# 2AC v UMKC

### T

#### 1. We meet—plan establishes a restriction on targeted killing that limits the presidents legal authority to use force

#### We meet – contextual ev

Guiora, 12 [Amos, Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Drone Policy: A Proposal Moving Forward,” <http://jurist.org/forum/2013/03/amos-guiora-drone-policy.php>]

To re-phrase, this strict scrutiny test seeks to strike a balance by enabling the state to act sooner but subjecting that action to significant restrictions. This paradigm would be predicated on narrow definitions of imminence and legitimate targets. Rather than enabling the consequences of the DOJ memo, the strict scrutiny test would ensure implementation of person-specific operational counterterrorism. That is the essence of targeted killing conducted in accordance with the rule of law and morality in armed conflict.

#### 2. Counter interpretation:

#### “Statutory restrictions” can mandate judicial review, but are *enacted* by congress

Mortenson 11 (Julian Davis Assistant Professor, University of Michigan Law School, “Review: Executive Power and the Discipline of History Crisis and Command: The History of Executive Power from George Washington to George W. Bush John Yoo. Kaplan, 2009. Pp vii, 524,” Winter 2011, University of Chicago Law Review 78 U. Chi. L. Rev. 377)

At least two of Yoo's main examples of presidential power are actually instances of presidential deference to statutory restrictions during times of great national peril. The earliest is Washington's military suppression of the Whiskey Rebellion (III, pp 66-72), a domestic disturbance that Americans viewed as implicating adventurism by European powers and threatening to dismember the new nation. n60 The Calling Forth Act of 1792 n61 allowed the President to mobilize state militias under federal control, but included a series of mandatory procedural checks--including judicial [\*399] approval--that restricted his ability to do so. n62 Far from defying these comprehensive restrictions at a moment of grave crisis, Washington satisfied their every requirement in scrupulous detail. He issued a proclamation ordering the Whiskey Rebels to disperse. n63 When they refused to do so, he submitted a statement to Justice James Wilson of the Supreme Court describing the situation in Pennsylvania and requesting statutory certification. n64 Only when Wilson issued a letter precisely reciting the requisite statutory language (after first requiring the President to come back with authentication of underlying reports and verification of their handwriting n65) did Washington muster the troops. n66 Washington's compliance with statutory restrictions on his use of force continued even after his forces were in the field. Because Congress was not in session when he issued the call-up order, Washington was authorized by statute to mobilize militias from other states besides Pennsylvania--but only "until the expiration of thirty days after the commencement of the ensuing [congressional] session." n67 When it became clear that the Pennsylvania campaign would take longer than that, Washington went back to Congress to petition for extension of the statutory time limit that would otherwise have required him to [\*400] disband his troops. n68 Far from serving as an archetypal example of presidential defiance, the Whiskey Rebellion demonstrates exactly the opposite. FDR's efforts to supply the United Kingdom's war effort before Pearl Harbor teach a similar lesson. During the run-up to America's entry into the war, Congress passed a series of Neutrality Acts that supplemented longstanding statutory restrictions on providing assistance to foreign belligerents. Despite these restrictions, FDR sent a range of military assistance to the future Allies. n69 Yoo makes two important claims about the administration's actions during this period. First, he claims the administration asserted that "[a]ny statutory effort by Congress to prevent the President from transferring military equipment to help American national security would be of 'questionable constitutionality'" (III, p 300). Second, he suggests that American military assistance in fact violated the neutrality statutes (III, pp 295-301, 310, 327-28).

#### Restrict doesn’t mean prohibit

**Coffey, 82** - US Circuit Judge, dissenting (VICTOR D. QUILICI, ROBERT STENGL, et al., GEORGE L. REICHERT, and ROBERT E. METLER, Plaintiffs-Appellants, v. VILLAGE OF MORTON GROVE, et al., Defendants-Appellees Nos. 82-1045, 82-1076, 82-1132 UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT 695 F.2d 261; 1982 U.S. App. LEXIS 23560, lexis)

Pursuant to section 83, a municipality can enact an ordinance reasonably restricting or confining the use and possession of firearms. A municipality can also require registration of firearm ownership. What the legislature has authorized is limited regulation of firearm possession by local units of government, but not prohibition. Section 83 does not allow a municipality such as Morton Grove to categorically prohibit handgun possession. [\*\*35] To limit or restrict involves a circumscription which falls far short of an absolute prohibition.

"The words 'prohibit' and 'restrict' are not synonymous. They are not alike in their meaning in their ordinary use . . . . 'To restrict is to restrain within bounds; to limit; to confine and does not mean to destroy or prohibit.'"

#### 3. We meet our counter interpretation, drone courts are legal restrictions on the targeted killing activities of the president

#### 4. And, their interpretation is terrible and arbitrary Restrictions and regulations can both be prohibitions or limitations—no brightline to their interp

#### 5. Prefer our interpretation

#### Topic Education— drone courts are heart of topic in targeted killing, it is the largest policy proposal for resolving presidential authority

#### Predictable ground—best to include largest cases in the literature because they are a locus for negative and affirmative research and preparation

#### 5. Prefer reasonability over competing interpretations if the aff doesn’t make debate impossible than you can’t vote against us

## Politics

**No deal – Boehner can’t get house GOP in line**

**Alberta 9-26** (Tim Alberta, leadership reporter for the National Journal, Republicans Not Sold on Boehner's Debt-Ceiling Plan, National Journal, 26 September 2013, http://www.nationaljournal.com/congress/republicans-not-sold-on-boehner-s-debt-ceiling-plan-20130926, da 9-26-13) PC

