# 2AC v ASU CM

## Terrorism

#### Turn – Labeling and condemning the term “terrorism” is vital to stigmatizing terrorist legitimacy and to eliminating violence against civilians as a means to attain political goals

**Ganor, 01** (Boaz, Director of the International Policy Institute for Counter-Terrorism, “Defining Terrorism”, <http://www.ict.org.il/articles/define.htm>)

The prevalent definitions of terrorism entail difficulties, both conceptual and syntactical. It is thus not surprising that alternative concepts with more positive connotations—guerrilla movements, underground movements, national liberation movements, commandos, etc.—are often used to describe and characterize the activities of terrorist organizations. Generally these concepts are used without undue attention to the implications, but at times the use of these definitions is tendentious, grounded in a particular political viewpoint. By resorting to such tendentious definitions of terrorism, terrorist organizations and their supporters seek to gloss over the realities of terrorism, thus establishing their activities on more positive and legitimate foundations. Naturally, terms not opposed to the basic values of liberal democracies, such as “revolutionary violence,” “national liberation,” etc., carry fewer negative connotations than the term, “terrorism.” Terrorism or Revolutionary Violence? Salah Khalef (Abu Iyad) was Yasser Arafat’s deputy and one of the leaders of Fatah and Black September. He was responsible for a number of lethal attacks, including the killing of Israeli athletes at the 1972 Munich Olympics. In order to rationalize such actions, he used the tactic of confounding “terrorism” with “political violence,” stating, “By nature, and even on ideological grounds, I am firmly opposed to political murder and, more generally, to terrorism. Nevertheless, unlike many others, I do not confuse revolutionary violence with terrorism, or operations that constitute political acts with others that do not.”[[4](http://www.ict.org.il/articles/define.htm#4)] Abu Iyad tries to present terrorism and political violence as two different and unconnected phenomena. The implication of this statement is that a political motive makes the activity respectable, and the end justifies the means. I will examine this point below. Terrorism or National Liberation? A rather widespread attempt to make all definitions of terrorism meaningless is to lump together terrorist activities and the struggle to achieve national liberation. Thus, for instance, the recurrently stated Syrian official position is that Syria does not assist terrorist organizations; rather, it supports national liberation movements. President Hafez el-Assad, in a November 1986 speech to the participants in the 21st Convention of Workers Unions in Syria, said the following: We have always opposed terrorism. But terrorism is one thing and a national struggle against occupation is another. We are against terrorism… Nevertheless, we support the struggle against occupation waged by national liberation movements.[[5](http://www.ict.org.il/articles/define.htm%22%20%5Cl%20%225)] The attempt to confound the concepts of “terrorism” and “national liberation” comes to the fore in various official pronouncements from the Arab world. For instance, the fifth Islamic summit meeting in Kuwait, at the beginning of 1987, stated in its resolutions that: The conference reiterates its absolute faith in the need to distinguish the brutal and unlawful terrorist activities perpetrated by individuals, by groups, or by states, from the legitimate struggle of oppressed and subjugated nations against foreign occupation of any kind. This struggle is sanctioned by heavenly law, by human values, and by international conventions.[[6](http://www.ict.org.il/articles/define.htm%22%20%5Cl%20%226)] The foreign and interior ministers of the Arab League reiterated this position at their April 1998 meeting in Cairo. In a document entitled “Arab Strategy in the Struggle against Terrorism,” they emphasized that belligerent activities aimed at “liberation and self determination” are not in the category of terrorism, whereas hostile activities against regimes or families of rulers will not be considered political attacks but rather criminal assaults.[[7](http://www.ict.org.il/articles/define.htm%22%20%5Cl%20%227)] Here again we notice an attempt to justify the “means” (terrorism) in terms of the “end” (national liberation). Regardless of the nature of the operation, when we speak of “liberation from the yoke of a foreign occupation” this will not be terrorism but a legitimate and justified activity. This is the source of the cliché, “One man’s terrorist is another man’s freedom fighter,” which stresses that all depends on the perspective and the worldview of the one doing the defining. The former President of the Soviet Union, Leonid Brezhnev, made the following statement in April 1981, during the visit of the Libyan ruler, Muamar Qadhafi: “Imperialists have no regard either for the will of the people or the laws of history. Liberation struggles cause their indignation. They describe them as ‘terrorism’.”[[8](http://www.ict.org.il/articles/define.htm#8)] Surprisingly, many in the Western world have accepted the mistaken assumption that terrorism and national liberation are two extremes in the scale of legitimate use of violence. The struggle for “national liberation” would appear to be the positive and justified end of this sequence, whereas terrorism is the negative and odious one. It is impossible, according to this approach, for any organization to be both a terrorist group and a movement for national liberation at the same time. In failing to understand the difference between these two concepts, many have, in effect, been caught in a semantic trap laid by the terrorist organizations and their allies. They have attempted to contend with the clichés of national liberation by resorting to odd arguments, instead of stating that when a group or organization chooses terrorism as a means, the aim of their struggle cannot be used to justify their actions (see below). Thus, for instance, Senator Jackson was quoted in Benyamin Netanyahu’s book Terrorism: How the West Can Win as saying, The idea that one person’s ‘terrorist’ is another’s ‘freedom fighter’ cannot be sanctioned. Freedom fighters or revolutionaries don’t blow up buses containing non-combatants; terrorist murderers do. Freedom fighters don’t set out to capture and slaughter schoolchildren; terrorist murderers do . . . It is a disgrace that democracies would allow the treasured word ‘freedom’ to be associated with acts of terrorists.[[9](http://www.ict.org.il/articles/define.htm%22%20%5Cl%20%229)] Professor Benzion Netanyahu also assumed, a priori, that freedom fighters are incapable of perpetrating terrorist acts: For in contrast to the terrorist, no freedom fighter has ever deliberately attacked innocents. He has never deliberately killed small children, or passersby in the street, or foreign visitors, or other civilians who happen to reside in the area of conflict or are merely associated ethnically or religiously with the people of that area… The conclusion we must draw from all this is evident. Far from being a bearer of freedom, the terrorist is the carrier of oppression and enslavement . . .