### Off

#### Restriction is a prohibition

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation. ¶ Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as; ¶ A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb. ¶ In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment. ¶ Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Authority means “authorization” – topical affirmatives must remove the permission to act, not just regulate the President

Hohfeld,Yale Law,19(1919, Wesley, http://www.hku.hk/philodep/courses/law/HohfeldRights.htm)

Many examples of legal powers may readily be given. Thus, X, the owner of ordinary personal property "in a tangible object" has the power to extinguish his own legal interest (rights, powers, immunities, etc.) through that totality of operative facts known as abandonment; and-simultaneously and correlatively-to create in other persons privileges and powers relating to the abandoned object,-e. g., the power to acquire title to the latter by appropriating it. Similarly, X has the power to transfer his interest to Y, that is to extinguish his own interest and concomitantly create in Y a new and corresponding interest. So also X has the power to create contractual obligations of various kinds. Agency cases are likewise instructive. By the use of some metaphorical expression such as the Latin, qui facit per alium, facit per se\* the true nature of agency relations is only too frequently obscured. The creation of an agency relation involves, inter alia, the grant of legal powers to the so-called agent, and the creation of correlative liabilities in the principal. That is to say, one party, P, has the power to create agency powers in another party, A,-for example, the power to convey P's property, the power to impose (so called) contractual obligations on P, the power to discharge a debt owing to P, the power to "receive" title to property so that it shall vest in P, and so forth. In passing, it may be well to observe that the term "authority," so frequently used in agency cases, is very ambiguous and slippery in its connotation. Properly employed in the present connection, the word seems to be an abstract or qualitative term corresponding to the concrete "authorization," the latter consisting of a particular group of operative facts taking place between the principal and the agent. All too often, however, the term in question is so used as to blend and confuse these operative facts with the powers and privileges thereby created in the agent. A careful discrimination in these particulars would, it is submitted, go far toward clearing up certain problems in the law of agency.

#### Voting issue –

#### 1) Ground – all DAs and CPs like ESR, flexibility, and politics compete based off restrictions on the presidential decision-making process – skews the topic in favor of the aff.

#### 2) Limits – the plan amounts to deterrence of prez powers, not statutory limitations – that’s opens a floodgate of affs that just dissuade presidential expansion of power

#### At best they are extra - T, war powers authority is only a SECTION of overall drone strategy.

### Off

#### The 1AC represents a strategy of lawfare - using the law as a means to legitimize and justify an ever-expanding system of violence.

John Morrissey 11, Lecturer in Political and Cultural Geography, National University of Ireland, Galway; has held visiting research fellowships at University College Cork, City University of New York, Virginia Tech and the University of Cambridge. Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror, Geopolitics, Volume 16, Issue 2, 2011

Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization. The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### The impact is militarism and the precursor to atrocities in the name of national security.

Smith 2 – prof of phil @ U of South Florida

(Thomas, International Studies Quarterly 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed. '

#### Their politics necessitate the dissolution of national borders and an expanding desire to survey the world - the impact is genocide and settler colonialism.

**Feldman 11 -** Assistant Professor, Ethnic Studies Department UC Berkley (Keith P, http://www.kengonzalesday.com/press/essays/Feldman.ComparativeAmericanStudies.pdf, Empire Verticality: The AF/Pak Frontier, Visual Culture, and Radicalization from Above, Comparative American Studies, Vol 9, No 4, December 2011, 325-41)

This transmutation and persistent eclipse of national borders by the contemporary US homeland security state has at least two key effects. Felicitously Captured in the classic phrase ‘papers, please. . .’, the ubiquity of borders generates forms of verifica- tion meant to stabilize, make legible, and manage the ineluctable plurality of a population. In doing so, they incite the truth-telling desired by the nation-state of increasingly inscrutable - and increasingly surveilled - subjects of power in sites both beyond and beneath the horizon of the national. At the same time, the extension of bordering processes outside the geography of the nation-state creates flexible bio- political zones capable of traversing the globe, in which certain subjects \_ Whose apogee in this case are the human figures in the [US Government] Situation Room photograph, the operators of the unmanned aerial system, the members of Navy SEAL Team 6, and, if the photograph retains its structure of address, those interpel- lated into its frame \_ are invited to occupy categories of life and wield power over the lives of others, while others are banished from sociality to the point of death­ I submit that this latter figure, of life-in-death, constitutes the kernel of the raciality of the war on terror. While its genealogy emerges out of forms of settler colonial violence that hails indigenous genocide, manifest destiny, and other products of US imperial sovereignty, at its back is what jared Sexton calls the ‘structure of gratuitous violence in which a body is rendered as flesh to be accumulated and exchanged’ - that is, the reproduction of the structure of racial slavery (loro: 38). Junaid Rana calls this the ‘fungibility of comparative racialization’, which moves swiftly in these socio-spatial processes of exchange, from the criminal to the illegal alien to the security threat to the terrorist (loll: 50-57). Considering the production of the figure of life-in-death and its fungibility thus becomes a way to theorize the mutual constitution and effects of national and impe- rial race-making. While the nascent field of border studies has emphasized (though not exclusively) questions of national borders and the transnational space of US/ Mexico, and American Studies has followed the interchange between North American and intercontinental imperial projects, I aim to understand how the ‘domestic’ borders of the US nation-state are transmuted by conceptions of the globalized homeland. I track how the reproduction of biopolitical ‘frontiers’ reenacts older imperial patterns that also remain connected to ‘domestic’ histories and policies of racialization that legitimate the production of targets understood through rubrics of threat, fear, and terror. I take up technologies of visuality in particular in order to contend with one of the more dramatic spectacles of the post-9/11 era: the assassination of Osama Bin Laden in Abhottahad, Pakistan. Building on recent scholarship in critical human geography (Elden, 2009; Graham, 2010; Gregory, 2004; Weizman, 2007), critical race theory (Goldberg, 2008; Lipsitz, 2011), and visual Culture studies (Chow, 2006; Kaplan, 2011), I show how the fungi- bility of comparative racialization operates through a ‘dynamic sociospatial process’ that traverses local, national, and imperial geographies (Pulido, 2000: 13). This traffic across geographic scales has developed a vector of verticality, what I call maialization from above, which Supplements the long history of maializatíon on the ground, whose contours have been well-documented, particularly around US/Mexico. But racializa- tion from above accomplishes what racialization on the ground has been ill-equipped to achieve: it has contorted the temporality of warfare through notions of pre- emption and endurance, recalibrated Orientalist imagined geography through far more porous concepts of proximity that challenge received notions of state territorial- ity and national borders, and fixated on the mystique of ‘precision targeting’ in high- ly ambiguous structures of race and space (Kaplan, 2006). In this way, racialization from above arrays visual technologies along a vertical vector in order to supplement imperial sovereignty’s practices of ubiquitous bordering on the ground. By beginning to chart this vertical vector, I consider how the war on terror’s ‘logistics of percep- tion’ link the sight of imperial visioning with the raciality of the war on terror, before concluding with a glimpse at a counter-archive that asks us to see these processes otherwise (Virilio, 1989).

#### Their method obscures the causes of the war of terror - turns case and causes massive violence in the 3rd world.

Braxi 5 - Professor of Law, University of Warwick; Vice Chancellor, Delhi University (1990-1994); University of South Gujarat, Surat (1982-1985) (Upendra, The War on Terror and the War of Terror: Nomadic Multitudes, Aggressive Incumbents, and the New International Law - Prefactory Remarks on Two Wars, Volume 43, Number 1 Volume 43, Number 1/2 (Spring/Summer 2005) Third World Approaches to International Law After 9/11)

The genealogies and chronologies of these two contemporary wars infinitely complicate understanding of the violent post-9/11 world disordering. Protagonists of both the wars maintain that theirs is a response to prior situations or histories of "terrorism." It is not easy, even as a matter of simple chronology, to say which one comes first. The salient agents of the "war of terror" offer assorted reasons/justifications for this war as a response to an underlying war of "terror," even a series of these. They seem to justify their actions as a response to the recent but still ancient (this awkward phrasing illustrates the complexity of periodization) wrongs unleashed by the previous histories of wars of terror. In contrast, the protagonists of the "war on terror" regard theirs as a "second war," which may not have happened at all without the first (that is, the "war of terror"). The second war, it is loudly said, occurs because the first severely threatens the futures of a global capitalist driven new-human, even post-human, civilization.' The second war has no use for any scrupulous regard for the causes that underscore the first war. By the common consent of "civilized nations" (that is, the newly progressive Eurocentric state formation manifest through the "coalitions of willing states") the existing body of normative legal restraints concerning the use of force do not, as we see later, apply; in their place some newly fangled doctrines of "pre-emptive" war and "regime change" now stand uneasily installed. This second war has scant regard for its own, otherwise endlessly proclaimed, Euroamerican "gift" of human rights with respect to the benighted "failed states," exemplars of what Gayatri Spivak now troublesomely labels "failed decolonization."6 How may philosophical thinking or method help clarify the contending beliefs and performances? To start with, one may describe the situation as posing the problem of causality in a way that enables some preliminary means of describing causes and effects. The old Aristotelian categories of causality may suggest to us the distinction between proximate cause and efficient or final cause. In that case, one may say that 9/11 constituted the proximate cause of the "war on terror" just as the efficient cause is provided, for the protagonists of the "war of terror," by the past histories of "terror." But this language does not altogether avoid a "linear, deterministic, and nondialectical logic of causality," which assumes causes as originally given; following a Hegelian dialectical understanding, Angelica Nuzzo recently concludes that Terrorism (as well as its symbol, 9/11) is ... the true effect or the real consequence of the war against terrorism that the United States has been waging for decades in numerous parts of the world. In other words, war is the true cause of that which it declares it is fighting-namely, terrorism.' Put another way, "dialectic shows that terrorism is an effect, not a cause," with the consequence that "politics aimed at opposing" the war on terror will "have to look to reasons that lead to the exercise of violence and will have to fight the effect along with the causes that produce it."'8 Nuzzo suggests that a dialectical understanding remains "essential if we want to reach a nonideologicial and noninstrumental definition of terrorism" and if we want to "regain the historical-and oppose the fictional-sense of the reality in which we live."9 In this sense, the struggle consists in providing "definitions" that at least speak to aspects of historical and structural domination and denial of human rights and justice perpetuated by the United States as well as the Soviet Union (and their allies) in the twentieth century, and by the colonial and imperialistic Eurocentric global hegemons in the three centuries preceding the current waging of the "war on terror." On the other hand, philosopher Alain Badiou recently offered the insight that the word "terrorist," and the adjective "terrorism," has "no neutral readability," precisely because it "dispenses with a reasoned examination of political situations, of their causes and consequences. "'1 International lawpersons who have struggled over many generations to fashion approaches towards an acceptable normative description of "terrorism" may find this insight congenial.11 However, they know as well as the philosophers the difficulties that attend "reasoned examination of political situations"; there remain at hand many diverse reasoned analyses that frame very different understanding of the causes and consequences of "terrorism." They may, however, feel perplexed by Alain Badiou's accentuation of "reasoned examination," on the one hand, and his further analysis, on the other, of the ways in which the "crime of New York and the following battles" constitute the "disjunctive synthesis of two nihilisms.' 12 The overall result of both the "wars" then, for Badiou, remains a register constituted by the "bloody and nihilistic games of power without purpose and without truth., 13 If so, understanding "terror" in ways that destruct "the circuits of nihilism"'14 constitutes a new task for philosophers, international lawpersons, and human rights activism.

#### The alternative is to raise the question of jus CONTRA bellum—voting negative injects epistemic doubt about militarism into our decision calculus which is the prerequisite to shifting away from violence as the solution.