Speaker John **Boehner attempted** Thursday morning **to sell House Republicans on a debt-ceiling plan that would delay** the implementation of **Obamacare, jumpstart the Keystone Pipeline, and introduce** other **conservative reforms in hopes of uniting the GOP conference** ahead of tough votes on the continuing resolution and debt-ceiling.¶ But **reaction** from members **was mixed, at best**.¶ **"We shouldn't** even **be talking about the debt-ceiling until we get [the Senate] to vote on a good CR** for America," **fumed Rep**. Louie **Gohmert** of Texas, **who plans to vote against the** debt-ceiling **bill** when it hits the floor, which could happen as soon as Friday.¶ **Rep**. Mo **Brooks** of Alabama said he was undecided on the debt-limit package, even though "it definitely has a lot of goodies in it." Brooks **added: "It does not cut spending and does not solve the problem."**¶ **Asked if it could pass the House, Brooks replied, "In my judgment, no."**¶Others Republicans, though, were more optimistic. Rep. Tom Price of Georgia, who has been working with leadership to craft a comprehensive strategy to deal with the CR and debt-ceiling fights, said members seemed satisfied that Boehner's proposal meets the criteria they have long demanded for a debt-ceiling increase.¶ "It meets the Boehner Rule -- any increase is met by dollar-for-dollar decrease in spending as well as reforms," Price said. "It will delay Obamacare for a year. ... And it keeps the House moving in a direction where the Senate has to respond, which is important."¶ But does it have enough support to pass the House? "I think so, yeah," Price said.¶ Rep. Kevin Brady of Texas agreed, saying conservatives should rally behind the Boehner plan. "We should be unified in bringing this debt-ceiling proposal out of the House," said Brady, noting that the package includes "very strong, pro-growth policies that will help reduce the deficit."¶ Brady said of a potential floor vote Friday: "There should be more than 218."¶ **The prospect of a quick floor vote**, however, **did not sit well with undecided Republicans like Rep**. Jim **Bridenstine** of Oklahoma. "I'm looking forward to seeing what leadership puts on the table," he said. "I think there's a lot more to be discussed."¶ **Rep**. Randy **Weber** of Texas **agreed**: "I have decided not take a position as of yet," he said. "I want to hear more."¶ Meanwhile, conservative leaders wouldn't bite when asked whether the debt-ceiling proposal has the votes to pass.¶ "You must confuse me with the whip," said a smiling Rep. Jeb Hensarling of Texas. Pressed to analyze the support within his conference for Boehner's plan, Hensarling repeated three times: "I expect Republicans to be united."¶ Even **Rep**. Steve **Scalise, chairman of the Republican Study Committee, seemed uncertain of whether Boehner's presentation had won over a sufficient number of conservatives**. "We're going to find out," he said. "You'll have to ask the whip."

#### CR thumps

Tamara Keith, “House GOP Leaders Gear Up For Debt Ceiling Battle,” NPR, 9/27/13. http://www.npr.org/2013/09/27/226716489/house-gop-leaders-gear-up-for-debt-ceiling-battle

The Senate is scheduled to vote on a bill later today that would keep the government open through the middle of November. What it won't do is defund Obamacare, something many House Republicans are still demanding. This means the fight over the short-term spending bill is likely to keep raging right up to a possible government shutdown on Tuesday. And this comes before the real battle coming next month over the nation's debt ceiling.

#### Republicans strong position on debt ceiling –will force concessions from Obama

Manu Raju and Jake Sherman, “Republicans shun shutdown but flirt with default,” Politico, 9/26/13

The shift in strategy is a sign of how Republicans — tired of being divided over tactics in this fall’s fiscal fights — are eagerly looking to unite in the next battle, hoping to win concessions from the White House. Many Republicans believe that they would lose a public relations war if government agencies were forced to close down, much the way Republicans did in the budget battles with President Bill Clinton in the 1990s. But on raising the $16.7 trillion debt ceiling, Republicans believe they’re on much firmer political ground to demand some spending cuts — or changes to Obamacare — given the public’s disapproval of sky-high deficits and the unpopularity of the health care law. The early debt ceiling jockeying is another sign that Washington will be consumed this fall and winter with a seemingly endless series of fiscal battles that could cause tremendous harm to the U.S. and international economies. Congress is now struggling to pass a stopgap spending bill to keep the government running past Oct. 1. And if the House and Senate reach an agreement, it will almost certainly be a short-term plan, causing Congress to revisit the funding battle as early as mid-November. And hovering over everything else is the Oct. 17 deadline to raise the debt ceiling — a battle widely expected on Capitol Hill to be far messier than the current fight. Refusing to replay the brinkmanship in 2011 that caused a first-ever downgrade of U.S. debt, the White House steadfastly refuses to negotiate over the debt ceiling. But to get 60 Senate votes, President Barack Obama may have to negotiate with Republicans who won’t give him a debt ceiling increase for free. And some Republicans say a clear way to do that is to delay the Jan. 1 deadline mandating the purchase of individual health insurance. Sen. Bob Corker (R-Tenn.), who has called Cruz’s tactics “a box canyon,” believes the debt ceiling should be used as a way to slash mandatory spending programs that are driving up the deficit. “I think there are some achievable things that — like the individual mandate, like the medical device tax … it seems to me that we ought to try to achieve some wins, some policies that we can actually put in place,” Corker said. “I think on the debt ceiling, the best approach would be try to actually achieve something of substance as far as altering the legislation.” “The debt ceiling provides more of an opportunity to get something than the [continuing resolution] does,” said Missouri Sen. Roy Blunt, a member of GOP leadership, who is open to the idea of tying a delay of the individual mandate to the debt ceiling. “Obviously the main thing we are talking about now is the [continuing resolution], but the CR is really a step to the debt ceiling,” said Sen. John Hoeven (R-N.D.). “It leads right into the debt ceiling issue.” Still, it’s an incredibly risky proposition. Defaulting on the debt could prevent the country from paying bills and have unforeseen economic consequences across the globe, shaking financial markets and affecting government programs like Medicare and Social Security. On Wednesday, Treasury Secretary Jack Lew warned House Speaker John Boehner (R-Ohio) that the debt ceiling needed to be raised by Oct. 17, saying that otherwise the U.S. will be left with about $30 billion to pay the country’s bills, when daily expenditures can be as high as $60 billion. “If Congress were to repeat that [2011] brinkmanship in 2013, it could inflict even greater harm on the economy,” Lew said. “And if the government should ultimately become unable to pay its bills, the results would be catastrophic.” Some Republicans are clearly spooked by this scenario. “My hope and prayer for this country is we quit lurching from crisis to crisis to crisis to crisis,” said Sen. Mike Johanns (R-Neb.). Boehner’s strategy — and the entire government funding situation — is very obviously in flux. Privately, the speaker is trying to notch a couple of victories for his side on the stopgap spending measure before moving on to the debt ceiling fight. When Boehner sends the spending bill back to the Senate, potentially on the eve of the Oct. 1 deadline, he may target unpopular Obamacare provisions, including federal dollars to help pay for lawmakers’ and aides’ insurance coverage or a delay of the individual mandate for one year. If no deal is reached to keep the government funded, an even shorter-term deal — potentially for a week — is possible. Even if House GOP leaders concede the fight on Obamacare in the stopgap spending bill, they know they could refocus Republicans’ attention on the next war with Democrats: the debt ceiling. “As history has shown, the time to get significant changes to spending is on the debt limit,” said Rep. Tom Price (R-Ga.), a leading conservative who consults with his party leaders. “Any increase in the debt limit must be accompanied by an equal decrease in spending and reforms.” Boehner’s strategy all along has been to place outsize importance on the debt ceiling fight. His reasoning is simple: He thinks Obama’s position — that he will not negotiate on lifting the borrowing limit — is impossible to maintain. So the speaker has compiled a debt hike bill with a bunch of goodies that they think House Republicans will vote for, and red state Senate Democrats won’t want to avoid. Under the House GOP bill, the debt ceiling would be increased by one year, there would be a one-year delay of the individual mandate and there would be language to jump-start the controversial Keystone XL oil pipeline — not to mention a smattering of federal regulations that would be rolled back. The measure could come up for a House vote in the next few days.

