# 1NC

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#### USFG should is governmental action and a legislative forum

Ericson, 03 (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

### 1NC – Disad

#### **Relations high – empirically partners – recent meeting proves**

Aljazeera 12 – Aljazeera News, (“Cuba seeks strong trade ties with China”, Article Written for Aljazeera, 7/7/12, <http://www.aljazeera.com/news/asia-pacific/2012/07/2012775380851346.html>, AW)

Cuba has signed a series of economic agreements with China coinciding with a visit to Beijing by leader Raul Castro. The four-day visit, which began on Thursday, has offered Castro a first-hand look at Chinese economic reforms. The pacts inked on Thursday include a grant and interest-free loan to the Cuban government for economic and technological co-operation. They also inculde a credit line to support Cuban health care and other public services, but further details were not given. The signings followed talks in which Castro told Hu Jintao, China's president, that relations between the two nations were deepening and broadening. The trip is Castro's first to China since taking over from his brother in 2008. Cuba watchers have speculated he would study China's mix of socialism and market liberalisation of which he spoke approvingly during a 1997 visit. Asked what Cuba could learn, Liu Weimin, the foreign ministry spokesman, said China was eager to share its experiences. "We consider that mutual communications benefit helping countries adopt a suitable model for economic and social development depending on concrete local conditions," Liu told reporters at a briefing. Cuba is China's biggest commercial partner in the Caribbean. Beijing helped prop up the Cuban economy after the withdrawal of Russian aid in the 1990s. Bilateral trade totalled $1.8bn in 2010. Though both communist nations, China has opened broadly to private business and has thrived economically while Cuba remains largely poor.

#### Cuba enagagement reverses Chinese bilateral dominance

Luko 11 – (James – Served in Washington DC with the National Council For Soviet East European Research, the Smithsonian Institute and two years as an analyst with the Canadian Department of National Defence, “China's Moves on Cuba Need to Be Stopped”, 6/29, <http://www.nolanchart.com/article8774-chinas-moves-on-cuba-need-to-be-stopped.html>)

The Red Dragon takes another wide step of not only flexing its muscles in Asia, but now wishes to supplant Russias and (former USSRs) forward base presence 90 miles from the United States- CUBA. Cuba is China's biggest trade partner in the Caribbean region, while China is Cuba's second-largest trade partner after Venezuela. Over the past decade, bilateral trade increased from $440 million in 2001 to $1.83 billion in 2010. [1] In 2006 China and Cuba discussed offshore oil deals and now China's National Petroleum Corporation is a major player in Cuban infrastructure improvements. [ibid] In 2008, none other than China's President himself, Hu JinTao visited Cuba with a sweet package of loans, grants and trade deals. If Cuba becomes a 'client' state of China, it will be a source of leverage against America whenever the U.S. Pressures China on Tibet and Taiwan. Soon we will witness the newly constructed blue-water navy of China cruising Cuba's coast in protection of their trade routes and supply of natural resources. In 2003 it was reported that Chinese personnel were operating at least TWO (2) intelligence signal sations in Cuba since at least 1999 ! [2] This month, June 2011, the Vice President of China made an important visit, extending more financial aid, interest-free, as well as related health projects to be paid for by China. A client state in the making ! [3] The best way to counter the Chinese in Cuba is to reverse Americas 50 year old, ineffective and obsolete policy of isolationism and boycott of Cuba. The Chinese threat in Cuba should be the catalyst for the US to establish open and normalized relations, with economic incentives to re-Americanize Cuba, return of American investments and security agreements. Checking the Chinese move in Cuba early on is vital to preventing a strategic Chinese foothold 90 miles from Florida. Allowing China to replace Russia in Cuba would be a strategic disaster. China is dangling financial assistance and investments in order to establish a beachhead close to the shores of America. This is a counter-response to Americas continued military presence in Asia, continued support of Taiwan and recent increased American aid to the Philippines in its spat with China over sovereignty of the Spratly Islands. The Cuban people wish to return to the American fold and re-establish the traditional relationship with the Cuban anchor in Florida- namely the almost 900,000 Cubans living in Florida alone! [4]

#### Lack of US economic engagement spurs China’s growth.

Erikson & Chen ‘7 – (Daniel is a Senior Associate of US Policy at the Inter-American Dialogue. Janice is a degree candidate at the Fletcher School of Law and Diplomacy. “China, Taiwan, and the Battle for Latin America,” Fletcher Forum of World Affairs, Vol. 31:2, Summer 2007, pg. 71)

China’s economic engagement with Latin America responds to the requirements of a booming Chinese economy that has been growing at nearly 10 percent per year for the past quarter century. The economic figures are impressive: in the past six years, Chinese imports from Latin America have grown more than six-fold, at a pace of some 60 percent a year, to an estimated $60 billion in 2006. China has become a major consumer of food, mineral, and other primary products from Latin America, benefiting principally the commodity-producing countries of South America-par- ticularly Argentina, Brazil, Peru, and Chile. Chinese investment in Latin America remains relatively small at some $6.5 billion through 2004, but that amount represents half of China's foreign investment overseas.9 China's Xinhua News agency reported that Chinese trade with the Caribbean ex- ceeded $2 billion in 2004, a 40 percent increase from the previous year.10 China has promised to increase its investments in Latin America to $100 billion by 2014, although government officials have since backed away from that pledge and several proposed investments are already showing signs of falling short in Brazil, Argentina, and elsewhere. For their part, Latin Americans are intrigued by the idea of China as a potential partner for trade and investment. As a rising superpower with- out a colonial or "imperialist" history in the Western Hemisphere, China is in many ways more politically attractive than either the United States or the European Union, especially for politicians confronted with constituen- cies that are increasingly anti-American and skeptical of Western inten- tions. 12 Nevertheless, most analysts recognize that Latin America's embrace of China-to the extent that this has actually occurred-is intimately linked to its perception of neglect and disinterest from the United States. Nervousness about Chinas rise runs deeper among the smaller economies such as those of Central America, which do not enjoy Brazil's or Argentina's abundance in export commodities and are inclined to view the competi- tion posed by the endless supply of cheap Chinese labor as a menace to their nascent manufacturing sectors. But even as China seeks to reassure the United States that its interests in South America are purely economic, Beijing has begun enlisting regional powers like Mexico to aid its effort to woo Central American diplomats. Pressure is also being placed on Paraguay by Argentina, Brazil, and Chile, its partners in the South American Common Market (Mercosur), which places certain constraints on member states' bilateral foreign policy prerogatives. Despite its avowals to Washington, China appears to be using its economic might as a means to achieve the patently political objective of stripping Taiwan of its democratic allies in the Western Hemisphere.

