### S

#### Pro bono lawyers empirically represent victims in other countries

Law and Disorder 11, weekly, independent radio program focused on legal issues related to civil liberties and national security, “Law and Disorder July 25, 2011,” http://lawanddisorder.org/2011/07/law-and-disorder-july-25-2011/

Michael Ratner is President of the Center for Constitutional Rights (CCR) in New York and the European Center for Constitutional and Human Rights (ECCHR) in Berlin. Both are non-profit human rights litigation organizations. He was part of the small group of lawyers that first took on representation of the Guantánamo detainees in January 2001, a case that resulted in a victory in the Supreme Court in 2004. CCR established a network of over 600 pro-bono lawyers to represent Guantánamo detainees and continues that work.¶ He has filed criminal complaints in the courts of Germany, France and Spain against former US officials including Secretary of Defense Rumsfeld seeking the initiation of criminal prosecutions against them for the Abu Ghraib abuse and torture as well as for their actions at Guantánamo. Recently, CCR and ECCHR prepared papers to file in Switzerland against George W. Bush for torture. As a result Bush canceled his trip. A major area of Mr. Ratner’s litigation and writing is the enforcement of the prohibition on torture and murder against various dictators and generals who travel to the United States. He has sued on behalf of victims in Guatemala, East Timor, Haiti, Argentina, among other countries. He has also litigated numerous suits to prevent or stop illegal US wars ranging from Central America to Iraq. A constant in his work has been litigation against government spying and surveillance of activists.

#### Observer effect solves

Ashley Deeks 13, Associate Prof of Law at the University of Virginia Law School, “The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Fordham Law Review Vol. 82, October 2013, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2338667>

In another sense, though, much of substance has been decided since 2002—by the executive branch rather than the courts. This Article illustrated an important reason why the executive’s national security policies have changed significantly since 2001. Many of these changes are due not to the direct sunlight of court orders, but to the shadow cast by the threat or reality of court decisions on executive policymaking in related areas of activity. Court decisions, particularly in the national security realm, have a wider ripple effect than many recognize because the executive has robust incentives to try to preserve security issues as its sole domain. In areas where the observer effect shifts executive policies closer to where courts likely would uphold them, demands for deference by the executive turn out to be more modest than they might seem if considered from the isolated vantage of a single case at a fixed point in time. It remains critical for courts to police the outer bounds of executive national security policies, but they need not engage systematically to have a powerful effect on the shape of those policies and, consequently, the constitutional national security order.¶ A more detailed understanding of the observer effect has implications for national security developments on the horizon. In particular, the observer effect should have salience for those in Congress and the executive branch who are considering whether to create a new national security court that would review targeted killings.307 In this type of situation, the executive would have no jurisdictional uncertainty but ample substantive uncertainty, at least initially. This suggests that the observer effect might have a significant up-front effect on executive decisionmaking regarding targeted killings, shifting those decisions in a more rights-focused direction. As long as the court periodically challenged executive petitions, whether by rejecting a given petition or requiring additional information before approving it, we could predict that the executive would continue to make modest adjustments to its policies. Over time, as the court established baseline doctrine, that effect would flatten out, prompting fewer and fewer changes in executive policy, as with the Guantánamo habeas cases in the D.C. Circuit.

#### The aff delegitimizes broad drone use---suits become a new avenue of resistance to challenge state violence and hold the US to account---that’s O’Cinneide

#### Ex post review doesn’t validate state violence

Steve Vladeck 2013, professor of law and the associate dean for scholarship at American University Washington College of Law, February 10, Steve, “Why a “Drone Court” Won’t Work–But (Nominal) Damages Might…” http://www.lawfareblog.com/2013/02/why-a-drone-court-wont-work/

Perhaps counterintuitively, I also believe that after-the-fact judicial review wouldn’t raise anywhere near the same prudential concerns as those noted above. Leaving aside how much less pressure judges would be under in such cases, it’s also generally true that damages regimes don’t have nearly the same validating effect on government action that ex ante approval does. Otherwise, one would expect to have seen a dramatic upsurge in lethal actions by law enforcement officers after each judicial decision refusing to impose individual liability arising out of a prior use of deadly force. So far as I know, no such evidence exists. Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. That said, there are two enormous upsides to damages actions that, in my mind, make them worth it–even if they are deeply, fundamentally flawed:

#### Non-unique and no impact---drones are legitimized and insulated from backlash now, so the aff can’t make things worse---they have to win that illegitimacy would make drones actually stop

#### Legal restrictions work

Colm O’Cinneide 8, Senior Lecturer in Law at University College London, “Strapped to the Mast: The Siren Song of Dreadful Necessity, the United Kingdom Human Rights Act and the Terrorist Threat,” Ch 15 in Fresh Perspectives on the ‘War on Terror,’ ed. Miriam Gani and Penelope Mathew, http://epress.anu.edu.au/war\_terror/mobile\_devices/ch15s07.html