**Neu 13**—University of Brighton (Michael, “The tragedy of justified war”, International Relations 27(4) 461–480, dml)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operating mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is concerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgements are offered and the ability to regard the moral case as closed once the judgements have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgements about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, selfrighteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstructing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

### Norms

#### No drone prolif

**Gilli and Gilli 13** [Andrea Gilli & Mauro Gilli, “Attack of the Drones: Should we fear the proliferation of unmanned aerial vehicles?”, Paper prepared for the 2013 APSA Annual Conference, Chicago (IL), Aug 31- Sept 3 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2299962]

From our analysis, we reach the opposite conclusion. Drones production and¶ employment is significantly more complicated and costly than many claim. More¶ precisely, at the platform level, for three out of the four types of drones we¶ investigate, UAVs require specific technical and industrial competences that are long,¶ difficult and expensive to develop and to maintain. Second, drones require some¶ advanced components and modules that in three out of four cases are expensive or¶ difficult either to produce or to access: from sensors to engines and munitions.¶ Finally, with the exception of very small drones, UAVs’ military value depends on¶ their integration into a broader architecture, what in military jargon is called the¶ battle-networks: the entire set of satellite, air and ground installations permitting realtime¶ and constant intelligence sharing. However, building and maintaining such¶ battle-networks is both expensive and challenging.10 In sum, the available evidence¶ suggests that the types of drones casting the most salient military threats are unlikely¶ to spread as quickly and easily as many claim.11

#### No norm setting.

Alejandro Sueldo 12, J.D. candidate and Dean’s Fellow at the University of California, Berkeley, School of Law and a PhD candidate at the Department of War Studies at King’s College London of the University of London, 4/11/12, “The coming drone arms race,” http://dyn.politico.com/printstory.cfm?uuid=70B6B991-ECA7-4E5F-BE80-FD8F8A1B5E90

Of particular concern are the legal and policy challenges posed if other states imitate the U.S. targeted killing program. For Washington is setting a precedent whereby states can send drones, often over sovereign borders, to kill foreigners or their own citizens, who are deemed threats.

Other states may also follow Washington’s example and develop their own criteria to define imminent threats and use drones to counter them.

Washington will find it increasingly difficult to protest other nations’ targeted killing programs — particularly when the United States has helped define this lethal practice. U.S. opposition will prove especially difficult when other states justify targeted killings as a matter of domestic affairs. Should enough states follow the U.S. example, the practice of preemptively targeting and killing suspected threats may develop into customary international law. Such a norm, however, which requires consistent state practice arising out of a sense of legal obligation, now looks unlikely. While targeted killing policies are arguably executed by states citing a legal obligation to protect themselves from imminent threats, widespread state practice is still uncommon. But international law does not forbid drones. And given the lack of an international regime to control drones, state and non-state actors are free to determine their future use. This lack of international consensus about how to control drones stems from a serious contradiction in incentives. Though drones pose grave challenges, they also offer states lethal and non-lethal capabilities that are of great appeal. Because the potential for drone technology is virtually limitless, states are now unwilling to control how drones evolve.

#### China won’t use drones to resolve territorial disputes – fears international backlash and creating a precedent for U.S. strikes in the area

Erickson, associate professor at the Naval War College and Associate in Research at Harvard University's Fairbank Centre, and Strange, researcher at the Naval War College's China Maritime Studies Institute and graduate student at Zhejiang University, 5-29-13 (Andrew and Austin, China has drones. Now how will it use them? Foreign Affairs, McClatchy-Tribune, 29 May 2013, http://www.nationmultimedia.com/opinion/China-has-drones-Now-how-will-it-use-them-30207095.html, da 8-3-13) PC

Drones, able to dispatch death remotely, without human eyes on their targets or a pilot's life at stake, make people uncomfortable - even when they belong to democratic governments that presumably have some limits on using them for ill. (On May 23, in a major speech, US President Barack Obama laid out what some of those limits are.) An even more alarming prospect is that unmanned aircraft will be acquired and deployed by authoritarian regimes, with fewer checks on their use of lethal force.¶ Those worried about exactly that tend to point their fingers at China. In March, after details emerged that China had considered taking out a drug trafficker in Myanmar with a drone strike, a CNN blog post warned, "Today, it's Myanmar. Tomorrow, it could very well be some other place in Asia or beyond." Around the same time, a National Journal article entitled "When the Whole World Has Drones" teased out some of the consequences of Beijing's drone programme, asking, "What happens if China arms one of its remote-piloted planes and strikes Philippine or Indian trawlers in the South China Sea?"¶ Indeed, the time to fret about when China and other authoritarian countries will acquire drones is over: they have them. The question now is when and how they will use them. But as with its other, less exotic military capabilities, Beijing has cleared only a technological hurdle - and its behaviour will continue to be constrained by politics.¶ China has been developing a drone capacity for over half a century, starting with its reverse engineering of Soviet Lavochkin La-17C target drones that it had received from Moscow in the late 1950s. Today, Beijing's opacity makes it difficult to gauge the exact scale of the programme, but according to Ian Easton, an analyst at the Project 2049 Institute, an American think-tank devoted to Asia-Pacific security matters, by 2011 China's air force alone had over 280 combat drones. In other words, its fleet of unmanned aerial vehicles is already bigger and more sophisticated than all but the United States'; in this relatively new field Beijing is less of a newcomer and more of a fast follower. And the force will only become more effective: the Lijian ("sharp sword" in Chinese), a combat drone in the final stages of development, will make China one of the very few states that have or are building a stealth drone capacity.¶ This impressive arsenal may tempt China to pull the trigger. The fact that a Chinese official acknowledged that Beijing had considered using drones to eliminate the Myanmar drug trafficker, Naw Kham, makes clear that it would not be out of the question for China to launch a drone strike in a security operation against a non-state actor. Meanwhile, as China's territorial disputes with its neighbours have escalated, there is a chance that Beijing would introduce unmanned aircraft, especially since India, the Philippines and Vietnam distantly trail China in drone funding and capacity, and would find it difficult to compete. Beijing is already using drones to photograph the Senkaku/Diaoyu islands it disputes with Japan, as the retired Chinese major-general Peng Guangqian revealed earlier this year, and to keep an eye on movements near the North Korean border.¶ Beijing, however, is unlikely to use its drones lightly. It already faces tremendous criticism from much of the international community for its perceived brazenness in continental and maritime sovereignty disputes. With its leaders attempting to allay notions that China's rise poses a threat to the region, injecting drones conspicuously into these disputes would prove counterproductive. China also fears setting a precedent for the use of drones in East Asian hotspots that the United States could eventually exploit. For now, Beijing is showing that it understands these risks, and to date it has limited its use of drones in these areas to surveillance, according to recent public statements from China's Defence Ministry.

#### Their assumption that it will be 'CHINA' that crosses the thin-red line is a positivistic understanding of the world which makes china war inevitable.

Pan 4 Pan, PhD degree in Political Science and International Relations from the Australian National University, 2K4 [Chengxin, The "China Threat" in American Self-Imagination: The Discursive Construction of Other as Power Politics, Alternatives: Global, Local, Political, Vol. 29, 2004]

 China and its relationship with the United States has long been a fascinating subject of study in the mainstream U.S. international relations community. This is reflected, for example, in the current heated debates over whether China is primarily a strategic threat to or a market bonanza for the United States and whether containment or engagement is the best way to deal with it. (1) While U.S. **China scholars argue** fiercely over "**what China precisely is,**" their debates have been underpinned by some common ground, **especially in terms of a positivist epistemology**. Firstly**, they believe that China is** ultimately **a knowable object**, **whose reality can be**, and ought to be, empirically **revealed by scientific means**. For example, after expressing his dissatisfaction with often conflicting Western perceptions of China, David M. Lampton, former president of the National Committee on U.S.-China Relations, suggests that "**it is** time to step back and look at where China is today, where it might be going, and what consequences that direction will hold for the rest of the world." (2) Like many other China scholars, Lampton views his **object of study as essentially "something we can stand back from and observe with clinical detachment**." (3) Secondly, associated with the first assumption, it is commonly believed that China scholars merely serve as "disinterested observers" and that their studies of China are neutral, passive descriptions of reality. And thirdly, in pondering whether China poses a threat or offers an opportunity to the United States, they rarely raise the question of "what the United States is." That is, the meaning of the United States is believed to be certain and beyond doubt. I do not dismiss altogether the conventional ways of debating China. It is not the purpose of this article to venture my own "observation" of "where China is today," nor to join the "containment" versus "engagement" debate per se. Rather, I want to contribute to a novel dimension of the China debate by questioning the seemingly unproblematic assumptions shared by most China scholars in the mainstream IR community in the United States. To perform this task, I will focus attention on a particularly significant component of the China debate; namely, the "China threat" literature. More specifically, I want to argue that **U.S. conceptions of China as a threatening other are** always intrinsically **linked to how U.S. policymakers**/mainstream China specialists **see themselves (as representatives** **of the** indispensable, **security-conscious nation**, for example). As such, **they are not value-free,** objective **descriptions** **of an independent, preexisting Chinese reality out there, but are** better **understood as a** kind of **normative**, meaning-giving **practice that** often **legitimates power politics in** U.S.-China **relations and helps transform the "China threat" into social reality**. In other words, **it is self-fulfilling in practice, and is always part of the "China threat" problem it purports merely to describe.** In doing so, I seek to bring to the fore two interconnected themes of self/other constructions and of theory as practice inherent in the "China threat" literature--themes that have been overridden and rendered largely invisible by those common positivist assumptions. These themes are of course nothing new nor peculiar to the "China threat" literature. They have been identified elsewhere by critics of some conventional fields of study such as ethnography, anthropology, oriental studies, political science, and international relations. (4) Yet, so far, the China field in the West in general and the U.S. "China threat" literature in particular have shown remarkable resistance to systematic critical reflection on both their normative status as discursive practice and their enormous practical implications for international politics. (5) It is in this context that this article seeks to make a contribution.

#### The plan doesn’t restrain the executive’s authority to determine who’s a target---that’s the most relevant objection to current drone policy

Kenneth Anderson 9, Professor of Law, Washington College of Law, American University, and Research Fellow, The Hoover Institution, Stanford University, 5/11/09, “Targeted Killing in U.S. Counterterrorism Strategy and Law,” http://www.brookings.edu/~/media/research/files/papers/2009/5/11%20counterterrorism%20anderson/0511\_counterterrorism\_anderson.pdf

The elephant in the room, so to speak, however, is the standard by which American forces select targets in the first place. This is the core objection to the whole practice, for example, raised by UN special rapporteurs and many others—on what basis does the U.S. conclude that this person is a terrorist? While the substantive standard governing conduct to evaluate a potential targeted killing in relation to innocent third party collateral damage is best drawn from standards in the law of IHL armed conflict, target selection in targeted killing is an intelligence matter. And although military intelligence has much to offer in the way of methodology, military law has much less so. Yet the intelligence community, for many reasons, has had only limited success in picking targets since 9/11—although the quality of target selection in the current campaign of Predator strikes by the CIA in Pakistan has clearly gone up. Congress can impose more demands for information to the intelligence committees and greater monitoring of target selection either before or after an attack, but it faces great limits in doing more than that. Congress cannot make the intelligence judgments. ¶ The concerns over targeted killings are not, of course, limited to targeting and collateral damage questions. Other states, particularly friendly and allied states, have excellent reason to view these policies with political alarm—quite apart from their abstract legal assessments of them. Britain, for example, has a certain number of radical imams who appear directly to influence their followers, among other things, to take up jihad in Pakistan and Afghanistan against the U.S. and NATO allies.97 In purely hypothetical terms, the U.S. might do well to target and kill them in Britain. While the U.S. is obviously not going to do that, it will target al Qaeda with Yemen’s consent in Yemen, and there are circumstances in which it will target terrorist suspects without territorial state consent.

#### Their legal attempt at securing the promise of U.S. exceptional violence makes all their impacts inevitable and guarantees conflict escalation.

