use of an exceptional measure but the multiple use of an everyday measure. Moreover, as I earlier noted with reference to Nonet’s work, the internal structure of a rule of law and its relation to administrative regimes, far from negating such an outcome, actually facilitates it. The current emergency response whose operations we witness daily emerges from a broader field of governmentality, and until such a modular and legalistic character is addressed any effort to design a more liberal emergency constitution will invariably miss a great many of its intended targets.

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

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

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

#### Ethical policymaking requires calculation of consequences

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

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

#### Moral tunnel vision is complicit with evil

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

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness **undercuts political responsibility**. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of **complicity in injustice**. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that **politics is as much about unintended consequences as it is about intentions**; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Casualties are way down and drones are far more precise than alternatives---our ev uses the best data

Michael Cohen 13, Fellow at the Century Foundation, 5/23/13, “Give President Obama a chance: there is a role for drones,” The Guardian, http://www.theguardian.com/commentisfree/2013/may/23/obama-drone-speech-use-justified

Drone critics have a much different take. They are passionate in their conviction that US drones are indiscriminately killing and terrorizing civilians. The Guardian's own Glenn Greenwald argued recently that no "minimally rational person" can defend "Obama's drone kills on the ground that they are killing The Terrorists or that civilian deaths are rare". Conor Friedersdorf, an editor at the Atlantic and a vocal drone critic, wrote last year that liberals should not vote for President Obama's re-election because of the drone campaign, which he claimed "kills hundreds of innocents, including children," "terrorizes innocent Pakistanis on an almost daily basis" and "makes their lives into a nightmare worthy of dystopian novels".

I disagree. Increasingly it appears that arguments like Friedersdorf makes are no longer sustainable (and there's real question if they ever were). Not only have drone strikes decreased, but so too have the number of civilians killed – and dramatically so.

This conclusion comes not from Obama administration apologists but rather, Chris Woods, whose research has served as the empirical basis for the harshest attacks on the Obama Administration's drone policy.

Woods heads the covert war program for the Bureau of Investigative Journalism (TBIJ), which maintains one of three major databases tabulating civilian casualties from US drone strikes. The others are the Long War Journal and the New America Foundation (full disclosure: I used to be a fellow there). While LWJ and NAJ estimate that drone strikes in Pakistan have killed somewhere between 140 and 300 civilians, TBIJ utilizes a far broader classification for civilians killed, resulting in estimates of somewhere between 411-884 civilians killed by drones in Pakistan. The wide range of numbers here speaks to the extraordinary challenge in tabulating civilian death rates.

There is little local reporting done on the ground in northwest Pakistan, which is the epicenter of the US drone program. As a result data collection is reliant on Pakistani news reporting, which is also dependent on Pakistani intelligence, which has a vested interest in playing up the negative consequences of US drones.

When I spoke with Woods last month, he said that a fairly clear pattern has emerged over the past year – far fewer civilians are dying from drones. "For those who are opposed to drone strikes," says Woods there is historical merit to the charge of significant civilian deaths, "but from a contemporary standpoint the numbers just aren't there."

While Woods makes clear that one has to be "cautious" on any estimates of casualties, it's not just a numeric decline that is being seen, but rather it's a "proportionate decline". In other words, the percentage of civilians dying in drone strikes is also falling, which suggests to Woods that US drone operators are showing far greater care in trying to limit collateral damage.

Woods estimates are supported by the aforementioned databases. In Pakistan, New America Foundation claims there have been no civilian deaths this year and only five last year; Long War Journal reported four deaths in 2012 and 11 so far in 2013; and TBIJ reports a range of 7-42 in 2012 and 0-4 in 2013. In addition, the drop in casualty figures is occurring not just in Pakistan but also in Yemen.

These numbers are broadly consistent with what has been an under-reported decline in drone use overall. According to TBIJ, the number of drone strikes went from 128 in 2010 to 48 in 2012 and only 12 have occurred this year. These statistics are broadly consistent with LWJ and NAF's reporting. In Yemen, while drone attacks picked up in 2012, they have slowed dramatically this year. And in Somalia there has been no strike reported for more than a year.

Ironically, these numbers are in line with the public statements of CIA director Brennan, and even more so with Senator Dianne Feinstein of California, chairman of the Select Intelligence Committee, who claimed in February that the numbers she has received from the Obama administration suggest that the typical number of victims per year from drone attacks is in "the single digits".

Part of the reason for these low counts is that the Obama administration has sought to minimize the number of civilian casualties through what can best be described as "creative bookkeeping". The administration counts all military-age males as possible combatants unless they have information (posthumously provided) that proves them innocent. Few have taken the White House's side on this issue (and for good reason) though some outside researchers concur with the administration's estimates.

Christine Fair, a professor at Georgetown University has long maintained that civilian deaths from drones in Pakistan are dramatically overstated. She argues that considering the alternatives of sending in the Pakistani military or using manned aircraft to flush out jihadists, drone strikes are a far more humane method of war-fighting.

#### Rejecting sovereignty exacerbates inequalities and prevents emancipation

Tara McCormack 10, Lecturer in International Politics at the University of Leicester, PhD in IR from the University of Westminster, “Critique, Security and Power: The Political Limits to Emancipatory Approaches,” p139, google books

Critics of critical and emancipatory theory have raised pertinent problems in terms both of the idealism of critical approaches and their problematic relationship to contemporary liberal intervention. Critical theorists themselves are aware that their prescriptions seem to be hard to separate from contemporary discourses and practices of power, yet critical theorists do not seem to be able to offer any understanding of why this might be. However, the limitations to critical and emancipatory approaches cannot be overcome by distinguishing themselves from liberal internationalist policy. In fact a closer engagement with contemporary security policies and discourse would show the similarities with critical theory and that both suffer from the same limitations.¶ The limitations of critical and emancipatory approaches are to be found in critical prescriptions in the contemporary political context. Jahn is right to argue that critical theory is idealistic, but this needs to be explained why. Douzinas is right to argue that critical theory becomes a justification for power and this needs to be explained why. The reasons for this remain undertheorised. I argue here that critical and emancipatory approaches lack a fundamental understanding of what is at stake in the political realm. For critical theorists the state and sovereignty represent oppressive structures that work against human freedom. There is much merit to this critique of the inequities of the state system. However, the problem is that freedom or emancipation are not simply words that can breathe life into international affairs but in the material circumstances of the contemporary world must be linked to political constituencies, that is men and women who can give content to that freedom and make freedom a reality. ¶ Critical and emancipatory theorists fail to understand that there must be a political content to emancipation and new forms of social organisation. Critical theorists seek emancipation and argue for new forms of political community above and beyond the state, yet there is nothing at the moment beyond the state that can give real content to those wishes. There is no democratic world government and it is simply nonsensical to argue that the UN, for example, is a step towards global democracy. Major international institutions are essentially controlled by powerful states. To welcome challenges to sovereignty in the present political context cannot hasten any kind of more just world order in which people really matter (to paraphrase Lynch). Whatever the limitations of the state, and there are many, at the moment the state represents the only framework in which people might have a chance to have some meaningful control over their lives.

#### The state of exception can be contained---no impact

Jennifer Mitzen 11, PhD, University of Chicago, Associate Professor of Political Science at Ohio State University, Michael E. Newell, “Crisis Authority, the War on Terror and the Future of Constitutional Democracy,” PDF

But what Agamben has potentially overlooked is the conversation between the government, public and media concerning the state of exception. Waever’s desecuritization theory tells us that it is possible for continued debate and media coverage to desecuritize a threat in whole or in part (Waever, 1995). As the War on Terror progressed, more academics and government officials began to speak out against the usefulness of interrogations, the reality of the terrorist threat and the morality of the administration’s policies. Some critics suggested that the terrorist threat was not as imminent as the Administration made it appear, and that “…fears of the omnipotent terrorist…may have been overblown, the threat presented within the United States by al Qaeda greatly exaggerated” (Mueller, 2006). Indeed, as Mueller points out, there have been no terrorist attacks in the United States five years prior and five years after September 11th. The resignation of administration officials, such as Jack Goldsmith, who, it was later learned, sparred with the administration over Yoo’s torture memos, their wiretapping program and their trial of suspected terrorists also contributed to this shift in sentiment (Rosen, 2007). The use of the terms “torture,” and “prisoner abuse,” that began to surface in critical media coverage of the War on Terror framed policies as immoral. As the public gradually learned more from media coverage, academic discourse, and protests from government officials, the administration and its policies saw plummeting popularity in the polls. Two-thirds of the country did not approve of Bush’s handling of the War on Terror by the end of his presidency (Harris Poll) and as of February 2009 two-thirds of the country wanted some form of investigation into torture and wiretapping policies (USA Today Poll, 2009).¶ In November 2008 a Democratic President was elected and Democrats gained substantial ground in Congress partly on promises of changing the policies in the War on Terror. Republican presidential nominees, such as Mitt Romney, who argued for the continuance of many of the Bush administration’s policies in the War on Terror, did not see success at the polls. Indeed, this could be regarded as Waever’s “speech-act failure” which constitutes the moment of desecuritization (Waever, 1995). In this sense, Agamben’s warning of “pure de-facto rule” in the War on Terror rings hollow because of one single important fact: the Bush administration peacefully transferred power to their political rivals after the 2008 elections. The terrorist threat still lingers in the far reaches of the globe, and a strictly Agamben-centric analysis would suggest that the persistence of this threat would allow for the continuance of the state of exception. If Agamben was correct that the United States was under “pure de-facto rule” then arguably its rulers could decide to stay in office and to use the military to protect their position. Instead, Bush and his administration left, suggesting that popular sovereignty remained intact.

