### Acct

#### Strikes will not decrease

Johnthomas Didymus 8/4/13, reporter at AllVoices, “John Kerry gaffes, no end to US drone war in Pakistan,”

http://www.allvoices.com/contributed-news/15129851-john-kerry-gaffes-no-end-to-us-drone-war-in-pakistan

Hours after Kerry told the Pakistani people on Thursday that the US government has a "time table" to end the drone war in their country, the State Department issued a statement denying there was a "timetable" to end the strikes.¶ Pakistani civilians were delighted to hear the US Secretary of State John Kerry, saying on national TV that the US has a "timetable" to end the drone war.¶ Kerry spoke after meetings with the country's Prime Minister Nawaz Sharif and the national security adviser Sartaj Aziz. In the meetings, the US and Pakistan agreed to revive talks on several issues of security affecting both countries.¶ Kerry said: "I think the program will end as we have eliminated most of the threat and continue to eliminate it. I think the president has a very real timeline and we hope it's going to be very, very soon. I think it depends really on a number of factors, and we're working with your government with respect to that."¶ Aziz, supporting Kerry's statement, said: "In light of today's discussion, we will continue this dialogue on how to stop this policy of drone attacks as far as US is concerned."¶ No timetable to end drone war¶ The US State Department contradicted Kerry the same day, saying there was no "timetable" to end the drone strikes.¶ A State Department spokeswoman Jen Psaki, said: "Today, the secretary referenced the changes that we expect to take place in that program over the course of time, but there is no exact timeline to provide."¶ Marie Harf was even more emphatic: "In no way would we ever deprive ourselves of a tool to fight a threat if it arises."¶ Although, Obama announced two months ago, in a speech that was touted as outlining a new US counter-terrorism doctrine, that his administration would scale down the drone program, there are still no signs that the deadly strike operations are being reduced.¶ According to reports, there have been more drone strikes in Pakistan last month that any other month since January this year.¶ Views¶ Experts have weighed in on the contradiction between promises by the administration to end the drone war and its actions.¶ According to 4 News, Kat Craig, legal director at Reprieve, said: "While Mr Kerry may have sought to reassure Pakistan with empty words, the reality is that the secretive drone war is spreading around the world. Yesterday, a US drone killed four Yemenis on the very day that Yemen's President Hadi met with Obama."¶ Micah Zenko of the Council of Foreign Relations, told The New York Times: "There’s nothing that indicates this administration is going to unilaterally end drone strikes in Pakistan or Yemen for that matter."

#### Their epistemology claims are wrong—our authors are capable of making non-racist assumptions—they link to all of their knowledge production claims and re-entrench Orientalism

Joshua Teitelbaum 6 Senior Fellow, Moshe Dayan Center for Middle East and African Studies, Tel Aviv U. Adjunct Senior Lecturer, Middle Eastern History, Bar Ilan U. PhD, Tel Aviv U—AND—Meir Litvak—Senior Research Fellow, Moshe Dayan Center for Middle Eastern and African Studies. Associate Professor, Middle Eastern and African History, Tel Aviv U. PhD, Harvard, Students, Teachers, and Edward Said: Taking Stock of Orientalism, March 2006, http://www.campus-watch.org/article/id/2493