This ‘symbiotic’ relationship between counter-terrorism measures and political violence, and the apparently inevitable negative impact of the use of emergency powers upon ‘target’ communities, would indicate that it makes sense to be very cautious in the use of such powers. However, the impact on individuals and ‘target’ communities can be too easily disregarded when set against the apparent demands of the greater good. Justice Jackson’s famous quote in Terminiello v Chicago [111] that the United States Bill of Rights should not be turned into a ‘suicide pact’ has considerable resonance in times of crisis, and often is used as a catch-all response to the ‘bleatings’ of civil libertarians.[112] The structural factors discussed above that appear to drive the response of successive UK governments to terrorist acts seem to invariably result in a depressing repetition of mistakes.¶ However, certain legal processes appear to have some capacity to slow down the excesses of the counter-terrorism cycle. What is becoming apparent in the UK context since 9/11 is that there are factors at play this time round that were not in play in the early years of the Northern Irish crisis. A series of parliamentary, judicial and transnational mechanisms are now in place that appear to have some moderate ‘dampening’ effect on the application of emergency powers.¶ This phrase ‘dampening’ is borrowed from Campbell and Connolly, who have recently suggested that law can play a ‘dampening’ role on the progression of the counter-terrorism cycle before it reaches its end. Legal processes can provide an avenue of political opportunity and mobilisation in their own right, whereby the ‘relatively autonomous’ framework of a legal system can be used to moderate the impact of the cycle of repression and backlash. They also suggest that this ‘dampening’ effect can ‘re-frame’ conflicts in a manner that shifts perceptions about the need for the use of violence or extreme state repression.[113] State responses that have been subject to this dampening effect may have more legitimacy and generate less repression: the need for mobilisation in response may therefore also be diluted.

### T---Restriction/General

#### We meet---plan restricts Presidential authority to construe the legal limits on targeted killing---assassination ban proves

Jonathan Ulrich 5, associate in the International Arbitration Group of White & Case, LLP, JD from the University of Virginia School of Law, “NOTE: The Gloves Were Never On: Defining the President's Authority to Order Targeted Killing in the War Against Terrorism,” 45 Va. J. Int'l L. 1029, lexis

The discretionary authority to construe the limits of the assassination ban remains in the hands of the president. He holds the power, moreover, to amend or revoke the Executive Order, and may do so without publicly disclosing that he has done so; since the Order addresses intelligence activities, any modifications may be classified information. n24 The placement of the prohibition within an executive order, therefore, effectively "guarantees that the authority to order assassination lies with the president alone." n25 Congress has similar authority to revise or repeal the Order - though its failure to do so, when coupled with the three unsuccessful attempts to legislate a ban, may be read as implicit authority for the president to retain targeted killing as a [\*1035] policy option. n26 Indeed, in recent years, there have been some efforts in Congress to lift the ban entirely. n27

#### 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.

#### Prefer it

#### a) Aff ground – only process-based affs can beat the executive CP

#### b) Topic education – it’s the “authority” topic not the “conduct” topic – only we allow a discussion of decision-making procedures

#### 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.

#### Competing interpretations is a race to the bottom---default to reasonability---T should be a check on abuse not a strategy

### K

#### Case turns the K---drones are the new mode of American intervention and insulated from popular opposition---they’ll be used globally to wage endless war, attack the less powerful nations and to suppress internal dissent.

#### Outweighs their internal link because the physical violence of drone warfare is categorically worse than anything our mode of knowledge production could cause.

#### Takes out alt solvency because abolitionist movements can’t get off the ground if they’re under constant attack from drones.

#### Framework---you should simulate plan passage and weigh our advantages against the alt---key to clash because there are innumerable angles from which to kritik our 1AC so the merits of the plan are the only reliable basis for offense. That’s key to clash and education---K debates are only productive if we have offense to weigh, otherwise it’s just one team lecturing the other.

#### No prior questions

Owen 2 [David Owen, Reader of Political Theory at the Univ. of Southampton, Millennium Vol 31 No 3 2002 p. 655-7]

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises.