[[10](http://www.ict.org.il/articles/define.htm#10)] This approach strengthens the attempt by terrorist organizations to present terrorism and the struggle for liberation as two contradictory concepts. It thus plays into the terrorists’ hands by supporting their claim that, since they are struggling to remove someone they consider a foreign occupier, they cannot be considered terrorists. The claim that a freedom fighter cannot be involved in terrorism, murder and indiscriminate killing is, of course, groundless. A terrorist organization can also be a movement of national liberation, and the concepts of “terrorist” and “freedom fighter” are not mutually contradictory. Targeting “the innocent”? Not only terrorists and their allies use the definition of terrorism to promote their own goals and needs. Politicians in countries affected by terrorism at times make political use of the definition of terrorism by attempting to emphasize its brutality. One of the prevalent ways of illustrating the cruelty and inhumanity of terrorists is to present them as harming “the innocent.” Thus, in Terrorism: How the West Can Win, Binyamin Netanyahu states that terrorism is “the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends.”[[11](http://www.ict.org.il/articles/define.htm#11)] This definition was changed in Netanyahu’s third book, Fighting Terrorism, when the phrase “the innocent” was replaced by the term “civilians”: “Terrorism is the deliberate and systematic assault on civilians to inspire fear for political ends.”[[12](http://www.ict.org.il/articles/define.htm#12)] “Innocent” (as opposed to “civilian”) is a subjective concept, influenced by the definer’s viewpoint, and therefore must not be the basis for a definition of terrorism. The use of the concept “innocent” in defining terrorism makes the definition meaningless and turns it into a tool in the political game. The dilemma entailed by the use of the term “innocent” is amply illustrated in the following statement by Abu Iyad: As much as we repudiate any activity that endangers innocent lives, that is, against civilians in countries that are not directly involved in the Arab-Israeli conflict, we feel no remorse concerning attacks against Israeli military and political elements who wage war against the Palestinian people . . . Israeli acts of vengeance usually result in high casualties among Palestinian civilians—particularly when the Israeli Air Force blindly and savagely bombs refugee camps—and it is only natural that we should respond in appropriate ways to deter the enemy from continuing its slaughter of innocent victims.”[[13](http://www.ict.org.il/articles/define.htm#13)] Abu Iyad here clarifies that innocent victims are civilians in countries that are not directly involved in the Arab-Israeli conflict (implying that civilians in Israel, even children and old people, are not innocent), while he describes Palestinian civilians as innocent victims. Proposing a Definition of Terrorism The question is whether it is at all possible to arrive at an exhaustive and objective definition of terrorism, which could constitute an accepted and agreed-upon foundation for academic research, as well as facilitating operations on an international scale against the perpetrators of terrorist activities. The definition proposed here states that terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims. **Continues…** This distinction between the target of the attack and its aims shows that the discrepancy between “terrorism” and “freedom fighting” is not a subjective difference reflecting the personal viewpoint of the definer. Rather it constitutes an essential difference, involving a clear distinction between the perpetrators’ aims and their mode of operation. As noted, an organization is defined as “terrorist” because of its mode of operation and its target of attack, whereas calling something a “struggle for liberation” has to do with the aim that the organization seeks to attain. Diagram 2 illustrates that non-conventional war (between a state and an organization), may include both terrorism and guerrilla activities on the background of different and unrelated aims. Hiding behind the guise of national liberation does not release terrorists from responsibility for their actions. Not only is it untrue that “one man’s terrorist is another man’s freedom fighter” but it is also untrue that “the end justifies the means.” The end of national liberation may, in some cases, justify recourse to violence, in an attempt to solve the problem that led to the emergence of a particular organization in the first place. Nevertheless, the organization must still act according to the rules of war, directing its activities toward the conquest of military and security targets; in short, it must confine itself to guerrilla activities. When the organization breaks these rules and intentionally targets civilians, it becomes a terrorist organization, according to objective measures, and not according to the subjective perception of the definer. It may be difficult at times to determine whether the victim of an attack was indeed a civilian, or whether the attack was intentional. These cases could be placed under the rubric of a “gray area,” to be decided in line with the evidence and through the exercise of judicial discretion. The proposed definition may therefore be useful in the legal realm as a criterion for defining and categorizing the perpetrators’ activities. In any event, adopting the proposed definition of terrorism will considerably reduce the “gray area” to a few marginal cases. Defining States’ Involvement in Terrorism **Continues…** supporting terrorism – terrorist organizations often rely on the assistance of a sympathetic civilian population. An effective instrument in the limitation of terrorist activity is to undermine the ability of the organization to obtain support, assistance, and aid from this population. A definition of terrorism could be helpful here too by determining new rules of the game in both the local and the international sphere. Any organization contemplating the use of terrorism to attain its political aims will have to risk losing its legitimacy, even with the population that supports its aims. Public relations – a definition that separates terrorism out from other violent actions will enable the initiation of an international campaign designed to undermine the legitimacy of terrorist organizations, curtail support for them, and galvanize a united international front against them. In order to undermine the legitimacy of terrorist activity (usually stemming from the tendency of various countries to identify with some of the aims of terrorist organizations), terrorist activity must be distinguished from guerrilla activity, as two forms of violent struggle reflecting different levels of illegitimacy. The Attitude of Terrorist Organizations Toward the Definition The definition of terrorism does not require that the terrorist organizations themselves accept