#### 1st, Restrictions on targeted killing coming now—debates on transparency and oversight thump the disad

Stangler, 9-16-13

[Cole, In These Times staff writer based in northeast D.C., covering Congress, corruption and politics in Washington. His reporting has appeared in The Huffington Post and The American Prospect, Will Syria Re-Energize the Anti-Drone Movement?, http://inthesetimes.com/article/15627/will\_syria\_re\_energize\_the\_anti\_drone\_movement/] /Wyo-MB

 “It can be enough to have champions in Congress who are going to really push these issues with the administration, especially if they’re on key committees,” Benjamin says. “We’re having a Drone Summit November 16 and 17, and before these issues around Syria, I was saying, ‘Oh, it’s not even worth it to try and get Congress people to come; they’re not going to want to be seen as speaking out against the administration’s policies.’ And now I feel totally differently. Now I feel like, ‘Yes, let’s push them to come to the drone summit. Let’s get them to be our champions.’ ”¶ One of those champions, at least on the issue of targeted killings, could very well be Grayson, who sits on the House Committee on Foreign Affairs. In These Times asked the congress member if he was interested in addressing and reining in the administration’s use of drones.¶ “Yes, that’s up for debate,” Grayson answered. ”It’s clear now that we’ve killed over 100 children in these drone attacks. It’s difficult to characterize these children as, in any sense, Al-Qaeda members. And the problem with drone attacks is that it makes warfare almost invisible to everyone except the victims. The Obama administration has used drones according to published reports over 100 times in Pakistan and in Yemen. And what they’ve created was the same sort of secret war that we ended up condemning Nixon for in Cambodia. This is a war that kills, this is a war that maims, this is a war that has its collateral damage and its victims in spades—even the occasional American citizen who ends up being killed in these attacks without due process.”¶ Congressional oversight over the administration’s use of drones is restricted to the House and Senate Intelligence Committees, and even committee members receive only limited classified information. For the most part, Congress has shown little interest in drones, holding its first-ever hearings on the topic this year—although the U.S. government adopted drones for targeted killings over a decade ago, shortly after 9/11. The Senate Judiciary Committee held the first two hearings—one in March on the coming introduction of drones into domestic airspace, while the Subcommittee on the Constitution, Civil Rights and Human Rights held another in April devoted to targeted killings (which the administration notably skipped out on). In May, the Congressional Progressive Caucus organized a separate hearing on drones. These hearings generated calls for greater transparency and federal oversight.

#### 3rd, plan popular in congress

Jakes 13

(Laura Jakes, writer for the Associate Press. “Congress Considers Putting Limits on Drone Strikes” 2-6-13 http://www.military.com/daily-news/2013/02/06/congress-considers-putting-limits-on-drone-strikes.html//wyoccd)

WASHINGTON -- Uncomfortable with the Obama administration's use of deadly drones, a growing number in Congress is looking to limit America's authority to kill suspected terrorists, even U.S. citizens. The Democratic-led outcry was emboldened by the revelation in a newly surfaced Justice Department memo that shows drones can strike against a wider range of threats, with less evidence, than previously believed.¶ The drone program, which has been used from Pakistan across the Middle East and into North Africa to find and kill an unknown number of suspected terrorists, is expected to be a top topic of debate when the Senate Intelligence Committee grills John Brennan, the White House's pick for CIA chief, at a hearing Thursday.¶ The White House on Tuesday defended its lethal drone program by citing the very laws that some in Congress once believed were appropriate in the years immediately after the Sept. 11 attacks but now think may be too broad.¶ "It has to be in the agenda of this Congress to reconsider the scope of action of drones and use of deadly force by the United States around the world because the original authorization of use of force, I think, is being strained to its limits," Sen. Chris Coons, D-Del., said in a recent interview.¶ Rep. Steny Hoyer of Maryland, the No. 2 Democrat in the House, said Tuesday that "it deserves a serious look at how we make the decisions in government to take out, kill, eliminate, whatever word you want to use, not just American citizens but other citizens as well."¶ Hoyer added: "We ought to carefully review our policies as a country."¶ The Senate Foreign Relations Committee likely will hold hearings on U.S. drone policy, an aide said Tuesday, and Chairman Robert Menendez, D-N.J., and the panel's top Republican, Sen. Bob Corker of Tennessee, both have quietly expressed concerns about the deadly operations. And earlier this week, a group of 11 Democratic and Republican senators urged President Barack Obama to release a classified Justice Department legal opinion justifying when U.S. counterterror missions, including drone strikes, can be used to kill American citizens abroad.¶ Without those documents, it's impossible for Congress and the public to decide "whether this authority has been properly defined, and whether the president's power to deliberately kill Americans is subject to appropriate limitations and safeguards," the senators wrote.