The critics did not deny that Western culture and scholarship in the past has included ethnocentric, racist, or anti-Islamic components, but argued that these had been greatly exaggerated, to the point of being made universal. Out of more than 60,000 works on the Middle East published in Europe and the United States, he chose only those needed in order to prove his case that there was a discourse which he termed Orientalism. In order to arrive at this conclusion he ignored much evidence critical to the historical documentation of research and literature, material which would have supported the opposite position.[19] His choices, as Kramer writes, rejected "all discrimination between genres and disregarded all extant hierarchies of knowledge." This was particularly true regarding Said's deliberate conflation of Middle Eastern studies as a research discipline and the popular, artistic, or literary perspective of the Orient. It also disregarded the key question of which were the field's main texts and which were those purely on the margins.[20] This approach led Said to ignore several leading researchers who had a decisive influence on Middle Eastern studies. For example, there is his almost complete ignoring of Ignaz Goldziher's work--which made an undeniable contribution to the study of Islam--since his persona contradicts Said's claims. Said chose to attack Goldziher's criticism of anthropomorphism in the Koran as supposed proof of his negative attitude toward Islam, while Goldziher himself felt great respect for Islam and had even attacked Ernest Renan for his racist conceptions.[21] Malcolm Kerr, for example, criticized Said's ignorance of the role and importance of Arab-American Middle East researchers, who played an important role in the field and could not easily be labeled anti-Arab or anti-Islamic. Reina Lewis and Joan Miller argued that Said ignored women's voices which, they maintained, contradicted the monolithically masculine representation which Said wished to present.[22] Said's selectivity enabled him to paint scholarship of the Middle East as an essentialist, racist, and unchangeable phenomenon, whereas the evidence he ignored would have proven that the Western understanding and representation of the Middle East--especially of the Arabs and Islam--had become quite rich and multi-faceted over the years. Many scholars and literary figures were actually enamored with the residents of the Middle East, and the "Orientalist discourse" was not nearly as dominant as Said would have his readers believe, as few examples among many would show. British literary figures and activists, like Wilfred Scawen Blunt, actively sought to improve the lot of the Arabs. Traveler and M.P. David Urquhart promoted Ottoman Turkey as a partner for Christian Europe. Marmaduke Pickthall, a famous convert to Islam and a translator of the Koran, looked to Turkey for the formation of a modernist Islam. Finally, Cambridge Persian scholar E.G. Browne wrote in favor of the Iranian revolution of 1906-1911 and published articles against Curzon. These examples demonstrate the existence of discourses on the Middle East other than that characterized by Said.[23] Moreover, a number of researchers have demonstrated that though Islam was perceived as Europe's enemy in the Middle Ages, even then it had already gained respect and appreciation in the fields of science and philosophy, to the point of even idealizing it as a philosopher's religion.[24] A prominent example of the complexity of the Western perspective on Islam is the attitude of the Enlightenment movement in the eighteenth century, which Said perceives as the parent of modern Orientalism. True, some attacked Islam as a part of their rational, secular perception which criticized unenlightened religiosity--parallel arguments were simultaneously made by them against Christianity and Judaism. Moreover, at times it was clear that their criticism of Islam was actually a camouflaged criticism of Christianity. Yet, other contemporary writers viewed Islam as a rational religion closer to the ideas of the Enlightenment than Christianity. They saw it as a religion balanced between a commitment to morality and an acknowledgement of the basic needs of man, as opposed to Christianity's distorted attitude toward sex. There were among them, too, people who spoke admiringly of Islam and its tolerance of minorities, and juxtaposed it with Christian fanaticism. An important factor in shaping the complex perspective of Oriental studies in the nineteenth century was the entry of Jewish researchers into the field. They brought a deep knowledge of Judaism to a comparative study of Islam. Unlike some Christian researchers of Islam, they had no missionary approach or nostalgia for the Crusades or much interest in the political aspects of the contemporary "Eastern Question." For these Jewish scholars, Islam did not represent the same kind of religious challenge to Judaism that it did to Christianity, and therefore they were free of most of the prejudices that tripped up many Christian scholars. On the contrary, many Jewish researchers evolved an almost romantic approach toward Islam. They emphasized its tolerant attitude toward the Jews, as opposed to Medieval Europe and the rising anti-Semitism of the nineteenth century. Some of them tended to portray Jewish history in Muslim lands as a continuous golden age.[25] They stood somewhere between the two worlds, as Jews with histories both Middle Eastern and European, contrary to Said's portrayal of unflagging European ethnocentrism. It was thus convenient for Said to leave them out of his one-dimensional portrayal of the Orientalist discourse. Middle Eastern Jews present a problem for the Saidian Orient-Occident dichotomy. He deals with this by pointedly connecting "Oriental Jews" with Palestinians when writing ¶ of Israeli (i.e., Western) discrimination. That the Jewish concept of peoplehood spans the West and the East is perhaps too threatening to the dichotomy so central to his theory.[26] The argument that the Occident (or actually Europe prior to the twentieth century) primarily defined itself in opposition to the Orient may be questioned as over-simplifying and essentialist. According to Keith Windschuttle, Europeans identify themselves as joint heirs of classical Greece and Christianity, each tempered by the fluxes of medieval scholasticism, the Renaissance, the Reformation and Counter-Reformation, the Enlightenment, and modernism. In other words, Western identity is overwhelmingly defined by historical references to its earlier selves rather than by geographical comparisons with others. To claim otherwise is to deny the central thrust of Western education for the past one thousand years.[27] Conversely, the argument that Islam was the ultimate "other" in Western culture, may be challenged as well. Christian theology and doctrine emerged to a large degree as an antithesis to Judaism. Likewise, in popular culture the image of the Jew was much more frightening than that of the Muslim. It can be argued that the number of explicit anti-Jewish tracts--theological or political--throughout western history was probably higher than those devoted to Islam. The point here is not made to win the race of victimhood, but rather to argue that the picture of defining the "self" and the "other" in European culture was much more complex than the one Said presented; the "Orient" was not necessarily the defining "other" of the Occidental self. In the final analysis, then, contrary to what Said would have his readers believe, his idea of "Orientalism" is exaggerated and fails to encompass the entirety of how the West understood and conceived Islam; just as it cannot be said that because of anti-Semitism, all of European thought was hostile toward Jews, is it not true that the West viewed the Middle East in a closed circle of interpretation disconnected from other historical developments. New ideas that surfaced in intercultural contact undermined a priori assumptions time after time. Prejudices and stereotypes were endemic but never shaped into an unchangeable united discourse on the Middle East. In reality, academics who led the discourse often took the lead in undermining prejudices. Said, concluded Bayly Winder, did to Western scholars of Islam exactly what he accused them of doing to the Middle East.[28] Said's disregard of the scope and complexity of research on Islam and the Middle East motivated Rodinson to comment that Said was not familiar enough with the main body of scholarly research on the Middle East.[29] However, Said's disregarding of this scholarship does not appear to result from a lack of familiarity, but rather from a political agenda, and the proof of this is that he continued to make his arguments regarding the monolithic character of Middle Eastern studies years after publishing this criticism. In order to demonstrate the nature of scholarship as an instrument of domination Said excoriates scholars of the Middle East for dividing into categories, classifying, indexing, and documenting "everything in sight (and out of sight)."[30] Does this, asks the Syrian philosopher Sadiq Jalal al-Azm, imply something vicious or is it simply characteristic of all scientific academic work, essential for a proper understanding of human societies and cultures altogether?[31] Thus, Said's condemnation of the generalizations made by Western scholars of the Middle East and his insistence that they study the Arabs and Muslims as individuals made some of his Arab critics wonder if this meant that it was impossible or unnecessary to study collective entities. If the inclusion of Marx in Orientalism comes from his lack of attention to individual cases, added James Clifford rhetorically, perhaps it is simply impossible to form social or cultural theory, and perhaps there is no room for research fields such as sociology?[32] Said's over-generalized and non-historic conception of "Orientalism" is at its most radical when he writes that "every European, in what he could say about the Orient, was a racist, and imperialist, and almost totally ethnocentric."[33] According to Nikki Keddie, who was praised by Said and who found positive points in his book, this argument generally encourages people to believe Westerners have no right to study the Middle East and insists that only Muslims and Arabs can investigate correctly Middle Eastern history.[34] Even the doyen of Middle Eastern scholarship of the Middle East, Albert Hourani, a Christian Arab like Said, shared the feeling that the book might lend support to a Muslim counter-attack based on the idea that no one understands Islam better than Muslims.[35] While Said denied that this was his intention,[36] the actual text of the book and the conclusion of many readers belie this assertion. Moreover, disqualifying all researchers who come outside the examined group--in every area of the world--would put an end to all serious academic research.