it as such. Nevertheless, reaching international agreement will be easier the more objective the definition, and the more the definition takes into account the demands and viewpoints of terrorist organizations and their supporters. The proposed definition, as noted, draws a distinction between terrorism and guerrilla warfare at both the conceptual and moral levels. If properly applied, it could challenge organizations that are presently involved in terrorism to abandon it so as to engage exclusively in guerrilla warfare. As noted, most organizations active today in the national and international arena engage in both terrorist activities and guerrilla warfare; after all, international convention makes no distinction between the two. Hence, there are no rules defining what is forbidden and what is allowed in non-conventional war, and equal punishments are imposed on both terrorists and guerrilla fighters. People perpetrating terrorist attacks or engaging in guerrilla warfare know they can expect the same punishment, whether they attack a military installation or take over a kindergarten. The terrorist attack may be more heavily censored because it involves children, but the legitimacy of these actions will be inferred from their political aims. In these circumstances, why not prefer a terrorist attack that will have far more impact, and will be easier to accomplish, with much less risk? The international adoption of the proposed definition, with its distinction between terrorism and guerrilla warfare—and its concomitant separation from political aims—could motivate the perpetrators to reconsider their intentions, choosing military targets over civilian targets—guerrilla warfare over terrorism–both because of moral considerations and because of “cost-benefit” considerations. The moral consideration – many terrorist organizations are troubled by the moral question bearing on their right to harm civilians, and this concern is reflected in their literature and in interviews with terrorists. Thus, for instance, an activist of the Popular Front for the Liberation of Palestine, Walid Salam, argued in December 1996 that “among activists of the Popular Front, more and more are opposed to military activities against civilians, as the one near Ramallah on Wednesday. They do not say so publicly because of internal discipline and to preserve unity.”[[27](http://www.ict.org.il/articles/define.htm#27)] We can also see something of this moral dilemma in Sheik Ahmad Yassin, the leader of Hamas: “According to our religion it is forbidden to kill a woman, a baby, or an old man, but when you kill my sister, and my daughter, and my son, it is my right to defend them.”[[28](http://www.ict.org.il/articles/define.htm#28)] This concern might explain why, after attacks on civilian targets, organizations such as Hamas often make public statements proclaiming that they have attacked military targets. The moral dilemma does exist, and the opponents of terrorism must intensify it. When countries acknowledge the principle of relying on guerrilla warfare to attain legitimate political aims, and unite in their moral condemnation of terrorism, they increase the moral dilemma that is already prevalent in terrorist organizations. The utilitarian consideration – If the perpetrators know that attacking a kindergarten or other civilian target will never be acceptable; that these attacks will turn them into wanted and extraditable terrorists and will undermine the legitimacy of their political goals—and that, when apprehended, they will be punished much more harshly than would guerrilla fighters—they may think twice before choosing terrorism as their modus operandi. Adopting the proposed definition of terrorism, formulating rules of behavior, and setting appropriate punishments in line with the proposed definition will sharpen the “cost-benefit” considerations of terrorist organizations. One way of encouraging this trend among terrorist organizations is, as noted, to agree on different punishments for those convicted of terrorism and those convicted of guerrilla warfare. Thus, for instance, the possibility should be considered of bringing to criminal trial, under specific charges of terrorism, individuals involved in terrorist activities, while allotting prisoner of war status to those accused of involvement in guerrilla activities. The proposed definition of terrorism may indeed help in the struggle against terrorism at many and varied operative levels. An accepted definition, capable of serving as a basis for international counter-terrorist activity, could above all, bring terrorist organizations to reconsider their actions. They must face the question of whether they will persist in terrorist attacks and risk all that such persistence entails—loosing legitimacy, incurring harsh and specific punishments, facing a coordinated international opposition (including military activity), and suffering harm to sources of support and revenue. The international community must encourage the moral and utilitarian dilemmas of terrorist organizations, and establish a clear policy accompanied by adequate means of punishment on the basis of an accepted definition. Summary We face an essential need to reach a definition of terrorism that will enjoy wide international agreement, thus enabling international operations against terrorist organizations. A definition of this type must rely on the same principles already agreed upon regarding conventional wars (between states), and extrapolate from them regarding non-conventional wars (betweean organization and a state). The definition of terrorism will be the basis and the operational tool for expanding the international community’s ability to combat terrorism. It will enable legislation and specific punishments against those perpetrating, involved in, or supporting terrorism, and will allow the formulation of a codex of laws and international conventions against terrorism, terrorist organizations, states sponsoring terrorism, and economic firms trading with them. At the same time, the definition of terrorism will hamper the attempts of terrorist organizations to obtain public legitimacy, and will erode support among those segments of the population willing to assist them (as opposed to guerrilla activities). Finally, the operative use of the definition of terrorism could motivate terrorist organizations, due to moral or utilitarian considerations, to shift from terrorist activities to alternative courses (such as guerrilla warfare) in order to attain their aims, thus reducing the scope of international terrorism. The struggle to define terrorism is sometimes as hard as the struggle against terrorism itself. The present view, claiming it is unnecessary and well-nigh impossible to agree on an objective definition of terrorism, has long established itself as the “politically correct” one. It is the aim of this paper, however, to demonstrate that an objective, internationally accepted definition of terrorism is a feasible goal, and that an effective struggle against terrorism requires such a definition. The sooner the nations of the world come to this realization, the better.