# Block

## Cp

### Solvency---2NC

#### Disclosing the legal basis and procedures for targeted killing policy enables public accountability and criticism---it’s the best middle ground that solves the excesses of drone warfare while preserving its beneficial clarification of the stakes of state violence

Kiel Brennan-Marquez 13, Visiting Human Rights Fellow at Yale Law School, 5/24/13, “A Progressive Defense of Drones,” http://www.salon.com/2013/05/24/a\_progressive\_defense\_of\_drones/

In this respect, drones represent a welcome shift of paradigm: they stand to clarify the moral stakes of state-sponsored violence by eliminating the dynamic of attachment that has traditionally accompanied it. By itself, of course, this proposition does not entail that drone strikes are preferable to traditional troop deployments. What it does entail, however, is that the benefits of moral clarity should be weighed, in practice, against the drawbacks of less circumspect decision-making. As much as drones are liable to desensitize leaders, making violence easier to employ, the outrage they produce is also likely to have a chilling effect in the other direction. Which way will this calculus ultimately run? We exercise an important threshold of control over this question. Whether the anesthetic effect of machine-induced violence will outstrip the sense of outrage that violence-by-machines provoke, or vice versa, is not a static political fact to which we must be resigned – it’s a hard issue for us to deliberate with care. One thing, however, is certain. Moral clarity in the face of drone strikes, as compared to troop deployments, is only politically worthwhile — indeed, only possible — insofar as members of the public are kept informed about when drone strikes are happening, and what damage they cause. Transparency is a precondition of outrage – and of accountability.

Importantly, this does not necessarily mean that information about drone strikes should be publicized, and subject to approval, before the fact. The question of ex ante oversight, which has begotten protracted debate in the popular media and academic circles alike, is an incredibly difficult one – as ever with respect to decisions that bear on national security. Many proposals have emerged, running the gamut from leaving the president and military leaders unfettered to make strategic decisions — as in traditional theaters of war — to full-blown judicial review of drone strikes. Sound arguments exist on both sides of this debate, and they are the usual arguments that tend to sprout up around wartime violence. Make leaders too accountable, one side laments, and their decisions will blow in the political wind, reflecting external pressures rather than national security interests. But grant leaders too much discretion, the other side rejoins, and the power they wield — the most tremendous power of all, over life and death — will transform from a means of protection into a wellspring of abuse.

I take no position in this debate – not because I don’t have my own view, which of course I do, but because part of my effort here is to disentangle the question of oversight beforehand from the question of transparency afterward. This distinction is not always drawn with care, and my claim about moral clarity is addressed toward the latter, not the former. To insist that information about drone strikes be made transparent to the public, ensuring that we have an opportunity to scrutinize it with the unrelenting moral clarity that violence-by-machines makes possible, does not depend on the existence of oversight beforehand. Nor is it undermined by the absence of such oversight. The two simply operate on different dimensions. Thus, even if we ultimately decide that it’s wise, for national security reasons, to insulate drone strikes from oversight by Congress, the judiciary or any other governmental body, we should still insist that information about drone strikes be made publicly available after the fact. In other words, regardless of our collective decision, whatever it ends up being, about whether to insulate drone strikes from review, there’s a different ideal of accountability — transparency — that simultaneously deserves our attention. Amid all the discussion of institutionalized oversight, we should not lose sight of what is, in the longer arc of our democracy, the most potent oversight of all: popular disapproval.

This defense of transparency may seem cold comfort, little as it does to ensure that any given drone strike will be executed with the rectitude demanded by instruments-of-death. Yet irresponsible decisions are perennially a risk during wartime, whether it’s machines or troops that carry out the violence. The problem of how to ensure that decisions in the interest of national security are made responsibly — whether the answer is prophylactic oversight, or precisely its absence — is a grave and timeless problem. It yields to no easy answer. And drones neither exacerbate nor attenuate its difficulty. The issue of transparency after the fact, by contrast, is much simpler. In fact, I would go so far as to call it an obvious issue. Transparency ought to exist. Period. Even if there are good reasons to prohibit the American people — or their institutional representatives: legislators and judges — from vetoing individual drone strikes, we nevertheless have a right to know what is happening, once it has happened, and to decide for ourselves whether the results are acceptable.

It is in this respect, if only this respect, that drones are a welcome development in the history of war making. They make possible what to date has been, for all intents and purposes, a fantasy: the irruption of moral truth in a domain — the battlefield — traditionally overrun by mysticism and lies.

#### Disclosing the legal rationale for targeted killings triggers robust, informed public debate---it’s the real mechanism to enforce accountability

Jack Goldsmith 11, the Henry L. Shattuck Professor at Harvard Law School, 10/3/11, “Release the al-Aulaqi OLC opinion, Or Its Reasoning,” http://www.lawfareblog.com/2011/10/release-the-al-aulaqi-olc-opinion-or-its-reasoning/

I have no doubt that Obama administration lawyers did a thorough and careful job of analyzing the legal issues surrounding the al-Aulaqi killing. The case for disclosing the analysis is easy. The killing of a U.S. citizen in this context is unusual and in some quarters controversial. A thorough public explanation of the legal basis for the killing (and for targeted killings generally) would allow experts in the press, the academy, and Congress to scrutinize and criticize it, and would, as Harman says, permit a much more informed public debate. Such public scrutiny is especially appropriate since, as Judge Bates’s ruling last year shows, courts are unlikely to review executive action in this context. In a real sense, legal accountability for the practice of targeted killings depends on a thorough public legal explanation by the administration.

The best argument against disclosure is that it would reveal classified information or, relatedly, acknowledge a covert action. This concern is often a legitimate bar to publishing secret executive branch legal opinions. But the administration has (in unattributed statements) acknowledged and touted the U.S. role in the al-Aulaqi killing, and even President Obama said that the killing was in part “a tribute to our intelligence community.” I understand the reasons the government needs to preserve official deniability for a covert action, but I think that a legal analysis of the U.S. ability to target and kill enemy combatants (including U.S. citizens) outside Afghanistan can be disclosed without revealing means or methods of intelligence-gathering or jeopardizing technical covertness. The public legal explanation need not say anything about the means of fire (e.g. drones or something else), or particular countries, or which agencies of the U.S. government are involved, or the intelligence basis for the attacks. (Whether the administration should release more information about the intelligence supporting al-Aulaqi’s operational role is a separate issue that raises separate classified information concerns.) We know the government can provide a public legal analysis of this sort because presidential counterterrorism advisor John Brennan and State Department Legal Advisor Harold Koh have given such legal explanations in speeches, albeit in limited and conclusory terms. These speeches show that there is no bar in principle to a public disclosure of a more robust legal analysis of targeted killings like al-Aulaqi’s. So too do the administration’s many leaks of legal conclusions (and operational details) about the al-Aulaqi killing.

A full legal analysis, as opposed to conclusory explanations in government speeches and leaks, would permit a robust debate about targeted killings – especially of U.S. citizens – that is troubling to many people. Such an analysis could explain, for example, whether the government believed that al-Aulaqi possessed constitutional rights under the First, Fourth, Fifth or other amendments, and (assuming the government concluded that he possessed some such rights) why the rights were not implicated by the strike. It could also describe the limits of presidential power in this context.

The Obama administration frequently trumpets its commitment to transparency and the rule of law. The President and many of his subordinates were critical of what they deemed to be unnecessarily secretive Bush administration legal opinions, and they disclosed an unprecedented number of them, including many classified ones. Now is the time for the administration to apply to itself a principle that it applied to its predecessor. It will be uncomfortable to disclose the legal analysis behind the al-Aulaqi killing, because the analysis — no matter how sound — will be second-guessed to death in some quarters. But that cannot be not a reason not to do it. Moreover, it is likely that releasing the opinion (or its reasoning) will show the Obama administration in a very good light to most American audiences.