#### Case outweighs---unaccountable drone prolif causes miscalculation and war among great powers leading to extinction---beats their impacts because nobody can benefit from the alt

#### Alt can’t solve the case---only building accountability into the decision-making process can prevent skewed risk assessment in the executive---otherwise groupthink and confirmation bias make overuse inevitable

#### Public opposition can’t restrain drone warfare

Judah A. Druck 12, Editor of the Cornell Law Review, Nov 15 2012, “Droning On: The War Powers Resolution and the Numbing Effect of Technology-Driven Warfare,” Cornell Law Review Vol. 98, No. 1, pp. 209, http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Druck-final.pdf

The practical effects of this move toward a technology-driven, and therefore limited, proxy style of warfare are mixed. On the one hand, the removal of American soldiers from harm’s way is a clear benefit,124as is the reduced harm to the American public in general. For that, we should be thankful. But there is another effect that is less easy to identify: public apathy. By increasing the use of robotics and decreas-ing the probability of harm to American soldiers, modern warfare has “affect[ed] the way the public views and perceives war” by turning it into “the equivalent of sports fans watching war, rather than citizens sharing in its importance.”125 As a result, the American public has slowly fallen victim to the numbing effect of technology-driven war-fare; when the risks of harm to American soldiers abroad and civilians at home are diminished, so too is the public’s level of interest in for-eign military policy.126¶ In the political sphere, this effect snowballs into both an uncaring public not able (or willing) to effectively mobilize in order to chal-lenge presidential action and enforce the WPR, and a Congress whose own willingness to check presidential military action is heavily tied to public opinion.127Recall, for example, the case of the Mayaguez, where potentially unconstitutional action went unchecked because the mission was perceived to be a success.128 Yet we can imagine that most missions involving drone strikes will be “successful” in the eyes of the public: even if a strike misses a target, the only “loss” one needs to worry about is the cost of a wasted missile, and the ease of deploying another drone would likely provide a quick remedy. Given the politi-cal risks associated with making critical statements about military ac-tion, especially if that action results in success,129 we can expect even less congressional WPR enforcement as more military engagements are supported (or, at the very least, ignored) by the public. In this respect, the political reaction to the Mayaguez seems to provide an ex-ample of the rule, rather than the exception, in gauging political reac-tions within a technology-driven warfare regime.¶ Thus, when the public becomes more apathetic about foreign af-fairs as a result of the limited harms associated with technology-driven warfare, and Congress’s incentive to act consequently diminishes, the President is freed from any possible WPR constraints we might expect him to face, regardless of any potential legal issues.130 Perhaps unsur-prisingly, nearly all of the constitutionally problematic conflicts car-ried out by presidents involved smaller-scale military actions, rarely totaling more than a few thousand troops in direct contact with hos-tile forces.131 Conversely, conflicts that have included larger forces, which likely provided sufficient incentive for public scrutiny, have generally complied with domestic law.132The result is that as wars become more limited,133 unilateral pres-idential action will likely become even more unchecked as the triggers for WPR enforcement fade away. In contrast with the social and politi-cal backlash witnessed during the Civil War, World War I, the Vietnam War, and the Iraq War, contemporary military actions provide insuffi-cient incentive to prevent something as innocuous and limited as a drone strike. Simply put, technology-driven warfare is not conducive to the formation of a substantial check on presidential action.134

#### If they win the alt stops drones, it would cause total abolition---Boyle says that’s not a credible norm so they still can’t solve the case

#### No link---We say peope are following US norms not that they should---it’s not about the US having moral authority, but rather a first mover advantage that means other countries are watching what we do

#### The link is backward---we portray the US as going rogue and ignoring norms now which is the opposite of what they criticize

#### States choose to follow LOAC based on a system of incentives – studies prove that solves violence

Prorock and Appel 13 (Alyssa, and Benjamin, Department of Political Science, Michigan State University, “Compliance with International Humanitarian Law: Democratic Third Parties and Civilian Targeting in Interstate War,” Journal of Conflict Resolution 00(0) 1-28)

Coercion is a strategy of statecraft involving the threat or use of positive inducements and negative sanctions to alter a target state’s behavior. It influences the decision making of governments by altering the payoffs of pursuing various policies. Recent studies demonstrate, for example, that third-party states have used the carrot of preferential trade agreements (PTAs) to induce better human rights outcomes in target states (Hafner-Burton 2005, 2009), while the World Bank has withheld aid to states with poor human rights records as a form of coercive punishment (Lebovic and Voeten 2009).

We focus theoretically and empirically on the **expectation of coercion**. As Thompson (2009) argues, coercion has already failed once an actor has to carry through on its coercive threat. Thus, an accurate understanding of coercion’s impact must account for the expectation rather than the implementation **of overt penalties** or benefits. It follows that leaders likely incorporate the expected reactions of third parties into their decision making when they weigh the costs/benefits of complying with international law (Goodliffe and Hawkins 2009; Goodliffe et al. 2012). Because governments care about the ‘‘economic, security, and political goods their network partners provide, they anticipate likely reactions of their partners and behave in ways they expect their partners will approve’’ (Goodliffe et al. 2012, 132).8 Anticipated positive third-party reactions for compliance increase the expected payoffs for adhering to legal obligations, while anticipated negative responses to violation decrease the expected payoffs for that course of action. Coercion succeeds, therefore, when states comply with the law because the expected reactions of third parties alter payoffs such that compliance has a higher utility than violating the law. Based on this logic, we focus on the conditions under which states expect third parties to engage in coercive statecraft. We identify when combatant states will anticipate coercion and when that expectation will alter payoffs sufficiently to induce compliance with the law.