#### CCP Collapse causes nuclear and biological warfare

Renxing 5 (San, Epic Times Staff Member, The CCP’s Last-ditch Gamble: Biological and Nuclear War, 8/5/5, The Epoch Times,<http://english.epochtimes.com/news/5-8-5/30975.html>)

As *The Epoch Times*’ *Nine Commentaries on the Communist Party* spreads ever wider in China, the truth it speaks is awakening Chinese people to the true nature of the Chinese Communist Party (CCP) and inspiring them to cancel their Party memberships. With the number of people quitting the Party growing rapidly by the day, the Communist Party sees that the end is near. In a show of strength to save itself from demise, the CCP has brought out a sinister plan that it has been preparing for years, a last-ditch gamble to extend its life. This plan is laid out in two speeches written by Chi Haotian, Minster of Defense and vice-chairman of China’s Central Military Commission, and posted on the Internet. The background surrounding the speeches is still shrouded in mystery. The titles of the two speeches are “[War Is Approaching Us](http://english.epochtimes.com/news/5-8-4/30974.html" \t "_blank)” [[1]](http://english.epochtimes.com/news/5-8-5/30975.html#1) and “[War Is Not Far from Us and Is the Midwife of the Chinese Century](http://english.epochtimes.com/news/5-8-4/30974.html" \t "_blank).” The two, judging from their similar contexts and consistent theme, are indeed sister articles. These speeches describe in a comprehensive, systematic, and detailed way the CCP’s nearly 20 years of fear and helplessness over its doomed fate, and its desperate fight to extend its life. In particular, the speeches lay uncharacteristically bare what is really on the CCP’s mind and hide nothing from the public—a rare confession from the CCP that can help people understand its evil nature. If one truly understands what is said in this confession, one will immediately catch on to the CCP’s way of thinking. In short, the speeches are worth reading, and I would like to comment on them. I. A Gangster Gambles with the World as His Stake, and the Lives of People in this Global Village Become Worthless What, then, is the gist of this wild, last-ditch gamble? To put it in a few words: A cornered beast is fighting desperately to survive in a battle with humanity. If you don’t believe me, read some passages directly from the speeches. 1) “We must prepare ourselves for two scenarios. If our biological weapons succeed in the surprise attack [on the US], the Chinese people will be able to keep their losses at a minimum in the fight against the U.S. If, however, the attack fails and triggers a nuclear retaliation from the U.S., China would perhaps suffer a catastrophe in which more than half of its population would perish. That is why we need to be ready with air defense systems for our big and medium-sized cities. Whatever the case may be, we can only move forward fearlessly for the sake of our Party and state and our nation’s future, regardless of the hardships we have to face and the sacrifices we have to make. The population, even if more than half dies, can be reproduced. But if the Party falls, everything is gone, and forever gone!” 2) “In any event, we, the CCP, will never step down from the stage of history! We’d rather have the whole world, or even the entire globe, share life and death with us than step down from the stage of history!!! Isn’t there a ‘nuclear bondage’ theory? It means that since the nuclear weapons have bound the security of the entire world, all will die together if death is inevitable. In my view, there is another kind of bondage, and that is, the fate our Party is tied up with that of the whole world. If we, the CCP, are finished, China will be finished, and the world will be finished.” 3) “It is indeed brutal to kill one or two hundred million Americans. But that is the only path that will secure a Chinese century, a century in which the CCP leads the world. We, as revolutionary humanitarians, do not want deaths. But if history confronts us with a choice between deaths of Chinese and those of Americans, we’d have to pick the latter, as, for us, it is more important to safeguard the lives of the Chinese people and the life of our Party. That is because, after all, we are Chinese and members of the CCP. Since the day we joined the CCP, the Party’s life has always been above all else!” Since the Party’s life is “above all else,” it would not be surprising if the CCP resorts to the use of biological, chemical, and nuclear weapons in its attempt to extend its life. The CCP, which disregards human life, would not hesitate to kill two hundred million Americans, along with seven or eight hundred million Chinese, to achieve its ends. These speeches let the public see the CCP for what it really is. With evil filling its every cell the CCP intends to wage a war against humankind in its desperate attempt to cling to life. *That* is the main theme of the speeches. This theme is murderous and utterly evil. In China we have seen beggars who coerced people to give them money by threatening to stab themselves with knives or pierce their throats with long nails. But we have never, until now, seen such a gangster who would use biological, chemical, and nuclear weapons to threaten the world, that they will die together with him. This bloody confession has confirmed the CCP’s nature: That of a monstrous murderer who has killed 80 million Chinese people and who now plans to hold one billion people hostage and gamble with their lives.

#### Collapse of the Chinese government causes border conflict with Russia

Lo and Rothman 6 [Bobo Lo and Andy Rothman, May 2006, Asian Geopolitics, special report http://findarticles.com/p/articles/mi\_7057/is\_2\_9/ai\_n28498825/pg\_17/]

The second scenario for strategic conflict is predicated on a general collapse of law and order in China. With no effective central authority to contain the anarchy, millions of Chinese could cross the border into the Russian Far East. This would lead to tensions and clashes, at first sporadic and random, but subsequently escalating into interstate conflict.

#### Nuclear winter

Sharavin 01[Alexander, What the Papers Say, 10-3-01, The Third Threat]

Russia may face the “wonderful” prospect of combating the Chinese army, which, if full mobilization is called, is comparable in size with Russia’s entire population, which also has nuclear weapons (even tactical weapons become less strategic if states have common borders) and would be absolutely insensitive to losses (even a loss of a few million of the servicemen would be acceptable for China). Such a war would be more horrible than the World War II. It would require from our state maximal tension, universal mobilization and complete accumulation of the army military hardware, up to the last tank or a plane, in a single direction (we would have to forget such “trifles” like Talebs and Basaev, but this does not guarantee success either). Massive nuclear strikes on basic military forces and cities of China would finally be the only way out, what would exhaust Russia’s armament completely. We have not got another set of intercontinental ballistic missiles and submarine-based missiles, whereas the general forces would be extremely exhausted in the border combats. In the long run, even if the aggression would be stopped after the majority of the Chinese are killed, our country would be absolutely unprotected against the “Chechen” and the “Balkan” variants both, and even against the first frost of a possible nuclear winter.

### 1NC – Disad

#### Cuba is a flagrant, willful, and persistent violator of human rights

Miami Herald 13 — Miami Herald, 2013 (“Human rights under abuse in Cuba,” Editorial, April 22nd, Available Online at http://www.miamiherald.com/2013/04/22/3358813/human-rights-under-abuse-in-cuba.html#storylink=cpy, Accessed 07-03-2013)

The State Department’s latest report on human-rights practices effectively puts the lie to the idea that the piecemeal and illusory changes in Cuba under Gen. Raúl Castro represent a genuine political opening toward greater freedom.¶ If anything, things are getting worse. The report, which covers 2012, says the independent Cuban Commission on Human Rights and Reconciliation counted 6,602 short-term detentions during the year, compared with 4,123 in 2011. In March 2012, the same commission recorded a 30-year record high of 1,158 short-term detentions in a single month just before the visit of Pope Benedict XVI.¶ Among the many abuses cited by the 2012 report are the prison sentences handed out to members of the Unión Patriotica de Cuba, the estimated 3,000 citizens held under the charge of “potential dangerousness,” state-orchestrated assaults against the Damas de Blanco (Ladies in White), the suspicious death of dissident Oswaldo Payá and so on.¶ As in any dictatorship, telling the truth is a crime: Independent journalist Calixto Ramón Martínez Arias, the first to report on the cholera outbreak in Cuba, was jailed in September for the crime of desacato (insulting speech) and remained there until last week.¶ The regime is willing to undertake some meek economic reforms to keep people employed. It has even dared to relax its travel requirements to allow more Cubans to leave the country if they can get a passport.¶ Both of these are short-term survival measures, designed as escape valves for growing internal pressure. But when it comes to free speech, political activity and freedom of association — the building blocks of a free society — the report is a depressing chronicle of human-rights abuses and a valuable reminder that repression is the Castro regime’s only response to those who demand a genuinely free Cuba. Fundamental reform? Not a chance.