It also neglects the fact that outside researchers may have certain advantages, since as an outsider the scholar might be free from the myths or preconceptions which insiders share. Said also raises a doubt as to whether anyone can study (in his words, "represent") any subject in any manner other than in an entirely subjective way, which is determined by the culture of the scholar-observer. He believes that the unknown, the exotic, and the foreign have always been perceived, assimilated, and represented in these terms. This leads him to doubt that any scholarship can even come close to the truth, or in his words, "whether indeed there can be a true representation of anything, or whether any or all representations, because they are representations," are so intertwined with the institutions, language, and culture of the representer to render the truth impossible.[37] The obvious conclusion from this argument, as Winder and al-Azm show, is that according to Said, "Orientalism" is inevitable since such distortions are inevitable. If one accepts this argument, however, as al-Azm suggests, this only means the West was merely doing what all cultures must do: examine other cultures through the concepts and frameworks it already holds.[38] If this is true, Winder explains, that everyone who sees the "other" distorts it, then the West is no different from other cultures, including Islamic culture, which also has a distorted perspective of the "other." If indeed, Winder wonders, Said demands that Westerners should be better, does he not accept that they have a certain supremacy, a certain mission that makes them superior? Or should different criteria apply to the West simply because it was more "successful" than other societies? Thus, Said himself is promoting a clearly "Orientalist" perspective, accepting and forgiving the "weakness" of Middle Eastern society. "Westerners," claims Winder, "are not better, but Western science, including ‘Orientalism,' is self-bettering in that it is self-corrective."[39] By determining that all "representations" of the other are by definition distortions, Said is saying that people can only study themselves, that only Muslims can properly "represent" Islam. In our experience this has led to a crippling timidity amongst non-Muslim or non-Arab students. While it is good scholarship to control for bias, Said's influence has made students chary of writing about Islam and the Arabs from a point of view not necessarily shared by the objects of their research. They give more weight to an Arab or Islamic viewpoint and are fearful of developing an opinion of their own. ORIENTAL STUDIES AND IMPERIALISM Said's selectivity drove him to ignore the important intellectual achievement of the German and Hungarian scholars of the Middle East. According to his argument, "the major steps in Oriental scholarship were first taken in either Britain and France [sic], then elaborated upon by Germans."[40] There is no historical basis for this argument. The main reason for his ignoring research in these countries is that an accurate assessment of it would have undermined his central argument that Orientalism was integrally linked to imperialism as an expression of the nexus between knowledge and power, and therefore that Orientalists wished to gain knowledge of the Orient in order to control it. To support his claims, Said even back-dated the development of British and French imperialism in the Middle East to the seventeenth century, which is clearly a historical error. Considering German leadership in Oriental studies, it is unlikely that they took much from British and French scholars. No doubt, agrees Bernard Lewis, some of the scholars of the Middle East served imperialism or gained from it. Yet as an explanation of academic research of the Islamic world as a whole, this argument is flawed. If the effort to gain power through knowledge is the main or only motive, why did the study of Arabic and Islam in Europe begin hundred of years before Western imperialism in the Middle East had appeared even as an ambition? Why did these studies blossom in European countries that didn't take part in the European domination effort? Why did scholars invest so much effort in trying to decipher or study the monuments of the ancient East which had no political value and were forgotten even by the local people? The importance of the German and Hungarian scholars was tremendous in terms of their contribution to Middle East scholarship, even though they were not residents of countries with any imperialist interest in the region, and therefore the connection between power and knowledge did not exist in this case, sums up Lewis. [41] Said also ignored the fact that many scholars opposed imperialism, and therefore the connection he creates between their academic works and imperialism is forced. Edmond Burke, like Said, criticizes Oriental studies scholars who at the start of the twentieth century dealt with minor issues: "studies on obscure manuscripts, folk traits, rural sufism and popular religion," instead of dealing with topics he considered to be more important, such as study of the national movements that developed in the region.[42] Yet again, if these scholars were so "impractical," then obviously their studies had to do more with a search for knowledge rather than an effort to help imperialism. Ironically, if they had been as Said and Burke would have them, they would have focused on precisely the issues Burke criticizes them for ignoring. It appears then that many of Said's "Orientalists" actually pursued knowledge for the sake of knowledge. Said cannot have it both ways, complaining that scholars of Islam and the Middle East dealt with the trivial and at the same time asserting they were agents of imperialistic domination. In addition if there were any researchers who participated in an "academic effort to embalm Islam," to use Said's words, these were the Germans, but this was not because of imperialism. This was rather due to their more comprehensive approach to the study of cultures, which they applied to their own society as well. It is very likely, writes Emmanuel Sivan, that if the Germans had been involved in the imperialist effort, they would have been more conscious of Islam being a living and dynamic tradition. Actually, the British and the French, who imitated the Germans, could not afford to be pure classicists because of their country's imperialist demands. They studied Islam as a living civilization. Sivan concludes that the reality of the situation was much more complicated and ironic than that presented by Said.[43] While Said disregarded German Middle Eastern studies scholars because they were not connected to imperialism, if he had taken the time to examine their work, he would have discovered that many saw Islam and the Middle East in all its variety, without essentializing.[44] Al-Azm raises another issue, namely, the problematic cause and effect connection that Said makes between Orientalism as a cultural-social phenomenon and imperialism. It is impossible to avoid the impression, al-Azm remarks, that for Said the presence of observers, administrators, and intruders in the Middle East--such as Napoleon, Cromer, and Balfour--had become inevitable and actually was caused by literary and intellectual Orientalism. Therefore, according to Said, we can understand better the political inclinations and the aspirations of European imperialists if we turn to literary figures, among them Barth?lemy d'Herbelot and Dante Alighieri, rather than if we actually explore strategic and economical interests.[45] Another difficulty in Said's approach of connecting academic research to imperialism lays, according to Halliday, in the assumption that if ideas come to the world in circumstances of domination or even directly in the service of the dominator, they are not valid. Yet according the Halliday, trying to subdue a land requires producing as accurate an image as possible of it. For example, French ethnographers serving French imperialism in North Africa did not necessarily produce worthless research, as Said would have his readers believe. On the contrary, in order for the studies of those academic researchers to serve the French, they had to be accurate. "To put it bluntly," writes Halliday, "if you want to rob a bank, you would be well advised to have a pretty accurate map if its layout....."[46] An ironic twist to the connection between political establishments and scholarship was visible after Martin Kramer's fierce attack against the American academy for identifying with Said's Orientalism critique. Kramer argued that Middle Eastern studies were so compromised by Said's world view that they should no longer receive U.S. government aid. Said's supporters, who in the past had attacked the connection between academic research and the political establishment, were quite alarmed at the notion. In effect they were arguing that the large amounts of monies their institutions took from the government did not undermine their intellectual independence, even as many of them characterized U.S. policy as imperialistic. Clearly, they do not really believe that a connection with the political establishment, even an "imperialistic" one, has any effect on their own research. Yet if that is so, then government funding does not necessarily influence academic discourse. If this is true of today, it might well be true of the past as well, despite Said's critique.

### Norms

#### Threat con isn’t sufficient to cause war

Stuart J Kaufman 9, Prof Poli Sci and IR – U Delaware, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” *Security Studies* 18:3, p. 433

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

#### No impact to China threat discourse – bad reps don’t influence policies towards China and our advantage solves the impact

Wenxin 5—Zhang Jiye and Chen Wenxin, Xiandai Guoji Guanxi, Ocnus, September 20, 2005, p. <http://www.ocnus.net/cgibin/exec/view.cgi?archive=78&num=20415>

Nevertheless, no matter the extent of playing up the "China military threat theory" by the US military, its influence on Sino-US relations and the development of the international situation is still limited. From the 1990s to now, the "China threat theory" had emerged once every two to three years. The US rightist forces and the US military are accustomed to using it as a "target" to play up the "China military threat theory" in order to consolidate their sphere of influence and position in the US political arena. However, the main trend of the development of Sino-US relations has not been seriously influenced. On the one hand, in the US political field, besides military intelligence and rightist groups that publicize the "China military threat theory," there are many officers and scholars who "calmly view the situation across the ocean," seriously look at China's development, and call for strengthening contacts between the United States and China. A noted US think tank, the Rand Corporation, on 19 May submitted an evaluation report to the US Air Force on "China's Defense Modernization: Opportunities and Challenges." The report holds that the Pentagon's evaluation of China's military spending is seriously "inflated" and the practice of playing up "China military threat theory" on purpose should be rectified. On 26 May, US congressional heavyweight Senator Joe Lieberman of the Democratic Party and Republican congressman Alexander jointly put forward an "Act on Cultural Exchange Between the United States and China in 2005" and asked the US Government to appropriate $1.3 billion from FY2006 to FY2011 for the promotion of cultural exchanges between the United States and China, especially for the expansion and strengthening of US education in Chinese language and a program for exchange students between the two countries. In order to guarantee the implementation of the exchange plan, the proposal also suggested establishing the United States-China Engagement Strategy Council. In introducing the act, Senator Lieberman said: "All misunderstanding between China and the United States can be solved by engagement between the two countries." Even within the US Government, views toward the "China military threat theory" are different. The "engagement group," headed by the Department of State and the National Security Council, holds a different view on the "China military threat theory," and so the US Department of Defense could not but postpone its publication of the "annual report on Chinese military power" again and again. On the other hand, due to pragmatic political considerations, the US Government needs to consider United States-China relations based on the overall interests of the country. Although the United States has made some achievements in its global war against terrorism in the current phase, the new round of terrorist attacks in Britain shows the United States still cannot extricate itself from the war against terrorism and will need China's support.