Jones 13—Craig, Department of Geography, University of British Columbia, Vancouver, Travelling Law: Targeted Killing, Lawfare and the Deconstruction of the Battlefield in Shifting Borders: American Studies Between The American Century And The Arab Spring ed. Alex Lubin and Marwan Kraidy, http://warlawspace.files.wordpress.com/2013/04/jones-travelling-law-shifting-borders.pdf, Shree

If all of this clarifies anything about the putative ‘end of the American Century’ and the making of a new geopolitical order it is perhaps that Israel and the U.S. continue to be at the cutting edge of new forms of imperial lawfare and warfare, but also that these strategies and tactics come with intrinsic consequences that signal not strength and vitality but rather the precarity of Israeli and U.S. imperialism. Israel and the U.S. are responding to and are precipitating changes in the way that war is and will be fought in the 21st century. In this regard they have pioneered the way, as well as the technology, the know-how and experience, and (of course) the legal architecture for carrying out a way of war that – at the moment at least – favours themselves and their allies. But while these techno-legal architectures favour those who ‘have’ (inter alia) drones and the capacity for ‘global strike’117 from those who do not, Israel and the U.S. possess neither a technological monopoly nor unique access to the legal regimes that secure the ‘world as battlefield’. Indeed, as many as 87 nations possess some form of drone, and as the Washington Post recently reported: “China uses them to spy on Japan near disputed islands in Asia. Turkey uses them to eyeball Kurdish activity in northern Iraq. Bolivia uses them to spot coca fields in the Andes. Iran reportedly has given them to Syria to monitor opposition rebels.”118 The first drones over Gaza and Afghanistan were also unarmed and while Israel, the U.S. and U.K. may be the only known states to have fired missiles from remotely controlled drones, this will likely not be the case for much longer. And yet, it is not only the spectre of an increasingly difficult-to-regulate global (drone) arms race and drone industry that threatens this putatively ‘western way of war’119. Its legal architecture does too, and by way of closing I’d like to consider a different geography of travelling law(fare). On December 1st 1963 Malcolm X was asked to comment on the assassination of [JFK] John Fitzgerald Kennedy. Choosing his words carefully, he characterized it as an instance of the “chickens coming home to roost”. It was certainly a controversial comment but it was not a flippant one. Kennedy, of course, had been in power during the early years of the CIA assassination campaign of the 1960s and 1970s. Malcolm X referred explicitly to Kennedy and the CIA’s complicity in the murder of Congolese leader Patrice Lumumba and said that Kennedy had “twiddling his thumbs” at the assassination of Vietnemese Presdident Ngo Dinh Nhu. 120 In 1975 the monumental Church Committee Report confirmed that the CIA had both direct and indirect involvement in plots to assassinate several foreign leaders. The following year, President Ford issued a presidential decree banning assassination and several executive orders since (the most recent of them in 2008) have iterated that “No person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination.”121 But all of this has now been undone and as metaphor Malcom X’s comment speaks directly to the notion of travelling law and the future that might come to haunt those who have turned the world into a battlefield. In a letter to President Obama, Kenneth Roth of Human Rights Watch urged Obama in 2010 to avoid setting “dangerous precedents”122. It might now be too late for that. The very same legal arguments that Israel and the U.S. have aggressively been pursuing over the last decade and a half apply to and can also be used against them. For example, by conducting drone strikes, CIA employees as civilians who are participating in hostilities have become what the U.S. once classified as “unlawful combatants”.123 As we know, many labeled thus ended up in places like Guantanamo Bay, indeed many are still in Guantanamo Bay. But even more pointedly, according to the logic of the expansive armed conflict, there is nothing to stop other states and non-states from conducting their own targeted assassinations on Israeli and U.S. military personnel and infrastructure around the world. These could legitimately include Obama himself (as Chief of Staff of the U.S. military) or the thousands of U.S. and Israeli soldiers and ‘unlawful combatants’ in and off military bases around the world. Possible ‘legal’ strikes could also include the IDF defense compound, the Kirya, located in central Tel Aviv. As I type these closing words, I can see the Kirya through the window of the public library. I wonder whether the civilians around me, and those outside in the bustling cafes might not, according to U.S. and Israeli lawfare, be considered legitimate accidental or incidental ‘collateral damage’ if Hamas or Hezbollah attempted to strike the military compound over the road, but missed by a few meters. Those chickens have not yet come home to roost and at least as far as the conduct of warfare and lawfare are concerned it sure continues to be a long twentieth century.124

### Strikes

#### Relations high and funding solves instability

Times of India 3/5/14 “US plans $280 million military aid to Pakistan, cuts civilian aid” http://timesofindia.indiatimes.com/world/pakistan/US-plans-280-million-military-aid-to-Pakistan-cuts-civilian-aid/articleshow/31463630.cms

WASHINGTON: Arguing that Pakistan will remain a key player in counter terrorism post-2014, the US has proposed USD 280 million in military assistance to the country, although it wants to cut civilian aid in an effort to acknowledge India's concerns about misuse of the funds. ¶ Marred by financial constraints, the Obama administration has proposed to substantially cut civilian aid to Pakistan to USD 446 million for the next fiscal year as against USD 703 million in 2013, which among other things the State Department argued is aimed at improving ties with India. ¶ "The OCO (Overseas Contingency Operations) resources will support critical US activities such as sustaining close cooperation with Pakistan, ensuring the safety of Pakistani nuclear installations, working with Pakistan to facilitate the peace process in Afghanistan, and promoting improved relations with India," the State Department said as it proposed USD 446 million in civilian aid to Pakistan. "FY 2015 funding for Pakistan is crucial to meeting key US strategic priorities of combating terrorism, strengthening security in both Pakistan and the region, and maintaining stability in Afghanistan post-transition,"the department said. ¶ "Pakistan will remain a key player in US counter terrorism and nuclear nonproliferation efforts in FY 2015, as well as in our long-term objectives of economic development and stability in the region," the State Department said in its annual budget proposals to the Congress. ¶ "Developing an enduring and collaborative relationship with an increasingly stable and prosperous Pakistan that plays a constructive role in the region will therefore continue to be a priority for the United States," the State Department said proposing USD 100 million to Pakistan under the Economic Support Fund (ESF) for the fiscal year 2015. ¶ Under the Foreign Military Financing (FMF) category, the US maintained USD 280 million in military aid to Pakistan for the fiscal year 2015 beginning in October 2014. ¶ Given the ongoing transition in Afghanistan and continued terrorist attacks against civilian and military targets throughout Pakistan, FMF is essential to Pakistan's efforts to increase stability in its western border region and ensure overall stability within its own borders, the department said. ¶ "The USD 280 million Pakistan requests will enhance the Pakistan Army, Frontier Corps, Air Force, and Navy's ability to conduct counter insurgency (COIN) and counter terrorism (CT) operations against militants throughout its borders and will improve Pakistan's ability to deter threats emanating from those areas, and encourage continued US-Pakistan military-to-military engagement," the State Department said. ¶ The OCO supports a robust diplomatic presence and critical assistance programmes to support the government and its people following Pakistan's first democratic transition. ¶ "These funds will help facilitate increased stability and prosperity in this strategically important nation and will enable us to sustain a presence necessary to achieve essential strategic priorities of eliminating terrorism and enhancing stability in Pakistan and the region following the transition in Afghanistan," the State Department said. ¶ Pakistan lies at the heart of the US' counter terrorism strategy, the peace process in Afghanistan, nuclear non-proliferation efforts, and economic integration in South and Central Asia, it said.

#### Strikes decreasing in pakistan now, plan already perceived as happening.

Pakistan News & Views 7/26/13 (“U.S Drones Strikes has Decreased Due To Its Criticism”, http://pakistannewsviews.com/u-s-drone-strikes-has-decreased-due-to-its-criticism/)

The tempo of CIA drone strikes in Pakistan has slowed significantly in recent months, and anonymous officials tell The Associated Press that the reason has to do with the public’s intensifying criticism of the program, which has reportedly killed hundreds of civilians since 2004. ¶ While the attacks are by no means stopping, their frequency has reached a low not seen since the secret program began in Pakistan, with 16 strikes occurring so far this year. That’s a far cry from the peak of 122 strikes in 2010, according to data from the New America Foundation; whose most recent estimates show those strikes killed 97 alleged “militants” and four “others” in 2013. Current and former intelligence officials tell AP that public scrutiny has led the program to be more focused on “high value” targets, supposedly dropping the controversial practice of “signature strikes,” which attack anonymous individuals based solely on behavior observed in the field.¶ The statements seem to be in line with those from President Obama, who said during a speech in May that he would roll back the CIA program and limit targets to those who constitute a “continuing, imminent threat.” But a Justice Department legal memo leaked prior to the speech broadly defines “imminent” to include any plot which “may or may not occur in the near future.” The administration has also defended its demonstrated ability to execute — without charge or trial — American citizens who fit that criteria.¶ The decreased number of strikes comes after massive public outrage in Pakistan, where the high court in Peshawar has ruled that US drone strikes constitute war crimes and violations of the country’s sovereignty. Ben Emmerson, the UN’s special rapporteur on civil rights, reached similar conclusions during his own investigation of the ongoing US drone campaign. In the past, Pakistani officials have publicly spoken out against drone strikes while secretly consenting to them behind closed doors. But anonymous US officials told the AP that the strikes decreased after Pakistani officials made it clear the attacks could not continue at the current rate, citing concerns over the civilian death toll.

#### Their Kramer evidence says arms trades occur between the US and Uzbekistan now, means no uniqueness

#### Russia scenario inevitable- Ukraine was the key pivot and they can’t solve credible threats

Charap & Darden 3/3/14 (Samuel is IISS Senior Fellow for Russia and Eurasia. Keith is an Associate Professor in the School of International Service at American University.) “Samuel Charap and Keith Darden: Russia’s unclear motives in Ukraine” http://www.iiss.org/en/politics%20and%20strategy/blogsections/2014-d2de/february-1d08/ukraine-russia-088f