#### 4th, Political capital theory not true—and if the plan causes a fight it means Obama will get to pass more legislation—winning wins

Hirsh, 2013

[Michael, national journal chief correspondent, There’s No Such Thing as Political Capital, 3-30-13, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207] /Wyo-MB

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “Winning wins.” In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors” Ornstein says. “If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”

#### Prioritization solves default

Tamara Keith, “House GOP Leaders Gear Up For Debt Ceiling Battle,” NPR, 9/27/13. http://www.npr.org/2013/09/27/226716489/house-gop-leaders-gear-up-for-debt-ceiling-battle

KEITH: John Kline is a Minnesota Republican. He says, unlike a government shutdown, with the debt limit, there would be no immediate crisis.¶ KLINE: The government has the authority to spend money. It simply doesn't have enough. But the secretary of the Treasury has the ability to pay different parts of the obligation.¶ KEITH: This is a concept known as prioritization. Make interest payments on the national debt first, and there won't be a default. John Fleming is a Republican from Louisiana.¶ REPRESENTATIVE JOHN FLEMING: There's always enough revenue to make interest payments. There will never be a shortfall on that, so that default is impossible.

**Factors make supply disruptions and price volatility inevitable**

**Forbes, ‘11**

[“Highly Leveraged Agriculture Will Keep Food Prices Volatile And High,” 9-9, <http://www.forbes.com/sites/afontevecchia/2011/09/09/highly-leveraged-agriculture-will-keep-food-prices-volatile-and-high/>]

With food prices remaining stubbornly high near record levels, price swings and volatility have come to constitute a new normal in the commodities complex. While pass-through to consumers is slow, this will put renewed pressure on producers, leveraged in terms of efficiency, and will put the world’s poor at risk as small disruptions, such as bad weather, can throw off crop counts and send prices even higher. Speaking at the Bloomberg Link Inflation Conference, portfolio managers Lincoln Ellis of Linn Group and Jennifer Fan of Arrowhawk Capital, along with MIT Professor Roberto Rigobon, made the case for a new normal in the commodities complex, particularly as it relates to food and agricultural products. Global food prices surged toward the end of 2010, pushing 44 million people into poverty, according to the World Bank. Prices have remained stubbornly high through 2011, as the UN’s FAO Price Index shows. Released Thursday, the latest data show the index just shy of the all-time high mark hit back in February, 26% above its measure a year ago. (Read On The Verge Of A Global Food Crisis).

## CP

#### And, Executive reform and review fails—not a neutral decision maker, secrecy and speed undermine effective decision making—counterplan undermines separation of powers

Chebab, 2012

[Ahmad, Georgetown University Law Center, Retrieving the Role of Accountability in the Targeted Killings Context: A Proposal for Judicial Review, 3-30-12, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2031572] /Wyo-MB

The argument put forth here, therefore, is that in light of the protections the Constitution¶ affords U.S. citizens, there must be a degree of inter-branch process when such individuals are targeted by the government to ensure that (1) these individuals truly pose a direct and imminent threat to the United States and (2) targeting is truly the last resort.¶ The preceding case law suggests that domestic legal protections for U.S. citizens necessitate a higher procedural threshold.102 Justice O’Connor acknowledged the danger inherent in exclusively intra-branch process in Hamdi when she asserted that the Executive is not a neutral decision-maker as the “even purportedly fair adjudicators are disqualified by their interest in the controversy.”103 In rejecting the government’s argument that a “separation of powers” analysis mandates a heavily circumscribed role for the courts in these circumstances, Justice O’Connor concluded that in times of conflict, the Constitution “most assuredly envisions a role¶ for all three branches when individual liberties are at stake.”104 Applying this reasoning to the entirely intra-executive process currently being afforded to American citizens like al-Awlaki would suggest that in the realm of targeted killing, where the deprivation is one’s life, the absence of any “neutral decision-maker” outside the executive branch is a clear violation of due process guaranteed by the Constitution. On a policy level, the danger of intra-executive process is similarly alarming. As Judge James Baker, in describing the nature of covert actions put it:¶ Because this process is internal to the executive branch, it is subject to executive-branch exception or amendment, with general or case-specific approval by the president. This is risky because in this area, as in other areas of national security practice, the twin necessities of secrecy and speed may pull as they do against the competing interests of deliberate review, dissent, and accountable decision-making.105

#### 2nd, Perm do both

#### 3rd, counterplan links to politics

Schier 9

[Steven, Professor of Poliitcal Science at Carleton,"Understanding the Obama Presidency," The Forum: Vol. 7: Iss. 1, Berkely Electronic Press, http://www.bepress.com/forum/vol7/iss1/art10]

 In additional to formal powers, a president’s informal power is situationally derived and highly variable. Informal power is a function of the “political capital” presidents amass and deplete as they operate in office. Paul Light defines several components of political capital: party support of the president in Congress, public approval of the presidential conduct of his job, the President’s electoral margin and patronage appointments (Light 1983, 15). Richard Neustadt’s concept of a president’s “professional reputation” likewise figures into his political capital. Neustadt defines this as the “impressions in the Washington community about the skill and will with which he puts [his formal powers] to use” (Neustadt 1990, 185). In the wake of 9/11, George W. Bush’s political capital surged, and both the public and Washington elites granted him a broad ability to prosecute the war on terror. By the later stages of Bush’s troubled second term, beset by a lengthy and unpopular occupation of Iraq and an aggressive Democratic Congress, he found that his political capital had shrunk. Obama’s informal powers will prove variable, not stable, as is always the case for presidents. Nevertheless, he entered office with a formidable store of political capital. His solid electoral victory means he initially will receive high public support and strong backing from fellow Congressional partisans, a combination that will allow him much leeway in his presidential appointments and with his policy agenda. Obama probably enjoys the prospect of a happier honeymoon during his first year than did George W. Bush, who entered office amidst continuing controversy over the 2000 election outcome. Presidents usually employ power to disrupt the political order they inherit in order to reshape it according to their own agendas. Stephen Skowronek argues that “presidents disrupt systems, reshape political landscapes, and pass to successors leadership challenges that are different from the ones just faced” (Skowronek 1997, 6). Given their limited time in office and the hostile political alignments often present in Washington policymaking networks and among the electorate, presidents must force political change if they are to enact their agendas. In recent decades, Washington power structures have become more entrenched and elaborate (Drucker 1995) while presidential powers – through increased use of executive orders and legislative delegation (Howell 2003) –have also grown. The presidency has more powers in the early 21st century but also faces more entrenched coalitions of interests, lawmakers, and bureaucrats whose agendas often differ from that of the president. This is an invitation for an energetic president – and that seems to describe Barack Obama – to engage in major ongoing battles to impose his preferences.