#### Reject engagement with human rights abusers — *moral duty* to shun.

Beversluis 89 — Eric H. Beversluis, Professor of Philosophy and Economics at Aquinas College, holds an A.B. in Philosophy and German from Calvin College, an M.A. in Philosophy from Northwestern University, an M.A. in Economics from Ohio State University, and a Ph.D. in the Philosophy of Education from Northwestern University, 1989 (“On Shunning Undesirable Regimes: Ethics and Economic Sanctions,” *Public Affairs Quarterly*, Volume 3, Number 2, April, Available Online to Subscribing Institutions via JSTOR, p. 17-19)

A fundamental task of morality is resolving conflicting interests. If we both want the same piece of land, ethics provides a basis for resolving the conflict by identifying "mine" and "thine." If in anger I want to smash your [end page 17] face, ethics indicates that your face's being unsmashed is a legitimate interest of yours which takes precedence over my own interest in expressing my rage. Thus ethics identifies the rights of individuals when their interests conflict.

But how can a case for shunning be made on this view of morality? Whose interests (rights) does shunning protect? The shunner may well have to sacrifice his interest, e.g., by foregoing a beneficial trade relationship, but whose rights are thereby protected? In shunning there seem to be no "rights" that are protected. For shunning, as we have seen, does not assume that the resulting cost will change the disapproved behavior. If economic sanctions against South Africa will not bring apartheid to an end, and thus will not help the blacks get their rights, on what grounds might it be a duty to impose such sanctions?¶ We find the answer when we note that there is another "level" of moral duties. When Galtung speaks of "reinforcing … morality," he has identified a duty that goes beyond specific acts of respecting people's rights. The argument goes like this: There is more involved in respecting the rights of others than not violating them by one's actions. For if there is such a thing as a moral order, which unites people in a moral community, then surely one has a duty (at least prima facie) not only to avoid violating the rights of others with one's actions but also to support that moral order.¶ Consider that the moral order itself contributes significantly to people's rights being respected. It does so by encouraging and reinforcing moral behavior and by discouraging and sanctioning immoral behavior. In this moral community people mutually reinforce each other's moral behavior and thus raise the overall level of morality. Were this moral order to disintegrate, were people to stop reinforcing each other's moral behavior, there would be much more violation of people's rights. Thus to the extent that behavior affects the moral order, it indirectly affects people's rights. And this is where shunning fits in.¶ Certain types of behavior constitute a direct attack on the moral order. When the violation of human rights is flagrant, willful, and persistent, the offender is, as it were, thumbing her nose at the moral order, publicly rejecting it as binding her behavior. Clearly such behavior, if tolerated by society, will weaken and perhaps eventually undermine altogether the moral order. Let us look briefly at those three conditions which turn immoral behavior into an attack on the moral order.¶ An immoral action is flagrant if it is "extremely or deliberately conspicuous; notorious, shocking." Etymologically the word means "burning" or "blazing." The definition of shunning implies therefore that those offenses require shunning which are shameless or indiscreet, which the person makes no effort to hide and no good-faith effort to excuse. Such actions "blaze forth" as an attack on the moral order. But to merit shunning the action must also be willful and persistent. We do not consider the actions of the "backslider," the [end page 18] weak-willed, the one-time offender to be challenges to the moral order. It is the repeat offender, the unrepentant sinner, the cold-blooded violator of morality whose behavior demands that others publicly reaffirm the moral order. When someone flagrantly, willfully, and repeatedly violates the moral order, those who believe in the moral order, the members of the moral community, must respond in a way that reaffirms the legitimacy of that moral order. How does shunning do this?¶ First, by refusing publicly to have to do with such a person one announces support for the moral order and backs up the announcement with action. This action reinforces the commitment to the moral order both of the shunner and of the other members of the community. (Secretary of State Shultz in effect made this argument in his call for international sanctions on Libya in the early days of 1986.)¶ Further, shunning may have a moral effect on the shunned person, even if the direct impact is not adequate to change the immoral behavior. If the shunned person thinks of herself as part of the moral community, shunning may well make clear to her that she is, in fact, removing herself from that community by the behavior in question. Thus shunning may achieve by moral suasion what cannot be achieved by "force."¶ Finally, shunning may be a form of punishment, of moral sanction, whose appropriateness depends not on whether it will change the person's behavior, but on whether he deserves the punishment for violating the moral order. Punishment then can be viewed as a way of maintaining the moral order, of "purifying the community" after it has been made "unclean," as ancient communities might have put it.¶ Yet not every immoral action requires that we shun. As noted above, we live in a fallen world. None of us is perfect. If the argument implied that we may have nothing to do with anyone who is immoral, it would consist of a reductio of the very notion of shunning. To isolate a person, to shun him, to give him the "silent treatment," is a serious thing. Nothing strikes at a person's wellbeing as person more directly than such ostracism. Furthermore, not every immoral act is an attack on the moral order. Actions which are repented and actions which are done out of weakness of will clearly violate but do not attack the moral order. Thus because of the serious nature of shunning, it is defined as a response not just to any violation of the moral order, but to attacks on the moral order itself through flagrant, willful, and persistent wrongdoing. ¶ We can also now see why failure to shun can under certain circumstances suggest complicity. But it is not that we have a duty to shun because failure to do so suggests complicity. Rather, because we have an obligation to shun in certain circumstances, when we fail to do so others may interpret our failure as tacit complicity in the willful, persistent, and flagrant immorality.

### 1NC – Kritik

#### Links: There is no reason to vote affirmative: they cannot articulate any linkage between their prescriptions and practical, worldly effects

Schlag 90, professor of law@ univ. colorado, 1990 (pierre, stanford law review, november, page lexis)

In fact, normative legal thought is so much in a hurry that it will tell you what to do even though there is not the slightest chance that you might actually be in a position to do it. For instance, when was the last time you were in a position to put the difference principle n31 into effect, or to restructure [\*179] the doctrinal corpus of the first amendment? "In the future, we should. . . ." When was the last time you were in a position to rule whether judges should become pragmatists, efficiency purveyors, civic republicans, or Hercules surrogates? Normative legal thought doesn't seem overly concerned with such worldly questions about the character and the effectiveness of its own discourse. It just goes along and proposes, recommends, prescribes, solves, and resolves. Yet despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all practical purposes, its only consumers are legal academics and perhaps a few law students -- persons who are virtually never in a position to put any of its wonderful normative advice into effect.