What has ensued since then, however, is another matter altogether. Russia has taken deeply disturbing steps following the breakdown of the 21 February negotiated settlement. It is too early to say with any confidence how this will end, but it is clear that moves to take control over key installations on the Crimean peninsula, first using personnel from Russia’s Black Sea Fleet – which is stationed there under a bilateral agreement, and subsequently reinforcements from Russia – might well be a prelude to war, long-term occupation, partition or some combination thereof. The signals coming from Moscow, including a presidential request for authority to deploy forces to Ukraine which was immediately approved in the upper house of parliament by a unanimous vote, are certainly troubling. These moves represent an unprecedented departure from previous Russian policy, a point that might be lost as a result of the previous hyperbole about Russian aggression. Why did this happen? There are two possible frames for understanding the shift. The first sees these recent moves as a reactive effort to avoid what decision-makers in Moscow perceived as a direct threat to Russian interests in Ukraine. Discussions with Russian interlocutors in recent days suggest that Moscow’s narrative about events in Ukraine is more than just propaganda. Putin and his inner circle might well have convinced themselves that the collapse of the 21 February agreement resulted at least in part from a Western plot to install a loyal government in Kiev that included far-right leaders who would revoke Russia’s basing agreement in Crimea, quickly move Ukraine to EU and NATO membership, repress the country’s Russian minority and further cement regime change as an acceptable modus operandi in international affairs. An escalation spiral set in as Russia tried at first to deter what it saw as hostile behaviour. This frame explains recent Russian moves as fundamentally reactive to events, and perceptions of events, on the ground in Ukraine, and not as a shift in objectives. Russian policy there has always been focused on avoiding worst-case outcomes. In other words, Moscow knows what it does not want: a threat to its national security, an undoing of bilateral economic ties, the empowerment of Russophobic political forces or political and economic instability. Furthermore, Russia wants to avoid precedents of coercive removal of a sitting government, particularly in cases in which the West is perceived to be involved, either by tacitly approving a revolution or explicitly promoting one. That objective, driven by Moscow’s anxieties about the legitimacy of its own rule, determines Russian policy in Syria as well, but proximity amplifies its importance in Ukraine. And that explains Moscow’s outrage at the immediate unravelling of the negotiated settlement brokered by EU foreign ministers on 21 February and subsequent resistance to recognising the new authorities in Kiev. It is certainly not out of love for Yanukovich, whom Putin has despised for nearly a decade. Indeed, although Russia has granted Yanukovich shelter, he pointedly noted that he had been unable to see Putin during his 28 February press conference. Far-fetched though it may be from a Western perspective, this first frame suggests that Moscow believed its nightmare, worst-case scenario was unfolding, and was taking all measures seen as necessary to prevent it from coming to pass. If we are seeing an escalatory spiral, intentions cannot be deduced from outcomes on the ground. The second frame provides a far more sinister reading of Russia’s recent actions, suggesting its motives are aggressive or even territorially expansionist. A comparison with the Russia–Georgia war of August 2008 demonstrates that what has happened this week in Crimea is far worse and could have revealed a very different Russia. In 2008 the Georgian military, under Mikheil Saakashvili, used force in South Ossetia. Russia’s all-out invasion followed an artillery assault on the South Ossetian regional capital, Tskhinvali, and an attack on a Russian peacekeeping base. Russian soldiers and citizens were killed; it was only then that Russia escalated into a full-fledged military invasion. Regardless of how one regards Russian motives in the conflict, or the proportionality of Moscow’s response, the Georgian government was the first to move from periodic gun battles to massive shelling and thus gave Russia’s subsequent actions a pretext. Russian citizens and forces had come under attack. In Crimea, there has been no such pretext for military intervention. Certainly, there were ominous signs coming from Kiev. Immediately after President Yanukovich fled, a new government was formed that included members of far-right parties or had far-right affiliations, particularly in the areas of national security and law enforcement. Officials allowed nationalist paramilitaries to patrol the streets and to work alongside troops from the Ministry of Internal Affairs. The language rights that Russian-speakers had enjoyed since 2012 were abolished (although the government reversed itself and vetoed the law following the Russian invasion and autonomist moves in eastern provinces). But no actions were taken against the Russian population. There were no attacks on Russian civilians in Crimea. The central government in Kiev was not using force to repress ethnic Russians in Kiev, Kharkiv, Donetsk or any of the other Russophile regions of the country. In response to demonstrations in the Crimean capital, Simferopol, Ukrainian authorities did not use force. They did not prevent Russian nationalist groups from assembling and demonstrating. Even when the government in Simferopol ousted its prime minister and announced a referendum on autonomy, Kiev made no moves to employ its military or police forces. The Ukrainian government’s response to events in Crimea has been measured and cautious. This is precisely what makes these events so unsettling. The conventional wisdom (reflected in the first frame) is that Russia primarily seeks stability on its borders. After all, had the Kremlin wanted to provoke secessionist movements among the Russophile regions of Ukraine or northern Kazakhstan, it would not have been difficult to do so. Crimea? The Russians could easily have had it if they wanted it. The large Russian and Russophile communities in Ukraine and Kazakhstan served Russian interests far more outside Russian borders than the burden they would have represented if they lived within those borders. Without Crimea’s voters, Yanukovich could not have won the 2010 presidential elections. With the substantial Russian-speaking and Russophile communities in Ukraine amounting to nearly half of the country’s population, Russia was virtually assured that Ukraine would continue to be a close partner in economic and security matters. Gaining Crimea to lose Ukraine just did not seem like a rational trade-off. The aggressive military moves that we have seen this week suggest that we could be witnessing a more fundamental shift in the underlying principles of Russian policy, either a shift towards a deliberate policy of sowing unrest in its neighbourhood for geopolitical ends or even of outright territorial expansion. This week, as events were escalating in Crimea, the Duma began consideration of a law to simplify the procedures for a foreign territory to join the Russian Federation. Doing so would require little more than a referendum. The city council of Donetsk has already voted to support holding such a referendum in the Donbass region. This, combined with the announcement that the Kremlin would be authorised to use the Russian military on the territory of Ukraine, suggests that after all these years of crying wolf about Russia’s expansionist ambitions, the wolf may finally have arrived. Policy prescriptions for the Western response differ drastically depending on which frame one accepts. To a certain extent, path dependency may have already pushed Western leaders to adopt the second. In other words, US and EU policy has long assumed that Russia is inherently hostile to Ukraine; for many, recent events have merely validated that assumption. Following that logic, subjecting Moscow to sanctions and international isolation, and a full backing of the new Ukrainian government, are the next steps. While this course of events might be the only politically feasible one at this point, it carries with it serious risks of a global confrontation. If the first frame described above – an escalatory spiral – is closer to the truth, that would be a tragic outcome. Indeed, if Russian objectives are not to carve up Ukraine at any cost, Western leaders have an obligation to seek common ground with Moscow. Russian officials have expressed their desire to return to the 21 February agreement in order to defuse the crisis. That is clearly impossible. But something other than the status quo in Kiev, negotiated with the involvement of all major Ukrainian political parties, is not. Engagement with Russia at this point will certainly not be easy, and has the potential to be extremely unpleasant. But it might be required if something much worse than the events of recent days is to be avoided.

#### Instability and collapse in Yemen inevitable – too many alt causes that plan doesn’t affect

Bouyoumy 2/23 [YARA BAYOUMY, Reuters, 2/23/14, http://www.reuters.com/article/2014/02/23/us-yemen-politics-analysis-idUSBREA1M05720140223]

Leader of a nation seemingly on the brink of breakdown for years, Hadi had hoped he could appease rival political groups by creating a federal state of six regions that would give each more say over political, social, economic and security affairs.¶ To date, few factions appear placated, a reality that bodes ill for a country already battling endemic poverty, poor governance, regional insurgencies and al Qaeda militancy.¶ Restive southerners seeking autonomy, if not secession, fear the plan would weaken the south, partly by separating it from the sprawling Hadramout province, where some oil reserves lie.¶ Some northern Houthi rebels also have strong reservations because the proposal links the rugged mountain region they control to the Sanaa area and denies it an outlet to the sea.¶ Months of political haggling seem sure to follow. If those disputes turn violent, instability in Yemen, which lies near vital sea lanes as well as oil giant Saudi Arabia, will deepen.¶ Ravaged by multiple conflicts in the past half century, Yemen suffers food and water shortages, corruption, almost non-existent social services and security forces weakened by factional rifts. Regional conflicts and the prevalence of well-armed tribes mean much of Yemen is outside state control.¶ Forced to import most of its food because of a paucity of arable land in relation to its booming population, Yemen has child malnutrition rates among the highest in the world.¶ In the face of such towering problems, Hadi's plan was meant to create the administrative structure at least to make a start on rebuilding the country. But consensus has proved elusive.¶ "The federal plan was never going to please everybody," Britain's ambassador to Yemen, Jane Marriott, told Reuters.¶ "There are lots of things that can go wrong. So far from what we've seen in Yemen, there are lots of people trying to make this work right. The biggest challenge is one of political will, there are still people out there who have their own agendas, who are not necessarily focused on the interests of Yemen," she said by telephone from Sanaa.¶

#### Decapitation fails – no discernable effects.

Arquilla 13 (John, received a PhD in International Relations from Stanford in 1991. He worked at RAND for several years, before joining the faculty of the US Naval Postgraduate School in 1993, March 25, “Use an Axe not a Scalpel” http://www.foreignpolicy.com/articles/2013/03/25/use\_an\_axe\_not\_a\_scalpel)

Remote-controlled weapons, the hot new tools of war, have had the perverse effect of shoring up an old pattern of strategic thought about going after enemy leaders. Wildly popular with the Air Force, there are now more pilots in cubicles than there are in cockpits. Their primary purpose: act swiftly and on the basis of good, timely intelligence to strike with great precision at terrorist leaders. Thus the longstanding strategic concept of counter-leadership targeting — “decapitation” was the less euphemistic term of an earlier era — has been revivified. The problem, though, is that when the principal foe is a network, the importance of any individual leader is low because these organizations are capable of a high degree of self-direction. Drones have played key roles in the killing of about 20 of al Qaeda’s “No. 3s” over the past decade, but in a network everybody is No. 3.¶ This focus on taking out the leaders of essentially leaderless networks (that is, interconnected cells that are highly self-organizing and at least semi-autonomous) has led to serious difficulties in the field. For example, many intelligence operatives and military servicemembers who plan and conduct drone operations have found that, all too often, the occasional strike from the sky inflicts damage that the networks can work around and quickly repair. In the meantime, the connections that the killed “leader” had are no longer discernible. Which means, in practical terms, that the slow attrition of drone campaigns, though it may hurt the enemy, does even more harm to the counter-terrorists’ store of knowledge about these networks. The more damage done in this slow-paced manner — there have been just over 400 drone strikes over the past decade, an average of 3-4 per month — the less is known. This phenomenon is a curious aspect of “netwar” — the term that my longtime research partner David Ronfeldt and I use to describe how networks fight, and how to fight networks.¶ [...]¶ Shortly before leaving office, Leon Panetta reaffirmed the traditional view when he said that loss of leaders had put al Qaeda “on the verge of strategic defeat.” This is outmoded thinking. One need only look to the many fronts on which al Qaeda is operating today — even in Iraq, where we are gone, the terrorists are back, and the country is burning — to see that the global war on terror has morphed into terror’s war on the world. If one side is closer to “strategic defeat” after a decade of this first great war between nations and networks, it is the nations. Networks are simply not dependent on a few key leaders — as even the death of Osama bin Laden has shown.¶ So, what’s his alternative?¶ For David Ronfeldt and me, this means operating in concentrated bursts of action, striking networks not at a single “decisive point” — they don’t have such — but rather at several points at once — what we call “swarming.” Far better to go after al Qaeda by doing a lot more surveillance, for longer periods, prior to attacking. Then, when the network node or cell has been sufficiently illuminated, it can be eliminated in a series of simultaneous strikes that give the enemy little or no chance to hide or flee.¶ This makes sound strategic sense. Interestingly, given the longstanding “war” vs. “law enforcement” debate on counterterrorism, it’s pretty much the approach the FBI takes to organized crime.¶ Politically, however, this is easier said than done. We’ve been at war a long time and being able to announce “progress” in the form of killed or captured senior leaders is excellent for maintaining troop morale and public support. Ironically, it may contribute to needing to sustain those much longer than would otherwise have been necessary.

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As a legal scholar you should reflect on the 1ac as an up-down vote: there is no way voting aff can access their plan, but the university is a crucial place of praxis. If we win that lawmaking in the context of war is about justifying rather than challenging war, and the aff is an instance of that, you should vote neg.

Bond Graham 9. Darwin Bond Graham, PhD Sociology UC Santa Barbara, and Hell, UC Fiat Pax Research Project Group, Higher Education Militarization Resource, 2003, “The Militarization of America’s Universities”, Fiat Pax, UC Santa Cruz Press, pages 3-4, http://www.fiatpax.net/demil.pdf, Accessed 10/15/09

This publication is the testimony of our careers as students of a university in service of the warfare state. This publication is founded on a belief that war, no matter how urgent it might seem and no matter how necessary we are made to think it is, can no longer be considered a justifiable act. War is not the last resort, war is not the path to peace, war is not the means to an end, war is never the solution. War is always a failure. This publication is founded on a fact: War is not possible and pursuable in any society without the coordination and resources of a nation’s knowledge base for the purposes of making war. In our society this means that war is made possible only through a permanent technological revolution encompassing most dis- ciplines of science. War is the product of a close relationship between the US military establishment, private corporations, and academic institutions. This is the military-industrial-academic complex. Colleges and universities serve a critical purpose that only they can fulfill by providing access to the best and brightest minds, the product of their research, and the legitimization of war and weapons as high and honorable pursuits. The role that universities collectively play in warfare cannot be over-stated. War as we know it, with all its destructive and horrific capacity, would not be possible were it not for the military-industrial shaping of science, and our institutions of knowledge creation. We are not against science. We are opposed to the manipulation and perversion of science and technology used for the destruction of humankind. We are for the realization of a university that works to better society through research and education. We are in support of science guided by ethics not profits. In a message to the university community dated March 19th, 2003 UC President Richard Atkinson remarked that with respect to the war against Iraq and during times of war in general, "it is important that we all remember, now more than ever, the important role the University plays as a place of reasoned inquiry and civil discourse. While emotions may run high, there can be no room on our campuses for violence or intolerance." President Atkinson is right. There can be no room on our campuses for violence or intolerance. Therefore we must immediately cease all participation in the production of war and the technologies used to fight it. We must mobilize science entirely for peace and the prevention of war. Since the UC laid the foundation for the military-university relationship, it should be the first to sever the ties. We are calling upon the University of California to show leadership by transforming its system of research from war to peace, its economic purpose from destruction to sustainability, and by realizing its motto "Fiat Lux," that progress and a peaceful future is still possible.

We solve predictability

-Resolved means mental decision

AHD 06. American Heritage Dictionary

resolved v. To cause (a person) to reach a decision.