#### 5th, Cant solve drone prolif—Courts play a highly influential role on executive’s behavior and are key to solve transparency in strikes

Wexler 13

(Lesley, Professor of Law, University of Illinois College of Law, “The Role of the Judicial Branch during the Long War: Drone Courts, Damage Suits, and FOIA Requests,” 2013, Social Science Research Network/) /wyo-mm

This chapter suggests the judiciary may play an important role in the debate over the executive branch’s decisions regarding IHL even if it declines to speak to the substance of such cases. First, advocates may use courts as a visible platform in which to make their arguments and spur conversations about alternative, non-judicially mandated transparency and accountability measures. As they did with the trio of detention cases, advocates can leverage underlying constitutional concerns about the treatment of citizens to stimulate interest in the larger IHL issues. Second, litigants may use courts to publicize and pursue Freedom of Information (FOIA) requests and thus enhance transparency. Even if courts decline to grant FOIA requests, the lawsuits can generate media attention about what remains undisclosed. Third, and most robustly, Congress may pass legislation that would facilitate either prospective review of kill lists through a so-called drone court or remove procedural barriers to retrospective damage suits for those unlawfully killed by a drone strike. Even the threat of such judicial role may influence executive branch behavior.

## K

#### Engaging the state is critical to solve global challenges: Engagement refocuses energies through citizen participation in national institutions that solve for war as well as environmental and social challenges

Sassen 2009

[ColumbiaUniversity, istheauthorof TheGlobalCity (2ndedn, Princeton, 2001), Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton, 2008) and A Sociology of Globalisation (Norton,2007), among others, 2009, The Potential for a Progressive State?, uwyo//amp]

Using state power for a new global politics These post-1980s trends towards a greater interaction of national andglobal dynamics are not part of some unidirectional historical progres-sion. There have been times in the past when they may have been as strong in certain aspects as they are today (Sassen, 2008a: chapter 3). But the current positioning of national states is distinctive precisely because 270 Saskia Sassen the national state has become the most powerful complex organizational entity in the world, and because it is a resource that citizens, confined largely to the national, can aim at governing and using to develop novel political agendas. It is this mix of the national and the global that is so full of potential. The national state is one particular form of state: at the other end of this variable the state can be conceived of as a technical administrative capability that could escape the historic bounds of narrow nationalisms that have marked the state historically, or colonialism as the only form of internationalism that states have enacted. Stripping the state of the particularity of this historical legacy gives me more analytic freedom in conceptualising these processes and opens up the possibility of the denationalised state.As particular components of national states become the institutional home for the operation of some of the dynamics that are central to glob-alisation they undergo change that is difficult to register or name. In my own work I have found useful the notion of an incipient denation-alising of specific components of national states, i.e. components that function as such institutional homes. The question for research then becomes what is actually ‘national’ in some of the institutional compo-nents of states linked to the implementation and regulation of economic globalisation. The hypothesis here would be that some components of national institutions, even though formally national, are not national in the sense in which we have constructed the meaning of that term overthe last hundred years.This partial, often highly specialised or at least particularised, dena-tionalisation can also take place in domains other than that of economic globalisation, notably the more recent developments in the humanrights regime which allow national courts to sue foreign firms and dictators, or which grant undocumented immigrants certain rights. Denationalisation is, thus, multivalent: it endogenises global agendas of many different types of actors, not only corporate firms and financial markets, but also human rights and environmental objectives. Those confined to the national can use national state institutions as a bridge into global politics. This is one kind of radical politics, and only one kind, that would use the capacities of hopefully increasingly denationalized states. The existence and the strengthening of global civil society organ-isations becomes strategic in this context. In all of this lie the possibilities of moving towards new types of joint global action by denationalized states–coalitions of the willing focused not on war but on environmental and social justice projects.

#### Preventing extinction is the highest ethical priority – we should take action to prevent the Other from dying FIRST, only THEN can we consider questions of value to life

Paul Wapner, associate professor and director of the Global Environmental Policy Program at American University, Winter 2003, Dissent, online: http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Perm do both—the aff is key to solve arbitrary use of state power—solves their K impacts

Alford, 2011

[Ryan Patrick, Assistant Professor, Ave Maria School of Law, THE RULE OF LAW AT THE CROSSROADS: CONSEQUENCES OF TARGETED KILLING OF CITIZENS, UTAH LAW REVIEW, NO. 4, Online] /Wyo-MB

The Al-Aulaqi lawsuit makes it clear that the same arguments that the Plantagenet and Stuart kings used in attempts to weaken the Magna Carta and subsequent constitutional protections have been revived in a modern form. The complaint correctly asserts that “[t]he right to life is the most fundamental of all¶ rights.”25 However, the response to the Defendants’ motion to dismiss notes that “the upshot of its arguments is that the executive, [who] must obtain judicial approval to monitor a U.S. citizen’s communications or search his briefcase, may execute that citizen without any obligation to justify its actions to a court or to the public.”26 These arguments were of no avail in the District Court, which held that these allegations were indeed unreviewable in any court, because the executive had asserted, purportedly correctly, that addressing a violation of the right of life involves a nonjusticiable political question. Al-Awlaki was thus told that he was to have no day in court before being killed.27¶ Accordingly, seven hundred years after the executive death warrants issued by King Edward I (and four hundred years after a decisive rejection of King James I’s tentative attempts to revive the practice), we appear to be at a similar crossroads of history. However, it remains to be seen whether carrying out an executive order to kill an American citizen will lead to a backlash that reaffirms the importance of the bulwarks against this exercise of arbitrary power over life and death, or whether it leads to an implicit decision to abandon the rule of law and the constraints on executive power that have defined our constitutional tradition for centuries.¶ The early history of the resistance to arbitrary executive authority is important to the worldview and legal theory of the Framers of the Constitution. This Article argues that this history provides the best lens through which we might scrutinize the constitutionality of the targeted killing of American citizens. In doing so, this Article attempts to bring back to the forefront what is at stake in the Al-Aulaqi lawsuit: not merely the potential harm to the targeted individual, but the damage this might inflict on our constitutional tradition. Specifically, this Article will argue that if the courts uphold a decision declaring that the president’s powers are so broad as to preclude any judicial determination of whether the targeted killing program is prohibited by the Due Process Clause, we stand to lose the benefits of a seven-hundred year old tradition of resistance to arbitrary power.¶