## DA

### Derrida Terror Impact

**Conceded extinction**

**Even K-hack critics of security practices concede terrorism’s worse---threatens extinction**

Derrida 3 - Jacques Derrida, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, 2003, Philosophy in a Time of Terror, p. 98-99

Why is this threat signaled by the “end of the Cold War”? Why is it worse than the “Cold War” itself? Like the formation of Arab Mus­lim terrorist networks equipped and trained during the Cold War, this threat represents the residual consequence of both the Cold War and the passage beyond the Cold War. On the one hand, because of the now uncontrollable proliferation of nuclear capability it is difficult to measure the degrees and forms of this force, just as it is difficult to de­limit the responsibility for this proliferation, a point we cannot pursue here. On the other hand, and here we touch upon what is worse than the Cold War, there can now no longer be a balance of terror, for there is no longer a duel or standoff between two powerful states (U.S.A., -USSR) involved in a game theory in which both states are capable of neutralizing the other’s nuclear power through a reciprocal and organ­ized evaluation of the respective risks. From now on, the nuclear threat, the “total” threat, no longer comes from a state but from anonymous forces that are absolutely unforeseeable and incalculable. And since this absolute threat will have been secreted by the end of the Cold War and the “victory” of the U.S. camp, since it threatens what is supposed to sustain world order, the very possibility of a world and of any world- -wide effort [mondialisation] (international law, a world market, a uni­versal language, and so on), what is thus put at risk by this terrifying autoimmunitary logic is nothing less than the existence of the world, of the worldwide itself. There is no longer any limit to this threat that at once looks for its antecedents or its resources in the long history of the Cold War and yet appears infinitely more dangerous, frightening, terri­fying than the Cold War. And there are, in fact, countless signs that this threat is accelerating and confirming the end of this Cold War, hasten­ing the at least apparent reconciliation of two equally frightened ene­mies. When Bush and his associates blame “the axis of evil,” we ought both to smile at and denounce the religious connotations, the childish stratagems, the obscurantist mystifications of this inflated rhetoric. And yet there is, in fact, and from every quarter, an absolute “evil” whose threat, whose shadow, is spreading. Absolute evil, absolute threat, because what is at stake is nothing less than the mondialisation or the worldwide movement of the world, life on earth and elsewhere, with­out remainder.

Terrorism turns preemption—Al Qaeda seeks to preempt the entire future of the globe

Derrida 3 - Jacques Derrida, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, 2003, Philosophy in a Time of Terror, interviewed by Giovanni Borradori, p. 98-99

Borradori: Earlier you emphasized the essential role of international organizations and the need to cultivate a respect for international law. Do you think that the kind of terrorism linked to the al Qaeda organization and to bin Laden harbors international political ambitions?

Derrida: What appears to me unacceptable in the "strategy" (in terms of weapons, practices, ideology, rhetoric, discourse, and so on) of the "bin Laden effect" is not only the cruelty, the disregard for human life, the disrespect for law, for women, the use of what is worst in technocapitalist modernity for the purposes of religious fanaticism. No, it is, above all, the fact that such actions and such discourse open onto no future and, in my view, have no future. If we are to put any faith in the perfectibility of public space and of the world juridico-political scene, of the "world" itself, then there is, it seems to me, nothing good to be hoped for from that quarter. What is being proposed, at least implicitly, is that all capitalist and modern techno scientific forces be put in the service of an interpretation, itself dogmatic, of the Islamic revelation of the One. Nothing of what has been so laboriously secularized in the forms of the "political," of "democracy," of "international law," and even in the nontheological form of sovereignty (assuming, again, that the value of sovereignty can be completely secularized or detheologized, a hypothesis about which I have my doubts), none of this seems to have any place whatsoever in the discourse "bin Laden." That is why, in this unleashing of violence without name, if I had to take one of the two sides and choose in a binary situation, well, I would. Despite my very strong reservations about the American, indeed European, political posture, about the "international antiterrorist" coalition, despite all the de facto betrayals, all the failures to live up to democracy, international law, and the very international institutions that the states of this "coalition" themselves founded and supported up to a certain point, I would take the side of the camp that, in principle, by right of law, leaves a perspective open to perfectibility in the name of the "political," democracy, international law, international institutions, and so on. Even if this "in the name of" is still merely an assertion and a purely verbal commitment. Even in its most cynical mode, such an assertion still lets resonate within it an invincible promise. I don't hear any such promise coming from "bin Laden," at least not one for this world.

### A2 US = Terrorists

**Distinctions between terrorists and combatant or civilian are vital to understanding violence—abandoning them justifies more terror and collapses into relativist nihilism**

**Elshtain 3 –** professor of social and political ethics, Chicago (Jean, Thinking About September 11, http://www.aft.org/pubs-reports/american\_educator/summer2003/sept11.html, AG)

In a situation in which noncombatants are deliberately targeted and the murder of the maximum number of noncombatants is the explicit aim, using terms like "fighter" or "soldier" or "noble warrior" is not only beside the point but pernicious. Such language collapses the distance between those who plant bombs in cafés or fly civilian aircraft into office buildings and those who fight other combatants, taking the risks attendant upon military forms of fighting. There is a nihilistic edge to terrorism: It aims to destroy, most often in the service of wild and utopian goals that make no sense at all in the usual political ways. The distinction between terrorism, domestic criminality, and what we might call "normal" or "legitimate" war is vital to observe. It helps us to assess what is happening when force is used. This distinction, marked in historic, moral, and political discourses about war and in the norms of international law, seems lost on those who call the attacks of September 11 acts of "mass murder" rather than terrorism and an act of war under international law. It is thus both strange and disheartening to read the words of those distinction-obliterators for whom, crudely, a dead body is a dead body and never mind how it got that way. Many of these same individuals would, of course, protest vehemently, and correctly, were commentators, critics, and political actors to fail to distinguish between the great world religion that is Islam and the terrorists who perpetrated the events of September 11. One cannot have it both ways, however, by insisting on the distinctions one likes and heaping scorn on those who put pressure on one’s own ideological and political commitments. If we could not distinguish between a death resulting from a car accident and an intentional murder, our criminal justice system would fall apart. And if we cannot distinguish the killing of combatants from the intended targeting of peaceable civilians and the deliberate and indiscriminate sowing of terror among civilians, we live in a world of moral nihilism. In such a world, everything reduces to the same shade of gray and we cannot make distinctions that help us take our political and moral bearings. The victims of September 11 deserve more from us.

### Hardline good

#### Empirically proven

**Hawks 1**—AA from Santa Monica College and BS from the University of Oregon (Chuck, How To Defeat Terrorism, http://www.chuckhawks.com/defeat\_terrorism.htm, AMiles)