#### their criticisms of our mechanism don’t hold up to strict scrutiny- we should prefer drones because they’re the most moral and cause the fewest casualties

Brooks 13

(Rosa, law professor at Georgetown University, fellow at the New America Foundation and former Counselor to the Under Secretary of Defense for Policy, Georgetown University Law Center, “Drones and Cognitive Dissonance,” 2013, <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2266&context=facpub>) /wyo-mm

For many on the political left (and more than a few in the middle), drone strikes are the paradigmatic example of US militarism run amok. But many of the most common objections to drones don’t hold up well under serious scrutiny – or, at any rate, there’s nothing uniquely different or worse about drones, compared to other military technologies. Consider the most common anti-drone arguments: Drone strikes kill innocent civilians – This is undoubtedly true, but it is not an argument against drone strikes as such. After all, war kills innocent civilians. And there are some means and methods of warfare that tend to cause more unintended civilian deaths than others. The website for Code Pink, a women’s peace group,states: Drones scout over [Afghanistan and Pakistan] launching Hellfire missiles into the region missing their intended targets, resulting in the deaths of many innocent people.1 Similarly, the Anti-War Committee asserts “the physical distance between the drone and its shooter makes lack of precision unavoidable.”2 But to paraphrase the NRA, “Drones don’t kill people, people kill people.” At any rate, drone strikes kill civilians at no higher a rate, and almost certainly at a lower rate, than most other common means of warfare. Drones actually permit far greater precision in targeting. Today’s unmanned aerial vehicles (UAVs) carry highly accurate ordinance that generally produces far less widespread damage that other munitions. Their low profile and relative fuel efficiency permit them to spend more “time on target” than any manned aircraft. And unlike pilots of manned aircraft, pilots of unmanned vehicles can regularly be replaced while on a mission to avoid fatigue and ensure greater accuracy. Drones can engage in “persistent surveillance.” That means they do not just swoop in, fire missiles and fly off. Instead, they can spend hours, days, weeks or even months monitoring a potential target. Equipped with imaging technologies that enable operators who may be thousands of miles away to see details as fine as individual faces, modern drone technologies allow their operators to distinguish between civilians and combatants far more effectively than most other weapons systems. That does not mean that civilians are not killed in drone strikes. They are. But how many civilians are killed in these actions, and are these casualties greater than if other weapons systems had been used? The numbers are not completely clear. The British Bureau of Investigative Journalism analyzed reports by “government, military and intelligence officials, and by credible media, academic and other sources.” 3 They determined that of the 344 known drone strikes in Pakistan between 2004 and 2012, between 2,562 and 3,325 people were killed of whom they estimated that between 474 and 881 were civilians (the numbers for Yemen and Somalia are less accurate.)4 The New America Foundation came up with slightly lower numbers, estimating that in roughly the same time period, 1,948 to 3,263 people were killed in Pakistan, of whom between 258 and 307 were reported to be civilians (and a further 196 to 330 were difficult to categorize as either civilians or militants.) 5 Behind the numbers, regardless of which data set is right, lie the mangled bodies of human beings. And whether drones strikes cause “a lot” or “only a few” civilian casualties depends on what we regard as the right point of comparison. Compared to the mass bombing campaigns of the Vietnam era or the Second World War (to say nothing of the use of atomic weapons) drone strikes involve relatively few civilian casualties. Yet these comparisons may not tell us anything useful. Should we compare the civilian deaths caused by drone strikes to the civilian deaths caused by large-scale armed conflicts? One study by the International Committee for the Red Cross found that on average, 10 civilians died for every combatant killed during the armed conflicts of the 20th century. 6 For the Iraq War, estimates vary widely; different studies place the ratio of civilian deaths to combatant deaths anywhere between 10 to 1 and 2 to 1.7 The most meaningful point of comparison for drones is probably manned aircraft. It’s difficult to get solid numbers here, but one analysis published in the Small Wars Journal suggested that in 2007 the ratio of civilian deaths due to coalition air attacks in Afghanistan may have been as high as 15 to 1.8 More recent UN figures suggest a far lower rate, with as few as one civilian killed for every ten airstrikes in Afghanistan. 9 It is also important to note that drone strikes have become far less lethal for civilians in the last few years. The New America Foundation concludes that between 89 to 102 five civilians or “unknowns” were killed by 48 US drone strikes in 2011, for instance. 10 Reductions in civilian casualties are due to technological advances in drones, surveillance and targeting systems as well as far more stringent rules for when drones can release weapons. Pacifists willing to condemn all forms of violence can condemn drone strikes without a trace of cognitive dissonance. However, for nonpacifists, a per se condemnation of drone strikes makes less sense. While it is reasonable to condemn a particular war or particular policy, why fixate on a specific method of ordinance delivery? Why focus special attention on drone strikes, which cause relatively low numbers of civilian deaths and largely ignore the many civilian deaths that occur during raids by ground troops, at vehicle checkpoints, or as a result of close air support?

#### And, yes we address the question of whether we should use drones- 1AC blowback deferential proves it’s a question of if the way we’re using drones are justified- effective drones are key to stopping terrorism and alternatives justify far more casualties

## K

#### Our Interpretation: The resolution asks the question of desirability of USFG action. The Role of ballot is to say yes or no to the action and outcomes of the plan.

#### Second, is reasons to prefer:

#### A. Aff Choice, any other framework or role of the ballot moots 9 minutes of the 1ac

#### B. It is predictable, the resolution demands USFG action

#### C. It is fair, Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another

#### Finally, It is a voter for competitive equity—prefer our interpretation, it allows both teams to compete, other roles of the ballot are arbitrary and self serving

#### 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.

#### The prioritization of method over all else, trades off with real world change and creates a vicious cycle that prevents concrete solutions to problems

Owen 02, Reader in Political Theory at the University of Southampton (David, “Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3, <http://mil.sagepub.com/cgi/reprint/31/3/653>)

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

#### We must continue to operate within the law learning from past failures- only way for change

Lobel 07

[Orly Lobel, Assistant Professor of Law, University of San Diego, “THE PARADOX OF EXTRALEGAL ACTIVISM: CRITICAL LEGAL CONSCIOUSNESS AND TRANSFORMATIVE POLITICS”, 2007, http://www.harvardlawreview.org/media/pdf/lobel.pdf, \\wyo-bb]

V. RESTORING CRITICALOPTIMISM IN THE LEGAL FIELD “La critique est aisée; l’art difficile.” A critique of cooptation often takes an uneasy path. Critique has always been and remains not simply an intellectual exercise but a political and moral act. The question we must constantly pose is how critical accounts of social reform models contribute to our ability to produce scholarship and action that will be constructive. To critique the ability of law to produce social change is inevitably to raise the question of alternatives. In and of itself, the exploration of the limits of law and the search for new possibilities is an insightful field of inquiry. However, the contemporary message that emerges from critical legal consciousness analysis has often resulted in the distortion of the critical arguments themselves. This distortion denies the potential of legal change in order to illuminate what has yet to be achieved or even imagined. Most importantly, cooptation analysis is not unique to legal reform but can be extended to any process of social action and engagement. When claims of legal cooptation are compared to possible alternative forms of activism, the false necessity embedded in the contemporary story emerges — a story that privileges informal extralegal forms as transformative while assuming that a conservative tilt exists in formal legal paths. In the triangular conundrum of “law and social change,” law is regularly the first to be questioned, deconstructed, and then critically dismissed. The other two components of the equation — social and change — are often presumed to be immutable and unambiguous. Understanding the limits of legal change reveals the dangers of absolute reliance on one system and the need, in any effort for social reform, to contextualize the discourse, to avoid evasive, open-ended slogans, and to develop greater sensitivity to indirect effects and multiple courses of action. Despite its weaknesses, however, law is an optimistic discipline. It operates both in the present and in the future. Order without law is often the privilege of the strong. Marginalized groups have used legal reform precisely because they lacked power. Despite limitations, these groups have often successfully secured their interests through legislative and judicial victories. Rather than experiencing a disabling disenchantment with the legal system, we can learn from both the successes and failures of past models, with the aim of constantly redefining the boundaries of legal reform and making visible law’s broad reach.