#### And, Drones are inevitable

Henning, 2-20-12

[Job, NYT, Embracing the Drone, http://www.nytimes.com/2012/02/21/opinion/embracing-the-drone.html?pagewanted=all&\_r=0] /Wyo-MB

Drones — more formally armed Unmanned Aerial Vehicles, or UAVs — are “in.” Since a Predator strike in Yemen against Al Qaeda in November 2002 — the first known use of a drone attack outside a theater of war — the United States has made extensive use of drones. There were nearly four times as many drone strikes in Pakistan during the first two years of the Obama administration as there were during the entire Bush administration.¶ The United States is now conducting drone strikes in Somalia as well, and their use is expected to dramatically increase in Afghanistan over the next five years as NATO troops withdraw from there.¶ Armed drones are both inevitable, since they allow the fusing of a reconnaissance platform with a weapons system, and, in many respects, highly desirable. They can loiter, observe and strike, with a far more precise application of force. They eliminate risk to pilots and sharply reduce the financial costs of projecting power. Moreover, polls show that a vast majority of Americans support the use of drones.¶

#### And, Strict review of targeted killing operations is key to maintain morality in war

Guiora, 2012

[Amos, Professor of Law, S.J. Quinney College of Law, University of Utah, Targeted killing: when proportionality gets all out of proportion, Case Western Reserve Journal of International Law. 45.1-2 (Fall 2012): p235., Academic onefile] /Wyo-MB

One of the dominant, and admittedly controversial, arguments this essay advances is that states have an obligation to conduct themselves morally, including during armed conflict. Although some may find this notion inherently contradictory, "morality in armed conflict" is a term of art (and not an oxymoron) that lies at the core of the instant discussion. This concept imposes an absolute requirement that soldiers treat the civilian population of areas in which they are engaged in conflict with the utmost dignity and respect. This obligation holds true whether combat takes place "house-to-house" or using remotely piloted aircraft tens of thousands of feet up in the sky. This concept may be simple to articulate, yet it is difficult to implement; the operational reality of armed conflict short of war requires a soldier to make multiple decisions involving various factors, all of which have never-ending spin-off potential. After all, every decision is not only complicated in and of itself, but each operational situation has a number of "forks." The implication is that no decision is linear, and every decision leads to additional dilemmas and spurs further decision making.¶ Operational decision-making is thus predicated on a complicated triangle that must incorporate the rule of law, morality, and effectiveness. I have been asked repeatedly whether that triangle endangers soldiers while giving the "other side" an undue advantage. The concern is understandable; however, the essence of armed conflict is that innocent civilians are in the immediate vicinity of combatants, and there is a duty to protect them even at the risk of harm to soldiers. (12) The burden to distinguish between combatant and civilian is extraordinarily complicated and poses significant operational dilemmas for and burdens on soldiers.¶ For armed conflict conducted in accordance with the rule of law and morality, this burden of distinction can never be viewed as mere mantra. Distinction, (13) then, is integral to the discussion. It is as relevant and important to the soldier standing at a check-point, uncertain whether the person standing opposite him is a combatant or civilian, as it must be in any targeted killing dilemma. The decision whether to operationally engage must reflect a variety of criteria and guidelines. (14) Otherwise, the nation state conducts itself in the spirit of a video game where victims are not real and represent mere numbers, regardless of the degree of threat they pose.¶ At the most fundamental level, operational decision making in the context of counterterrorism involves the decision whether to kill an individual defined as a legitimate target. (15) Although some argue killing is inherently immoral, I argue that killing in the context of narrowly defined self-defense is both legal and moral provided that the decision to "pull the trigger" is made in the context of a highly circumscribed and criteria-based framework. If limits are not imposed in defining a legitimate target, then decisions take on the hue of both illegality and immorality.

#### Terrorists want to destroy America and will never accept our existence—the neg’s arguments presume to understand terrorist motives better than the terrorists themselves do

ELSHTAIN 2003

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

Those who do not argue outright that the United States is the author of its own destruction often profess mystification at the motives of the attackers, despite the fact that the attackers have told us repeatedly what their motives are. The Nation editorialized, “Why the attacks took place is still unclear.” Suddenly the far left is perplexed as well as isolationist: If we had not poked our nose in where it did not belong, maybe people would leave us alone. However, either we really do not know what drove the attackers—which requires that we ignore their words and those of Osama bin Laden—or we really do know what motivated the attackers—which also requires that we ignore their words and those of Osama bin Laden. Why? Because we cannot take the religious language seriously. Donald Kagan cites an example of the latter when he recalls the words of a fellow Yale professor who opined tha thte “underlying causes” fo the 9/11 attacks were “the desperate, angry, and bereaved” circumstances of the lives of “these suicide pilots,” who were responding to “offensive cultural messages” spread by the United States. There is considerable hubris on display in such assertions of certainly about what drives terrorists, when doing so requires ignoring the terrorists’ own words. This scenario usually plays out like this: First, one professes ignorance of the real motives, although one can do so only if one ignores the words of the attackers, who have scarcely been secretive. Or second, one ignores the real motives because one knows better than the attackers themselves what their motives were. “What is striking about such statements is their arrogance,” writes Kagan. “They suggest that he enlightened commentator can penetrate the souls of the attackers and know their deepest motives…A far better guide might be the actual statements of the perpetrators.” Kagan is not alone in this observation. Tony Judt writes that Osama bin Laden’s stated motives are “to push the ‘infidel’ out of the Arabian peninsula, to punish the ‘Crusaders and the Jews,’ and to wreak revenge on Americans for their domination of Islamic space.” Judt cannot help noticing, however, that bin Laden “is not a spokesman for the downtrodden, much less those who seek just solutions to real dilemmas—he is cuttingly dismissive of the UN: ‘Muslims should not appeal to these atheist, temporal regimes.’” Not surprisingly, Salman Rushdie, the Muslim writer against whom a fatwa ordering his death was issued in 1989, makes the trenchant observation that the savaging of America by sections of the left…has been among the most unpleasant consequences of the terrorists’ attacks on the United States. “The problem with Americans is…”—“What America needs to understand…” There has been a lot of sanctimonious moral relativism around lately, usually prefaced by such phrases as these. A country which has just suffered the most devastating terrorist attack in history, a country in a state of deep mourning and horrible grief, is being told, heartlessly, that it is to blame for its own citizens’ deaths. The New York Times columnist Thomas Friedman expresses amazement at the ease with which some people abroad and at campus teach-ins now tell us what motivated the terrorists…Their deed was their note: we want to destroy America, starting with its military and financial centers. Which part of that sentence don’t people understand? Have you ever seen Osama bin Laden say, “I just want to see a smaller Israel in its pre-1967 borders,” or “I have no problem with America, it just needs to have a lower cultural and military profile in the Muslim world?” These terrorists aren’t out for a new kind of coexistence with us. They are out for our non-existence. None of this seems to have seeped into the “Yes, but…” crowd.