Roleplaying as the USFG only trains us to become servants to the bureaucracy and makes us cognitively defenseless against the logic of institutions

Schlag 91 (PIERRE, COLORADO LAW PROF. 139 U. PA. L. REV.801, APRIL)

The problem for us, as legal thinkers, is that the normative appeal of normative legal thought systematically turns us away from recognizing that normative legal thought is grounded on an utterly unbelievable re-presentation of the field it claims to describe and regulate. The problem for us is that normative legal thought, rather than assisting in the understanding of present political and moral situations, stands in the way. It systematically reinscribes its own aesthetic -- its own fantastic understanding of the political and moral scene. n59 Until normative legal thought begins to deal with its own paradoxical postmodern rhetorical situation, it will remain something of an irresponsible enterprise. In its rhetorical structure, it will continue to populate the legal academic world with individual humanist subjects who think themselves empowered Cartesian egos, but who are largely the manipulated constructions of bureaucratic practices -- academic and otherwise. n60 To the extent possible, it is important to avoid this kind of category mistake. For instance, it is important to understand that your automobile insurance adjuster is not simply some updated version of the eighteenth century [\*189] individual humanist subject. Even though the insurance adjuster will quite often engage you in normative talk -- arguing with you about responsibility, fairness, fault, allocation of blame, adequacy of compensation, and the like -- he is unlikely to be terribly receptive or susceptible to any authentic normative dialogue. His normative competence, his normative sensitivity, is scripted somewhere else. It is important to be clear about these things. The contemporary lawyer, for instance, may talk the normative rhetoric of the eighteenth century individual humanist subject. But make no mistake: This normative or humanist rhetoric is very likely the unfolding of bureaucratic logic. The modern lawyer is very often a kind of meta-insurance adjuster. And that makes you and me, as legal academics, trainers of meta-insurance adjusters. This is perhaps an unpleasant realization. One of the most important effects of normative legal thought is to intercede here so that we, as legal academics, do not have to confront this unpleasant realization. Normative legal thought allows us to pretend that we are preparing our students to become Atticus Finch n61 while we are in fact training people who will enter the meta-insurance adjustment business. For our students, this role-confusion is unlikely to be very funny. It will get even less so upon their graduation -- when they learn that Atticus Finch has been written out of the script. For us, of course, it is a pleasant fantasy to think we are teaching Atticus Finch. When the fantasy is over, it becomes one hell of a category mistake. And in the rude transition from the one to the other, Atticus Finch can quickly turn into Dan Quayle. In fact, if you train your students to become Atticus Finch, they will likely end up as Dan Quayle -- cognitively defenseless against the regimenting and monitoring practices of bureaucratic institutions. Atticus Finch, as admirable as he may be, has none of the cognitive or critical resources necessary to understand the duplicities of the bureaucratic networks within which we operate. Apart from the fantasies of the legal academy, there is no longer a place in America for a lawyer like Atticus Finch. There is nothing for him to do here -- nothing he can do. He is a moral character in a world where the role of moral thought has become at best highly ambivalent, a normative thinker in a world where normative legal thought is already largely the bureaucratic logic of institutions.

2. Impacts: No Solvency - Their solvency presupposes the rationality of both agencies which are by definition irrational and individuals who are unwittingly just cogs in the bureaucratic machine – even if the bureaucracy could solve the harms, there’s no chance that it would choose to

Schlag 91 (PIERRE, COLORADO LAW PROF. 139 U. PA. L. REV.801, APRIL)

For these legal thinkers, it will seem especially urgent to ask once again: What should be done? How should we live? What should the law be? These are the hard questions. These are the momentous questions. [\*805] And they are the wrong ones. They are wrong because it is these very normative questions that reprieve legal thinkers from recognizing the extent to which the cherished "ideals" of legal academic thought are implicated in the reproduction and maintenance of precisely those ugly "realities" of legal practice the academy so routinely condemns. It is these normative questions that allow legal thinkers to shield themselves from the recognition that their work product consists largely of the reproduction of rhetorical structures by which human beings can be coerced into achieving ends of dubious social origin and implication. It is these very normative questions that allow legal academics to continue to address (rather lamely) bureaucratic power structures as if they were rational, morally competent, individual humanist subjects. It is these very normative questions that allow legal thinkers to assume blithely that -- in a world ruled by HMOs, personnel policies, standard operating procedures, performance requirements, standard work incentives, and productivity monitoring -- they somehow have escaped the bureaucratic power games. It is these normative questions that enable them to represent themselves as whole and intact, as self-directing individual liberal humanist subjects at once rational, morally competent, and in control of their own situations, the captain of their own ships, the Hercules of their own empires, the author of their own texts. It isn't so.  **n5** And if it isn't so, it would seem advisable to make some adjustments in the agenda and practice of legal thought. That is what I will be trying to do here. Much of what follows will no doubt seem threatening or nihilistic to many readers. In part that is because this article puts in question the very coherence, meaningfulness, and integrity of the kinds of normative disputes and discussion that almost all of us in the legal academy practice.

Solvency Turn: Focus on imaginary “solutions” disempowers the individual and ignores the personal element of the harms, preventing concrete localized change

Kappeler 95, associate prof. at al-akhawayn university [susanne, the will to violence: the politics of personal behavior, pg. 10-11]

Which is why many of those not yet entirely disillusioned with politics tend to engage in a form of mental deputy politics, in the style of ‘What would I do if I were the general, the prime minister, the president, the foreign minister or the minister of defence?’ Since we seem to regard their mega spheres of action as the only worthwhile and truly effective ones, and since our political analyses tend to dwell there first of all, any question of what I would do if I were indeed myself tends to peter out in the comparative insignificance of having what is perceived as ‘virtually no possibilities’: what I could do seems petty and futile. For my own action I obviously desire the range of action of a general, a prime minister, or a General Secretary of the UN — finding expression in ever more prevalent formulations like ‘I want to stop this war’, ‘I want military intervention’, ‘I want to stop this backlash’, or ‘I want a moral revolution.’7 ‘We are this war’, however, even if we do not command the troops or participate in so—called peace talks, namely as Drakuli~ says, in our non-comprehension’: our willed refusal to feel responsible for our own thinking and for working out our own understanding, preferring innocently to drift along the ideological current of prefabricated arguments or less than innocently taking advantage of the advantages these offer. And we ‘are’ the war in our ‘unconscious cruelty towards you’, our tolerance of the ‘fact that you have a yellow form for refugees and I don’t’ — our readiness, in other words, to build identities, one for ourselves and one for refugees, one of our own and one for the ‘others’. We share in the responsibility for this war and its violence in the way we let them grow inside us, that is, in the way we shape ‘our feelings, our relationships, our values’ according to the structures and the values of war and violence.