### S

#### Ex post ensures court enforcement

Paul Taylor 13, Senior Fellow at the Center for Policy & Research with a focus on national security policy, international relations, targeted killings, and drone operations, JD from Seton Hall University School of Law, “A FISC for Drones?” http://transparentpolicy.org/2013/02/a-fisc-for-drones/

Judges would likely be much more comfortable with ex post review. Ex post review would free them from any implication that they are issuing a “death warrant” and would place them in a position that they are much more comfortable with: reviewing executive uses of force after the fact. While there are clearly parallels that could be drawn between the ex ante review proposed here and the search and seizure warrants that judges routinely deal with, there are also important differences. First and foremost is that this implicates not the executive’s law enforcement responsibility but its war-making and foreign relations responsibilities, with which courts are loath to interfere, but are sometimes willing to review for abuse.¶ Additionally, in search and seizure warranting, there an ex post review will eventually be available. That will likely not be the case in drone strikes and other targeted killings unless such a process is specifically created. There are simply too many hurdles to judicial review (including state secrets, political questions, discovery problems, etc) for the courts to create such an opportunity without congressional action.¶ Chesney also noted that executive officials involved in the nomination process would prefer an ex ante review to shield them from unexpected civil liability by the victims or their families. I’m sure that it is true that administration officials would like to have “certainty ex ante that they would not face a lawsuit.” However, this is not a guarantee that the courts can provide to the executive. As noted above, as with search and seizure warrants, there are issues to consider after the approval of the executive action. Ex ante review does not allow for inquiry into important ancillary issues, such as the balancing of risk to civilian bystanders. Also, it provides no assurances that new, exculpatory intelligence forces a reassessment of the targeting decision. Only ex post review would achieve this.¶ There is also the problem that typified the FISC: permissiveness. Of the tens of thousands of FISA warrant requests, only a handful have been rejected. When allowing for modification of the requests, it is not clear whether any have been finally rejected. There is little reason to believe that the proposed “drone court” will be much different. It is far too likely that a court will hesitate to impede an operation that the executive believes is required to protect out national security. Once the operation is complete, however, the court will not be inclined to hold back its criticism on all manner of aspects of the operation, from the initial targeting decision to the final execution.

#### Prez would comply with the court

Stephen I. Vladeck 9, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, 3-1-2009, “The Long War, the Federal Courts, and the Necessity / Legality Paradox,” http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1002&context=facsch\_bkrev

Moreover, even if one believes that suspensions are unreviewable, there is a critical difference between the Suspension Clause and the issue here: at least with regard to the former, there is a colorable claim that the Constitution itself ousts the courts from reviewing whether there is a “Case[ ] of Rebellion or Invasion [where] the public Safety may require” suspension––and even then, only for the duration of the suspension.179 In contrast, Jackson’s argument sounds purely in pragmatism—courts should not review whether military necessity exists because such review will lead either to the courts affirming an unlawful policy, or to the potential that the political branches will simply ignore a judicial decision invalidating such a policy.180 Like Jackson before him, Wittes seems to believe that the threat to liberty posed by judicial deference in that situation pales in comparison to the threat posed by judicial review. ¶ The problem is that such a belief is based on a series of assumptions that Wittes does not attempt to prove. First, he assumes that the executive branch would ignore a judicial decision invalidating action that might be justified by military necessity.181 While Jackson may arguably have had credible reason to fear such conduct (given his experience with both the Gold Clause Cases182 and the “switch in time”),183 a lot has changed in the past six-and-a-half decades, to the point where I, at least, cannot imagine a contemporary President possessing the political capital to squarely refuse to comply with a Supreme Court decision. But perhaps I am naïve.184

### T

#### The authority to authorize without judicial permission is a war powers authority---we restrict it---FISA proves

John C. Eastman 6, Prof of Law at Chapman University, PhD in Government from the Claremont Graduate University, served as the Director of Congressional & Public Affairs at the United States Commission on Civil Rights during the Reagan administration, “Be Very Wary of Restricting President's Power,” Feb 21 2006, http://www.claremont.org/publications/pubid.467/pub\_detail.asp]

Prof. Epstein challenges the president's claim of inherent power by noting that the word "power" does not appear in the Commander in Chief clause, but the word "command," fairly implied in the noun "Commander," is a more-than-adequate substitute for "power." Was it really necessary for the drafters of the Constitution to say that the president shall have the power to command? Moreover, Prof. Epstein ignores completely the first clause of Article II -- the Vesting clause, which provides quite clearly that "The executive Power shall be vested in a President." The relevant inquiry is whether those who ratified the Constitution understood these powers to include interception of enemy communications in time of war without the permission of a judge, and on this there is really no doubt; they clearly did, which means that Congress cannot restrict the president's authority by mere statute.¶ Prof. Epstein's own description of the Commander in Chief clause recognizes this. One of the "critical functions" performed by the clause, he notes, is that "Congress cannot circumvent the president's position as commander in chief by assigning any of his responsibilities to anyone else." Yet FISA does precisely that, assigning to the FISA court a core command authority, namely, the ability to authorize interception of enemy communications. This authority has been exercised by every wartime president since George Washington.

#### Restriction means a limit or qualification---it includes conditions

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

#### Restrictions can happen after the fact

ECHR 91,European Court of Human Rights, Decision in Ezelin v. France, 26 April 1991, http://www.bailii.org/eu/cases/ECHR/1991/29.html

The main question in issue concerns Article 11 (art. 11), which provides:¶ "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.¶ 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."¶ Notwithstanding its autonomous role and particular sphere of application, Article 11 (art. 11) must, in the present case, also be considered in the light of Article 10 (art. 10) (see the Young, James and Webster judgment of 13 August 1981, Series A no. 44, p. 23, § 57). The protection of personal opinions, secured by Article 10 (art. 10), is one of the objectives of freedom of peaceful assembly as enshrined in Article 11 (art. 11).¶ A. Whether there was an interference with the exercise of the freedom of peaceful assembly¶ In the Government’s submission, Mr Ezelin had not suffered any interference with the exercise of his freedom of peaceful assembly and freedom of expression: he had been able to take part in the procession of 12 February 1983 unhindered and to express his convictions publicly, in his professional capacity and as he wished; he was reprimanded only after the event and on account of personal conduct deemed to be inconsistent with the obligations of his profession.¶ The Court does not accept this submission. The term "restrictions" in paragraph 2 of Article 11 (art. 11-2) - and of Article 10 (art. 10-2) - cannot be interpreted as not including measures - such as punitive measures - taken not before or during but after a meeting (cf. in particular, as regards Article 10 (art. 10), the Handyside judgment of 7 December 1976, Series A no. 24, p. 21, § 43, and the Müller and Others judgment of 24 May 1988, Series A no. 133, p. 19, § 28).