#### They fetishize authenticity

#### Bewes ‘97

[Timothy, doctorate in English Literature at the University of Sussex, *Cynicism and Postmodernity*, New York City: Verso, 1997, 195-6//u ku-ajl]

Despite the diligence and the sterling efforts *of* its best theoreti‑cians, then, it seems that postmodernism has actually *become* something. Its principal characteristic is the retreat from and disavowal of the violence of representation - both political and semiotic. There are three further aspects to this essentially ignominious cultural operation: (i) a cultivation of stupidity (what I have called Kelvinism, or 'metaphysical innocence') as a means of circumventing the ideational 'brutality' of the political life; (ii) a recourse to the idea of an internal or subjective 'truth of the soul' which transcends political reality, along with the contingencies of representation. Both of these signal an attachment to a surface/ depth model of subjectivity which in each case amounts to a fetishization of authenticity, whether by opting to 'remain' on the surface, or by retreating 'inwards'; (iii) a collapse of faith by individuals and even politicians themselves, not only in the political infrastructure but in the very' concept of political engagement - here it becomes apparent that Tony Blair, for example, is more 'postodern' than any theoretician. .

It should be clear that these three responses stand in an approximately analogous relationship to the archetypal forms in which consciousness, in a state of anxiety, shrinks from the violence of determinate negation and 'strives to hold on to what it is in danger of losing'. 59 At various points throughout the present work I have used the terms 'decadence', 'irony' and 'relativism' to refer to these instances of an epistemological loss of nerve, this capitulation to 'things as they are'; it may be as well here to remind ourselves of the terms in which Hegel describes these manifestations of a retreat from truth. Consciousness, he says, at the decisive moment in which it is required to go beyond its own limits, (i) 'wishes to remain in a state' of unthinking inertia'; (ii) gloats over its own understanding, 'which knows how to dissolve every thought and always find the same barren Ego instead of any content'; (iii) 'entrenches itself in sentimentality, which assures us that it finds everything to be good in its kind'. 60 Postmodernism, an empirical social condition - by which I mean that a series of critical-theoretical strategies has attained a certain concrete form - legitimizes these symptoms of cultural anxiety; postmodernism becomes synonymous, therefore, with deceleration, with a sense of cultural and political conclusivity; postmodernism is the principal vehicle of what Baudrillard calls 'the illusion of the end'.

#### Impact is Auschwitz

#### Bewes ‘97

[Timothy, doctorate in English Literature at the University of Sussex, *Cynicism and Postmodernity*, New York City: Verso, 1997,146-7//u ku-ajl]

If it is unreasonable to suppose that the Final Solution was potentiated or even necessarily facilitated by Schmitt's theories, it is certainly the case that this metaphysical structure of domination in the Third Reich, whereby the status of public citizens is reduced to a level determined entirely in the 'natural' or biological realm of necessity, is foreshadowed in his 1927 essay. In an abstract and insidious way Schmitt introduces the idea that the 'transcendent' realm of the political, as a matter of course, will not accommodate a people with insufficient strength to ensure its own participation, and that such a fact is ipso facto justification for its exclusion. 'If a people no longer possesses the energy or the will to maintain itself in the sphere of politics, the latter will not thereby vanish from the world. Only a weak people will disappear.'130 Schmitt's concept of the 'political', quite simply, is nothing of the sort - is instead weighed down by necessity, in the form of what Marshall Berman calls German-Christian interiority - by its preoccupation with

authenticity, that is to say, and true political 'identity'. Auschwitz is a corollary not of reason, understood as risk, but of the fear of reason, which paradoxically is a fear of violence. The stench of burning bodies is haunted always by the sickly aroma of cheap metaphysics.

#### Conditionality is bad:

Interpretation: 1 conditional advocacy and the status squo

**Time Skew: allows them to neutralize large chunks of 2ac time, hurting 1AR strat. The 2AC matters most because it puts out all the arguments that the aff can go.**

**Decrease Education: multiple worlds cause muddled debates that preclude consistency of education.**

**Voting issue: for ground, fairness, and education.**

#### Scenario planning is possible in a catastrophe-ridden world—it’s vital to make predictions about the future.

Kurasawa, 04

 (Professor of Sociology, York University of Toronto, Fuyuki, Constellations Volume 11, No 4, 2004).