#### Patriarchy’s not the root cause of violence

Bell 06

[Duncan Bell, Senior lecturer – Department of Politics and International Studies @ Cambridge University, “Beware of false prophets: biology, human nature and the future of International Relations theory,” *International Affairs* 82, 3 p. 493–510]

Writing in *Foreign Aff airs* in 1998, Francis Fukuyama, tireless promulgator of the ‘end of history’ and now a member of the President’s Council on Bioethics, employed EP reasoning to argue for the central role in world politics of ‘masculine values’, which are ‘rooted in biology’. His argument starts with the claim that male and female chimps display asymmetric behaviour, with the males far more prone to violence and domination. ‘Female chimps have relationships; male chimps practice realpolitik.’ Moreover, the ‘line from chimp to modern man is continuous’ and this has signifi cant consequences for international politics.46 He argues that the world can be divided into two spheres, an increasingly peaceful and cooperative ‘feminized’ zone, centred on the advanced democracies, and the brutal world outside this insulated space, where the stark realities of power politics remain largely masculine. This bifurcation heralds dangers, as ‘masculine policies’ are essential in dealing with a masculine world: ‘In anything but a totally feminized world, feminized policies could be a liability.’ Fukuyama concludes the essay with the assertion that the form of politics best suited to human nature is—surprise, surprise—free-market capitalist democracy, and that other political forms, especially those promoted by feminists and socialists, do not correspond with our biological inheritance.47 Once again the authority of science is invoked in order to naturalize a particular political objective. This is a pattern that has been repeated across the history of modern biology and remains potent to this day.48 It is worth noting in brief that Fukuyama’s argument is badly flawed even in its own terms. As anthropologist R. Brian Ferguson states, Fukuyama’s claims about the animal world display ‘a breathtaking leap over a mountain of contrary evidence’.49 Furthermore, Joshua Goldstein concludes in the most detailed analysis of the data on war and gender that although biological differences do play a minor role, focusing so heavily on them is profoundly misleading.50 The simplistic claims, crude stereotyping and casual use of evidence that characterize Fukuyama’s essay unfortunately recur throughout the growing literature on the biology of international politics

#### Feminism is compatible with realism, the modern nation-state is less gendered than past feudal regimes, its universal norms have been the basis of women’s liberation

Lind 05

[Michael Lind – editor of the National Interest – 2005 Of Arms and the Woman, review of the Morning After: Sexual Politics at the End of the Cold War by Cynthia Enloe

http://feminism.eserver.org/of-arms-and-the-woman.txt accessed 11-20-07]

Then there is "the state." Here, too, there is nothing in realism that cannot accommodate many feminine observations about the particular patriarchal features of particular historic states. The realist definition of "the state" as a sovereign entity with an existence and a strategy distinct from that of individuals is very broad, including medieval duchies and ancient empires-- and, perhaps, female biker gangs. Realist theory holds no preference for the modern nation-state, though a word might be spoken in its defense. Again and again in feminist writings one encounters the claim that the modern nation- state is inherently "gendered," as though its predecessors--feudal dynastic regimes, theocratic empires, city-states, tribal amphictyonies--were not even more rigidly patriarchal.

Completely missing from such an analysis is any acknowledgement that the successes of feminism have been largely based on appeals to the universal norms governing citizens of the impersonal, bureaucratic nation-state. Those appeals would have made no sense in any previous political system. Notwithstanding this, feminist scholars tend to join free marketeers, multiculturalists and Wilsonians in their approval of the (mostly imaginary) dissolution of the nation-state in a new world order. If the nation-state is "gendered," Enloe reasons, then perhaps the post-national nonstate need not be: "Perhaps effective u.n. soldiering will call for a new kind of masculinity, one less reliant on misogyny, less insecure about heterosexual credentials." (If the recent "peacekeeping" of u.n. forces in Bosnia and Somalia shows anything, however, it is that a little more of the old masculinity may be necessary to prevent mass slaughter--and mass rape, too.)

#### Working from within but against the state is key to success of feminist struggles- the state is multifaceted and we reform aspects of the state to fight against dominant discourses and masculinist policies

Rai 02

[Shirin M. Rai - professor in the department of Politics and International Studies at Warwick – 2002 Gender and the Political Economy of Development p. 204-206]