#### Authority is what the president may do not what the president can do

Ellen Taylor 96, 21 Del. J. Corp. L. 870 (1996), Hein Online

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

### CP

#### Rejecting the term “targeted killing” makes solvency impossible

Nils Melzer 8, Legal Advisor for the International Committee of the Red Cross, "Targeted Killing in International Law", May 29, Oxford University Press, Google Books, p. 6-8

Depending on factors such as academic, political or military perspective, a wide variety of alternative terms has been used to describe State-sponsored targeted killings. On the non-technical end of the scale, the terminology ranges from simple euphemisms such as ‘liquidation’,9 ‘neutralization’,10 ‘elimination’,” or ‘interception’,’2 w more sophisticated composite terms emphasizing the selective, preventative or military character of the act, such as ‘targeted liquidation, targeted elimination, targeted thwarting, targeted self- defence’,’6 ‘preventive liquidation),7 ‘preventive killing,8 ‘selective argeting,9 or ‘strategic elimination’,20 and culminates in almost artistic verbiage such as ‘pinpointed preemptive actions’,21 ‘long-range hot pursuit’22 or ‘targeted frustration of terrorism’.23 Quite obviously, these terms not only lack sufficiently precise definitional contours, but also tend to indicate political preferences, which render them unsuitable for an objective and unprejudiced analysis of the method of targeted killing under international law.¶ On the more technical end of the scale, targeted killings are often, and some-times interchangeably,24 referred to as ‘extrajudicial executions’,25 ‘extrajudicial killings’,26 ‘extrajudicial punishment’27 or ‘assassinations’,28 terms which are widely regarded as referring to inherently unlawful conduct and, therefore, are equally unsuitable for an unprejudiced legal analysis.29 Moreover, for historical reasons, the prevailing legal definition of ‘assassination’ is far too narrow for a comprehensive analysis of the legal problems raised by the currently emerging State practice of targeted killing.30 Reference should finally be made to the technical terms used in German and Swiss legal doctrine, legislation and jurisprudence for the deliberate use of lethal force in law enforcement operations, which could literally be translated as ‘final rescue shot’ (finder Retrungsschuss,3’ ‘targeted shot of death’ (gezielter Thdesschuss32 and ‘targeted killing’ (gezielte Tbtung.33¶ The terms ‘final rescue shot’ and ‘targeted shot of death’ are too narrow for the intended scope of this analysis, because both presuppose the use of firearms, and the former additionally implies the use of lethal force in order to rescue a person. The notion of ‘targeted killing’ (gezieíte Törung), however, seems to reflect the decisive traits of the method under review with sufficient precision and neutral objectivity to allow a technical discussion without inclination to euphemism or polemic. At the same time, the notion of ‘targeted killing’ indicates no presumptions as to the international lawfulness of the method, and makes no unnecessary restrictions as to the means used or the motivation underlying a particular deprivation of life.34 The word ‘targeting’ describes the entire process of making a target of a person, from individual selection to the application of lethal force, whereas the word ‘killing’ describes the ultimate aim and result of the targeting process. The notion of ‘targeted killing’ has been adopted without substantial opposition by a large part of the legal doctrine,’5 and has also been used in the press36 and, most recently, by the UN Secretary-General.’7 For the purposes of the present analysis, therefore, the notion of ‘targeted killing’ will be preferred over alternative terms.

#### Discursive focus bad

Taft-Kaufman 95 (Jill, PF Speech—Central Michigan, “OTHER WAYS: POSTMODERNISM AND PERFORMATIVE PRAXIS”, Southern Communication Journal v60n3 (Spring 1995) 225-6)

To the postmodernist, then, real objects have vanished. So, too, have real people. Smith (1988) suggests that postmodernism has canonized doubt about the availability of the referent to the point that "the real often disappears from consideration" (p. 159). Real individuals become abstractions. Subject positions rather than subjects are the focus. The emphasis on subject positions or construction of the discursive self engenders an accompanying critical sense of irony which recognizes that "all conceptualizations are limited" (Fischer, 1986, p. 224). This postmodern position evokes what Connor (1989) calls "an absolute weightlessness in which anything is imaginatively possible because nothing really matters" (p. 227). Clarke (1991) dubs it a "playfulness that produces emotional and/or political disinvestment: a refusal to be engaged" (p. 103). The luxury of being able to muse about what constitutes the self is a posture in keeping with a critical venue that divorces language from material objects and bodily subjects. The postmodern passwords of "polyvocality," "Otherness," and "difference," unsupported by substantial analysis of the concrete contexts of subjects, creates a solipsistic quagmire. The political sympathies of the new cultural critics, with their ostensible concern for the lack of power experienced by marginalized people, aligns them with the political left. Yet, despite their adversarial posture and talk of opposition, their discourses on intertextuality and inter-referentiality isolate them from and ignore the conditions that have produced leftist politics—conflict, racism, poverty, and injustice. In short, as Clarke (1991) asserts, postmodern emphasis on new subjects conceals the old subjects, those who have limited access to good jobs, food, housing, health care, and transportation, as well as to the media that depict them. Merod (1987) decries this situation as one which leaves no vision, will, or commitment to activism. He notes that academic lip service to the oppositional is underscored by the absence of focused collective or politically active intellectual communities. Provoked by the academic manifestations of this problem Di Leonardo (1990) echoes Merod and laments: Has there ever been a historical era characterized by as little radical analysis or activism and as much radical-chic writing as ours? Maundering on about Otherness: phallocentrism or Eurocentric tropes has become a lazy academic substitute for actual engagement with the detailed histories and contemporary realities of Western racial minorities, white women, or any Third World population. (p. 530) Clarke's assessment of the postmodern elevation of language to the "sine qua non" of critical discussion is an even stronger indictment against the trend. Clarke examines Lyotard's (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the "realm of terror" and society falls apart. To this assertion, Clarke replies: I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual's conception of terror (what else do we do but speak?), but its projection onto the rest of the world would be calamitous....(pp. 2-27) The realm of the discursive is derived from the requisites for human life, which are in the physical world, rather than in a world of ideas or symbols.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstances hides the complex task of envisioning and working towards concrete social goals (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that "the justice that working people deserve is economic, not just textual" (p. 571). Lopez (1992) states that "the starting point for organizing the program content of education or political action must be the present existential, concrete situation" (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities, because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice. They do not appreciate being told they are living in a world in which there are no more real subjects. Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas, institutions, agencies, and the budgets that fuel them.

### K---Buddhism

#### Ethical policymaking requires calculation of our impacts—refusing consequentialism allows atrocity in the name of ethical purity

Nikolas **Gvosdev 5** (Nikolas, Exec Editor of The National Interest, The Value(s) of Realism, SAIS Review 25.1, Muse)

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.

#### Their deployment of Buddhims makes violence inevitable

Wickersham 9 (Bill, adjunct professor of peace studies at Missouri University, Confronting Nuclear Warfare: The Role of Education, Religion, and Community, http://confrontingnuclearwar.com/)