While a **growing body of literature** recognizes that international coercion can **induce compliance and contribute to international cooperation** more generally (Goldsmith and Posner 2005; Hafner-Burton 2005; Thompson 2009; Von Stein 2010), many scholars remain skeptical about coercion’s effectiveness as an enforcement mechanism. Skeptics argue that coercion is costly to implement; third parties value the economic, political, and military ties they share with target states and may suffer along with the target from cutting those ties. This may undermine the credibility of coercive threats and a third party’s ability to induce compliance through this enforcement mechanism.

While acknowledging this critique of coercion, we argue that it can act as an **effective enforcement mechanism** under certain conditions. Specifically, successful coercion requires that third parties have (1) the incentive to commit to and implement their coercive threats and (2) sufficient leverage over target states in order to meaningfully alter payoffs for compliance. This suggests that only some third parties can engage in successful coercion and that it is necessary to identify the specific conditions under which third parties can generate credible coercive threats to enforce compliance with international humanitarian law. In the following sections, we argue that third-party states are most likely to effectively use coercion to alter the behavior of combatants when they have both the willingness and opportunity to coerce (e.g., Most and Starr 1989; Siverson and Starr 1990; Starr 1978).

Willingness: Clarity, Democracy, and the Salience of International Humanitarian Law

Enforcement through the coercion mechanism is only likely when at least one third-party state has a substantial enough interest in another party’s compliance that it is willing to act (Von Stein 2010). Third-party willingness, in turn, depends upon two conditions: (1) legal principles must be clearly defined, making violations easily identifiable and (2) third parties must regard the legal obligation as highly salient.

First, scholars have long recognized that there is significant variation in the precision and clarity of legal rules, and that clarity contributes to compliance with the law (e.g., Abbott et al. 2000; Huth, Croco, and Appel 2011; Morrow 2007; Wallace 2013**).** Precise rules **increase the effectiveness of the law** by **narrowing the range of possible interpretations** and allowing all states to clearly identify acceptable versus unacceptable conduct. By clearly proscribing unacceptable behavior, clear legal obligations allow states to more precisely respond to compliant versus noncompliant behavior. In contrast, **ambiguous legal principle**s often lead to **multiple interpretations** among relevant actors, **impeding a convergence of expectations** and increasing uncertainty about the payoffs for violating (complying with) the law. Thus, the clarity of the law shapes states’ expectations by allowing them to predict the reactions of other states with greater confidence. In particular, they can expect **greater cooperation and rewards following compliance** and more punishment and sanctions for violating the law when legal obligations are clearly defined.

While some bodies of law are imprecise, i**nternational humanitarian law establishes a comprehensive code of conduct** regarding the intentional targeting of noncombatants during war (e.g., Murphy 2006; Shaw 2003). Starting with the 1899 and 1907 Hague Conventions and continuing through the 1949 Geneva Convention (Protocol IV), the law clearly prohibits the intentional targeting of noncombatants in war.

This clarity **allows international humanitarian law to** serve as a “bright line” **that coordinates the expectations of both war combatants and third parties** (Morrow 2007). By creating a **common set of standards,** it reduces uncertainty, narrowing the range of interpretations of the law and allowing both combatants and third parties to readily recognize violations of these standards. Third parties are, as a result, more likely to expend resources to punish conduct that transgresses legal standards or to support behavior in accordance with them. This, in turn, alters the expectations of war combatants who can expect greater support for abiding by the law and greater punishment for violating it when the clarity condition is met.

#### Second link is wrong---not specific to the court which empirically would be willing to hear out both sides---proven by detention cases---GOP being racist isn’t about the aff

#### Western knowledge link misreads the 1AC---we don’t set up empiricism or rationality as the only ways of knowing the world or even a necessary component of credible knowledge, just a sufficient one---you can endorse the aff while acknowledging that it’s not a model for all knowledge production

#### Rejecting the aff forecloses an epistemic middle ground that allows designing effective political responses

Rudra Sil, assistant professor of Political Science at University of Pennsylvania. “Against Epistemological Absolutism: Toward a “Pragmatic” Center,” in *Beyond Boundaries* ed Sil and Eileen M. Doherty 2000 p164-166