As we saw in chapter 5, for feminists, the nation-state has always j presented serious intellectual and strategic challenges. For some, any engagement with the state has been questionable on the grounds that 'the state ... produces state subjects inter alia, bureaucratized, dependent, disciplined and gendered...' (Brown, 1992: 9; also see Allen, 1990). There has been an ongoing debate within the feminist movement about the expropriatory power of institutions (see Ehrenreich and Piven, 1983; Brown, 1992; Pringle and Watson, 1992;' Rai, 1995). The various positions have covered the entire spectrum from rejecting 'dealing' with state institutions entirely, to suggest­ing an 'in and against' the state approach, to examining the benefits of working with/through state institutions. I have argued elsewhere that for women, as for other marginalized groups, the state and civil society are both complex terrains - fractured, oppressive, threatening and also providing spaces for struggles and negotiations. These struggles and negotiations are grounded in the positionings of various groups of women articulating their short- and long-term interests in the context of the multiplicity of power relations that form the state in any country. In its turn, the state and its institutions are also 'shaped' by the forms and outcomes of these struggles. While deny­ing any intentionality to the state, or a necessary coherence to the alliances formed and engaged in struggles against states, there are, however, particular characteristics of Third World states that need to be examined to form a judgement about the various possible spaces for mobilization by women in their interests. My study of women's struggles against and engagement with the state in India, for example, showed that while state institutions and dominant political parties have taken up the cause of women's representation as part of the generalized discourse of modernity to which they subscribe, this discourse is not unified. As such, it allows sections of the state to take initiatives to respond to the struggles of women for equality as well as empowerment. This results in contradiction between different fractions of the state, which allows further possibilities for negotiation and struggle by and in the interests of women. Further, the capacity of the state to implement its policies and enforce its laws is undermined by the weakness of the economy and of the political infrastructure, and by widespread corruption which leads to the delegitimization of government and the political system. This lack of capacity further enhances intra-state conflict (Rai, 1995). The state thus cannot be regarded as and engaged with As a unified entity. It remains a fractured terra in that women's groups and struggles need to respond to in complex ways. Thus, in my earlier work (1995, 1996b, 1999) 1 have suggested that women's movements need to work 'in and against' the state. An engagement with the state should not be considered simply as one option to be weighed against others; it is a necessity. I have argued that a recognition of the particular splintered complexity of the state and of the multiplicity of the strategies of struggle is needed by women to confront and/or use state fractions in their own interests. An understanding of a relative autonomy of state fractions from the existing social relations and infrastructural capacity, on the one hand, and of state embeddedness in social relations and the consequences of such embeddedness for women, on the other, is necessary for engaging with institutions of power in a critical and thoughtful way. Such an approach, derived from analysis of particular struggles, also points to the potential for a strategy that holds in tension the engagement with, and the mobilization against, structures of power, be they at the local, national or global level. In the context of 'the neoliberal frame' under globalization (Runyan, 1999), I would suggest that strategizing for change in this way has become far more critical. As the global reach of social and political movements increases through technological and information networks, and as the pressures of international trade and markets begin to impinge significantly on national economies, leading to a fragmentation and repositioning of nation-states, the relationship between IocaI struggles, social movements and the national state is being constantly reshaped (Cohen and Rai, 2000a; Stienstra, 2000). I would suggest further that for a critical engagement with structures of power, the terms of engagement need to be clearly thought out. As we saw in chapter 5, not all, or even most, of these terms be determined by the women's movements, but a sensitivity to the issues at stake is still important if we are realistically to assess the extent to which agendas of institutions and structures of power be shifted. Finally, I would argue that an engagement with power structures need not rule out - indeed, needs to build upon a strong movement of opposition to these structures. Without such double move, early feminist concerns about co-optation within dominant discourses and by structural regimes of power become real. Such an analysis of 'in and against' organized power structures needs to reflect upon 'the shifting distinctions between representation within the state and political economy, on the one hand, and within the theory of the Subject, on the other...' (Spivak, 1988) In doing so, we can begin to address the tension between feasible and transformative politics.

#### PERM DO BOTH-Feminism can acknowledge the study of mainstream IR while also critiquing its gendered biases – there’s no single right way

Tickner 97

[ J. Ann Tickner - Professor in the School of International Relations at University of Southern California, President of the International Studies Association, the most respected and widely known scholarly association in this field - Dec., 1997 “You Just Don't Understand: Troubled Engagements between Feminists and IR Theorists” International Studies Quarterly, Vol. 41, No. 4.]

 Seeking greater understanding across theoretical divides, and the scientific and political cultures that sustain them, might be the best model if feminist international theory is to have a future within the discipline. Feminist theorists may claim that conventional IR has little to offer as to how to make cross-paradigm communications more effective and mutually successful. But feminists must understand that methodologies relevant to the investigations of their preferred issues are not normally part of a graduate curriculum in IR in the United States; therefore, they appear strange, unfamiliar, and often irrelevant to those so trained. However, feminists, along with other critical scholars, are pioneering the effort to look beyond conventional training and investigate the relevance of other disciplines and literatures for these methodologies. Conversations will not be successful until the legitimacy of these endeavors is more widely recognized and acknowledged as part of the discipline of international relations. Asking the question as to how we open lines of communication, Deborah Tannen (1990:120-1) suggests that men and women must try to take each other on their own terms rather than apply the standards of one group to the behavior of the other. Additionally, she claims that this is not an easy task because all of us tend to look for a single "right" way of doing things. Could this be a model for beginning more productive conversations between feminists and IR theorists?

#### Lack of foundational knowledge in Fem IR makes feminism complicit with dangerous representations of what it means to be a woman, reproducing the conditions necessary for binary thinking and exclusion

Stern and Zalewski 09

[MARIA STERN, lecturer and researcher at the Department of Peace and Development research at Gotberg University, AND MARYSIA ZALEWSKI, Director of Centre for Gender Studies at University of Aberdeen. “Feminist fatigue(s): reflections on feminism and familiar fables of militarization” Review of International Studies (2009), 35, 611–630, Cambridge journals//uwyokb]

In this section we clarify what we mean by the problem of sexgender and how it transpires in the context of feminist narratives within IR – which we will exemplify below with a recounting of a familiar feminist reading of militarisation. To re-iterate, the primary reason for investigating this is that we suspect part of the reason for the aura of disillusionment around feminism – especially as a critical theoretical resource – is connected to the sense that feminist stories repeat the very grammars that initially incited them as narratives in resistance. To explain; one might argue that there has been a normative feminist failure to adequately construct secure foundations for legitimate and authoritative knowledge claims upon which to garner effective and permanent gender change, particularly in regard to women. But for poststructural scholars this failure is not surprising as the emancipatory visions of feminism inevitably emerged as illusory given the attachments to foundationalist and positivistic understandings of subjects, power and agency. If, as poststructuralism has shown us, we cannot – through language – decide the meaning of woman, or of femininity, or of feminism, or produce foundational information about it or her;42 that subjects are ‘effects’ rather than ‘origins of institutional practices and discourses’;43 that power ‘produces subjects in effects’;44 or that authentic and authoritative agency are illusory – then the sure foundations for the knowledge that feminist scholars are conventionally required to produce – even hope to produce – are unattainable. Moreover, post-colonial feminisms have vividly shown how representations of ‘woman’ or ‘women’ which masquerade as ‘universal’ are, instead, universalising and inevitably produced through hierarchical and intersecting power relations.45 In sum; the poststructural suggestion is that feminist representations of women do not correspond to some underlying truth of what woman is or can be; rather feminism produces the subject of woman which it then subsequently comes to represent.46 The implications of this familiar conundrum are far-reaching as the demands of feminism in the context of the knowledge/political project of the gender industry are exposed as implicated in the re-production of the very power from which escape is sought. In short, feminism emerges as complicit in violent reproductions of subjects and knowledges/ practices. How does this recognisable puzzle (recognisable within feminist theory) play out in relation to the issues we are investigating in this article? As noted above, the broad example we choose to focus on to explain our claims is militarisation; partly chosen as both authors have participated in pedagogic, policy and published work in this generic area, and partly because this is an area in which the demand for operationalisable gender knowledge is ever-increasing. Our suggestion is that the increasing requirement47 for knowledge for the gender industry about gender and militarisation re-animates the sexgender paradox which persistently haunts attempts to translate what we know into useful knowledge for redressing (and preventing) conflict, or simply into hopeful scenarios for our students.