### link

#### Movements DA - mounting public pressure against drones in the status quo forces massive scaling-back of militaristic targeted killing. the affirmative’s cosmetic restriction saves the drone program by abating public anger.

Zenko 13 – fellow @ CFR

(Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎)

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial counterterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and inter- national humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms by default. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 per- cent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gun- ships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forc- ing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making signifi- cant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allow- ing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resis- tance—such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attack- ing Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

Braxi 5 - \* Professor of Law, University of Warwick; Vice Chancellor, Delhi University (1990-1994); University of South Gujarat, Surat (1982-1985) (Upendra, The War on Terror and the War of Terror: Nomadic Multitudes, Aggressive Incumbents, and the New International Law - Prefactory Remarks on Two Wars, Volume 43, Number 1 Volume 43, Number 1/2 (Spring/Summer 2005) Third World Approaches to International Law After 9/11)

A new global ethno-nationalism, if one may so name this happening, is now in the making; it proclaims some inherent virtues of solidary global public citizenship, extending beyond bounds the celebrated notion of "constitutional patriotism" adumbrated by Jurgen Habermas.62 Because each one of us may be enmeshed in serial performances of mass political violence, each one of us also stands imperatively encased/interpellated within the logics, paralogics, and languages of "war on terror." These cultivate notions of public virtue in terms of a binary ethic (either you are for or against terrorism) and its associated regimes of the emerging positive global morality that seek to disarticulate any recourse to critical morality in relation to the war on terror, in all its fierce and mighty pursuit. Any ethical ambivalence stands condemned thus as complicitous with "terror." This new global ethic in the making extravagantly forfeits and squanders all potential for non-violent pursuit of the creation of dialogic timeplaces, disarticulating alternate versions of international comity as a global public good. V. THE DESTRUCTION OF COMITY Comity among nations is, indeed, a grudging virtue.63 Certain forms of inter-state courtesy and good will, while not furnishing a source of authoritative legal obligations, were, in the eye of recent history, a Eurocentric virtue practised by "civilized" nations of the West in their dealings inter se. It, of course, did not extend to their dealings with the rest of the world. Its origins are notoriously multiplex and multiple; they may be traced both to the era of European chivalry and the moral histories of the feudal virtue of honour that so brutally, if unevenly, combined forms and practices of interactions between colonizers and the colonized.64 The development of comity was, however, a "whites-only" kind of virtue in international relations. The "savage," the "barbarian," the "heathen," and the "unenlightened" masses of peoples and their political organization were placed outside the zones of comity, if only with a view to promote their capabilities for "civilization" and eventual induction into the family of nations.6 ' Even so, beneficial access to the practice of comity by all co-equal sovereign states and peoples now remains the foundation of a post-Westphalian order; this is now exposed to severe interrogation, especially by the United States. Overall, comity performed certain useful tasks, establishing a modicum of civility among nations, even in the post-Westphalian order marked first by decolonization and now by current economic-globalization. In particular, practising comity meant many orders of civility that informed magisterial evolution of the law of armed conflicts. For example, classical international law developed the practice of this virtue by requiring that the intention to go to war be notified by a declaration of war; undeclared hostilities or warfare were disfavoured. Customary international law stood informed by comity considerations when it prescribed that the use of force-even in situations of self-defence, reprisal, or retorsion-must be both reasonable and proportionate. Comity also did much silent work in the historical fashioning of the norms and standards of international humanitarian law, governing treatment of prisoners of war, the sick and wounded, and non-combatants caught in the vicious web of armed conflict. The conduct of comity was also grounded in prudential considerations. If the minimal ethical cooperation, even amidst armed conflicts, was to become a sovereign norm, winning wars remained morally worthy only if belligerent conduct retained a modicum of regard for the dignity and decency that strove to minimize "unnecessary" human suffering, even when "unnecessary" was interpellated within shifting grounds and doctrines of military necessity. Further, the idea that war should be a matter of last recourse was not altogether uninformed by the ethic of comity; after all, war remained conceived of as a necessary contribution to some steady states of peaceful cooperation among nations. The ongoing war on terror now almost totally erodes this institutionalized ethic of comity in international relations. The Taliban regime in Afghanistan, for example, rather remarkably reasserted the genre of classical comity norms when it insisted that the United States follow the old, and classical, norms of comity in international law and relations that rendered aggression a matter of last recourse. Following the classical comity patterns, the regime asked for prima facie evidence that suggested its complicity with Osama bin Laden; it assured that upon its production and verification, it would do its governmental best to locate him and his nefarious/multifarious associates; it then insisted that it would deliver them to any Islamic nation for a public international criminal trial for the commission of "crimes against humanity." None of these inherently dialogic requests were heeded by the United States in the "light" of a pre-determination to "discipline and punish" the Taliban.

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#### Only the alternative would be able to solve the root causes of Yemeni instability in the first place.

Richmond 13 - Professor in the School of IR, University of St. Andrews, UK, and Director of the Centre for Peace and Conflict Studies. He is also International Professor, School of International Studies, Kyung Hee University, Korea. (Oliver P., Failed Statebuilding Versus Peace Formation, http://www.ipd.gu.se/digitalAssets/1350/1350602\_conf-2011-richmond.pdf, )

State formation debates offer a negative peace mainly maintained through power sharing and balance of power arrangements within and between states, dictated by a security dilemma and the relative power of various factions (Tilly 1985). It offers a crude version of conflict management in first generation, victor’s peace form (Richmond 2008:40-57). Thus state formation is a constantly contested process and the negative peace that emerges represents a victor’s peace or an uneasy truce, meaning it is inherently unstable. Peace is made by local elites who desire, often for predatory reasons (social, political, economic and international), the capacities the state offers to them. This process occurs within and between states at the regional level. Statebuilding approaches offer a more sophisticated concept of peace that the negative and realist version that state formation offers. This is still a first generation conflict management approach but it sees the possibility of a status quo which is fairly solid as long as the state is sufficiently well designed and prosperous. Statebuilding approaches offer the possibility of achieving a liberal peace, but they are more concerned with institutional and legal design as well as market access and less concerned with the normative architecture of peacebuilding (Kapur 1998:12; Chandler 2010:15). Peace is made via collaboration between a range of international actors concerned with regional stability rather than normative agreement or standards and local elites who maintain control of the state often to pursue and satisfy personal or family agendas. This approach to making peace is also inherently unstable because the state rests on international support and elite compromise, lacking local legitimacy in many cases. Liberal peacebuilding is a third generation approach which offers a peace built with twin anchors in international norms, law, and institutions, and the liberal democratic and ‘marketised’ concept of the state. It offers a liberal peace which may range from conservative, relying on external support and internal power-sharing, to orthodox, which as envisaged by the UN rests on human rights, civil society, democracy and the rule of law, to a more emancipatory version where issues of social justice and identity are the focus (Richmond 2005). Peace is made internationally within this framework, with as much local participation as possible, but this is not necessarily its driving force. This peace should on paper be extremely stable, though in practice it is often complex, prone to stalemate and to elite hijack. It is also prone to limitations brought about by a lack of coordination and consensus amongst its international supporters, and a lack of their material support for its range of programmes and innovations. It has long been clear that the international 'liberal peace' project – now often called statebuilding – has been undermined by a series of crises (Chandler 2006; Pugh 2008; Pugh, Cooper and Turner 2008; Pugh 2005; Cooper 2007; Jahn 2007; Duffield 2007; Mac Ginty 2008; Mac Ginty and Richmond 2007). These have emerged in its application to many post-conflict countries since the end of the Cold War. 'Failed statebuilding' has been the result. By this I mean that states have come into being, as a result of a mixture of local and international dynamics and intervention which are effectively failed by design. Such states lack core capacity (as defined by the World Bank) in many crucial areas, partly because internationals prefer this or because their standards and norms are ill suited, causing potentially fatal flaws in their design and weaknesses in their local legitimacy. However, there have been some unanticipated and very interesting consequences, not least in the redevelopment and evolution of the western backed and propagated (by key donors, the UN system, international NGOs and agencies, and international financial institutions like the World Bank) liberal peace project itself (Richmond 2011:186-216). In response, local actors, often in association with select international actors have begun to design their own versions of peacebuilding relevant to their own locations, states, cultures, histories, needs, and expectations. This process has been difficult to describe and the policy and academic literature has struggled to find an appropriate language to capture its variety, not least because it stands as a challenge to many of the policy instruments and concept many hold dear. It has often been called ‘grass-roots peacebuilding’, ‘civil society oriented’, and ‘donor supported’. Yet this area has become so important that such terminology no longer does justice to its significance, especially in relation to external policies and goals and the emergence of new donors. I call this ‘new’ area ‘peace formation’ (it is of course, not new, but instead an attempt to unite a scattered range of significant efforts in this direction which already exist). The agency it rests on is varied and complex. It has not been the result of direct resistance or action – such as violent demonstrations, but more a result of quiet capacity drawing on locally resonant social practices and critical discourses, understandings of peace drawing on history, myth, religion, social and customary institutions and patters of governance. It sometimes expresses itself via resistance, opposition, civil disobedience, foot dragging, flight, non-compliance, limited cooperation, rhetorical resistance, or other ‘hidden acts of resistance’ which have represented a lack of local legitimacy for a particular strategy, or stymied its progress (Scott 1985). In some cases direct opposition has emerged as with the ‘Kosovanisation’, ‘Timorisation’, and ‘Afghanisation’ campaigns against encroaching international trusteeship (Richmond 2011:66-91). In general, it can now be taken as read that wherever a peace process, peacebuilding, statebuilding, or development occurs, attempts to localise it will also occur. Peace formation can operate as hidden and individual attempts to maintain everyday life, its security, economic, and political, social, and customary needs, as well as some form of modernisation or progress. This can be in the form of refusal or what have become widely known as hidden forms of resistance as Scott has termed these processes (Scott 1985). This private transcript has unexpected impacts as it is often multiplied across a wide range of different actors and context. More obvious forms of mobilisation through various groups involved in civil association also add to its repertoire, whether through customary governance and law, or customary conflict resolution processes, church or religious groups, trade unions, sports or social associations, or political parties, newspapers, lobbying organisations and a range of CSOs and NGOs, which involve significant constituencies which political leaders and internationals must reach for legitimacy to be maintained. Political and civil association offers similar opportunities for refusal, cooptation, modification and acceptance, in disaggregated and private spaces or, more broadly, in terms of more recognisably organised forms of mobilisation. Private and passive resistance to more active resistance, lobbying and social displays have an impact as forms of representation upon administrative and political actors involved in statebuilding, especially where they offer platforms for discussions of a broader peace, even if elites find such requests impracticable (for example, requests for equality, or for a revision of customary practices not in line with human rights). These dynamics of peace formation may have been spurred on by the slow progress, sometimes inability, sometimes reluctance of statebuilding to engage with deep rooted causes of conflict, from indigenous issues, the need for dignity as well as rights, ideological opposition to the liberal peace or neoliberal markets between local factions or international agendas, inequality and poverty, custom and culture, land tenure and ownership, identity or religious divisions, or elite predation. Increasingly, as earlier during the Zapatista rebellion in Mexico, there has been a perception that international intervention, whether for security, peacebuilding, development, or statebuilding, does not provide self-determination, is not pluralist in its engagement with difference on the ground, does not provide social justice, and rejects local autonomy. It may not even be that democratic if local consensus is blocked in this way (Harvey 1998)

Moore 5 – fellow @ Harvard’s Berkman Center

(John, Extreme Democracy, The Second Superpower Rears its Beautiful Head, p. 37-40)