These categories along the “epistemological spectrum” do not repre­sent distinct points along a unidimensional axis, and the boundary sepa­rating each adjacent pair of categories is in each case quite fuzzy. This fuzziness simply suggests that the various epistemological positions com­pared in this chapter, though idealized as categories, in reality, shade into each other. Hence, the deliberate choice of the term “spectrum” to capture the wide range of nuanced distinctions that become evident when one grad­ually moves away from either the positivist or relativist extremes. And it is precisely these nuanced alternatives that mark the point of departure for the argument against epistemological absolutism. If various kinds of “pos­itivists” and “relativists” cannot agree among themselves on a set of foun­dational propositions, perhaps it is best to shift our attention away from the debates between positivists and relativists and toward a reasonable epistemological “middle ground” that at least engenders or sustains communication among scholars studying similar kinds of substantive problems. The first three categories are all variants of “positivism.” While Comte’s version of “logical positivism” may be uncommon in twentieth-century scholarship, the Kantian and empiricist traditions are very much alive and well, and indeed the contemporary debates over specific method­ologies in social science are being framed by those who at least implicitly adhere to one of these two versions of positivism. The sixth category prob­ably represents a more well-established and less stark version of relativism that can be traced to turn-of-the-century German phenomenologists and hermeneuricians who viewed the study of historical sequences or cultural interpretations as context-bound and thus rejected the idea of developing anything resembling general explanatory models. The last two categories include different kinds of “posrmodernists” who have built on the skepti­cism of earlier relativists, but have gone further by adopting an “anti-rep­resentational” position.59 The epistemological “middle ground” I have been referring to is cap­tured in the assumptions found in the fourth and fifth categories. These assumptions are either explicit or implicit in the works of many familiar scholars in postwar social theory who appear to converge on a Weberian “middle ground” despite differences in their substantive research interests and intellectual heritage. While not all are equally concerned with episte­mological problems, they all recognize the social construction of reality, but nonetheless find an “intersubjective” realm based on common under­standings and practices from which tentative inferences can be drawn through context-sensitive studies that are replicable at least in principle if not in fact. On the basis of the foundational premises offered by scholars I place in these fourth and fifth categories, it is possible to identify an epis­temological center consisting of the following unprovable but entirely “rea­sonable” and “pragmatic” philosophical propositions. (1) Social reality is intersubjective and involves both complexity and regularity, leaving open the possibility of modest partial explanations and deep interpretations. (2) There is no reason to assume either the positivist position on the fact-value distinction or the skeptics’ position that all claims to knowledge are equally fraught by normative bias; rather, while facts and values may be difficult to separate, it is possible to recognize that they are in principle separable for the self-conscious investigator. (3) While research may not be intended to serve a particular ideological perspective, it is important to recognize that the questions to be investigated and the claims they generate have implications in the realms of policy-formation and ideology-critique. (4) Moreover, empirical reality-tests, while an insuf­ficient basis for refuting or verifying a theory, are nonetheless one impor­tant aspect in the process of rendering an argument—whether a hypothesis or a narrative—more compelling to an audience. In the final analysis, it may be best to regard the entire process of social research as an ongoing collective search for meanings by a community of scholars. This search may not result in any definitive answers to theoretical or practical questions given the diverse foundations informing the puzzles, texts, and models that preoccupy members of this community. Nevertheless, thanks to the mediating role played by those subscribing to a pragmatic epistemological middle-ground, the process can still yield valuable insights, partial explanations, and even modest “lessons” and that can be judged as more or less convincing in the eyes of one’s audience whether this audience consists of academic peers, the lay public at large, or the pol­icy-making community. In an era of increasingly divided disciplines, scholars adopting a more pragmatic epistemological “middle ground,” by virtue of their agnosticism, are likely to make the most critical contributions to whatever cumulation of knowledge is possible in the social sciences. These scholars are in a bet­ter position than those at the extreme ends for the purpose of generating and sustaining greater dialogue across different disciplines, theoretical approaches and intellectual movements precisely because their assumptions prevent them from hastily dismissing a study on grounds that are only meaningful to a subgroup within the wider community of scholars. In the absence of meaningful dialogue across different intellectual communities— whether delimited by disciplines, paradigms or methodological schools— the social sciences risk becoming permanently “balkanized,” with scholars passing up opportunities to glean valuable insights from intellectual prod­ucts developed on the basis of different foundational assumptions.

#### Perm---endorse the aff and the alt---they can serve as two parallel political strategies working toward the same end

Brady Heiner 3, doctoral student in philosophy at the State University of New York at Stony Brook, Social Justice, Vol. 30, No. 2 (92), War, Dissent, and Justice: A Dialogue (2003), pp. 98-101Published by: Social Justice/Global Options, JSTOR

However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitiveone. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of those on the inside, those for whom these immediate struggles are of utmost urgency.2 A properly radical/ abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outsideof the prison, and, more generally, between the local and the global.