External Impact: Normative bureaucracy populates the world with subjects who think they’re empowered Cartesian egos but who are in fact shills of the bureaucratic control whose essential meaning is the infliction of pain and death

Schlag 90 professor of law@ univ. colorado, (pierre, stanford law review, november, page lexis)

All of this can seem very funny. That's because it is very funny. It is also deadly serious. It is deadly serious, because all this normative legal thought, as Robert Cover explained, takes place in a field of pain and death. n56 And in a very real sense Cover was right. Yet as it takes place, normative legal thought is playing language games -- utterly oblivious to the character of the language games it plays, and thus, utterly uninterested in considering its own rhetorical and political contributions (or lack thereof) to the field of pain and death. To be sure, normative legal thinkers are often genuinely concerned with reducing the pain and the death. However, the problem is not what normative legal thinkers do with normative legal thought, but what normative legal thought does with normative legal thinkers. What is missing in normative legal thought is any serious questioning, let alone tracing, of the relations that the practice, the rhetoric, the routine of normative legal thought have (or do not have) to the field of pain and death. And there is a reason for that: Normative legal thought misunderstands its own situation. Typically, normative legal thought understands itself to be outside the field of pain and death and in charge of organizing and policing that field. It is as if the action of normative legal thought could be separated from the background field of pain and death. This theatrical distinction is what allows normative legal thought its own self-important, self-righteous, self-image -- its congratulatory sense of its own accomplishments and effectiveness. All this self-congratulation works very nicely so long as normative legal [\*188] thought continues to imagine itself as outside the field of pain and death and as having effects within that field. n57 Yet it is doubtful this image can be maintained. It is not so much the case that normative legal thought has effects on the field of pain and death -- at least not in the direct, originary way it imagines. Rather, it is more the case that normative legal thought is the pattern, is the operation of the bureaucratic distribution and the institutional allocation of the pain and the death. n58 And apart from the leftover ego-centered rationalist rhetoric of the eighteenth century (and our routine), there is nothing at this point to suggest that we, as legal thinkers, are in control of normative legal thought. The problem for us, as legal thinkers, is that the normative appeal of normative legal thought systematically turns us away from recognizing that normative legal thought is grounded on an utterly unbelievable re-presentation of the field it claims to describe and regulate. The problem for us is that normative legal thought, rather than assisting in the understanding of present political and moral situations, stands in the way. It systematically reinscribes its own aesthetic -- its own fantastic understanding of the political and moral scene. n59Until normative legal thought begins to deal with its own paradoxical postmodern rhetorical situation,it will remain something of an irresponsible enterprise. In its rhetorical structure, it will continue to populate the legal academic world with individual humanist subjects who think themselves empowered Cartesian egos, but who are largely the manipulated constructions of bureaucratic practices -- academic and otherwise.

4. Fiat is issusary we should not debate it as such-The affirmatives problem solving theory is uniquely wrong and bad, the causes that they isolate are wrong and justify military interventions the impact is unending war

Alex BELLAMY Peace and Conflict Studies @ Queensland AND Paul WILLIAMS Visiting Int’l Affairs @ GW ‘5 “Introduction: Thinking Anew about Peace Operations” in Peace Operations and Global Order p

The second set of challenges concerns ontological issues. What are the entities that make up global politics? Or, more specifically here, what are the relevant entities when discussing peace operations and how should we understand the environment in which they take place? All theories make ontological assumptions about what the world is like, including theories of peace operations. Sometimes, ontological assumptions are made explicit. In International Relations, for example, neo-realists explicitly focus on states competing in an anarchic international system, Marxists focus upon class relations and structures of capitalism, and feminists concentrate upon gender relations and patriarchal structures. The ontology behind the theories of peace operations, however, is rarely, if ever, discussed. In our opinion it needs to be, because as Scott Burchill put it, ‘we cannot define a problem in world politics without presupposing a basic structure consisting of certain kinds of entities involved and the form of significant relationships between them’.26

### 1NC – Counterplan

The United States federal government will initiate binding consultation with United States military leaders including, at least, the Joint Chiefs of Staff, Combatant Commanders, and relevant generals and admirals, over whether the United States will

*provide economic engagement for the return of United States stolen physical assets in the Republic of Cuba.*

The United States federal government will advocate the adoption of the proposed mandates, and should implement the results of the consultation.

#### The military will accept if the administration negotiates---otherwise it’ll backlash

Hooker 4 - Colonel Richard D. Hooker, Jr., Ph.D. from the University of Virginia in international relations and is a member of the Council on Foreign Relations, served in the Office of the Chairman of the Joint Chiefs, Winter 2004, “Soldiers of the State: Reconsidering American Civil-Military Relations,” Parameters, p. 4-18

More current is the suggestion that party affiliation lends itself to military resistance to civilian control in policy matters, especially during periods of Democratic control. The strongest criticism in this vein is directed at General Colin Powell as a personality and gays in the military as a policy issue, with any number of prominent scholars drawing overarching inferences about civil-military relations from this specific event.21 This tendency to draw broad conclusions from a specific case is prevalent in the field but highly questionable as a matter of scholarship. The record of military deference to civilian control, particularly in the recent past, in fact supports a quite different conclusion. Time and again in the past decade, military policy preferences on troop deployments, the proliferation of nontraditional missions, the draw-down, gender issues, budgeting for modernization, base closure and realignment, and a host of other important issues were overruled or watered down. Some critics, most notably Andrew Bacevich, argue that President Clinton did not control the military so much as he placated it: “The dirty little secret of American civil-military relations, by no means unique to this [Clinton] administration, is that the commander-in-chief does not command the military establishment; he cajoles it, negotiates with it, and, as necessary, appeases it.”22 This conclusion badly overreaches. Under President Clinton, military force structure was cut well below the levels recommended in General Powell’s Base Force recommendations. US troops remained in Bosnia far beyond the limits initially set by the President. Funding for modernization was consistently deferred to pay for contingency operations, many of which were opposed by the Joint Chiefs. In these and many other instances, the civilian leadership enforced its decisions firmly on its military subordinates. On virtually every issue, the military chiefs made their case with conviction, but acquiesced loyally and worked hard to implement the decisions of the political leadership.

#### AND – CMR is on the brink – no consultation means extinction

THOMAS E. RICKS, member of Harvard University's Senior Advisory Council on the Project on U.S. Civil-Military Relations, Center for a New American Security, Pulitzer Prize winning former reporter for the Wall Street Journal and Washington Post, Foreign Policy Mag, 6/5,2012, “Covert Wars, Waged Virally”, <http://www.nytimes.com/2012/06/06/books/confront-and-conceal-by-david-sanger.html>, KENTUCKY

Mr. Sanger’s sure touch in discussing foreign policy falters when he addresses the Pentagon. He incorrectly states that “battlespace” is a term of cyberwar, when it actually is United States military jargon for any sort of battlefield, conventional or not. More important, Mr. Sanger seems unaware that a large number of military officers agreed with President Obama that Iraq was a “war of choice,” and a huge mistake. Nor by the time Mr. Obama took office was “much of the military ... running on autopilot.” Rather, after five years of sweating and bleeding in Iraq and Afghanistan, the military was engaged in a good deal of soul-searching about those wars. The “surge” in Iraq was largely the product of military dissidents who believed that invading Iraq had been a mistake. These are minor blemishes in an important book. I raise them mainly because of the warning signal they send about civil-military relations under President Obama. White House mistrust and suspicion of generals is not a recipe for an effective use of military force because it impedes the candid sort of discussion that consciously brings to the surface differences, examines assumptions and hammers out sustainable strategies. Rather, it suggests that Mr. Obama and those around him are repeating some of the dysfunctionality that characterized the dealings of Presidents Kennedy and Johnson with the Pentagon during the descent into the Vietnam War. With Syria hanging fire, a nuclear-armed Pakistan on the brink and the Afghan war dragging on, that is not a reassuring state of affairs.