In a discussion of religion, Buddhism holds a unique position in that its leaders historically have refused to call it a religion. Dr. Daisaku Ikeda, founder of the Toda Institute for Global Peace and Policy Research, explains that Buddhism does not ask “What religion does this person follow,” but, “What is this person's state of life?” He says, “Buddhism transcends all superficial differences and focuses directly on life." With this philosophy, Dr. Ikeda penned the following September 14, 2006 article entitled, "Emerging from the Nuclear Shadow":¶ The startling development of military technology has entirely insulated acts of war from human realities and feelings. In an instant, irreplaceable lives are lost and beloved homelands reduced to ruin. The anguished cries of victims and their families are silenced or ignored. Within this vast system of violence—at the peak of which are poised nuclear weapons— humans are no longer an embodiment of life. They are reduced to the status of mere things.¶ In the face of these severe challenges, there is a spreading sense of powerlessness and despair within the international community, a readiness to dismiss the possibility of nuclear abolition as a pipe dream. Peace is a competition between despair and hope, between disempowerment and committed persistence. To the degree that powerlessness takes root in people's consciousness, there is a greater tendency to resort to force. Powerlessness breeds violence. But, it was human beings that gave birth to these instruments of hellish destruction. It cannot be beyond the power of human wisdom to eliminate them. […]¶ The idea that nuclear weapons function to deter war and are therefore a 'necessary evil' is a core impediment to their elimination; it must be challenged and dismantled. If we are to eliminate nuclear weapons, a fundamental transformation of the human spirit is essential. Since the bombings of Hiroshima and Nagasaki, more than 60 years ago, the survivors have transformed despair into a sense of mission as they have continued to call out for nuclear abolition. As people living today, it is our shared responsibility -- our duty and our right -- to act as heirs to this lofty work of inner transformation, to expand and elevate it into a struggle to eliminate war itself. […]¶ Crying out in opposition to war and nuclear weapons is neither emotionalism nor self-pity. It is the **highest expression of human reason based on an unflinching perception of the dignity of life.** […]¶ Faced with the horrifying facts of nuclear proliferation, we must call forth the power of hope from within the depths of each individual's life. This is the power that can transform even the most intractable reality.¶ To emerge from the shadow of nuclear weapons, we need a revolution in the consciousness of countless individuals—a revolution that gives rise to the heartfelt confidence that “there is something I can do.” Then finally, we will see a coming together of the world's people, and hear their common voice, their cry for an end to this terrible madness and destruction.100

#### Interventionist violence stems from a lack of clear strategy, not a desire for control---the aff is key to re-politicize war

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

Rethinking Global War¶ Western governments appear to portray some of the distinctive character - istics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today.¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global. Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numer - ous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberal - ism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire.¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq.¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the secu - rity threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own mean - ing through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military fire - power and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involv - ing the strategic accommodation of diverse powers and interests.¶ Conclusion¶ International law evolved on the basis of the ever-present possibility of real war between real enemies. Today’s global wars of humanitarian intervention and the ‘war on terror’ appear to be bypassing or dismantling this frame - work of international order. Taken out of historical context, today’s period might seem to be analogous to that of the imperial and colonial wars of the last century, which evaded or undermined frameworks of international law, which sought to treat the enemy as a justus hostis – a legitimate opponent to be treated with reciprocal relations of equality. Such analogies have enabled critical theorists to read the present through past frameworks of strategic political contestation, explaining the lack of respect for international law and seemingly arbitrary and ad hoc use of military force on the basis of the high political stakes involved. Agamben’s argument that classical international law has dissipated into a ‘permanent state of exception’, suggesting that we are witnessing a global war machine – constructing the world in the image of the camp and reducing its enemies to bare life to be annihilated at will – appears to be given force by Guantánamo Bay, extraordinary rendition and Abu Ghraib.¶ Yet, once we go beyond the level of declarations of policy values and secu - rity stakes, the practices of Western militarism fit uneasily with the policy discourses and suggest a different dynamic: one where the lack of political stakes in the international sphere means that there is little connection between military intervention and strategic planning. In fact, as Laïdi suggests, it would be more useful to understand the projection of violence as a search for meaning and strategy rather than as an instrumental outcome. To take one leading example of the ‘unlimited’ nature of liberal global war: the treatment of terrorist suspects held at Guantánamo Bay, in legal suspension as ‘illegal combatants’ and denied Geneva Red Cross conventions and prisoner-of-war status. The ‘criminalization’ of the captives in Guantánamo Bay is not a case of reducing their status to criminals but the development of an exceptional legal category. In fact, far from criminalizing fundamentalist terrorists, the USA has politically glorified them, talking up their political importance.¶ It would appear that the designation of ‘illegal combatants’ could be under - stood as an ad hoc and arbitrary response to the lack of a clear strategic frame - work and ‘real enemy’. In this context, the concept of criminalization needs to be reconsidered. Guantánamo Bay can be seen instead as an attempt to create an enemy of special status. In fact, with reference to Agamben’s thesis, it would be better to understand the legal status of the ‘illegal combatants’ as sacralizing them rather than reducing them to the status of ‘bare life’. In act - ing in an exceptional way, the USA attempted to create a more coherent and potent image of the vaguely defined security threat.¶ This approach is very different, for example, from the framework of crimi - nalization used by the British government in the fight against Irish repub - licanism, where the withdrawal of prisoner-of-war status from republican prisoners was intended to delegitimize their struggle and was a strategic act of war. Ironically, whereas the criminalization of the republican struggle was an attempt to dehumanize the republicans – to justify unequal treatment of combatants – the criminalization of global terrorists has served to human - ize them in the sense of giving coherence, shape and meaning to a set of individuals with no clear internally generated sense of connection. Far from ‘denying the enemy the very quality of being human’, it would appear that the much-publicized abuses of the ‘war on terror’ stem from the Western inability to cohere a clear view of who the enemy are or of how they should be treated.¶ The policy frameworks of global war attempt to make sense of the implosion of the framework of international order at the same time as articulating the desire to recreate a framework of meaning through policy activity. However, these projections of Western power, even when expressed in coercive and militarized forms, appear to have little connection to strategic or instrumental projects of hegemony. The concept of ‘control’, articulated by authors such as Carl Schmitt and Faisal Devji, seems to be key to understanding the transi - tion from strategic frameworks of conflict to today’s unlimited (i.e. arbitrary) expressions of violence. Wars fought for control, with a socially grounded telluric character, are limited by the needs of instrumental rationality: the goals shape the means deployed. Today’s Western wars are fought in a non- strategic, non-instrumental framework, which lacks a clear relationship between means and ends and can therefore easily acquire a destabilizing and irrational character. To mistake the arbitrary and unlimited nature of violence and coercion without a clear strategic framework for a heightened desire for control fails to contextualize conflict in the social relations of today.

#### Perm---endorse the aff and non-competitive parts of the alternative---the 2 approaches are consistent

Lama Yeshe 83 Tibetan Monk (Thubten, “Anxiety in the Nuclear Age” http://www.lamayeshe.com/index.php?sect=article&id=128)