#### Perm do the plan and all non-mutually exclusive parts of the alt---either it can overcome the plan or it can’t overcome the structures that already exist

#### Perm do the aff and engage in Epistemic Disobedience to modernity

#### Neolib is resilient – movements get smothered out of existence regardless of its flaws

**Jones 11**—Owen, Masters at Oxford, named one of the Daily Telegraph's 'Top 100 Most Influential People on the Left' for 2011, author of "Chavs: The Demonization of the Working Class", The Independent, UK, "Owen Jones: Protest without politics will change nothing", 2011, www.independent.co.uk/opinion/commentators/owen-jones-protest-without-politics-will-change-nothing-2373612.html

My first experience of police kettling was aged 16. It was May Day 2001, and the anti-globalisation movement was at its peak. The turn-of-the-century anti-capitalist movement feels largely forgotten today, but it was a big deal at the time. To a left-wing teenager growing up in an age of unchallenged neo-liberal triumphalism, just to have "anti-capitalism" flash up in the headlines was thrilling. Thousands of apparently unstoppable protesters chased the world's rulers from IMF to World Bank summits – from Seattle to Prague to Genoa – and the authorities were rattled.¶ Today, as protesters in nearly a thousand cities across the world follow the example set by the Occupy Wall Street protests, it's worth pondering what happened to the anti-globalisation movement. Its activists did not lack passion or determination. But they did lack a coherent alternative to the neo-liberal project. With no clear political direction, the movement was easily swept away by the jingoism and turmoil that followed 9/11, just two months after Genoa.¶ Don't get me wrong: the Occupy movement is a glimmer of sanity amid today's economic madness. By descending on the West's financial epicentres, it reminds us of how a crisis caused by the banks (a sentence that needs to be repeated until it becomes a cliché) has been cynically transformed into a crisis of public spending. The founding statement of Occupy London puts it succinctly: "We refuse to pay for the banks' crisis." The Occupiers direct their fire at the top 1 per cent, and rightly so – as US billionaire Warren Buffett confessed: "There's class warfare, all right, but it's my class, the rich class, that's making war, and we're winning."¶ The Occupy movement has provoked fury from senior US Republicans such as Presidential contender Herman Cain who – predictably – labelled it "anti-American". They're right to be worried: those camping outside banks threaten to refocus attention on the real villains, and to act as a catalyst for wider dissent. But a coherent alternative to the tottering global economic order remains, it seems, as distant as ever. Neo-liberalism crashes around, half-dead, with no-one to administer the killer blow.¶ There's always a presumption that a crisis of capitalism is good news for the left. Yet in the Great Depression, fascism consumed much of Europe. The economic crisis of the 1970s did lead to a resurgence of radicalism on both left and right. But, spearheaded by Thatcherism and Reaganism, the New Right definitively crushed its opposition in the 1980s.This time round, there doesn't even seem to be an alternative for the right to defeat. That's not the fault of the protesters. In truth, the left has never recovered from being virtually smothered out of existence. It was the victim of a perfect storm: the rise of the New Right; neo-liberal globalisation; and the repeated defeats suffered by the trade union movement.¶ But, above all, it was the aftermath of the collapse of Communism that did for the left. As US neo-conservative Midge Decter triumphantly put it: "It's time to say: We've won. Goodbye." From the British Labour Party to the African National Congress, left-wing movements across the world hurtled to the right in an almost synchronised fashion. It was as though the left wing of the global political spectrum had been sliced off. That's why, although we live in an age of revolt, there remains no left to give it direction and purpose.

#### Vague alts bad – they turn into floating PIKs in the block, are infinitely regressive and steal the 1AC – makes it impossible to get offense. No advocate for the alt means you reject it – makes it impossible for the aff to find answers.

#### All environmental factors getting better

Lomberg 10**—**Ph.D in pol science (4/21, Bjorn Earth Day: Smile, don't shudder; Ignore doomsday environmentalists. Things aren't so bad. And if rich countries would worry about the right things, all the better, USA Today, LexisNexis)

Given all the talk of impending catastrophe, this may come as a surprise, but as we approach the 40th anniversary of the first Earth Day, people who care about the environment actually have a lot to celebrate. Of course, that's not how the organizers of Earth Day 2010 see it. In their view (to quote a recent online call to arms), "The world is in greater peril than ever." But consider this: In virtually every developed country, the air is more breathable and the water is more drinkable than it was in 1970. In most of the First World, deforestation has turned to reforestation. Moreover, the percentage of malnutrition has been reduced, and ever-more people have access to clean water and sanitation. Apocalyptic predictions from concerned environmental activists are nothing new. Until about 10 years ago, I took it for granted that these predictions were sound. Like many of us, I believed that the world was in a terrible state that was only getting worse with each passing day. My thinking changed only when, as a university lecturer, I set out with my students to disprove what I regarded at the time as the far-fetched notion that global environmental conditions were actually improving. To our surprise, the data showed us that many key environmental measures were indeed getting better. ,