### 1NC – Case

#### The ends justify the means

Isaac 2 – (Jeffrey, Professor of PoliSci @ Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD Yale, “Ends, Means, and Politics,” Dissent Magazine Vol 49 Issue 2)

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law [it] can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### In the face of extinction you have to weigh consequences - outweighs all else

Bok 88 (Sissela Bok, Professor of Philosophy @ Brandeis University, 1988, Applied Ethical Theory, ed. Rosenthal and Shehadi, pg. 203)

The same argument can be made for Kant’s other formulations of the Categorical Imperative: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through your actions a law-making member in a universal kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be as Rawls said, “irrational, crazy,” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake. For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such a responsibility seriously – perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish. To avoid self-contradiction, the Categorical imperative would, therefore, have to rule against the Latin maxim on account of its cavalier attitude toward the survival of mankind. But the ruling would then produce a rift in the application of the Categorical Imperative. Most often the Imperative would ask us to disregard all unintended but foreseeable consequences, such as the death of innocent persons, whenever concern for such consequences conflicts with concern for acting according to duty. But, in the extreme case, we might have to go against even the strictest moral duty precisely because of the consequences.

#### This is particularly true for policymakers

Ignatieff 4 (Michael, Carr Professor of Human Rights @ Harvard, Lesser Evils, p. 18-19)

As for moral perfectionism, this would be the doctrine that a liberal state should never have truck with dubious moral means and should spare its officials the hazard of having to decide between lesser and greater evils. A moral perfectionist position also holds that states can spare their officials this hazard simply by adhering to the universal moral standards set out in human rights conventions and the laws of war. There are two problems with a perfectionist stance, leaving aside the question of whether it is realistic. The first is that articulating nonrevocable, nonderogable moral standards is relatively easy. The problem is deciding how to apply them in specific cases. What is the line between interrogation and torture, between targeted killing and unlawful assassination, between preemption and aggression? Even when legal and moral distinctions between these are clear in the abstract, abstractions are less than helpful when political leaders have to choose between them in practice. Furthermore, the problem with perfectionist standards is that they contradict each other. The same person who shudders, rightly, at the prospect of torturing a suspect might be prepared to kill the same suspect in a preemptive attack on a terrorist base. Equally, the perfectionist commitment to the right to life might preclude such attacks altogether and restrict our response to judicial pursuit of offenders through process of law. Judicial responses to the problem of terror have their place, but they are no substitute for military operations when terrorists possess bases, training camps, and heavy weapons. To stick to a perfectionist commitment to the right to life when under terrorist attack might achieve moral consistency at the price of leaving us defenseless in the face of evildoers. Security, moreover, is a human right, and thus respect for one right might lead us to betray another.

## Case

#### US imperialism may not be perfect but the alternative is far more violent

Busby, 12 [Get Real Chicago IR guys out in force, Josh, Assistant Professor of Public Affairs and a fellow in the RGK Center for Philanthropy and Community Service as well as a Crook Distinguished Scholar at the Robert S. Strauss Center for International Security and Law. <http://duckofminerva.blogspot.com/2012/01/get-real-chicago-ir-guys-out-in-force.html>]

Is Unipolarity Peaceful? As evidence, Monteiro provides metrics of the number of years during which great powers have been at war. For the unipolar era since the end of the Cold War, the United States has been at war 13 of those 22 years or 59% (see his Table 2 below). Now, I've been following some of the discussion by and about Steven Pinker and Joshua Goldstein's [work](http://www.nytimes.com/2011/12/18/opinion/sunday/war-really-is-going-out-of-style.html?pagewanted=all" \t "_new) that suggests the world is becoming more peaceful with interstate wars and intrastate wars becoming more rare. I was struck by the graphic that Pinker used in a Wall Street Journal [piece](http://online.wsj.com/article/SB10001424053111904106704576583203589408180.html" \t "_new) back in September that drew on the Uppsala Conflict Data, which shows a steep decline in the number of deaths per 100,000 people. How do we square this account by Monteiro of a unipolar world that is not peaceful (with the U.S. at war during this period in Iraq twice, Afghanistan, Kosovo) and Pinker's account which suggests declining violence in the contemporary period? Where Pinker is focused on systemic outcomes, Monteiro's measure merely reflect years during which the great powers are at war. Under unipolarity, there is only one great power so the measure is partial and not systemic. However, Monteiro's theory aims to be systemic rather than partial. In critiquing Wohlforth's early work on unipolarity stability, Monteiro notes: Wohlforth’s argument does not exclude all kinds of war. Although power preponderance allows the unipole to manage conflicts globally, this argument is not meant to apply to relations between major and minor powers, or among the latter (17). So presumably, a more adequate test of the peacefulness or not of unipolarity (at least for Monteiro) is not the number of years the great power has been at war but whether the system as a whole is becoming more peaceful under unipolarity **compared** to previous eras, including wars between major and minor powers or wars between minor powers and whether the wars that do happen are as violent as the ones that came before. Now, as Ross Douthat pointed [out](http://douthat.blogs.nytimes.com/2011/10/17/steven-pinkers-history-of-violence/" \t "_new), Pinker's argument isn't based on a logic of benign hegemony. It could be that even if the present era is more peaceful, unipolarity has nothing to do with it. Moreover, Pinker may be wrong. Maybe the world isn't all that peaceful. I keep thinking about the places I don't want to go to anymore because they are violent (Mexico, Honduras, El Salvador, Nigeria, Pakistan, etc.) As Tyler Cowen [noted](http://marginalrevolution.com/marginalrevolution/2011/10/steven-pinker-on-violence.html), the measure Pinker uses to suggest violence is a per capita one, which doesn't get at the absolute level of violence perpetrated in an era of a greater world population. But, if my read of other [reports](http://www.hsrgroup.org/human-security-reports/20092010/graphs-and-tables.aspx) based on Uppsala data is right**,** war is becoming more rare and less deadly (though later [data](http://www.pcr.uu.se/research/ucdp/charts_and_graphs/" \t "_new) suggests lower level armed conflict may be increasing again since the mid-2000s). The apparent violence of the contemporary era may be something of a presentist bias and reflect our own lived experience and the ubiquity of news media .Even if the U.S. has been at war for the better part of unipolarity, the deadliness is declining, even compared with Vietnam, let alone World War II. Does Unipolarity Drive Conflict? So, I kind of took issue with the Monteiro's premise that unipolarity is not peaceful. What about his argument that unipolarity drives conflict? Monteiro suggests that the unipole has three available strategies - defensive dominance, offensive dominance and disengagement - though is less likely to use the third. Like Rosato and Schuessler, Monteiro suggests because other states cannot trust the intentions of other states, namely the unipole, that minor states won't merely bandwagon with the unipole. Some "recalcitrant" minor powers will attempt to see what they can get away with and try to build up their capabilities. As an aside, in Rosato and Schuessler world, unless these are located in strategically important areas (i.e. places where there is oil), then the unipole (the United States) should disengage. In Monteiro's world, disengagement would inexorably lead to instability and draw in the U.S. again (though I'm not sure this necessarily follows), but neither defensive or offensive dominance offer much possibility for peace either since it is U.S. power in and of itself that makes other states insecure, even though they can't balance against it.