But do the conditions that made non-violence a successful strategy in these three historical cases pertain to the present confrontation between the civilized world and international terrorism? In particular, do such conditions exist in the present confrontation between, on one side, the fundamentalist Muslim terrorist organization al Qaeda and their allies in the Taliban government of Afghanistan and, on the other side, the United States, the United Kingdom, and their allies in the civilized world? This is a question worth considerable thought and analysis, and I do not pretend to have all the answers. My formal degrees are in the field of political science (I particularly studied international affairs), and I have a modest reputation as an amateur historian, especially as regards 20th Century military history. I like to think that I also have a smidgen of intelligence, and some small talent for logical analysis. Whether I do, here are my observations about pacifism and the current war on terrorism. After some thought I have concluded that for pacifist tactics to succeed, at the minimum, the following conditions must pertain. One, the pacifist's opponents must be rational (capable of understanding the logic of the pacifist's position). Two, the opponents must have moral values and ideals that are not inimical to the pacifist's. Three, the opponents must respect basic human rights. And four, the pacifist's opponents must not necessarily equate non-violence with weakness. Looking at our historical pacifist models, Jesus was a rabbi saving souls and teaching people in the (Jewish) culture in which he was raised. Dr. King was a Christian minister leading a movement for the rights of his people in the (American) culture in which he was raised. And Gandhi was leading his people in their struggle for independence from the British (a rational and moral people with a long democratic tradition of self-rule). The fundamental ingredients for successful pacifism were in place in all three instances. Of the three historical examples, I am most familiar with the American Civil Rights movement of the 1950's and early 1960's, because it took place during my lifetime, and because I gave it my support. In that case, the American population was literate and well educated, basically rational, and had a long democratic tradition. Furthermore, all of the participants were Americans and were raised in the same culture, there was widespread respect for human rights, the Judeo/Christian ethic was the cultural norm, and virtually no one wanted violence. Also, in that case, the vast majority of Caucasian Americans had (and have) no desire to oppress Negro Americans. All of the conditions required for successful pacifism were indeed fulfilled. Unfortunately, at least one (and usually more) of the required conditions are always missing when opposing totaliarian regimes (due to the nature of totaliarian regimes). Nor can they be present in any struggle against international terrorism (the fundamental tenents of terrorism preclude points two and three). In fact, **none of the requisite conditions for successful pacifism are fufilled in the present struggle against** Islamic **terrorists**. Throughout history, pacifism and non-violence has encouraged those with a totalitarian bent (whether religious or secular) to ever-greater crimes against their own people, their neighbors, and the rest of humanity. They have historically interpreted it as weakness, which they invariably attempt to exploit for their own demented purposes. This is clear from the writings and statements of modern totalitarian leaders. For example: The vast majority of European Jews responded non-violently to the Nazi pogrom. They went peacefully to the concentration camps, and ultimately to their deaths, a fact that has puzzled historians for years. This pacifistic approach did nothing to slow down the "Final Solution," and in fact increased its efficiency. Which is the history behind the slogan popular in modern Israel: "Never again!" Another example: Non-violence was simply not a viable option when the forces of the Imperial Japanese Empire attacked the US, the UK, and their allies in December of 1941. Had the Western Allies not resisted with armed force, the Japanese would clearly have gone on to occupy, and exploit by force, all of Southeast Asia and the entire Pacific basin, as well as China. Had they not been opposed by armed force Germany, Japan, and the other Axis nations would have eventually built a power base that made them literally unstoppable. War was the only viable way to prevent this and, with 20-20 hindsight, clearly the correct decision. (Paradoxically, had the Axis succeeded in world domination, international terrorism would probably not be a problem today. Axis [state] terrorism would have systematically executed all of the dissidents in the occupied territories, and long since crushed the independent states of the Middle East. The entire region would be under the boot heel of the Axis, and the people there would be slaves. Terrorism is effective only where there are moral and innocent people to terrorize.) The United States of America had, until the events of 11 September 2001, largely ignored terrorism. This was especially true during the 8 years of the Clinton Administration. You could even make the argument that the terrorist acts of 11 September 2001 were, at least in part, the result of President Clinton's legacy of inaction. The Clinton Administration took no effective action when the al Qaeda terrorist organization attacked the American embassies in Kenya and Tanzania, killing 224 people, and again did nothing when al Qaeda attacked the United States Ship Cole. Both of those assaults were ipso-facto declarations of war, acts that historically require a declaration of war from the aggrieved state. But the Clinton Administration chose not to take decisive action. At the end of his administration, in a move cynically designed to garner Puerto Rican votes for Hillary Clinton's senate bid, President Clinton pardoned 16 terrorists convicted of bombing attacks against New York city, over the vociferous objections of the entire law enforcement community. President Clinton evidently believed that terrorists would leave America alone if America did not respond to, even forgave, terrorist provocation. Clearly, American restraint did not convince the al Qaeda terrorists to leave America alone. (Neither, for that matter, did America's repeated attempts to save Moslem people from violence and starvation in various parts of the world.) The leaders and members of al Qaeda did not become more amenable to reason, their ethics and morality did not improve, they steadfastly rejected the concept of human rights, and they did not abandon violence. (Unlikely in any case, as **their "culture" views** **pacifism as weakness**.) Instead, they were emboldened to greater acts of terrorism, which resulted in the suicide attacks on the World Trade Center and the Pentagon. These fanatics have stated that, If they could, they would kill everyone in America and every American anywhere in the world to achieve their goals. (Interestingly, this would include almost all American Muslims, who are not proper "fundamentalists" by al Qaeda standards.) The notorious al Qaeda leader Osama bin Laden, among others, has made this clear in his speeches and recent statements. So have the leaders of the totalitarian theocracy in Afghanistan known as the Taliban, who support al Qaeda and international terrorism. Personally, I have serious reservations about the practicality of any "war" against intangibles, whether poverty, drugs, or terrorism. But, one way or another, I am convinced that international terrorists and the regimes that support them must be rooted out and brought to justice--which means killed--because they will not stop killing us. (As I understand it, the theology of the Islamic terrorists promises them rewards in heaven for killing us.) I have reluctantly accepted the necessity for a broad based campaign on the economic, political, and military fronts against the terrorists themselves and the nation states that support them, as outlined by President Bush. No citizen of the civilized world should expect a quick victory over international terrorism. Understand that the terrorists who attacked the United States on 11 September 2001 have drawn us into a long series of wars. We have embarked on a process that will take many years to bring to a successful conclusion. Want it or not, the United States in particular and the Western democracies in general, are involved in a war to the death with these terrorists and their supporters. A war in which there are no real front lines, and in which the terrorist "fighters" would much rather attack defenseless civilians than engage our troops. Since terrorists have forced civilized people everywhere to be on the "front lines" of this battle, my first suggestion to decent people on the home front is to arm themselves. In the United States, federal and state governments should encourage those Americans who so desire to arm themselves, in accordance with our individual Constitutional right "to keep and bear arms." (That means to own and carry guns, without superfluous government restrictions on law-abiding citizens.) And I would suggest that the governments of the other democratic nations of the world ease their draconian restrictions on the private ownership of firearms (especially handguns). It is time for the leaders of democratic governments worldwide to trust their own citizens. Permit those people of the civilized world, who are willing to do so, to accept responsibility for their own safety, on the Israeli model. Islamic terrorists claim that they are willing to die to the last man for their cause; unfortunately, we must be ready and willing to help them do just that. On the home front, this has become a battle between fanatical terrorists fighting to die and decent people fighting to live. To paraphrase General Patton: Our job is not to die for our beliefs, it is to make the other poor bastard die for his.

**Military solutions can solve terror—empirically proven**

**Gordon 10—**journalist living in Israel and the author of “The Deadly Price of Pursuing Peace,” (Evelyn, West Bank Shows There Is a Military Solution to Terror, 12.14.2010, http://www.commentarymagazine.com/blogs/index.php/category/contentions/page/4, AMiles)

The “expert” report Max cited yesterday, which declared Afghanistan unwinnable even while acknowledging progress in the war, reflects a broader problem: the claim that “there is no military solution to terror” has become virtually unchallenged dogma among Western intelligentsia. Yet as Israel’s experience in the West Bank shows, terrorist organizations can be defeated — if their opponents are willing to invest the requisite time and resources. In March 2002, Israel was at the height of a terrorist war begun in 2000 that ultimately claimed more victims — mainly civilians — than all the terror of the preceding 53 years combined. Every day saw multiple attacks, and a day without fatalities was rare. But then Israel launched a multi-year military campaign that steadily reduced Israeli fatalities from a peak of 450 in 2002 to 13 in 2007. Last month, Haaretz published two other statistics reflecting this success: the number of wanted terrorists in the West Bank, once in the hundreds, is now almost zero. And Israeli troop levels in the West Bank are lower than they have been since the first intifada began in 1987. Western bon ton likes to credit these achievements to Palestinian Prime Minister Salam Fayyad and his American-trained security forces. But in reality, the number of Israelis killed by West Bank terror in the year before May 2008, when Fayyad’s forces began deploying, was all of eight — virtually identical to last year’s five and this year’s six. Indeed, had the war not already been over, Israel wouldn’t have agreed to Fayyad’s plan. What produced this victory was the grunt work of counterterrorism: intelligence, arrests, interrogations, military operations, and, above all, enough boots on the ground long enough to make this possible. That wasn’t obvious in advance: as Haaretz reported, many senior Israel Defense Forces officers accepted the dogma that terrorist organizations can’t be defeated, because they have an infinite supply of new recruits. But then-Shin Bet security service chief Avi Dichter, who insisted that “the ‘terror barrel’ had a bottom,” proved correct. What Dichter understood was that while there may be millions of potential terrorist recruits, counterterrorism can dry up the supply of actual recruits by making terrorism a business that doesn’t pay. The more terrorists you arrest or kill, the more potential recruits decide that the likelihood of death or imprisonment has become too high to make terror an attractive proposition. Two articles, in 2007 and 2008, reveal how this dynamic works: Palestinian terrorists, once lionized, were now unmarriageable, because the near-certainty of Israeli retribution made marriage to a wanted man no life. As one father explained: “I wouldn’t want my daughter to marry one. I want her to have a good life, without having the army coming into her house all the time to arrest her while her husband escapes into the streets.” And therefore, the terrorists were quitting. Most terrorists aren’t die-hard fanatics, and non-fanatics respond to cost-benefit incentives. When terrorist organizations rule the roost, recruits will flock to their banner. But when the costs start outweighing the benefits, they will desert in droves. And then the “unwinnable” war is won.