#### No impact to the environment and no solvency

Holly Doremus 2k Professor of Law at UC Davis, "The Rhetoric and Reality of Nature Protection: Toward a New Discourse," Winter 2000 Washington & Lee Law Review 57 Wash & Lee L. Rev. 11, lexis

Reluctant to concede such losses, tellers of the ecological horror story highlight how close a catastrophe might be, and how little we know about what actions might trigger one. But the apocalyptic vision is **less credible today than it seemed in the 1970s.** Although it is clear that the earth is experiencing a mass wave of extinctions, n213 the **complete elimination of life on earth seems unlikely.** n214 **Life is remarkably robust**. **Nor is human extinction probable** any time soon. Homo sapiens is **adaptable to nearly any environment**. Even if the world of the future includes far fewer species, it likely will hold people. n215 One response to this credibility problem tones the story down a bit, arguing not that humans will go extinct but that ecological disruption will bring economies, and consequently civilizations, to their knees. n216 But this too may be **overstating the case**. Most ecosystem functions are **performed by multiple species**. This **functional redundancy** means that **a high proportion of species can be lost without precipitating a collapse**. n217 Another response drops the horrific ending and returns to a more measured discourse of the many material benefits nature provides humanity. Even these more plausible tales, though, suffer from an important limitation. They call for nature protection only at a high level of generality. For example, human-induced increases in atmospheric carbon dioxide levels may cause rapid changes in global temperatures in the near future, with drastic consequences for sea levels, weather patterns, and ecosystem services. n218 Similarly, the loss of large numbers of species undoubtedly reduces the genetic library from which we might in the future draw useful resources. n219 But it is difficult to translate these insights into convincing arguments against any one of the small local decisions that contribute to the problems of global warming or biodiversity loss. n220 It is easy to argue that **the** material **impact of any individual decision to increase** carbon **emissions slightly or to destroy a small amount of habitat will be small.** It is difficult to identify the specific straw that will break the camel's back. Furthermore, **no unilateral action at the local or even national level can solve these global problems**. Local decisionmakers may feel paralyzed by the scope of the problems, or may conclude that any sacrifices they might make will go unrewarded if others do not restrain their actions. In sum, at the local level at which most decisions affecting nature are made, the material discourse provides little reason to save nature. Short of the ultimate catastrophe, the material benefits of destructive decisions frequently will exceed their identifiable material costs. n221

#### Just because discourse caused colonialism does not mean that decolonization discourse will get rid of it --- material focus key

Allesi 9 (Ryan, Materiality of Discourses on Decolonization, massthink.wordpress.com/2009/10/20/materiality-of-discourses-on-decolonization/)

This begs the question as to what Mignolo is trying to do. Towards the end of the chapter, he writes about the two types of representation (the European and the Amerindian) that “they are constantly teaching us not only that maps are not the territory, but also that the process of inventing and putting the Americas on the map was not an everlasting episode of the past, but an open process toward the future” (311). Because the link between the discursive representation (which has something to do with the colonization of the imagination) and the material situation (of colonization) is not explicitly made, while from this statement it is clear that Mignolo is suggesting that a change of representations (a change in maps, in identity) is possible, it is not clear how that relates and what that does to the material context, to (material) colonization itself. If the colonized change their perspectives and their representations, what does that do to their colonized situation? If they change their representations, does that mean that they are no longer colonized? In contrast to his analysis of representation that encompasses both its imaginary and material aspects, is Mignolo concerned merely with the colonization of the imagination and not material colonization, the fact that, in addition to suppressing and imposing representations, colonizers are—materially—occupying and ruling the territory of the colonized?¶ In Writing Without Words, Elizabeth Hill Boone has a similar concern. Expanding the definition of writing (beyond language) to include non-phonetic types allows Boone to say that the Inca, even before the conquest, had a writing culture (e.g. the quipu). This way, these Incan cultures become represented along with the other cultures that have writing. Again, the question is: what does this do? Through discursive moves like Mignolo and Boone, representations of the colonized become recognized and perhaps even adopted and disseminated, yet without linking representation to the material context of colonization, the discourse of Mignolo and Boone do not make clear what their move does to material colonization itself. The discourse of the colonizers, as Mignolo chronicles, contributed to the material act of colonization, in that way successfully performing the function of discourses of colonization. Perhaps the assumption of scholars like Mignolo that aim to represent the discourse of the colonized is that merely by having them represented, the discourse of the colonized would, as discourses of decolonization, have equally potent effects. Mignolo’s is not a discourse of decolonization, however. It is a discourse that talks about the colonized and their representations (like the hybrid “maps”) that may lead to their decolonization—i.e. a discourse on (discourses of) decolonization. It is not, like the discourses of colonization, the discourse itself that, through its representations, contribute to decolonization (that would be the Amerindian “maps” themselves), but merely the discourse that talks about and attempts to make recognized those discourses of decolonization (a sort of meta-discourse about a discourse). Is this a worthwhile move? What sort of material potency does a discourse on decolonization like this have, especially when, despite being a meta-discourse, it does not really theorize the relation between the discursive and the material?