Criticizing Western “colonialism” obscures more insidious practices by regional powers

Shaw 2 – Sussex IR Professor (Martin, The Problem of the Quasi-Imperial State, www.martinshaw.org/empire.htm)

Nor have many considered the possibility that if the concept of imperialism has a relevance today, it applies to certain aggressive, authoritarian regimes of the non-Western world rather than to the contemporary West. In this paper I fully accept that there is a concentration of much world power - economic, cultural, political and military - in the hands of Western elites. In my recent book, Theory of the Global State, I discuss the development of a 'global-Western state conglomerate' (Shaw 2000). I argue that 'global' ideas and institutions, whose significance characterizes the new political era that has opened with the end of the Cold War, depend largely - but not solely - on Western power. I hold no brief and intend no apology for official Western ideas and behaviour. And yet I propose that the idea of a new imperialism is a profoundly misleading, indeed ideological concept that obscures the realities of power and especially of empire in the twenty-first century. This notion is an obstacle to understanding the significance, extent and limits of contemporary Western power. It simultaneously serves to obscure many real causes of oppression, suffering and struggle for transformation against the quasi-imperial power of many regional states. I argue that in the global era, this separation has finally become critical. This is for two related reasons. On the one hand, Western power has moved into new territory, largely uncharted -- and I argue unchartable -- with the critical tools of anti-imperialism. On the other hand, the politics of empire remain all too real, in classic forms that recall both modern imperialism and earlier empires, in many non-Western states, and they are revived in many political struggles today. Thus the concept of a 'new imperialism' fails to deal with both key post-imperial features of Western power and the quasi-imperial character of many non-Western states. The concept overstates Western power and understates the dangers posed by other, more authoritarian and imperial centres of power. Politically it identifies the West as the principal enemy of the world's people, when for many of them there are far more real and dangerous enemies closer to.

#### Plan cannot solve global American colonialism or imperialism – Cuba is just one example – doesn’t spillover or proves the aff is extra-T

## Prisoners Adv

#### The role of the ballot should be to affirm who did the best debating

# 2NC

#### Prescriptive policy debate is simply projection or wish-fulfillment - they have zero concrete argument for how normative thought is connected to actual law

Schlag 91 (pierre, colorado law prof. 139 u. pa. l. rev.801, april)

One of the consequences of the unquestioned dominance of normative legal thought in the academy is that there has been little or no articulate consideration of just how it is that this thought produces or expects to produce its effects. Yet normative legal thought clearly represents itself as having practical, worldly ambitions. Much normative legal thought reveals an expectation and a desire for its own realization in judicial or statutory law (for formalists) or by effective action in the social sphere (for realists). While this much is clear, what is not clear and indeed has not even [\*844] been seriously questioned, is how normative legal thought expects to realize these ambitions. That this question should arise only now is unsurprising. For most of the history of American legal academic thought, it would have been unthinkable to ask such a question. It is only now, when the effectiveness of normative legal thought is in doubt, when the receptivity of judicial (and other) audiences is questionable, n115 when the very identity of any fixed paradigm for legal thought is uncertain, that the question can even arise. Because the question arises seriously for the first time, we are without any strong, self-conscious, widely shared theoretical frameworks to help our inquiry. Still, we are not entirely without markers or resources. If we pay close attention to the normative legal thought that emerges from the academy, we may yet understand how normative legal thought thinks it produces its effects. The more popular normative legal theories, for instance, indirectly reveal a great deal about what normative legal thinkers believe they are doing with their normative legal thought. Instead of reading normative legal theory in terms of what it means for adjudication or "law," we can usefully read these theories for what they reveal about the enterprise of normative legal thought. Indeed, many of our contemporary jurisprudential theories can easily be seen as instances of projection, where [\*845] authors and readers displace onto the judiciary their own idealized self-images as legal thinkers.

#### It’s not net beneficial- accepting the fundamental tenet of the affirmative that prescriptive action is a good thing winds up co-opting normative legal criticism

Schlag 90, professor of law@ univ. colorado, 1990 (pierre, stanford law review, november, page lexis)

Yet normative legal thought can't wait to shut down these intellectual and political openings as well. It cannot wait to envelop these inquiries in its own highly stylized ethical-moral form of norm-justification. Normative legal thought cannot wait to enlist epistemology, semiotics, social theory or any other enterprise in its own ethical-moral argument structures about the right, the good, the useful, the efficient (or any of their doctrinally crystallized derivatives). It cannot wait to reduce world views, attitudes, demonstrations, provocations, and thought itself, to norms. In short, it cannot wait to tell you (or somebody else) what to do.

#### No extinction

Dickinson 4 (Edward Ross, University of Cincinnati, “Biopolitics, Fascism, Democracy: Some Reflections on Our Discourse About ‘Modernity’”, Central European History, 37, p. 18-19)

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault’s ideas have “fundamentally directed attention away from institutionally centered conceptions of government and the state . . . and toward a dispersed and decentered notion of power and its ‘microphysics.’”48 The “broader, deeper, and less visible ideological consensus” on “technocratic reason and the ethical unboundedness of science” was the focus of his interest.49 But the “power-producing effects in Foucault’s ‘microphysical’ sense” (Eley) of the construction of social bureaucracies and social knowledge, of “an entire institutional apparatus and system of practice” ( Jean Quataert), simply do not explain Nazi policy.50 The destructive dynamic of Nazism was a product not so much of a particular modern set of ideas as of a particular modern political structure, one that could realize the disastrous potential of those ideas. What was critical was not the expansion of the instruments and disciplines of biopolitics, which occurred everywhere in Europe. Instead, it was the principles that guided how those instruments and disciplines were organized and used, and the external constraints on them. In National Socialism, biopolitics was shaped by a totalitarian conception of social management focused on the power and ubiquity of the völkisch state. In democratic societies, biopolitics has historically been constrained by a rights-based strategy of social management. This is a point to which I will return shortly. For now, the point is that what was decisive was actually politics at the level of the state. A comparative framework can help us to clarify this point. Other states passed compulsory sterilization laws in the 1930s — indeed, individual states in the United States had already begun doing so in 1907. Yet they did not proceed to the next steps adopted by National Socialism — mass sterilization, mass “eugenic” abortion and murder of the “defective.” Individual figures in, for example, the U.S. did make such suggestions. But neither the political structures of democratic states nor their legal and political principles permitted such policies actually being enacted. Nor did the scale of forcible sterilization in other countries match that of the Nazi program. I do not mean to suggest that such programs were not horrible; but in a democratic political context they did not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

# 1NR

### 2NC – Impact Overview

#### Escalates to extinction

Takai 9(Mitsuo, retired colonel and former researcher in the military science faculty of the Staff College for Japan’s Ground Self Defense Force,“U.S.-China nuclear strikes would spell doomsday,” http://www.upiasia.com/Security/2009/10/07/us-china\_nuclear\_strikes\_would\_spell\_doomsday/7213/)