**Terrorists think they have a religious duty to destroy us—force is the only option**

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One of the most widespread beliefs of violent religious movements is their apocalyptic vision of a cosmic struggle of the forces of the all-good against the forces of the all-evil ( Juergensmeyer, 2000; Kimball, 2002; Wessinger, 2000). Osama bin Laden says it clearly: there are “two adversaries; the Islamic nation, on the one hand, and the United States and its allies on the other. It is either victory and glory or defeat and humiliation” (quoted in Moghadam, 2006: 717). Virtually all religious terrorists agree that they are locked in an apocalyptic battle with demonic forces, that is, usually with the forces of secularism. We have seen how Sayyid Qutb denoted secularism and the concomitant values of individual rights and the separation of religion and law as demonic and the source of most of the misery of the modern world and demanded a jihad against it (Berman, 2003). Continuing Qutb’s diatribe, the founder of Hamas told a reporter, “There’s a war going on” **not just against Israeli occupation but against all secular governments** including the Palestinian authority because there “is no such thing as a secular state in Islam” ( Juergensmeyer, 2000: 76). Hamas’s arch enemy, Rabbi Meir Kahane, whose Jewish Defense League was responsible for numerous attacks on Muslims in the United States and Israel, said bluntly “secular government is the enemy” ( Juergensmeyer, 2000: 55). Asahara, the founder of the Aum Shinrikyo, is reported to have shouted again and again at his followers, “Don’t you realize that this is war” (Lifton, 2000: 56) and to have insisted that his group existed “on a war footing” (Lifton, 2000: 60). The Reverend Paul Hill, who shot and killed a physician in front of a family planning clinic in the United States, wrote “The battle over abortion is primarily spiritual. The confl ict is between God’s will and kingdom and Satan’s opposing will and kingdom” (Hill, 2003: 8). Hill’s actions were justifi ed to an interviewer by his brother-in-arms, the Reverend Michael Bray, who wrote the bible of the violent anti-choice movement, entitled tellingly A Time to Kill, as the product of a Christian subculture in America that considers itself at war with the larger society, and to some extent victimized by it. . . . This subculture sees itself justifi ed in its violent responses to a vast and violent repression waged by secular . . . agents of a satanic force . . . a great defensive Christian struggle against the secular state, a contest between the forces of spiritual truth and heathen darkness, in which the moral character of America as a righteous nation hangs in the balance.( Juergensmeyer, 2000: 36) Juergensmeyer concludes in his investigation of religiously sponsored terrorism around the globe, Terror in the Mind of God, that “what is strikingly similar about the cultures of which they [religious terrorists] are a part is their view of the contemporary world at war” ( Juergensmeyer, 2000: 151). Qutb and the jihadists are not alone in declaring war on the secular state.

#### Prefer emipirics and public statements---the aff presumes they know terrorists motives better than thye do

ELSHTAIN 2003

(Jean Bethke, Prof of Social and Political Ethics at U Chicago, Just War Against Terrorism, p. 94-95)

Those who do not argue outright that the United States is the author of its own destruction often profess mystification at the motives of the attackers, despite the fact that the attackers have told us repeatedly what their motives are. The Nation editorialized, “Why the attacks took place is still unclear.” Suddenly the far left is perplexed as well as isolationist: If we had not poked our nose in where it did not belong, maybe people would leave us alone. However, either we really do not know what drove the attackers—which requires that we ignore their words and those of Osama bin Laden—or we really do know what motivated the attackers—which also requires that we ignore their words and those of Osama bin Laden. Why? Because we cannot take the religious language seriously. Donald Kagan cites an example of the latter when he recalls the words of a fellow Yale professor who opined tha thte “underlying causes” fo the 9/11 attacks were “the desperate, angry, and bereaved” circumstances of the lives of “these suicide pilots,” who were responding to “offensive cultural messages” spread by the United States. There is considerable hubris on display in such assertions of certainly about what drives terrorists, when doing so requires ignoring the terrorists’ own words. This scenario usually plays out like this: First, one professes ignorance of the real motives, although one can do so only if one ignores the words of the attackers, who have scarcely been secretive. Or second, one ignores the real motives because one knows better than the attackers themselves what their motives were. “What is striking about such statements is their arrogance,” writes Kagan. “They suggest that he enlightened commentator can penetrate the souls of the attackers and know their deepest motives…A far better guide might be the actual statements of the perpetrators.” Kagan is not alone in this observation. Tony Judt writes that Osama bin Laden’s stated motives are “to push the ‘infidel’ out of the Arabian peninsula, to punish the ‘Crusaders and the Jews,’ and to wreak revenge on Americans for their domination of Islamic space.” Judt cannot help noticing, however, that bin Laden “is not a spokesman for the downtrodden, much less those who seek just solutions to real dilemmas—he is cuttingly dismissive of the UN: ‘Muslims should not appeal to these atheist, temporal regimes.’” Not surprisingly, Salman Rushdie, the Muslim writer against whom a fatwa ordering his death was issued in 1989, makes the trenchant observation that the savaging of America by sections of the left…has been among the most unpleasant consequences of the terrorists’ attacks on the United States. “The problem with Americans is…”—“What America needs to understand…” There has been a lot of sanctimonious moral relativism around lately, usually prefaced by such phrases as these. A country which has just suffered the most devastating terrorist attack in history, a country in a state of deep mourning and horrible grief, is being told, heartlessly, that it is to blame for its own citizens’ deaths. The New York Times columnist Thomas Friedman expresses amazement at the ease with which some people abroad and at campus teach-ins now tell us what motivated the terrorists…Their deed was their note: we want to destroy America, starting with its military and financial centers. Which part of that sentence don’t people understand? Have you ever seen Osama bin Laden say, “I just want to see a smaller Israel in its pre-1967 borders,” or “I have no problem with America, it just needs to have a lower cultural and military profile \

in the Muslim world?” These terrorists aren’t out for a new kind of coexistence with us. They are out for our non-existence. None of this seems to have seeped into the “Yes, but…” crowd.

#### Their argument essentializes terror scholarship – it’s not a monolithic entity – defer to specific research

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

Some CTS advocates have positioned the CTS project against something usually called ‘terrorism studies’, ‘Orthodox terrorism studies’ or, alternatively, ‘terrorology’. Whatever these bodies of literature are (or at least are imagined by those who have created them as such), they are recent intellectual constructions, the product of an over-generalization that has emerged from the identification of (1) the limitations associated with terrorism research to date, coupled with (2) a less than complete understanding of the nature of research on terrorism. **A cursory review of the terrorism literature reveals that attempts to generalize about something called Orthodox Terrorism Studies are deeply problematic. Among terrorism scholars, there are wide disagreements about, among others, the definition of terrorism, the causes of terrorism, the role and value of the concept of ‘radicalization’ and ‘extremism’, the role of state terror, the role that foreign policy plays in motivating or facilitating terrorism, the ethics of terrorism, and the proper way to conduct ‘counter-terrorism’**. A cursory examination of the contents of the two most well-known terrorism journals Terrorism and Political Violence and Studies in Conflict and Terrorism quickly reveals this. **These differences, and the concomitant disagreements that result in the literature, cut across disciplines** – principally political science and psychology, but also others, such as anthropology, sociology, theology, and philosophy – **and even within disciplines wide disagreements about methods** (for example, discourse analysis, rational choice, among others) **persist. To suggest that they can be lumped together as something called ‘terrorology’ or ‘Orthodox Terrorism Studies’ belies a narrow reading of the literature. This is, in short, a ‘straw man’ which helps position CTS in the field but is not based on a well-grounded critique of the current research on terrorism.**

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

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

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

## Terror DA

### Terror Real/Coming

#### Threat growing now

Marc Lynch 8/8, professor of political science and international affairs at George Washington University and an editor of Foreign Policy's Middle East Channel, 8/8/13, "The Gift", Foreign Policy, www.foreignpolicy.com/articles/2013/08/08/the\_gift\_al\_qaeda\_arab\_spring

 The failure of most of the Arab uprisings has therefore been an extraordinary gift to al Qaeda. It has restored the potency of the terror organization's arguments, while the distraction or disintegration of state security agencies has given it more space to operate. The shift to armed insurgency in Syria galvanized its moribund global jihad. The spectacular collapse of the Muslim Brotherhood badly weakened its most powerful Islamist rival. It has found unprecedented new opportunities to reposition itself within the turbulent, hyperactive new Arab politics.

#### Chalopuka uses factual errors and ignores alternate theories --- fails to impact nuclear politics

Andrew Marchant-Shapiro, Prof of Sociology & Political Science at Union College, “Review: [untitled]”, The American Journal of Sociology, Vol. 100, No. 1 (Jul., 1994), pp. 265-266, JSTOR

As an attempt to deal with "the politics and culture of the atom," Knowing Nukes **falls considerably short of its goal**. This is in large part because the book is not really about understanding what its author terms nucle-arism: "the position taken by the managers and leaders of nuclear states, even if they seldom identify this as an identifiable political stance" (p. xv). Rather, the book is a paean to a theoretical perspective—postmodernism—in which an odd admixture of empirical data and assertions seems to play a primarily illustrative role.