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

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

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

#### No risk of genocidal wars

Gray 7—Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

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

#### The alt fails---the system’s too sticky to simply wish away

Sorensen 98 – British International Studies Association (Georg, IR Theory after the cold war, 87-88)

What, then, are the more general problems with the extreme versions of the postpositivist position? The first problem is that they tend to overlook, or downplay, the actual insights produced by non-post-positivists, such as, for example, neorealism. It is entirely true that anarchy is no given, ahistorical, natural condition to which the only possible reaction is adaptation. But the fact that anarchy is a historically specific, socially constructed product of human practice **does not make it less real**. In a world of sovereign states, anarchy is in fact **out there in the real world in some form**. In other words, it is not the acceptance of the real existence of social phenomena which produces objectivist reification. Reification is produced by the transformation of historically specific social phenomena into given, ahistorical, natural conditions.21 Despite their shortcomings, neorealism and other positivist theories have produced valuable insights about anarchy, including the factors in play in balance-of-power dynamics and in patterns of cooperation and conflict. Such insights are downplayed and even sometimes dismissed in adopting the notion of 'regimes of truth'. It is, of course, possible to appreciate the shortcomings of neorealism while also recognizing that it has merits. One way of doing so is set forth by Robert Cox. He considers neorealism to be a 'problem-solving theory' which 'takes the world as it finds it, with the prevailing social and power relationships . . . as the given framework for action . . . The strength of the problem-solving approach lies in its ability to fix limits or parameters to a problem area and to reduce the statement of a particular problem to a limited number of variables which are amenable to relatively close and precise examination'.22 At the same time, this 'assumption of fixity' is 'also an ideological bias . . . Problem-solving theories (serve) . . . particular national, sectional or class interests, which are comfortable within the given order'.23 In sum, objectivist theory such as neorealism contains a bias, **but that does not mean that it is without merit** in analysing particular aspects of international relations from a particular point of view. The second problem with post-positivism is the danger of extreme relativism which it contains. If there are no neutral grounds for deciding about truth claims so that each theory will define what counts as the facts, then the door is, at least in principle, **open to anything goes.** Steve Smith has confronted this problem in an exchange with Øyvind Østerud. Smith notes that he has never 'met a postmodernist who would accept that "the earth is flat if you say so". Nor has any postmodernist I have read argued or implied that "any narrative is as good as any other"'.24 But the problem remains that if we cannot find a minimum of common standards for deciding about truth claims a post-modernist position appears unable to come up with a metatheoretically substantiated critique of the claim that the earth is flat. In the absence of at least some common standards it appears difficult to reject that any narrative is as good as any other.25 The final problem with extreme post-positivism I wish to address here concerns change. We noted the post-modern critique of neorealism's difficulties with embracing change; their emphasis is on 'continuity and repetition'. But extreme post-positivists have their own problem with change, which follows from their metatheoretical position. In short, how can post-positivist ideas and projects of change be distinguished from pure utopianism and wishful thinking? Post-positivist radical subjectivism leaves no common ground for choosing between different change projects. A brief comparison with a classical Marxist idea of change will demonstrate the point I am trying to make. In Marxism, social change ( e.g. revolution) is, of course, possible. But that possibility is tied in with the historically specific social structures (material and non-material) of the world. Revolution is possible under certain social conditions but not under any conditions. Humans can change the world, but they are **enabled and constrained** by the social structures in which they live. There is a dialectic between social structure and human behaviour.26 The understanding of 'change' in the Marxist tradition is thus closely related to an appreciation of the historically specific social conditions under which people live; any change project is not possible at any time. Robert Cox makes a similar point in writing about critical theory: 'Critical theory allows for a normative choice in favor of a social and political order different from the prevailing order, but it limits the range of choice to alternative orders which are feasible transformations of the existing world . . . Critical theory thus contains an element of utopianism in the sense that it can represent a coherent picture of an alternative order, but its utopianism is constrained by its comprehension of historical processes. It must reject improbable alternatives just as it rejects the permanency of the existing order'.27 That constraint appears to be absent in post-positivist thinking about change, because radical post-positivism is **epistemologically and ontologically cut off from evaluating the relative merit** of different change projects. Anything goes, or so it seems. That view is hard to distinguish from utopianism and wishful thinking. If neorealism denies change in its overemphasis on continuity and repetition, then radical post-positivism is metatheoretically compelled to embrace any conceivable change project.28