As the United States government becomes more belligerent in using its power in the world, many people are longing for a “second superpower” that can keep the US in check. Indeed, many people desire a superpower that speaks for the interests of planetary society, for long-term well-being, and that encourages broad participation in the democratic process. Where can the world find such a second superpower? No nation or group of nations seems able to play this role, although the European Union sometimes seeks to, working in concert with a variety of institutions in the field of international law, including the United Nations. But even the common might of the European nations is barely a match for the current power of the United States.¶ There is an emerging second superpower, but it is not a nation. Instead, it is a new form of international player, constituted by the “will of the people” in a global social movement. The beautiful but deeply agitated face of this second superpower is the worldwide peace campaign, but the body of the movement is made up of millions of people concerned with a broad agenda that includes social development, environmentalism, health, and human rights. This movement has a surprisingly agile and muscular body of citizen activists who identify their interests with world society as a whole—and who recognize that at a fundamental level we are all one. These are people who are attempting to take into account the needs and dreams of all 6.3 billion people in the world—and not just the members of one or another nation. Consider the members of Amnesty International who write letters on behalf of prisoners of conscience, and the millions of Americans who are participating in email actions against the war in Iraq. Or the physicians who contribute their time to Doctors Without Borders/Medecins Sans Frontieres. ¶ While some of the leaders have become highly visible, what is perhaps most interesting about this global movement is that it is not really directed by visible leaders, but, as we will see, by the collective, emergent action of its millions of participants. Surveys suggest that at least 30 million people in the United States identify themselves this way—approximately 10% of the US population. The percentage in Europe is undoubtedly higher. The global membership in Asia, South America, Africa and India, while much lower in percentage of the total population, is growing quickly with the spread of the Internet. What makes these numbers important is the new cyberspace- enabled interconnection among the members. This body has a beautiful mind. Web connections enable a kind of near-instantaneous, mass improvisation of activist initiatives. For example, the political activist group Moveon.org, which specializes in rapid response campaigns, has an email list of more than two million members. During the 2002 elections, Moveon.org raised more than $700,000 in a few days for a candidate’s campaign for the US senate. It has raised thousands of dollars for media ads for peace—and it is now amassing a worldwide network of media activists dedicated to keeping the mass media honest by identifying bias and confronting local broadcasters.¶ New forms of communication and commentary are being invented continuously. Slashdot and other news sites present high quality peer- reviewed commentary by involving large numbers of members of the web community in recommending and rating items. Text messaging on mobile phones, or texting, is now the medium of choice for communicating with thousands of demonstrators simultaneously during mass protests. Instant messaging turns out to be one of the most popular methods for staying connected in the developing world, because it requires only a bit of bandwidth, and provides an intimate sense of connection across time and space. The current enthusiasm for blogging is changing the way that people relate to publication, as it allows real-time dialogue about world events as bloggers log in daily to share their insights. Meta-blogging sites crawl across thousands of blogs, identifying popular links, noting emergent topics, and providing an instantaneous summary of the global consciousness of the second superpower. ¶ The Internet and other interactive media continue to penetrate more and more deeply all world society, and provide a means for instantaneous personal dialogue and communication across the globe. The collective power of texting, blogging, instant messaging, and email across millions of actors cannot be overestimated. Like a mind constituted of millions of inter- networked neurons, the social movement is capable of astonishingly rapid and sometimes subtle community consciousness and action. ¶ Thus the new superpower demonstrates a new form of “emergent democracy” that differs from the participative democracy of the US government. Where political participation in the United States is exercised mainly through rare exercises of voting, participation in the second superpower movement occurs continuously through participation in a variety of web-enabled initiatives. And where deliberation in the first superpower is done primarily by a few elected or appointed officials, deliberation in the second superpower is done by each individual—making sense of events, communicating with others, and deciding whether and how to join in community actions. Finally, where participation in democracy in the first superpower feels remote to most citizens, the emergent democracy of the second superpower is alive with touching and being touched by each other, as the community works to create wisdom and to take action.¶ How does the second superpower take action? Not from the top, but from the bottom.

That is, it is the strength of the US government that it can centrally collect taxes, and then spend, for example, $1.2 billion on 1,200 cruise missiles in the first day of the war against Iraq. By contrast, it is the strength of the second superpower that it could mobilize hundreds of small groups of activists to shut down city centers across the United States on that same first day of the war. And that millions of citizens worldwide would take to their streets to rally. The symbol of the first superpower is the eagle—an awesome predator that rules from the skies, preying on mice and small animals. Perhaps the best symbol for the second superpower would be a community of ants. Ants rule from below. And while I may be awed seeing eagles in flight, when ants invade my kitchen they command my attention.¶ In the same sense as the ants, the continual distributed action of the members of the second superpower can, I believe, be expected to eventually prevail. Distributed mass behavior, expressed in rallying, in voting, in picketing, in exposing corruption, and in purchases from particular companies, all have a profound effect on the nature of future society. More effect, I would argue, than the devastating but unsustainable effect of bombs and other forms of coercion.¶ Deliberation in the first superpower is relatively formal—dictated by the US constitution and by years of legislation, adjudicating, and precedent. The realpolitik of decision making in the first superpower—as opposed to what is taught in civics class—centers around lobbying and campaign contributions by moneyed special interests—big oil, the military-industrial complex, big agriculture, and big drugs—to mention only a few. In many cases, what are acted upon are issues for which some group is willing to spend lavishly. By contrast, it is difficult in the US government system to champion policy goals that have broad, long-term value for many citizens, such as environment, poverty reduction and third world development, women’s rights, human rights, health care for all. By contrast, these are precisely the issues to which the second superpower tends to address its attention.¶ Deliberation in the second superpower is evolving rapidly in both cultural and technological terms. It is difficult to know its present state, and impossible to see its future. But one can say certain things. It is stunning how quickly the community can act—especially when compared to government systems. The Internet, in combination with traditional press and television and radio media, creates a kind of “media space” of global dialogue. Ideas arise in the global media space. Some of them catch hold and are disseminated widely. Their dissemination, like the beat of dance music spreading across a sea of dancers, becomes a pattern across the community. Some members of the community study these patterns, and write about some of them. This has the effect of both amplifying the patterns and facilitating community reflection on the topics highlighted. A new form of deliberation happens. A variety of what we might call “action agents” sits figuratively astride the community, with mechanisms designed to turn a given social movement into specific kinds of action in the world. For example, fundraisers send out mass appeals, with direct mail or the Internet, and if they are tapping into a live issue, they can raise money very quickly. This money in turn can be used to support activities consistent with an emerging mission.

### Other

#### Their stats are bogus—this crushes their numerical whitewashing—

**Gregory 10** (Derek Gregory , Prof. of Geography @ U. of British Columbia, “War and peace,” Transactions of the Institute of British Geographers, Vol. 35.2)

Ferguson is not alone in his silence. Many of those who regarded those continuing conflicts as ‘remote’– which excludes the millions to whom those ‘theatres’ were their homes – elected to repress or to re-script the role of the global North in provoking violence in the global South. Hence Mueller’s (2009) claim that, asymptotically, ‘war has almost ceased to exist’, at least between ‘advanced states’ or ‘civilised nations’. Within those states, amnesia has now become so common that Judt (2008) describes the 20th century as the forgotten century. ‘We have become stridently insistent that the past has little of interest to teach us’, he writes: ‘Ours, we assert, is a new world; its risks and opportunities are without precedent.’ He suggests that ‘in our haste to put the twentieth century behind us’, to lock horror and misery in the attic-rooms of our memories and museums, we – particularly the ‘we’ that is US, so to speak –‘have forgotten the meaning of war’. The parenthetical qualification is necessary because in Europe the remains of two world wars are etched deep into the cultural landscape. There, some have seen salvation in Europe’s construction of ‘civilian states’ out of the wreckage –‘the obsolescence of war is not a global phenomenon’, Sheehan (2007, xvii) argues, ‘but a European one, the product of Europe’s distinctive history in the twentieth century’– while others have sought redemption in the constitutively (‘core’) European pursuit of Kant’s perpetual peace (Habermas 2006). But the meaning of modern war is not confined to those terrible global conflicts, and their exorbitation of war as ‘total war’ was not a bolt from the blue. Its arc can be traced back to the Napoleonic wars. Bell locates the origins of a recognisably modern culture of war in those ferocious campaigns and their ‘extraordinary transformation in the scope and intensity of warfare’ (2007, 7). It was then, too, that the ill-fated French occupation of Egypt in 1798 and the savage expeditions through the Levant inaugurated what Said (1978, 87) saw as a modern, profoundly martial Orientalism that was to be reactivated time and time again throughout the 20th and on in to our own century. We should remember, too, that Napoleon also had to contend with insurgencies in Egypt and in Europe; 19th-century war cannot be reduced to a succession of battles between the armies of contending states, any more than it can in subsequent centuries when, as Judt (2008, 6) reminds, war has ‘frequently meant civil war, often under the cover of occupation or “liberation”‘. If these observations qualify the usual European genealogy of modern war, then its supersession cannot be a European conceit either. Across the Atlantic a number of critics worry that, in the wake of 9/11, the United States continues to prepare its ‘serial warriors’ for perpetual war (Young 2005; Bromwich 2009). The Pentagon has divided the globe into six Areas of Responsibility assigned to unified combatant commands – like US Central Command, or CENTCOM (Morrissey 2009) – and relies on a veritable ‘empire of bases’ to project its global military power (Figure 1).2 And yet Englehardt reckons that it’s hard for Americans to grasp that Washington is a war capital, that the United States is a war state, that it garrisons much of the planet, and that the norm for us is to be at war somewhere at any moment. (2009) Writing barely a year after the presidential election, he ruefully observed that the Bush administration, ‘the most militarily obsessed administration in our history, which year after year submitted ever more bloated Pentagon budgets to Congress’, was succeeded by the Obama administration that had already submitted an even larger one. There are of course differences in foreign and military policy between the two, but re-scripting the war in Afghanistan as ‘the good war’, a war of necessity, even a Just War – the comparison is with Bush’s Iraq war – continues to license the re-scripting of a succession of other wars from Korea or even the Philippines to Afghanistan (and beyond) as the imaginative scene for a heroic interventionism by the United States and its allies – Kipling’s ‘savage wars of peace’ now waged by a stern but kindly Uncle Sam (Boot 2003a) – that endorses a hyper-masculinised military humanism (Barkawi 2004; Douzinas 2003). The shifting fortunes of inter-state wars and ‘small wars’ since the Second World War have been charted by two major projects: the Correlates of War project (COW) at the University of Michigan, devoted to ‘the systematic accumulation of scientific knowledge about war’, and the joint attempt to establish an Armed Conflict Dataset by the Uppsala Conflict Data Program in Sweden (UCDP), the International Peace Research Institute in Norway (PRIO) and the Human Security Report Project in Canada (HSRP). Any quantitative assessment is a battlefield of its own, involving disputes over definitions and data and, for that matter, over the reduction of military violence to abstract metrics and body counts. This holds for individual wars – think, for example, of the debates that have raged over estimates of casualties in Iraq – but it applies a fortiori to any global audit. The sources for such studies are inevitably uneven and, as Østerud (2008a 2008b) reminds us, ‘deaths from decentralized and fragmented violence are probably underreported relative to deaths from more centralized and concentrated violence’ (2008a, 226). The screening and sorting devices that have to be used in these approaches only compound the difficulty. Most quantitative studies count as a ‘war’ only armed conflicts that produce at least 1000 deaths each year, which is a necessarily arbitrary threshold, and the common restriction to ‘battle-field’ or ‘battle-related deaths’ excludes many other deaths attributable to military or paramilitary violence. Although these tallies include civilians caught in the crossfire, they exclude deaths from war-induced disease or starvation and, crucially, ‘the deliberate killing of unarmed civilians’. These are serious limitations. To erase the deliberate killing of civilians makes a mockery not only of the ‘new wars’ I describe below, which are widely supposed to focus on civilians as targets, but also of old ones. What are we then to make of the bombing offensives of the Second World War? For these reasons, I also rely on a third, more recent project, the Consolidated List of Wars developed by the Event Data Project on Conflict and Security (EDACS) at the Free University of Berlin. This provides a database that reworks the thresholds used in other projects and, in distinguishing inter-state wars from other kinds of war, operates with a threshold of 1000 military or civilian deaths (Chojnacki and Reisch 2008). These body counts (and the temporal limits their exclusions assign to war) are defective in another sense, however, because casualties do not end with the end of war. Nixon (2007, 163) writes about the ‘slow violence’ of landmines, cluster bombs and other unexploded ordnance. It costs roughly 100 more to remove a landmine than to lay it, and in consequence: One hundred million unexploded mines lie inches beneath our planet’s skin. Each year they kill 24,000 civilians and maim many times that number. They kill and maim on behalf of wars that ended long ago… In neither space nor time can mine-terrorized communities draw a clear line separating war from peace. (Nixon 2007, 163) But, as Nixon emphasises, other lines can be drawn. Unexploded ordnance is heavily concentrated in some of the most impoverished places on the planet, often on the front lines of the Cold War in the South, including Afghanistan (the most intensively mined state in the world), Cambodia, Laos, Vietnam, Somalia, Angola, Mozambique, Nicaragua and El Salvador. Landmines not only kill directly; they also have a dramatic effect on local political ecologies, since they are typically used to interdict land-based resources and hence food supplies. In Mozambique, for example, large areas of prime agricultural land were sown with mines and have remained unworkable for years, which has forced farmers to bring marginal lands into cultivation with serious consequences for land degradation and food security (Unruh et al. 2003). Other slow killers that disproportionately ravage populations in the South also reach back to attack those in the North. Thus Blackmore (2005, 164–99) writes of ‘war after war’– the long-term effects of exposure to agents like dioxins or depleted uranium3– and there are countless killings ‘out of place’ by veterans returning to the North from war-zones in the South suffering from post-traumatic stress disorder. These remarks are not intended to disparage the importance of quantitative studies. While I despair of those who reduce war to a mortuary balance-sheet – what Arundhati Roy (2002, 111) called the algebra of infinite justice: ‘How many dead Afghans for every dead American?’– the raw numbers do mean something. But there is a world of meaning hidden behind the tallies and tabulations, which can never summon up the terror, grief and suffering that constitute the common currency of war (cf. Hyndman 2007). With these qualifications in place, the most relevant findings from these projects for my purposes are these. First, casting a long shadow over everything that follows, more than two million battle deaths have occurred worldwide in nearly every decade since the end of the Second World War. It bears repeating that this figure underestimates the carnage because the toll is limited to ‘battle deaths’.4 Second, the number of inter-state wars has remained low since the end of the Second World War; they declined and even briefly disappeared in the last decade of the 20th century, but reappeared at the start of the present century. Third, while intra-state wars were more frequent than inter-state wars throughout the 19th and 20th centuries (with the exception of the 1930s), by the end of the 20th century their numbers were increasing dramatically, with a corresponding increase in intra-state wars that drew in other states. The considerable rise in the number of armed conflicts between the end of the Second World War and the end of the Cold War was almost entirely accounted for by the increase in conflicts within states in the global South (Sarkees et al. 2003, 61–4). The number of intra-state wars declined steeply after 1992, though they continued to account for the vast majority of armed conflicts around the world; some have seen this trend continuing into the 21st century – in 2005 the Human Security Report trumpeted ‘a less violent world’– but others have detected a marked increase since the last fin de siècle (Chojnacki and Reisch 2008; Harbom and Wallensteen 2009).