#### Rejecting all state policy collapses into tautology-women must engage the state and leverage their collective power

Rhode 94

[Deborah L. Rhode, Professor, Stanford Law School; Director, Institute for Research on Women and Gender, Stanford University, April 1994, Harvard Law Review, 107 Harv. L. Rev. 1181, p. 1184-1186]

 In many left feminist accounts, the state is a patriarchal institution in the sense that it reflects and institutionalizes male dominance. Men control positions of official power and men's interests determine how that power is exercised. According to Catharine MacKinnon, the state's invocation of neutrality and objectivity ensures that, "[t]hose who have freedoms like equality, liberty, privacy and speech socially keep them legally, free of governmental intrusion." n15 In this view, "the state protects male power [by] appearing to prohibit its excesses when necessary to its normalization." n16 So, for example, to the extent that abortion functions "to facilitate male sexual access to women, access to abortion will be controlled by 'a man or The Man.'" n17 Other theorists similarly present women as a class and elaborate the ways in which even state policies ostensibly designed to assist women have institutionalized their subordination. n18 So, for example, welfare programs stigmatize female recipients without providing the support that would enable them to alter their disadvantaged status. n19 In patriarchal accounts, the choice for many women is between dependence [\*1185] on an intrusive and insensitive bureaucracy, or dependence on a controlling or abusive man. n20 Either situation involves sleeping with the enemy. As Virginia Woolf noted, these public and private spheres of subordination are similarly structured and "inseparably connected; . . . the tyrannies and servilities of the one are the tyrannies and servilities of the other." n21 This account is also problematic on many levels. To treat women as a class obscures other characteristics, such as race and economic status, that can be equally powerful in ordering social relations. Women are not "uniformly oppressed." n22 Nor are they exclusively victims. Patriarchy cannot account adequately for the mutual dependencies and complex power dynamics that characterize male-female relations. Neither can the state be understood solely as an instrument of men's interests. As a threshold matter, what constitutes those interests is not self-evident, as MacKinnon's own illustrations suggest. If, for example, policies liberalizing abortion serve male objectives by enhancing access to female sexuality, policies curtailing abortion presumably also serve male objectives by reducing female autonomy. n23 In effect, patriarchal frameworks verge on tautology. Almost any gender-related policy can be seen as either directly serving men's immediate interests, or as compromising short-term concerns in the service of broader, long-term goals, such as "normalizing" the system and stabilizing power relations. A framework that can characterize all state interventions as directly or indirectly patriarchal offers little practical guidance in challenging the conditions it condemns. And if women are not a homogenous group with unitary concerns, surely the same is true of men. Moreover, if the state is best understood as a network of institutions with complex, sometimes competing agendas, then the patriarchal model of single-minded instrumentalism seems highly implausible. It is difficult to dismiss all the anti-discrimination initiatives of the last quarter century as purely counter-revolutionary strategies. And it is precisely these initiatives, with their appeal to "male" norms of "objectivity and the impersonality of procedure, that [have created] [\*1186] leverage for the representation of women's interests." n24 Cross-cultural research also suggests that the status of women is positively correlated with a strong state, which is scarcely the relationship that patriarchal frameworks imply. n25 While the "tyrannies" of public and private dependence are plainly related, many feminists challenge the claim that they are the same. As Carole Pateman notes, women do not "live with the state and are better able to make collective struggle against institutions than individuals." n26 To advance that struggle, feminists need more concrete and contextual accounts of state institutions than patriarchal frameworks have supplied. Lumping together police, welfare workers, and Pentagon officials as agents of a unitary patriarchal structure does more to obscure than to advance analysis. What seems necessary is a contextual approach that can account for greater complexities in women's relationships with governing institutions. Yet despite their limitations, patriarchal theories underscore an insight that generally informs feminist theorizing. As Part II reflects, governmental institutions are implicated in the most fundamental structures of sex-based inequality and in the strategies necessary to address it.

#### No solvency- re-socialization cannot resolve masculine leaders wielding real weapons- masculine policies will be necessary to contain such threats

**Fukuyama, 98**

(Francis Fukuyama, SAIS Foreign Policy Institute Senior Fellow at John Hopkins University, FOREIGN AFFAIRS, September/October 98, EBSCO//UWYOKB)

**Some feminists talk as if gender identities can be discarded like an old sweater,** **perhaps by putting young men through mandatory gender studies courses when they are college freshmen**. Male attitudes on a host of issues, from child-rearing and housework to "getting in touch with your feelings," have changed dramatically in the past couple of generations due to social pressure. **But socialization can accomplish only so much, and efforts to fully feminize young men will probably be no more successfiil than the Soviet Union's efforts to persuade its people to work on Saturdays on behalf of the heroic Cuban and Vietnamese people**. **Male tendencies to band together** for competitive purposes, **seek to dominate status hierarchies**, **and act out aggressive fantasies toward one another** can be rechanneled but never eliminated. Even if we can assume peaceful relations between democracies, the broader world scene will still be populated by states led by the occasional Mobutu, Milosevic, or Saddam. Machiavelli s critique of Aristotle was that the latter did not take foreign policy into account in building his model of a just city: in a system of competitive states, the best regimes adopt the practices of the worst in order to survive. So **even if the democratic, feminized, postindustrial world has evolved into a zone of peace where struggles are more economic than military, it will still have to deal with those parts of the world run by young, ambitious, unconstrained men.** If a future Saddam Hussein is not only sitting on the world's oil supplies but is armed to the hilt with chemical, biological, and nuclear weapons, we might be better off being led by women like Margaret Thatcher than, say, Gro Harlem Brundtland. Masculine policies will still be required, though not necessarily masculine leaders.