In seven remarkably brief (if tediously sesquipedalian) chapters, Cha-loupka discusses topics ranging from the disappearance of the warrior to computers, robots, Star Wars, and Ronald Reagan. The text is "playful" (in the postmodern sense) in the extreme, which most readers will probably find somewhat annoying. An example of the book's style is found in the paragraph quoted below. Here, Chaloupka has been contrasting subjective and objective (or "external") ironies. The former is the irony perceived by an observer, while the latter inheres in a political system—in this case, nuclearism:

This "external irony" was often misdiagnosed as existentialist absurdity by the American counterculture of recent decades. Playing roles, not always serious about one's own persona, this part of their politics was inadvertently ironist or, rather, was ironist to a point (that point being the now caricatured search for alternative metaphysical ground that marks every enterprise called "New Age"). Taking the frivolous seriously, refusing to do the same for the potentially fatal, renegotiating boundaries through continual reversals (of roles, expectations, perspectives), these amateur ironists briefly experimented with the future of oppositional politics in a postmodern world, [pp. 101-2]

In a volume that purports to take language seriously (or even playfully) this style of writing—**long on jargon and parentheticals, short on content**—is a major deficiency. To this, I must add the following problems: a number of **factual errors** (e.g., Chaloupka calls the Hiroshima bomb, or "nuke," "Thin Man" [p. 46]); a **refusal to seriously consider alternative theoretical perspectives;** **and a lack of any new empirical material.** Finally, Chaloupka has a tendency to write about actions without human agents. While he seldom uses passive voice per se, ideas and theories are often doing things: "More important than the ebb and flow of what only seemed to be an antagonism, a new status and revised techniques of power just began operating and establishing themselves" (p. 68). This situation should make sociologists particularly uneasy.

Given these not inconsiderable problems, is there any reason to read this book? In fact, there are two. First, if you have an interest in the work of Foucault, Derrida, or Baudrillard, you may find this an interesting consideration of their work and the ways in which it relates to society and politics. Second, although the book falls short when taken as a whole, it includes a number of assertions and hypotheses that may be of interest to political sociologists.

While some of these useful parts have appeared elsewhere, Chaloupka occasionally gives them a new spin. He considers questions such as: Why are charges of weakness and appeasement the neoconservative response to discussion of the aftermath of nuclear war? How has the nuclear state managed to control our impressions of the postnuclear world? (Cha-loupka's claim is that antinuclearists have unwittingly assisted the nuclear state in creating an image of nuclear war as something "unspeakable," and therefore have until recently helped to push that entire issue off the agenda.) Why do R2D2 and C3PO come to us as the first pop-culture robots that (who?) are less, rather than more, threatening by their very humanity (in contrast to an earlier decade's HAL9000)?

For me, one of Chaloupka's most interesting suggestions is that we should consider wowparticipation in representative politics (i.e., not voting) not as an expression of apathy but rather as a metapolitical strategy of protest, a point he illustrates with reference to student government. Most students do not participate in student government, he argues, because they realize that student government is largely a joke, an attempt to co-opt rather than to empower the student body. Consequently, their refusal to participate can be read as an extrasystemic protest against co-optation.

Good ideas, alas, do not make a good book. This volume, while well-intentioned, is **crippled by its failure to cohere**. But that may be Cha-loupka's intent, after all. Describing his version of postmodernist analysis by analogy to a map, he writes that "what is most certain about this map is that it shifts unnaturally, reshaping itself and threatening to dissolve in our hands. The map is partial, incomplete, provocative; it fails to represent the entire territory. It is a trickster's map" (p. xv).

#### Nuke war isn’t just textual --- it’s a logical possibility

Christopher Norris 92, Distinguished Research Professor in philosophy & former professor of English at the University of Wales in Cardiff, Uncritical theory

These issues receive an admirably vigorous and clear-headed treatment in J. Fisher Solomon's book Discourse and Reference in the Nuclear Age (1988).18 In general Solomon takes a sturdy realist stand against what he sees - justifiably enough - as the drift toward positions of extreme cognitive scepticism visible in many quarters of current theoretical debate. More particularly, he takes issue with Derrida's argument (developed in an essay on the topic of 'nuclear criticism') that we have now lived on into an epoch of threatened mass-destruction when the stakes are so inconceivably high - nothing less than the extinction of all life on earth, together with the entire human 'archive\* of historical memory, technological achievement, scholarly source-material and so forth - that it no longer makes sense to envisage the arms-race (or its probable outcome) in real-world practical terms.19

According to Derrida nuclear war is a 'fabulous' or 'fictive' referent: firstly in the obvious sense that it has not yet happened (Hiroshima and Nagasaki, to be sure, but not a two-sided or all-out nuclear exchange) and can therefore be subject to no kind of cognitive, empirical or documented knowledge; and secondly in the sense that its occurrence would entail the complete annihilation of all such categories, the passage to a world in which the 'archive' was erased, or where nobody survived to consult it. And again: if there is a 'logic' of nuclear deterrence or war-fighting capability, then it is (Derrida argues) a pseudo-logic of sheer rhetorical escalation, a strategy waged through the endless exchange of threats and counter-threats, bluffs and counter-bluffs, simulated war-game scenarios etc. This is a game that necessarily exceeds all the limits of rational calculation - since its discourse is riddled with uncertainties, aporias, or downright performative contradictions - but which none the less comes to exert a whole range of 'real-world' practical effects, from the design and stockpiling of weapons to the disposition of military forces, the massive investment in war-related research programmes, the resultant shifts in the balance of geo-political power, and (not least) the material likelihood of an actual war breaking out. Or rather - and here he seems close to Baudrillard's position - we lack any criteria for making such judgments (i.e. the distinction between 'actual' and 'simulated' war) in an epoch when the only 'reality' that counts is the current stage of rhetorical-strategic escalation. At this point, where 'the limit itself is suspended', where 'crisis, decision, and choice are being subtracted from us', there is no falling back on those old forms of ontological security. What we have to address now is an entirely different range of issues, such as can scarcely be comprehended under existing paradigms of knowledge and truth.

These include not only the logistics of war, its technological, political and military aspects, but also 'the relations between knowing and acting, between constative speech-acts and performative speech-acts, between the invention that finds what was already there and the one that produces new mechanisms or new spaces\*.

In this situation, as Derrida reads it, we no longer possess any means of distinguishing the 'reality\* of the arms-race - or the 'nuclear referent\* - from those various fictive or fantasy substitutes that currently dictate the terms of so-called strategic thinking. And if this is the case then the question arises as to who can claim the competence -the relevant kinds of knowledge or special expertise - to pronounce on such matters. Certainly not those (the military planners, technicians, Pentagon spokesmen, old hands in the diplomatic game, etc) who have up to now sought to monopolize this discourse from a standpoint of accredited expertise. For they are no more competent than anyone else when it comes to assessing the 'real\* implications of a shift in strategic posture - or a new move in the rhetorical game - whose potential effects so far outrun the capacities of rational-predictive thought. 'All of them, that is, very few, are in the position of inventing, inaugurating, improvising procedures and giving orders where no model... can help them at all.'20 In which case one could argue (with Derrida) that the nuclear debate should henceforth be open to those whose 'competence\* - or whose primary interest - is in fields like semiotics, literary theory, rhetoric, or deconstruction; disciplines that might seem utterly marginal according to the current division of intellectual labour, but which take on a crucial relevance in light of this latest paradigm-shift. 'We can therefore consider ourselves competent', Derrida writes, 'because the sophistication of the nuclear strategy can never do without a sophistry of belief and the rhetorical simulation of a text.'21 And again, in a passage that could easily (though wrongly) be read as an endorsement of Baudrillard's postmodernist theses:

the dividing line between doxa and episteme [i.e., 'mere opinion' and 'genuine knowledge'] begins to blur as soon as there is no longer any such thing as an absolutely legitimizable competence for a phenomenon which is no longer strictly techno-scientific but techno-militaro-politico-diplomatic through and through, and which brings into play the doxa or incompetence even in its calculations.22

All of which might lead one to conclude that deconstruction is indeed what opponents like Habermas and Searle would make of it: a mode of irresponsible word-spinning sophistry that can turn anything (nuclear war included) into grist for the well-oiled 'textualist' mill.

Solomon doesn't altogether go along with this reading, though he does view Derrida's essay as largely symptomatic of the prevailing anti-realist bias among present-day literary theorists. He offers in its place (and by way of critique) a form of 4potentialist realism' based on the argument (deriving from Aristotle) that **we can in fact have knowledge of real-world objects, processes and events** by grasping the inherent probabilities **that exist in any given situation**, that is to say, the determinate likelihood that things will turn out - or events unfold - in keeping with hitherto perceived regularities of a causal, purposive or rational-inductive character. There is no room here for an adequate summary of the arguments that Solomon brings up in defence of this far from fashionable view. Sufficient to say that he works his way through the whole range of opposing theoretical positions, from deconstruction to Foucauldian discourse-analysis, neo-pragmatism, reader-response theory, and analytical philosophy (or the versions thereof that end up, like Quine, by asserting some form of 'ontological relativity\*).23 Such ideas have gained credence, Solomon argues, mainly on account of the obvious problems with a classical realist epistemology - a theory of knowledge and representation - which rests its claims on the presumed possibility of attaining an accurate, one-to-one match between concepts and the 'facts' of experience, or of somehow checking those concepts against the evidence of real-world objective reality. Of course this presumption founders on the argument that 'facts\* exist only in the form of articulate truth-claims, assertions that possess no veridical status apart from the language - or the framework of validating assumptions - which assigns them that privileged role. Thus it simply doesn't make sense to suppose that we could ever achieve a more adequate fit - an improved 'correspondence' between language and the world - by somehow comparing our beliefs with the facts, these latter conceived as existing 'out there', or as belonging to a realm of pre-given objective truths against which to test our various propositions, world-hypotheses, ontological commitments, structures of linguistic representation or whatever. For again this ignores the obvious point that 'facts' depend wholly on forms of predicative judgment or assertion, truth-claims that cannot be prised apart from language and then used - as naive realists would have it - to expose the mismatch between things-as-they seem and things-as-they-actually-are.