### 1nr

#### Discourse= unique reason to reject

Seng 2—Head of Research for Institute of Defence and Strategic Studies, Singapore. PhD (Tan See, What Fear Hath Wrought: Missile Hysteria and The Writing of “America”, July 2002, http://www.rsis.edu.sg/publications/WorkingPapers/WP28.PDF, AMiles)

In Kyle’s discourse we encounter, first, the partisan criticism levelled against the previous administration for its evidently erroneous belief that China could be “reformed” by the “civilizing influence of the West.” That this statement proceeds immediately from there to demonstrate why “this theory hasn’t proven out” is not to imply that the senator from Arizona therefore thinks that the entirety of the Clinton Administration’s purported logic is thereby flawed. Indeed, his discourse enacts precisely the same exclusionary practice, present in the logic that he has just criticized, so as to position China as a “lesser subject,” so to speak, relative to the US. Again, Butler’s thoughts are helpful here: “This exclusionary matrix by which subjects are formed thus requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject.” 75 I would suggest that Butler’s “abject beings…who are not yet ‘subjects’” may possibly be construed as what I have termed “lesser subjects.” Hence, in much the same way that colonial or Orientalist discourses produced subaltern subjects in order to be known, domesticated, disciplined, conquered, governed, and of course civilized, 76 the figuration of “China” in Kyle’s discourse, evoking a genre of Otherness most moderns prefer to think has disappeared with the passing of colonialism, is that of an uncivilized barbaric nation and people. The previous Democratic administration, according to Kyle, erred in believing that the Chinese can be reformed and civilized, but no such hope – and it is, after all, a liberal hope – need be entertained by conservatives who know better than to even attempt to civilize “the natives.” This representation allows for the simultaneous production of the properly constituted subject, “America,” where human rights, the rule of law, democracy, and a track record of good neighbourliness are fully embraced along with capitalism. Here we may note that although this inventory of criteria has long been associated with how Americans perceive themselves – and, to be sure, how the world perceives America, positively as well as negatively – their own national history, however, is littered with as many spectacular failures as there have been successes in these very areas. Further, what is interesting to note, in terms of the redeployment – or, to paraphrase Foucault, a “re-incitement” – of Orientalist tropes in security discourse, is the shift from the sorts of axiomatic and practical axes that structure interrelated discourses on communism during and prior to the Cold War, to the axes that configure contemporary readings of communism or, more precisely, the latest variant of “socialism with Chinese characteristics.” As Campbell has pointed out, one of the dimensions upon which pivoted the construction of Soviet communism as the West’s Other was that of the organizing of economic relations: notably, in its most simplistic terms, central planning and collectivisation on the part of the communist bloc; and, laissez faire cum mixed economy and private ownership on the part of the Free World. 77 In the case of Senator Kyle’s narrative – which, in a key respect, reiterates and references norms and tropisms already present in security discourses on China during the Clinton presidency – that particular axis has become irrelevant in the wake of China’s “embrace of western capitalism” and growing integration with the global economy. 78 For a replacement, contemporary security discourse has mobilized other representational resources that, as we have seen, function within the senator’s discourse to domesticate and constitute China as a threat. And although China is described therein as “being led by a communist regime,” the choice of this particular adjective, deliberately circulated to invoke past articulations of fear, no longer refers to the same thing, however. Hence, much as China has “embraced western capitalism,” much as communism in its economic sense is no longer adhered to throughout all of China, the discursive construction of Otherness, to the extent that the figuration of communism is still being employed, now proceeds along the democratic/authoritarian axis, as well as along other axes (elaborated upon earlier) around which rogue states are constituted. From this fragment of discourse – reliant as it is on other discourses developmental, humanitarian, juridical, ethical, economic, political, ideological, cultural, and of course security in order to be effective – “emerges” a China that can be perceived in no other way other than as a threat to the US. Kyle concludes with a stirring endorsement of what may be for others symptomatic of American hubris and ethnocentricity: “We should hold China up to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy” 79 – words today that resonate ambivalently as Washington wages its “new war on terrorism” in the name of freedom and democracy while, at the same time, having to infringe upon the civil liberties of some Americans of particular ethno-religious backgrounds in the name of that war. Finally, it is not entirely clear why Chinese “military modernization and buildup of forces opposite Taiwan,” much less “Beijing’s threatening rhetoric” – as if Chinese leaders, unlike their US counterparts, do not ever employ rhetoric for purposes of domestic consumption – should automatically lead Americans to “the conclusion that China potentially poses a growing threat to [the US’s] national security.” To its credit, the Bush Administration has, for the most part, avoided any forthright labelling of China as a threat, much less a clear and present danger. But the conditions of discursive possibility for such labelling are clear and present, so much so that policy options of containment, confrontation, and engagement, in an important sense, do not constitute fundamentally distinct ways of conceptualising China, but rather overlapping approaches to managing an already presumed Other, both dangerous and threatening. As National Security Advisor Condoleeza Rice has argued, “China is not a ‘status quo’ power [because it] resents the role of the United States in the Asia-Pacific region” 80 – an ideological reduction that not only constitutes China as incorrigibly revisionist, but refuses the possibility that China may in fact accept (or, as a retired Chinese diplomat recently put it, “tolerate” 81 ) the international status quo owing to the benefits Beijing has accrued and desires to continuing accruing, thanks largely to America’s apparent stabilizing influence in the region. 82 Moreover, as one analyst has averred, “Beijing has a history of testing US presidents early to see what they’re made of.” 83 As in the above illustrations concerning rogue states, exclusionary practices along various axiomatic and practical axes construct a particular China that, in turn, legitimates the view of the Chinese and their missiles as threats. All the while, the contemporaneous production and reproduction of a particular American identity proceeds apace by way of the reiteration and reference of boundary producing performances that form the constitutive “outside” of danger, threat, and vulnerability.

### yemen

#### Can’t solve Yemen instability – AQAP Focus insufficient

Edwards 3/6, Aaron Edwards, Open Democracy, 3/6/14, http://www.opendemocracy.net/opensecurity/aaron-edwards/yemen%E2%80%99s-troubled-transition

Instability Yemen is one of the world’s most unstable states. Ranked 160th of 186 on the United Nations Human Development Index, it is scarred by illiteracy, gender inequality, unemployment and poverty. In the absence of a viable economic base, it depends on aid for survival. In 2011, when the “Arab spring” exploded across the Middle East and North Africa, in Sana’a the regime of the then president, Ali Abdullah Saleh, wobbled under the weight of protests that spread quickly across the country. Women and youth, backed by key segments of Yemeni civil society, took to the streets to bring attention to unemployment, corruption, health, education and economic volatility. The protests created an opportunity for violence. After a rocket attack on the presidential compound, in which Saleh was temporarily incapacitated, his deputy, Abdrabuh Mansour Hadi, took over as Acting President—an appointment confirmed by an election, in which he was however the only candidate, in February 2012.¶ In November 2011 the Gulf Cooperation Council (GCC) brokered an agreement on political transition. This established a National Dialogue Committee (NDC) embracing political, social, tribal and ethnic interest groups, to create the conditions for democratic elections in March 2014. To ensure effective stewardship, the UN appointed the veteran Moroccan diplomat Jamal Benomar as its Special Representative, signalling the international community’s backing for the NDC process.¶ The United States, United Kingdom and Russian Federation have all spoken of the need to allow the political transition to run its course, while calling on the Yemeni government to reform the security sector and better combat the threat from AQAP. But the roots of the challenges that still threaten to unravel Yemen’s transition have been insufficiently addressed.¶ A divided history¶ Yemen’s failure to consolidate its state structures can be traced back half a century to the second “Arab awakening” (the first being in the 19th century). Anti-colonial forces turned to violence to try to overthrow the traditional rulers in the two separate states of North and South Yemen.¶ North Yemen had been under the control of an ancient pre-Islamic imamate, dislodged from power on 26 September 1962. The imam, Muhammad al-Badr, was overthrown by a military coup and for eight years fought a bloody civil war. This saw 70,000 Egyptian troops intervene in support of the fledgling republican regime, while a covert mercenary unit of British and French special forces provided technical advice to the ousted royalists.¶ In South Yemen, the British (who called it South Arabia) were maintaining a foothold in Aden, their only port colony in the Middle East. Indirect rule over its hinterland was achieved by wooing powerful tribal confederations with guns and cash, bluffing them into thinking they were in control of their destiny and, on occasion, bombing them. This policy worked until Arab nationalism took root in the fertile revolutionary soil of North Yemen and spread like wildfire across the porous border into the south.¶ Yemen is one of the world's most unstable states.¶ Facing economic crisis at home and the resilience of Nasserite nationalism in the region, in 1967 the British reached a deal with the National Liberation Front (NLF), which had been consolidating its hold over South Yemen in the previous four years. After their departure, the NLF’s ideology gravitated from Arab nationalism on the right to a form of “Marxism-Leninism” along Soviet lines. By the time the Peoples’ Democratic Republic of South Yemen was born, the civil war in the north had ended in stalemate.¶ After the assassination in 1978 of the north’s president, Ahmad al-Ghashmi, his close friend Major Ali Abdullah Saleh, an artillery officer based in Taiz’z, assumed power. The distribution of patronage—“dancing on the heads of snakes”, he called it—among the tribal confederations, secular socialists and Islamist groupings stymied challenges to his authority for 30 years and allowed him to amass a strong political following in the guise of the General People’s Congress (GPC).¶ Manipulation of Yemen’s turbulent political economy allowed Saleh progressively to concentrate the state’s wealth in his own hands. Unification of what became the Republic of Yemen in 1990 accrued further problems, with the uneven development of capitalism north and south exacerbated by the collapse of the Soviet Union, inherited debt and tight control of distribution networks by a business cabal.¶ Grievances over perceived colonisation of the south by the north triggered the 1994 civil war but the southern forces were crushed within weeks by General Mansour Hadi, promptly rewarded with the vice-presidency. Many southerners still see the civil war as unfinished business.¶ Nor could the military eradicate resort to tribalism. There has been a tendency, notably in the excellent work of the late Professor Fred Halliday, to discount the allure of its “mystic exoticism”. But pre-Islamic tribal identities in the Arabian Peninsula have at times exerted a powerful hold and attempts to supplant them by the official ideology in South Yemen in the 1970s and 80s failed.¶ Tribalism has been one of the main sources of instability during the NDC process, from which the Southern Hirak Movement recurrently withdrew. Thanks mainly to social media, we can follow the growing secessionist demonstrations, which reflect a groundswell in the urban centres of the south in support of a return to a time when Aden served as their capital. The protests encompass a range of grievances, which coalesce around a return to political, social and economic rights purportedly usurped by northerners. The demand for an end to central-government control has also been reflected in the violence of the powerful tribal confederation in Hadhramaut, one of the largest and poorest parts of southern Yemen.¶ Uncertain future¶ The conclusion of the NDC process has seen President Hadi’s government endorse a plan to divide Yemen into six regional units: four northern (Azal, Saba, Janad and Tehama) and two southern (Aden and Hadhramaut). But this has been perceived by leaders of Hirak and the Yemen Socialist Party as stymying their designs for southern independence. The GPC’s attempts to buy off secessionism with limited autonomy do not bode well for the success of the political transition.¶ The threat posed by AQAP—which continues to preoccupy Western security planners—compounds the difficulty. But focusing on AQAP, without placing Yemen’s other problems in their proper context, does injustice to the complexity of Yemen and the security needs of its people.