#### Realism solves the impact-insists on diplomacy, humility, and resolving conflict in a non-violent manner if at all possible

Murray 97

[Alastair J.H. Murray, Politics Department, University of Wales Swansea, Reconstructing Realism, 1997, p. 192//uwyokb]

Consequently, it is not surprising that the third strut of this feminist epistemology, a broader notion of national security, seems unnecessary. Acknowledging the interdependence of human security in an age of nuclear holocaust and environmental degeneration would hardly seem to be a preserve of feminism. What of everything that George Kennan has said on this subject over the last forty years. Nor can we accept the notion that we need to redefine conflict resolution to focus more on mutually beneficial outcomes, when realism is deeply concerned with the amelioration of difference by diplomacy. What of the nine points with which Morgenthau concludes Politics among Nations? Nor can we accept the notion that “maternal thinking” and a female, contextual morality are required to attempt to confine conflict to non-violent means. A persistent theme of realism is that humility of self and toleration of others are the foremost moral imperatives, that conflict should not be permitted to become an ideological war of absolutes in which all enemies are monsters, all actions are legitimate, and all peaces are but punitive armistices. One ultimately has to question the need for a specifically feminist theory of international relations. We currently do not have two radically opposed standpoints, masculine and feminine, but a unified human standpoint which, with modifications, serves us reasonably well.

#### Legal norms don’t cause wars and the alt can’t effect liberalism

David **Luban 10**, law prof at Georgetown, Beyond Traditional Concepts of Lawfare: Carl Schmitt and the Critique of Lawfare, 43 Case W. Res. J. Int'l L. 457

Among these associations is the positive, constructive side of politics, the very foundation of Aristotle's conception of politics, which Schmitt completely ignores. Politics, we often say, is the art of the possible. It is the medium for organizing all human cooperation. Peaceable civilization, civil institutions, and elemental tasks such as collecting the garbage and delivering food to hungry mouths all depend on politics. Of course, peering into the sausage factory of even such mundane municipal institutions as the town mayor's office will reveal plenty of nasty politicking, jockeying for position and patronage, and downright corruption. Schmitt sneers at these as "banal forms of politics, . . . all sorts of tactics and practices, competitions and intrigues" and dismisses them contemptuously as "parasite- and caricature-like formations." n55 The fact is that **Schmitt has nothing** whatever **to say about the constructive side of politics**, and his entire theory focuses on enemies, not friends. In my small community, political meetings debate issues as trivial as whether to close a street and divert the traffic to another street. It is hard to see mortal combat as even a remote possibility in such disputes, and so, in Schmitt's view, they would not count as politics, but merely administration. Yet issues like these are the stuff of peaceable human politics.

Schmitt, I have said, uses the word "political" polemically--in his sense, politically. I have suggested that his very choice of the word "political" to describe mortal enmity is tendentious, attaching to mortal enmity Aristotelian and republican associations quite foreign to it. But the more basic point is that Schmitt's critique of humanitarianism as political and polemical is itself political and polemical. In a word, the critique of lawfare is itself lawfare. It is self-undermining because to the extent that it succeeds in showing that lawfare is illegitimate, it de-legitimizes itself.

What about the merits of Schmitt's critique of humanitarianism? His argument is straightforward: either humanitarianism is toothless and [\*471] apolitical, in which case ruthless political actors will destroy the humanitarians; or else humanitarianism is a fighting faith, in which case it has succumbed to the political but made matters worse, because wars on behalf of humanity are the most inhuman wars of all. Liberal humanitarianism is either too weak or too savage.

The argument has obvious merit. When Schmitt wrote in 1932 that wars against "outlaws of humanity" would be the most horrible of all, it is hard not to salute him as a prophet of Hiroshima. The same is true when Schmitt writes about the League of Nations' resolution to use "economic sanctions and severance of the food supply," n56 which he calls "imperialism based on pure economic power." n57 Schmitt is no warmonger--he calls the killing of human beings for any reason other than warding off an existential threat "sinister and crazy" n58 --nor is he indifferent to human suffering.

But **international** humanitarian law **and criminal law are not the same thing as wars to end all war or humanitarian military interventions, so Schmitt's** important moral **warning** against ultimate military self-righteousness **does not** really **apply**. n59 Nor does "bracketing" war by humanitarian constraints on war-fighting presuppose a vanished order of European public law. The fact is that in nine years of conventional war, the United States has significantly bracketed war-fighting, even against enemies who do not recognize duties of reciprocity. n60 This may frustrate current lawfare critics who complain that American soldiers in Afghanistan are being forced to put down their guns. Bracketing warfare is a decision--Schmitt might call it an existential decision--that rests in part on values that transcend the friend-enemy distinction. **Liberal values are not alien extrusions into politics** or evasions of politics; **they are part of politics, and**, as Stephen Holmes argued against Schmitt, **liberalism has proven remarkably strong, not weak**. n61 We could choose to abandon liberal humanitarianism, and that would be a political decision. It would simply be a bad one.

# 1AR

**Realism is inevitable—states will always seek to maximize power**

John **Mearsheimer**, Professor, University of Chicago, THE TRAGEDY OF GREAT POWER POLITICS, **2001**, p. 2.

The sad fact is that **international politics has always been a ruthless and dangerous business**, and **it is likely to remain that wa**y. Although the intensity of their competition waxes and wanes, **great powers fear each other and always compete with each other for power. The overriding goal of each state is to maximize its share of world power, which means gaining power at the expense of other states.** But **great powers** do not merely strive to be the strongest of all the great powers, although that is a welcome outcome. Their **ultimate aim is to be the hegemon**-that is, **the only great power in the system.**

#### Gender oppression does not cause war, it’s the other way around

Goldstein 01

[Joshua, Int’l Rel Prof @ American U, 2001, War and Gender, p. 412]

 First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.9 So,”if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.