Now, there’s no reason for us to hate each other, but anxiety breeds hatred. Therefore, we have to check our motivation for demonstrating for disarmament and against nuclear energy. Why are we doing this? Perhaps our reasons are selfish—what we’re really anxious about is our own destruction. Instead, we should have concern for the whole of humanity. That’s the right motivation. Then there’s no emotion. Even though you’re concerned, occasionally fearful, your fear does not come from an underlying, ever-present, emotional disturbance.¶ What’s the good of worrying about things twenty-four hours a day, disturbing your mind and preventing yourself from having a peaceful and joyful life? It’s a waste of time. Nothing’s going to change just because you’re worrying about it. If something’s already broken, it’s broken. Worrying won’t fix it. This earth has always been destructive by nature, nuclear age or not. There’s always blood flowing someplace or another. Look at world history. It’s always been like this. Buddhism calls this interdependent origination, and that’s how the human mind works.¶ Take America’s war in Vietnam, for example. That brought people together in a movement for peace. That’s also interdependent. Some people saw the horrible suffering, confusion, misery and destruction wrought by others, so they went the other way, thinking, “That’s not right,” and despite the difficulties, created a movement of peace and love.¶ But the right way to eliminate harm from this earth is to first free your mind from the emotional disturbances that cause irrational fear of destruction, and then educate yourself and others in how to bring peace to the world. The first thing you must do is to control your own mind and commit yourself: “From now on, no matter what happens, I’m never going to use weapons to kill any human being.” That’s where world peace starts.¶ Human beings can control their minds and actions such that they will never kill others; people can learn to see that harming others destroys not only the others’ pleasure and happiness but their own as well. Through this kind of education, we can prevent nuclear energy from destroying the world.¶ We can’t just campaign for the complete abolition of nuclear energy. Like electricity, nuclear energy is useful if employed the right way. If you’re careless with electricity, it can kill you too, can’t it? With right knowledge and method, we should campaign to ensure that everybody on earth determines, “I will never use nuclear weapons to kill human beings.” If that happened, a nuclear conflagration could never occur.¶ Not that it matters, but personally, I don’t believe that nuclear energy is going to destroy the earth. I do believe, however, that human beings are capable of making a program to ensure that people everywhere, irrespective of whether they live in communist or capitalist societies, determine not to use nuclear weapons to kill other human beings. If we were to undertake such an effort to educate people, I think we could achieve our aim within ten years.¶ Here, I’m not talking from a Buddhist point of view; I’m not talking from any religion’s point of view. I’m talking from a humanist point of view, a realistic point of view. If people’s minds are out of control, they’re going to use nuclear weapons. But irrespective of whether people are religious or non-religious, communist or non-communist, believers or non-believers, I believe every human being is capable of understanding the difference between harmful and non-harmful actions and the benefit of everybody’s being peaceful and happy. Since it’s a universal reality, we can educate people to see it.¶ With respect to fear and worry, the Buddha’s solution is to analyze the object of fear and worry. If you do this correctly, you’ll be able to recognize that you’re seeing the object as fundamentally permanent, which has nothing to do with its reality. Look at it and ask yourself, “Is this really worth worrying about? Is worry a solution or not?” Analyze the object: is it permanent or changeable? As the great saints have said, “If it’s changeable, why worry? If it’s not, what’s the use of worrying?” When you’re afraid, analyze the object of your fears.¶ Particularly when you’re emotionally disturbed and anxious, you’ll find that there’s a concept of concreteness in your mind, which causes you to project a concrete object externally. Neither concept has anything to do with reality. Buddhism asserts that the mind of fear and worry always either overestimates or underestimates its object and never sees its reality. If you can perceive the fundamental, universal reality of your object of fear and worry, it will become like a cloud—it comes; it goes. When you are overcome with worry, you sometimes say, “It’s always like this.” That’s not true. Things never stay the same; they always come and go—that’s the reality.¶ Also, when you’re occupied by anxiety and fear, you might mean well, but you automatically have a tendency to generate hatred. Hatred has nothing to do with peace and happiness, does it? Buddhist psychology teaches that fear and anxiety tend to produce anger, aversion and hatred. You say you want peace and happiness but your very mental state causes hatred. It’s contradictory.¶ People who demonstrate for peace and other causes have to watch out for this, but you have to judge for yourself how far you can go without generating hatred. Everybody’s different.¶ Let’s say we’re out there campaigning for peace but then the president says something with which we disagree. Should we get angry? Should we hate the president? I don’t believe so; that would be a mistake. If our concern for peace and happiness makes us angry, there’s something wrong. The president is a human being. He, too, wants peace and happiness. At the bottom of his heart, he wants to be happy; he doesn’t want to be miserable. This is the universal reality.¶ Therefore, all of us in the peace movement should make sure that we don’t hate any human being. This is the most important thing. When we demonstrate, we should be true to our word.¶ Being a politician is not easy. Even being a wife or a husband is not easy. Most situations come with responsibility and obligation. We can look outside and blindly criticize people who work as administrators and so forth, but realistically, their position can be very difficult.¶ To be successful, the peace movement should be selfless. If we who campaign for peace are coming from a place of selfishness, a basic concern for, “Me, me, me,” we have little chance of success. If, instead, we have a broad view based on concern for all human beings—understanding that everybody wants happiness and nobody wants to be miserable—and can educate others to see this, if we work towards this goal continuously, ultimately we’ll achieve it.¶ There are many meditations you can do to eliminate anxiety. But meditation doesn’t mean going off to the mountains. You have the key to change your mind at any time, wherever you are. You can learn to switch your mind from emotion to peace and, each time you get distracted, gently bring it back to peace again. Practice this over and over again. You can do this; it’s human nature. You have to realize what you’re capable of.¶ Check your own life, from the time you were born up to now—how many times have you changed your mind? Who changed it for you? Buddha didn’t change it. Jesus didn’t change it. Who changed your mind? Analyze this for yourself.¶ That is the beauty of being human. We have the capacity for liberation within us; we come with that ability. If we utilize our energy and intelligence correctly, we can discover that liberation and happiness are already there, within us.¶ The fundamental principle of Buddhism is not to kill. As Buddhists, this is our main obligation. I think most of you could promise never to kill another human being. That makes me very happy. We all have same aim; we think alike. Even though I’m a Tibetan monk, an uneducated mountain man, and you’re educated people from industrialized, capitalist societies, we have the same understanding. We don’t know each other, but we can still work together. That’s the most beautiful thing about being human. We can communicate with others.¶ We should try to educate people all over the world to the point where everybody says, “For the rest of my life, I will never kill another human being.” If every human being on earth could agree to that, what would there be to worry about? Who could possibly be paranoid?¶ In one way, the peace movement is beautiful, and if we act according to its ideas, there’ll be no more racism, no more nationalism. We’ll be equally concerned for all people. There’ll be no more fanatical religious concerns; we won’t even care if people are religious or not. Our only concern will be peace. All that will matter will be that people everywhere love and take care of each other. Who cares who’s communist or non-communist? What’s in the human heart is what’s important, not whether people are communist or capitalist. If we talk to each other, we can change the human heart.¶ At present, we might be located in a non-communist country, but we shouldn’t project that communists want kill people who aren’t. That’s not true. People in communist countries are ladies and gentlemen, too. Like us, they want to be happy and desire not to be miserable. Therefore, together we can reach conclusions without involving the dogma of philosophy, the dogma of religion, the dogma of nationality, the dogma of racism; we can come together without any kind of dogma. That is beautiful. That is the beauty of the human being—to bring human unity and understanding without being blinded by categories.¶ If you go to Russia and ask people, “Do you want to be killed by nuclear missiles?” they’re going to say No! For sure, they don’t want that to happen. Therefore, we have to educate people to understand the difference between what is beneficial for humanity and what is destructive—for the individual and for all. It’s simply a matter of education.¶ Lord Buddha stressed the importance of generating loving kindness for all people irrespective of race, nationality, creed or anything else; he taught that all human beings and even animals were the object of loving kindness. This is the best guarantee against nuclear war, because each individual has to maintain control and take personal responsibility for the welfare of the all beings in the universe. Taking universal responsibility is the guarantee. If each individual doesn’t take personal responsibility for the welfare of all, it won’t work.¶ To bring happiness and peace to earth, we have to eliminate every situation leading to hatred and anger. That means totally eradicating our own hatred and anger. We have to make our own lives peaceful and happy. This is the way to work for peace twenty-four hours a day. If our minds harbor destructive, angry thoughts, any talk of peace is just a joke. It’s merely artificial; there’s no guarantee. The only guarantee is to fertilize our minds with peace and loving kindness towards all; that’s the way we should do it.¶ The question remains, is it possible to spread these ideas throughout the whole world? Can we get everybody in the world to agree to abandon the use of nuclear arms and not to kill any human being? Can you make that determination yourself? We can spread this philosophy or not? What do you think? We’re not using religion in this; we’re not using Buddha, we’re not using Christ, we’re not using religion or non-religion—we’re just concerned for the welfare of all human beings. What do you think? Do you think it’s possible to make this kind of program and reach that point reach or not? I’m not talking nationalistically or making any philosophic argument; I’m just talking about feeling secure, taking care of each other, loving each other, bringing peace and happiness to each other. It’s a very simple thing.¶ Therefore, in our daily lives, each of us should all dedicate ourselves to bringing peace and happiness to all beings, and this determination itself is a powerful way of bringing peace and success into our lives. But this doesn’t mean not to act, either; to just be passive. But when you do act, act with wisdom and without selfishness, hatred or emotional fear. In that way, you will educate yourself and others.