#### Even if it does, Yemeni state collapse won’t increase the risk of terrorism—already safe havens

Spencer ‘11

JAMES SPENCER is a retired British infantry commander. He is a strategic analyst on political, security, and trade issues of the Middle East and North Africa and a specialist on Yemen, Foreign Affairs, “A False Dawn for Yemen’s Militants,” 6/8/11, http://www.foreignaffairs.com/articles/67883/james-spencer/a-false-dawn-for-yemens-militants?page=show, AD 8/5/11

Of course, Western policymakers must consider the worst-case scenario: Yemen as a failed state. Pirates based in Somalia are already the scourge of the Gulf of Aden; additional bases for piracy on Yemen's southern coast would only marginally increased threat. More important, Somalia is a haven for some transnational jihadis, but a poor operating base: there are few flights into or out of Somalia, and a limited number of attractive terrorist targets in the region. Yemen might descend into Somalia-style chaos, but the difficulties of sustaining the organization in such an environment would complicate AQAP's operation rather than enable it.

### pakistan

#### Bilateral talks prove relations high

APP 3/14/14 “Ambassador Jilani discusses bilateral ties with US House Speaker Boehner” http://www.brecorder.com/top-news/1-front-top-news/162415-ambassador-jilani-discusses-bilateral-ties-with-us-house-speaker-boehner.html

WASHINGTON: Pakistan's Ambassador to the United States Jalil Abbas Jilani met the Speaker of the US House of Representatives John Boehner on the Capitol Hill and discussed relations between the two countries.¶ Ambassador Jilani conveyed greetings from Pakistan's leadership to Speaker Boehner. He also thanked the Speaker for the consistent support extended by the US Congress for democracy in Pakistan, the Pakistani embassy said.¶ He briefed Speaker Boehner on democratic transition in Pakistan and the positive trajectory achieved in Pakistan-US bilateral relations.¶ Speaker Boehner recalled his visit to Pakistan in 2011 and discussed a range of issues in Pakistan-US bilateral relations and the region.¶ He reaffirmed the need for closer partnership between both countries as a critical factor for regional stability.¶ The meeting was characterized by cordiality and warmth.

#### Relations high, cooperation in squo and set to increase

APP 2/21/14 (Associated Press of Pakistan) “Pakistan, US working cooperatively to advance relationship” http://www.brecorder.com/top-news/1-front-top-news/159044-pakistan-us-working-cooperatively-to-advance-relationship.html

WASHINGTON: Pakistan and the United States are working cooperatively to advance their wide-ranging relationship, which is now back on track with the resumption of strategic dialogue, Islamabad's ambassador in Washington Jalil Abbas Jilani said.¶ Speaking to a gathering of academia, experts and students at the Georgetown University, Ambassador Jilani said the two countries are working closely towards regional security and stability.¶ The Georgetown University hosted Ambassador Jilani as part of the Asian Studies Programme at the Intercultural Center.¶ "The relationship is back on track," after setbacks it suffered in 2011 and 2012 and now the two countries are working together in areas of common interest including trade, economy, security, energy, counterterrorism and intelligence sharing, Jilani aid. Ambassador Jilani noted that Prime Minister Muhammad Nawaz Sharif had a very productive meeting with President Barack Obama at the White House in October last year and since then the working groups under the Strategic Partnership have met regularly to take forward bilateral cooperation.¶ The top Pakistani diplomat also apprised the gathering of Pakistan's democratic milestones, independence of judiciary, freedom of the Press and said the country's progress in the key areas bode well for its future even as it confronts economic and security challenges. Pakistan, he pointed out, has suffered the most at the hands of terrorism in the post-9/11 phase and the menace took a toll on economic growth but now Islamabad is fully focused on achieving an economic turnaround with a host of much-need reforms.¶ Regionally, the Ambassador said, Prime Minister Nawaz Sharif's government is committed to promoting peaceful relations with Pakistan's neighbors including Afghanistan and India and wants to address issues through dialogue.¶ On Afghanistan, Ambassador Jilani reaffirmed Islamabad's policy to back an Afghan-led and Afghan-owned reconciliation process in the country, as the US-led international forces draw down by the end of the current year.¶ The session was moderated by Professor Victor Cha, Director of the Asian Studies Programme.

#### Pakistan anti-Americanism inevitable even if we end drones

Afzal 11/19 – non resident fellow @ Brookings

Madhia, “On Pakistani Anti-Americanism” [http://www.brookings.edu/research/opinions/2013/11/14-pakistani-anti-americanism-afzal] November 19, 2013 //mtc

Anti-Americanism is unsurprisingly on fire these days in Pakistan. That Pakistan is amongst the most anti-American nations in the world is well known. This anti-Americanism did not, as some would lead us to believe, emerge precisely at the moment of the first drone strike in Pakistan, only to vanish the moment after the final (future) drone strike. Pakistanis have long been anti-American and will likely remain so. This column is an effort to unpack this sentiment through an analytical lens.¶ Anti-Americanism is typically considered to stem from two different sources: what America is (its culture, and its internal political and economic structure), and what America does (its foreign policy). This distinction is somewhat artificial in a context in which America is primarily defined internationally by its foreign policy.¶ A third source of anti-Americanism stems not from US actions or traits, but a strategic operationalisation of anti-American sentiment for political gain in the home country. It brokers internal unity in fractious environments. So we see the Pakistani government publicly condemning drone strikes even as it privately approves (at least some of) them. One of the reasons that the US probably cannot be more open about drone strikes is, ironically, to appease Pakistan’s government, which in turn, condemns drones to drum up anti-Americanism. Talk about a vicious (and confounding) cycle. Adapting a classification system developed by prominent political scientists Peter Katzenstein and Robert Keohane, we can think of four different types of anti-Americanism in Pakistan: radical, socio-religious, sovereign-nationalist and liberal. These categories are broadly decreasing in order of intensity from radical to liberal and increasing in order of malleability of attitudes.¶ The radical category does not need much elaboration: think of the likes of al Qaeda and its sympathisers. These people want destruction of the US because of what America is, what America does, and to gain global power.¶ Most Pakistanis are negatively predisposed to the US, with the predisposition ranging from mistrust to bias against the US and its actions.¶ The socio-religious category dislikes America, a powerful non-Muslim country that is also seen as doing harm to the Muslim world. This anti-Americanism has an important ‘us versus them’ dimension: the American superpower pitted against the Muslim world, with Pakistan’s identification and sympathy firmly ingrained on the side of other Muslim countries. This explains the reluctance to blame the terrorists who emerge from ‘us’, while at the same time, jumping to condemn the ‘other’s’ drones; it explains martyred canines and unmartyred soldiers. It also explains the identification with Muslim causes in other contexts (such as the Palestinian cause), while ignoring the atrocities against Christians, Shias, and Ahmadis in our own country. This category is perhaps, represented best by the Jamaat-e-Islami and other religious political parties, and by individuals subscribing to their views.¶ The sovereign-nationalist category focuses on American policies seen as causing harm towards Pakistan itself. Perhaps, the political party that fits in most neatly into this category is the PTI, with its stance against drone strikes. This category of anti-American sentiment focuses perhaps most clearly on what America does (and not necessarily what it is); Imran Khan argued exactly this in an interview with Express News on November 11, saying: “I am not anti-US … I am against their policies.”¶ The fourth and final category of anti-Americanism is the liberal type, which focuses on America’s perceived hypocrisy in saying one thing and doing another, and on failing to live up to its own liberal and progressive goals and ideals. Examples are its failure to close down Guantanamo Bay and historically propping up dictators in contexts where it suits its own interests to do so. Most Pakistanis are negatively predisposed to the US, with the predisposition ranging from mistrust to bias against the US and its actions. And these attitudes also have deep historical bases, which make them more difficult to change. With the above four types or categories of anti-Americanism spanning essentially all our social and economic classes, it is little wonder that anti-Americanism is used as a constant political tool for manipulation in Pakistan, especially by our civilian government and political parties and the media. It takes various forms, but unites a divided country.

### Decap

#### Leaders irrelevent to terrorist groups.

Hunter 9 - intelligence officer with the Defense intelligence ¶ agency (Dia) from June 2002 to april 2007; specialized in the analysis of terrorist tactics, techniques, and procedures (ttP) which included in-depth ¶ study of improvised explosive devices (ieDs) and the ttP employed in ¶ their use worldwide; holds a master’s degree in unconventional warfare from the american ¶ Military university, a master’s degree in international security studies ¶ from the university of St. andrews (Scotland) [Thomas Byron Hunter Targeted Killing: Self-Defense, Preemption, and the War on Terrorism. Journal of Strategic Security, 2009, 2 (2): 1-52. Available at: http://scholarcommons.usf.edu/jss/vol2/iss2/1]

In answering the first series of questions, the preponderance of information leads to the conclusion that the targeted killing of senior leaders ¶ or individuals does not lead to the dissolution or usually even a severe ¶ degradation of that group’s capabilities or intentions. This is particularly ¶ true in the case of those groups with long, established histories and large ¶ or highly motivated memberships, or a wide support base (e.g., al Qaeda, ¶ the revolutionary armed forces of colombia [farc], or Spain’s eta). These include terrorist groups, for example, that are seeking national ¶ identity.75 Smaller groups, such as the Red Army Faction and the Red ¶ Brigades survived the killing and imprisonment of key leaders and ¶ continued operations for years.¶ To borrow a conclusion from senior RAND terrorism analyst Brian ¶ Jenkins in his commentary in Newsday (December 3, 2003):¶ the more an enterprise draws from deep roots or has a broad base, ¶ the less the effect of the death of its leader. It is not the loss of a ¶ single leader that fells a movement, but the elimination of its leadership, operational capabilities, constituency and conditions.76¶ Additionally, the elimination (particularly the violent termination) of a ¶ leader, who has gained a “mythic” status among his supporters, can serve ¶ to demoralize a terrorist movement. As this mythic quality can often ¶ serve as a force multiplier in a terrorist campaign, the elimination of this ¶ element can have a strong impact. This is particularly true if the leader ¶ has previously identified himself (or is perceived by followers) to be immune to capture or death at the hands of the enemy.