Independently of this contractualist justification, global civil society actors are putting forth a number of arguments countering temporal myopia on rational grounds. They make the case that no generation, and no part of the world, is immune from catastrophe. Complacency and parochialism are deeply flawed in that even if we earn a temporary reprieve, our children and grandchildren will likely not be so fortunate unless steps are taken today. Similarly, though it might be possible to minimize or contain the risks and harms of actions to faraway places over the short-term, parrying the eventual blowback or spillover effect is improbable. In fact, as I argued in the previous section, all but the smallest and most isolated of crises are rapidly becoming globalized due to the existence of transnational circuits of ideas, images, people, and commodities. Regardless of where they live, our descendants will increasingly be subjected to the impact of environmental degradation, the spread of epidemics, gross North-South socioeconomic inequalities, refugee flows, civil wars, and genocides. What may have previously appeared to be temporally and spatially remote risks are ‘coming home to roost’ in ever faster cycles. In a word, then, procrastination makes little sense for three principal reasons: it exponentially raises the costs of eventual future action; it reduces preventive options; and it erodes their effectiveness. With the foreclosing of long-range alternatives, later generations may be left with a single course of action, namely, that of merely reacting to large-scale emergencies as they arise. We need only think of how it gradually becomes more difficult to control climate change, let alone reverse it, or to halt mass atrocities once they are underway. Preventive foresight is grounded in the opposite logic, whereby the decision to work through perils today greatly enhances both the subsequent room for maneuver and the chances of success. Humanitarian, environmental, and techno-scientific activists have convincingly shown that we cannot afford not to engage in preventive labor. Moreover, I would contend that farsighted cosmopolitanism is not as remote or idealistic a prospect as it appears to some, for as Falk writes, “[g]lobal justice between temporal communities, however, actually seems to be increasing, as evidenced by various expressions of greater sensitivity to past injustices and future dangers.”36 Global civil society may well be helping a new generational self-conception take root, according to which we view ourselves as the provisional caretakers of our planetary commons. Out of our sense of responsibility for the well-being of those who will follow us, we come to be more concerned about the here and now.

#### Security is inevitable—rejecting it causes the state to become more interventionist, flipping the impact

**McCormack 10**

[Tara McCormack, ’10, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 59-61)]

The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the rejection of the old narrow national interest-based security framework by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, has the consequence of **problematising weak or unstable states** and allowing international institutions or major states **a more interventionary role**, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation. Whatever the problems associated with the pluralist security framework **there were at least formal and clear demarcations**. This has the consequence of **entrenching international power inequalities** and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means **the condemnation of millions to** **a barbarous life of inhuman bare survival**. Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that these new security frameworks cannot be empowering, and **ultimately lead to more power for powerful states**, we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches.

#### Shifting away from the security framework causes conflict and causes intervention – only the perm gives political content to rights

**McCormack 10**

[Tara McCormack, ’10, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 59-61)]

A corollary of this retreat from a political interpretation of conflict or social instability, is the delegitimation of social transformation in developing countries. Historically, social and political transformation has often been accompanied by war and strife. By pathologising conflict, the human security framework acts to prohibit social or political transformation, as such changes can only be understood in an entirely negative way (see for further discussion, Cramer 2006). As an important contributor to the human security framework has argued: ‘much human insecurity surely results from structural factors and the distribution of power, which are essentially beyond the reach of individuals’ (Newman, 2004b: 358). Thus to actually overcome human insecurity, collective action and change is needed. But this **may result in** **internal conflict or strife**, **precisely the changes that human security problematises in the first place**. People may be prepared to experience disruptions to their daily existence, or even severe societal conflict or economic deprivation in the pursuit of some other goals which are understood as worthy. The shift away from the pluralist security framework is **highly problematic**. The formal links between the state and its citizens are problematised and weak and failing states are potentially held up to increased international scrutiny and international intervention. International institutions and states have potentially greater freedom to intervene in other states, but with no reciprocal methods of control to replace the old political links between the state and its citizens which are weakened. The shift away from the pluralist security framework and the rhetorical adoption by international institutions and states of a more cosmopolitan security framework **does not challenge contemporary power inequalities, rather it serves to entrench them**. Once we separate rights from any rights bearing subject, these rights are only things that can be given by external agencies, indeed as Chandler (2009) has argued, here the subject is created by external powers. Ultimately the cosmopolitan and emancipatory framework which seeks to give universal human rights through international law or forms of intervention posits abstract rights, seeking to make the world conform to universal human rights and justice in the absence of a political constituency to give it content. Indeed this is seen as necessary in the face of the current global injustices. Yet the problem is that **without a political constituency to give content to those rights these rights are gifts of the powerful, they are closer to charity**. **Rights in themselves, without political form, are of little value**. Here rights are assumed to be able to correct political and economic and social wrongs, such as inequality or disempowerment. Yet such problems are not the result of a lack of rights, and cannot be corrected through rights. A lack of development is a political, economic and social problem (Lewis, 1998; Heartfield, 1996), the lack of rights or equality and empowerment stem from the real inequalities and power relations in the world. Divorcing rights from rights bearing subjects, and positing abstract individual rights that can only be ‘given’ by external agencies, does not enhance rights but ends up formalising real inequality (Lewis, 1998). Indeed, this is precisely what we can see with, for example, human security and contemporary interventions. Here, the old formal equality of the pluralist security framework is no longer relevant and it is increasingly accepted that more powerful states have a right to intervene in other states and to frame certain states as ‘outlaw states’ (Simpson, 2005). Conclusion In this chapter I have argued that there have been significant shifts in the post-Cold War security problematic which cannot be understood in terms of the pluralist security framework. The most striking aspect of the contemporary international security problematic seems to be a shift away from and problematisation of the old security framework in both international and national security policy discourse. I have already discussed that the pluralist security framework with its underlying commitments of non-intervention and sovereign equality is held to be both anachronistic and immoral. This chapter lends support to broadening the initial conclusions drawn about the critical security theory more generally. In their own terms critical security theorists do not seem to be very critical. Critical security theorists **are not** **critically engaging and explaining the contemporary security problematic and offering an alternative** to contemporary power inequalities. A critical question to ask would be why have international institutions and states framed their security policies in terms of a rejection of the pluralist security framework and taken up cosmopolitan rhetoric? Where does this shift come from? Despite their ostensible focus on power and power inequalities, it is striking that critical security theorists exclude the way in which power is being exercised in the post-Cold War international order from their analysis. Were critical security theorists to include this in their analysis they would discover that they seem to be sharing many of the assumptions and aims of the post-Cold War international order. Specifically in the context of the shifting international security problematic, critical security theorists seem to share a normative and ethical critique of the old security framework, combined with a depoliticised account of conflict and social, economic and political instability, and a depoliticised and idealised view of the potential of major international institutions and states to intervene. Moreover, in the behaviour and rhetoric of international institutions, the problematic theoretical implications of critical security theory’s idealised assumptions of the potential of international institutions or transnational organisations to be a force for emancipation and freedom for individuals is shown to be problematic in practice. I have argued that this rejection of the pluralist security framework does not challenge the status quo, but serves to further entrench power inequalities. In fact, it seems to reflect the increased freedom of the international community to intervene in other states.