Solomon comes out very strongly **against** these varieties of modish neo-pragmatist or **textualist thought**. That is to say, he accepts the standard case against naive realism - the circularity involved in any appeal to 'the facts' as a measure of real-world, objective truth - but denies that this argument necessarily entails the adoption of a wholesale anti-realist outlook, or an attitude of **downright scepticism with regard to truth-claims** of whatever kind. For such doctrines rest on the fallacious idea that we could only gain knowledge (genuine, reliable knowledge) through a first-hand acquaintance with the way things are independent of any mediating concepts, categories or structures of representation. And since clearly **such knowledge is impossible - since 'facts' are constituted in and through language** -therefore (q.e.d.) the realist case collapses, along with all attempts to revive it by appealing to various, equally circular arguments based on the same delusory idea of truth-as-correspondence, or of language as providing an accurate, one-to-one-match between concepts and real-world states of affairs. This is exactly the kind of straw-man position that post-structuralists, postmodernists, neo-pragmatists and others are

so expert at knocking down. What they fail to perceive - or, in Rorty's case, what they reject on confused and inadequate grounds - is the argument (familiar at least since Kant, and taken up in different ways by a range of modern analytical schools) that truth-claims in philosophy don't stand or fall on the issue of direct, unmediated access to the world; that one can defend a critical-realist position on principles that involve no such naive ontological commitment; and that thoroughgoing scepticism of the kind much in vogue among present-day literary theorists is merely a result of the 'linguistic turn' pursued to a point where reality becomes an exclusively textual phenomenon.24 Among post-structuralists and thinkers of a kindred dogmatic persuasion, any line of counter-argument - any reasoned defence of truth-claims in philosophy or critical theory - is rejected out of hand as a hopeless appeal to obsolete 'Enlightenment' habits of thought. After all, who could possibly want to hang on to such notions (or, worse still, imagine they had grounds - philosophical grounds - for so doing) once they had read the relevant passages of Saussure, Barthes, Derrida, Baudrillard etc? Unthinkable that post-structuralism might itself show up as just a species of self-promoting orthodox belief whose success among literary and cultural theorists over the past two decades has depended not so much on its intellectual merits as on its near-total isolation from the sphere of informed philosophical debate or competent peer-group review.

Solomon is much too polite to put it like this but his arguments clearly point in a similar direction. They also have the signal advantage, for present purposes, of raising these issues squarely in the context of discussing war as an object of possible knowledge, rather than treating it as a 'fabulous' or 'hyperreal' pseudo-referent exceeding all the limits of human cognitive grasp. Solomon's argument is intricate in its details but obvious enough in general outline to anyone whose mind has not been captured entirely by the sophistries of current intellectual fashion. 'I am suggesting that our apprehension ... of the nuclear referent is determined not only by our archival imagination but also by our knowledge of an extra-archival world that is as real in its dispositional potentialities as in its actuated formalities.'25 That is to say, we can judge and reason in such matters on the basis of a knowledge that may go beyond any straightforward appeal to the facts of the case - any notion of a direct correspondence (adaequatio) between language and the world - but which does, none the less, lay claim to a measure of cognitive or truth-telling warrant. As Solomon puts it:

the reality to which the nuclear referent refers ... is, in Aristotelian terms, a potential reality as well as an actual one. The nuclear referent, in other words, refers to an actual situational configuration of political and technological conditions that bear within themselves their own concrete potentialities for future development. The futurity of the nuclear referent is bound to the present not only by a tie of logical possibility but also by one of empirical potentiality as well, a potentiality that can’t be calculated through the calculus of probability.26

This is not to suggest that Solomon takes the whole Aristotelian doctrine on board, along with its deep-laid teleological assumptions and other commitments that would clearly run counter to his own critical-realist position. What he does wish to rescue - and defend as wholly valid from a present-day perspective - is Aristotle's argument that the unpredictability of future events need not be taken as any cause for scepticism with regard to our knowledge of present realities and their possible or likely outcome. Thus he cites the well-known passage from De Interpretatione where Aristotle makes this point by way of distinguishing matters of logical necessity from matters of real-world predictive consequence. 1 "A sea-fight" [or, we might add, a nuclear war] must either take place tomorrow or not", Aristotle explains, but "it is not necessary that it should take place tomorrow, neither is it necessary that it should not take place." >2? But it is wrong to conclude from this that reason is powerless in face of such uncertainties, or that we are simply in no position to extrapolate from present evidence to future events on the basis of observed regularities, rational conjectures, the weighing of probable outcomes etc. For the

absence of any strictly logical (i.e. deductive) order of necessity does nothing to disqualify these other forms of valid inferential reasoning.

##  Case

### AT: Biopolitics

#### Agamben’s rejection of all law as inherently violent is based on misreadings of political theory and false generalizations – not all law is violent, and we shouldn’t assume that it is

Jean-Philippe Deranty 4, Professor of French and German Philosophy at Macquarie University, online: http://www.borderlandsejournal.adelaide.edu.au/vol3no1\_2004/deranty\_agambnschall.htm

28. All this explains why Agamben chooses to focus on the decisionistic tradition (Hobbes, Heidegger, Schmitt). With it, he wants to isolate the pure essences of all juridical orders and thus highlight the essential violence structuring traditional politics. Since the law essentially appears as a production and capture of bare life, the political order that enunciates and maintains the law is essentially violent, always threatening the bare life it has produced with total annihilation. Auschwitz is the real outcome of all normative orders. 29. The problem with this strategic use of the decisionistic tradition is that it does not do justice to the complex relationship that these authors establish between violence and normativity, that is, in the end the very normative nature of their theories. In brief, they are not saying that all law is violent, in essence or in its core, rather that law is dependent upon a form of violence for its foundation. Violence can found the law, without the law itself being violent. In Hobbes, the social contract, despite the absolute nature of the sovereign it creates, also enables individual rights to flourish on the basis of the inalienable right to life (see Barret-Kriegel 2003: 86). 30. In Schmitt, the decision over the exception is indeed "more interesting than the regular case", but only because it makes the regular case possible. The "normal situation" matters more than the power to create it since it is its end (Schmitt 1985: 13). What Schmitt has in mind is not the indistinction between fact and law, or their intimate cohesion, to wit, their secrete indistinguishability, but the origin of the law, in the name of the law. This explains why the primacy given by Schmitt to the decision is accompanied by the recognition of popular sovereignty, since the decision is only the expression of an organic community. Decisionism for Schmitt is only a way of asserting the political value of the community as homogeneous whole, against liberal parliamentarianism. Also, the evolution of Schmitt’s thought is marked by the retreat of the decisionistic element, in favour of a strong form of institutionalism. This is because, if indeed the juridical order is totally dependent on the sovereign decision, then the latter can revoke it at any moment. Decisionism, as a theory about the origin of the law, leads to its own contradiction unless it is reintegrated in a theory of institutions (Kervégan 1992). 31. In other words, Agamben sees these authors as establishing a circularity of law and violence, when they want to emphasise the extra-juridical origin of the law, for the law’s sake. Equally, Savigny’s polemic against rationalism in legal theory, against Thibaut and his philosophical ally Hegel, does not amount to a recognition of the capture of life by the law, but aims at grounding the legal order in the very life of a people (Agamben 1998: 27). For Agamben, it seems, the origin and the essence of the law are synonymous, whereas the authors he relies on thought rather that the two were fundamentally different.