#### Case turns the K---drones are the new means by which policymakers will seek to impose order on the world through endless war---lack of accountability means the alt can’t stop them

Andrew Bacevich 12, Prof of History and IR at Boston University, PhD in American Diplomatic History from Princeton, visiting fellow at the Kroc Institute for International Peace Studies at the University of Notre Dame, “The New American Way of War,” http://www.lrb.co.uk/blog/2012/02/13/andrew-bacevich/the-new-american-way-of-war/

For a democracy, waging endless war poses a challenge. There are essentially two ways to do it. The first is for the state to persuade the people that the country faces an existential threat. This is what the Bush administration attempted to do after 9/11, for a time with notable success. Scaremongering made possible the invasion of Iraq. Had Operation Iraqi Freedom produced the victory expected by its architects, scaremongering would probably have led in due course to Operation Iranian Freedom and Operation Syrian Freedom. But Iraq led to an outcome that Americans proved unwilling to underwrite.¶ The second way is for the state to insulate the people from war’s effects, thereby freeing itself from constraints. A people untouched (or seemingly untouched) by war are far less likely to care about it. Persuaded that they have no skin in the game, they will permit the state to do whatever it wishes to do. This is the approach the Obama administration is now pursuing: first through the expanded use of aerial drones for both intelligence gathering and ‘targeted’ assassination; and, second, through the expanded deployment of covert special operations forces around the world, such as the team that killed Osama bin Laden. The New York Times reported today that the head of the Special Operations Command ‘is seeking new authority to move his forces faster and outside of normal Pentagon deployment channels’.¶ Drones and special forces are the essential elements of a new American way of war, conducted largely in secret with minimal oversight or accountability and disregarding established concepts of sovereignty and international law. Bush’s critics charge him with being a warmonger. But Obama has surpassed his predecessor in shedding any remaining restraints on waging war.

#### Only the plan can solve

Robert Farley 11, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, Over the Horizon: U.S. Drone Use Sets Global Precedent, October 12, http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent

What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. ¶ Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war.¶ However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

#### Seeking to change the world is a celebration of life not a negation---turns their “hating life” arguments

Todd May 5, prof @ Clemson. “To change the world, to celebrate life,” Philosophy & Social Criticism 2005 Vol 31 nos 5–6 pp. 517–531

And that is why, in the end, there can be no such thing as a sad revolutionary. To seek to change the world is to offer a new form of life-celebration. It is to articulate a fresh way of being, which is at once a way of seeing, thinking, acting, and being acted upon. It is to fold Being once again upon itself, this time at a new point, to see what that might yield. There is, as Foucault often reminds us, no guarantee that this fold will not itself turn out to contain the intolerable. In a complex world with which we are inescapably entwined, a world we cannot view from above or outside, there is no certainty about the results of our experiments. Our politics are constructed from the same vulnerability that is the stuff of our art and our daily practices. But to refuse to experiment is to resign oneself to the intolerable; it is to abandon both the struggle to change the world and the opportunity to celebrate living within it. And to seek one aspect without the other – life-celebration without world-changing, world-changing without life-celebration – is to refuse to acknowledge the chiasm of body and world that is the wellspring of both.

#### Death reps cause an empathic shift – solves the K

Recuber 11 Timothy Recuber is a doctoral candidate in sociology at the Graduate Center of the City. University of New York. He has taught at Hunter College in Manhattan "CONSUMING CATASTROPHE: AUTHENTICITY AND EMOTION IN MASS-MEDIATED DISASTER" [gradworks.umi.com/3477831.pdf](http://gradworks.umi.com/3477831.pdf)

Perhaps, then, what distant consumers express when they sit glued to the television watching a disasterreplayed over and over, when they buy t-shirts or snow globes, when they mail teddy bears to a memorial, or when they tour a disaster site, is a deep, maybe subconscious, longing forthose age-old forms ofcommunity and real human compassion that emerge in a place when disaster has struck. It is a longing in some ways so alien to the world we currently live in that it requires catastrophe to call it forth, even in our imaginations. Nevertheless, the actions of unadulterated goodwill that become commonplace in harrowing conditionsrepresent the truly authentic form of humanitythat all of us, to one degree or another, chase after in contemporary consumer culture every day. And while it is certainly a bit foolhardy to seek authentic humanity through disaster-related media and culture, **the sheer strength of that desire has been evident in the public’s response to all the disasters**, crises and catastrophes to hit the United States in the past decade. The millions of television viewers who cried on September 11, or during Hurricane Katrina and the Virginia Tech shootings, and the thousands upon thousands who volunteered their time, labor, money, and even their blood, as well as the countless others who created art, contributed to memorials, or adorned their cars or bodies with disaster-related paraphernalia— despite the fact that many knew no one who had been personally affected by any of these disasters—all attest to a desire for real human community and compassion that is woefully unfulfilled by American life under normal conditions today. ¶ In the end, theconsumption of disaster doesn’t make us unable or unwilling to engage with disasters on a communal level, or towards progressive political ends—it makes us feel as if we already have, simply by consuming. It is ultimatelylessa form ofpolitical anesthesia than a simulation of politics, a Potemkin village of communal sentiment, that fills our longing for a more just and humane world with disparate acts of cathartic consumption. Still, the positive political potential underlying such consumption—the desire for real forms of connection and community—remains the most redeeming feature of disaster consumerism. Though that desire is frequently warped when various media lenses refract it, diffuse it, or reframe it to fit a political agenda, its overwhelming strength should nonetheless serve notice that people want a different world than the one in which we currently live, with a different way of understanding and responding to disasters. They want a world where risk is not leveraged for profit or political gain, but sensibly planned for with the needs of all socio-economic groups in mind. **They want a world where preemptive strategies are used to anticipate the real threats posed by global climate change and global inequality, rather than to invent fears of ethnic others and justifyunnecessary wars**. They want a world where people can come together not simply as a market, but asa public, to exert real agency over the policies made in the name of their safety and security. And, when disaster does strike, they want a world where the goodwill and compassion shown by their neighbors, by strangers in their communities, and even by distant spectators and consumers, will be matched by their own government. Though this vision of the world is utopian, it is not unreasonable, and if contemporary American culture is ever to give us more than just an illusion of safety, or empathy, or authenticity, then it is this vision that we must advocate on a daily basis, not only when disaster strikes