### AT: Endless War

#### No risk of endless warfare

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

#### Discursive othering doesn’t result in ‘uncontrollable violence’

**Rodwell 5**—PhD candidate, Manchester Met. (Jonathan, Trendy But Empty: A Response to Richard Jackson, http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm, AMiles)

In this response I wish to argue that the Post-Structural analysis put forward by Richard Jackson is inadequate when trying to understand American Politics and Foreign Policy. The key point is that this is an issue of methodology and theory. I do not wish to argue that language is not important, in the current political scene (or indeed any political era) that would be unrealistic. One cannot help but be convinced that the creation of identity, of defining ones self (or one nation, or societies self) in opposition to an ‘other’ does indeed take place. Masses of written and aural evidence collated by Jackson clearly demonstrates that there is a discursive pattern surrounding post 9/11 U.S. politics and society. [i] Moreover as expressed at the start of this paper it is a political pattern and logic that this language is useful for politicians, especially when able to marginalise other perspectives. Nothing illustrates this clearer than the fact George W. Bush won re-election, for whatever the reasons he did win, it is undeniable that at the very least the war in Iraq, though arguable far from a success, at the absolute minimum did not damage his campaign. Additionally it is surely not stretching credibility to argue Bush performance and rhetoric during the immediate aftermath of the 9/11 attacks also strengthened his position. However, having said that, the problem is Jackson’s own theoretical underpinning, his own justification for the importance of language. If he was merely proposing that the understanding of language as one of many causal factors is important that would be fine. But he is not. The epistemological and theoretical framework of his argument means the ONLY thing we should look at is language and this is the problem.[ii] Rather than being a fairly simple, but nonetheless valid, argument, because of the theoretical justification it actually becomes an almost nonsensical. My response is roughly laid out in four parts. Firstly I will argue that such methodology, in isolation, is fundamentally reductionist with a theoretical underpinning that does not conceal this simplicity. Secondly, that a strict use of post-structural discourse analysis results in an epistemological cul-de-sac in which the writer cannot actually say anything. Moreover the reader has no reason to accept anything that has been written. The result is at best an explanation that remains as equally valid as any other possible interpretation and at worse a work that retains no critical force whatsoever. Thirdly, possible arguments in response to this charge; that such approaches provide a more acceptable explanation than others are, in effect, both a tacit acceptance of the poverty of force within the approach and of the complete lack of understanding of the identifiable effects of the real world around us; thus highlighting the contradictions within post-structural claims to be moving beyond traditional causality, re-affirming that rather than pursuing a post-structural approach we should continue to employ the traditional methodologies within History, Politics and International Relations. Finally as a consequence of these limitations I will argue that the post-structural call for ‘intertextuals’ must be practiced rather than merely preached and that an understanding and utilisation of all possible theoretical approaches must be maintained if academic writing is to remain useful rather than self-contained and narrative. Ultimately I conclude that whilst undeniably of some value post-structural approaches are at best a footnote in our understanding . The first major problem then is that historiographically discourse analysis is so capacious as to be largely of little use. The process of inscription identity, of discourse development is not given any political or historical context, it is argued that it just works, is simply a universal phenomenon. It is history that explains everything and therefore actually explains nothing. To be specific if the U.S. and every other nation is continually reproducing identities through ‘othering’ it is a constant and universal phenomenon that fails to help us understand at all why one result of the othering turned out one way and differently at another time. For example, how could one explain how the process resulted in the 2003 invasion of Iraq but didn’t produce a similar invasion of Afghanistan in 1979 when that country (and by the logic of the Regan administrations discourse) the West was threatened by the ‘Evil Empire’. By the logical of discourse analysis in both cases these policies were the result of politicians being able to discipline and control the political agenda to produce the outcomes. So why were the outcomes not the same? To reiterate the point how do we explain that the language of the War on Terror actually managed to result in the eventual Afghan invasion in 2002? Surely **it is impossible to explain** how George W. Bush was able to convince his people (and incidentally the U.N and Nato) to support a war in Afghanistan **without referring to a simple fact outside** of the **discourse; the fact that a known terrorist in Afghanistan actually admitted to the murder of thousands of people** on the 11h of Sepetember 2001. The point is that if the discursive ‘othering’ of an ‘alien’ people or group is what really gave the U.S. the opportunity to persue the war in Afghanistan one must surly wonder why Afghanistan. Why not North Korea? Or Scotland? If the discourse is so powerfully useful in it’s own right why could it not have happened anywhere at any time and more often? Why could the British government not have been able to justify an armed invasion and regime change in Northern Ireland throughout the terrorist violence of the 1980’s? Surely they could have just employed the same discursive trickery as George W. Bush? Jackson is absolutely right when he points out that the actuall threat posed by Afghanistan or Iraq today may have been thoroughly misguided and conflated and that there must be more to explain why those wars were enacted at that time. Unfortunately that explanation cannot simply come from the result of inscripting identity and discourse. On top of this there is the clear problem that the consequences of the discursive othering are not necessarily what Jackson would seem to identify. This is a problem consistent through David Campbell’s original work on which Jackson’s approach is based[iii]. David Campbell argued for a linguistic process that ‘always results in an other being marginalized’ or has the potential for ‘demonisation’[iv]. At the same time Jackson, building upon this, maintains without qualification that the systematic and institutionalised abuse of Iraqi prisoners first exposed in April 2004 “is a direct consequence of the language used by senior administration officials: conceiving of terrorist suspects as ‘evil’, ‘inhuman’ and ‘faceless enemies of freedom creates an atmosphere where abuses become normalised and tolerated”[v]. The only problem is that the process of differentiation does not actually necessarily produce dislike or antagonism. In the 1940’s and 50’s even subjected to the language of the ‘Red Scare’ it’s obvious not all Americans came to see the Soviets as an ‘other’ of their nightmares. And in Iraq the abuses of Iraqi prisoners are isolated cases, it is not the case that the U.S. militarily summarily abuses prisoners as a result of language. Surely the massive protest against the war, even in the U.S. itself, is also a self evident example that the language of ‘evil’ and ‘inhumanity’ does not necessarily produce an outcome that marginalises or demonises an ‘other’. Indeed one of the points of discourse is that we are continually differentiating ourselves from all others around us without this necessarily leading us to hate fear or abuse anyone.[vi] Consequently, the clear fear of the Soviet Union during the height of the Cold War, and the abuses at Abu Ghirab are unusual cases. To understand what is going on we must ask how far can the process of inscripting identity really go towards explaining them? As a result at best all discourse analysis provides us with is a set of universals and a heuristic model.

### AT: Instrumentality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### AT: V2L

#### “No value to life” doesn’t outweigh---prioritize existence because value is subjective

Torbjörn Tännsjö 11, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, 2011, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” online: http://people.su.se/~jolso/HS-texter/shaltthou.pdf

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not commit suicide. The explanation is simple. If I kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

### AT: Predictions = Genocide

#### Predictions avoid genocide. They allow us to reclaim our agency from passivity.

Bindé 2k Jérôme, Dir. Analysis and Forecasting Office – UNESCO, Public Culture, “Toward an Ethics of the Future”, 12:1, Project Muse

An ethics of the future is not an ethics in the future. If tomorrow is always too late, then today is often already very late. The disparities between North and South, and increasingly between North and North and between South and South, the growing rift within the very heart of societies, population growth, the threat of an ecological crisis on a planetary scale, and the way societies have lost control and surrendered to the hands of "anonymous masters" all call for a new paradoxical form of emergency, the emergency of the long term. To adopt, as quickly as possible, a constructive and preventive attitude means preserving future generations from the fever of immediacy, from reactive passivity, from refuge in artificial or virtual illusory paradises, and from omnipotent emergency. Through a forward-looking approach, we can be in a position to offer generations to come what we are deprived of today--a future. Institutions have the power to forecast or not to forecast. This is an awesome responsibility. By choosing not to forecast, they choose to postpone indefinitely their much needed long-term action for the sake of short-term emergency: They condemn themselves, literally, **to passivity, dependency, and, ultimately, to obsolescence and nonexistence**. **By choosing to forecast and by refusing to become purely reactive agents**, they will not only preserve their institutional independence but also send a strong message to other policymakers and decisionmakers worldwide that the first object of policy, and its first responsibility, is the future. Max Weber justly warned that "the proper business of the politician is the future and his responsibility before the future." The failure to use foresight, in other words, is not just a benign failure of intelligence: It is a culpable neglect of future generations. Is it not therefore surprising that, once foresight has been applied, once an issue has been recognised as a policy priority by all parties concerned, once international instruments have been signed that declare the commitment to act on this [End Page 56] foresight, we should fail so miserably to take the appropriate measures? Take development aid: In 1974, developed countries solemnly agreed to dedicate 0.7 percent of their GDP to development aid; nearly a quarter of a century later, in 1997, they contribute 0.22 percent of their GDP to development aid, and one superpower dedicates only 0.09 percent to it. 5 Take the issue of the global environment: Seven years after the 1992 Earth Summit in Rio, Agenda 21 remains, for the greater part, a dead letter, and the promising but timid advances made at the Kyoto Summit have since been all but forgotten. In both instances, foresight was exerted and solemn oaths taken to act on this foresight, in order to remedy pressing problems. In both instances, action has been delayed, and problems have been allowed to become more pressing. How long can we afford the luxury of inactivity? An ethics of the future, if it remains an ethics in the future, is an injustice committed against all generations, present and future. To paraphrase a common saying, the future delayed is the future denied.