Tokyo, Japan — Those who advocate nuclear armaments, and are now raising their voices in Japan and elsewhere, should take a look at an objective analysis by U.S. scientists who have disclosed the results of several studies on strategic nuclear missile strikes. What would happen if China launched its 20 Dongfeng-5 intercontinental ballistic missiles, each with a 5-megaton warhead, at 20 major U.S. cities? Prevailing opinion in Washington D.C. until not so long ago was that the raids would cause over 40 million casualties, annihilating much of the United States. In order to avoid such a doomsday scenario, consensus was that the United States would have to eliminate this potential threat at its source with preemptive strikes on China. But cool heads at institutions such as the Federation of American Scientists and the National Resource Defense Council examined the facts and produced their own analyses in 2006, which differed from the hard-line views of their contemporaries. The FAS and NRDC developed several scenarios involving nuclear strikes over ICBM sites deep in the Luoning Mountains in China’s western province of Henan, and analyzed their implications. One of the scenarios involved direct strikes on 60 locations – including 20 main missile silos and decoy silos – hitting each with one W76-class, 100-kiloton multiple independently targetable reentry vehicle carried on a submarine-launched ballistic missile. In order to destroy the hardened silos, the strikes would aim for maximum impact by causing ground bursts near the silos' entrances. Using air bursts similar to the bombings of Hiroshima and Nagasaki would not be as effective, as the blasts and the heat would dissipate extensively. In this scenario, the 6 megatons of ground burst caused by the 60 attacks would create enormous mushroom clouds over 12 kilometers high, composed of radioactive dirt and debris. Within 24 hours following the explosions, deadly fallout would spread from the mushroom clouds, driven by westerly winds toward Nanjing and Shanghai. They would contaminate the cities' residents, water, foodstuff and crops, causing irreversible damage. The impact of a 6-megaton nuclear explosion would be 360 times more powerful than the Hiroshima bomb, killing not less than 4 million people. Such massive casualties among non-combatants would far exceed the military purpose of destroying the enemy's military power. This would cause political harm and damage the United States’ ability to achieve its war aims, as it would lose international support. On the other hand, China could retaliate against U.S. troops in East Asia, employing intermediate-range ballistic missiles including its DF-3, DF-4 and DF-21 missiles, based in Liaoning and Shandong provinces, which would still be intact. If the United States wanted to destroy China's entire nuclear retaliatory capability, U.S. forces would have to employ almost all their nuclear weapons, causing catastrophic environmental hazards that could lead to the annihilation of mankind. Accordingly, the FAS and NRDC conclusively advised U.S. leaders to get out of the vicious cycle of nuclear competition, which costs staggering sums, and to promote nuclear disarmament talks with China. Such advice is worth heeding by nuclear hard-liners.

#### Collapse of the Chinese government causes border conflict with Russia

Lo and Rothman 6 [Bobo Lo and Andy Rothman, May 2006, Asian Geopolitics, special report http://findarticles.com/p/articles/mi\_7057/is\_2\_9/ai\_n28498825/pg\_17/]

The second scenario for strategic conflict is predicated on a general collapse of law and order in China. With no effective central authority to contain the anarchy, millions of Chinese could cross the border into the Russian Far East. This would lead to tensions and clashes, at first sporadic and random, but subsequently escalating into interstate conflict.

#### Nuclear winter

Sharavin 01[Alexander, What the Papers Say, 10-3-01, The Third Threat]

Russia may face the “wonderful” prospect of combating the Chinese army, which, if full mobilization is called, is comparable in size with Russia’s entire population, which also has nuclear weapons (even tactical weapons become less strategic if states have common borders) and would be absolutely insensitive to losses (even a loss of a few million of the servicemen would be acceptable for China). Such a war would be more horrible than the World War II. It would require from our state maximal tension, universal mobilization and complete accumulation of the army military hardware, up to the last tank or a plane, in a single direction (we would have to forget such “trifles” like Talebs and Basaev, but this does not guarantee success either). Massive nuclear strikes on basic military forces and cities of China would finally be the only way out, what would exhaust Russia’s armament completely. We have not got another set of intercontinental ballistic missiles and submarine-based missiles, whereas the general forces would be extremely exhausted in the border combats. In the long run, even if the aggression would be stopped after the majority of the Chinese are killed, our country would be absolutely unprotected against the “Chechen” and the “Balkan” variants both, and even against the first frost of a possible nuclear winter.

### 2NC – Link

#### Enagagement prevents Chinese Trade

FFM ’12 (Free Free Markets, “Cuban Embargo and China,” September 22, 2012, <http://www.freeourfreemarkets.org/2012/09/cuban-embargo-and-china.html>)-mikee

“In a separate local television interview, Mr. Ryan also explained how he had come to change his mind and since 2007 has supported the embargo.", Ryan Criticizes Obama’s Cuba Policy and Explains His Shift on the Issue, New York Times, September 22, 2012 Sometimes we conduct our foreign policy like it is still 1980. I understand the current Obama administration also supports the continued enforcement of the embargo. Both Mr. Obama and Mr. Ryan are wrong. Who have we hurt with such a policy? Certainly not the Castro's. We hurt the ordinary citizen of Cuba who are not enemies. Further, at the same time we are increasing the presence of the United States in the Pacific rim much to the dismay of China. If I was in a leadership position in China I would quietly tell the President that I am not happy with the United States flexing its muscles so close to China's borders and, oh by the way, we have decided to increase trade with Cuba. If we don't start supporting Cuba more, China will. The Cuban people are our friends as are the people of Haiti.

#### China perceives competition – economic power struggle with the US

Hongbo 6-3 – Sun Hongbo, Global Times, [BBC Monitoring Asia Pacific – Political, “China commentary says Latin America arena for power struggle,” Lexis, accessed 7-9-13, UR]

Obviously, China has become an important strategic partner with Latin America in terms of economic exchanges and foreign affairs. Compared with other regions such as the Asia-Pacific and the Middle East, Latin America is not pivotal in the change of the international pattern. Nevertheless, Latin America is becoming more fully engaged with international affairs. More importantly, Latin America is no longer constrained to a US-dominated Western hemisphere, but is developing relationships with emerging economies from the rest of the world. However, challenges still remain in those countries' China policies in terms of policy coordination and implementation. It requires both China and Latin America to make efforts to guide and design the direction of the bilateral relationship. It is also unavoidable that Latin America has become an arena for another round of power struggles. The US is trying to regain its influence in Latin America, while Russia, India and Japan, no matter whether out of consideration of Latin America's resources and market or the need to readjust their foreign policy, are also looking to take a share. Both traditional powers and emerging economies are looking for leverage in the region. Every major power is speculating on the changes inside Latin America. The dominant US position in this region has started to decline. Brazil is a rising power, but it is uncertain whether it can establish leadership in this region. Meanwhile, left-wing governments in Latin America are being challenged over the sustainability of their policies. And most Latin American countries are readjusting their foreign policies for a diverse system of foreign relations. Major powers are re-evaluating their interests and readjusting their policies in this region to compete for influence. But whether they can live up to their own expectations depends on their national strength and future growth, and more importantly, whether they can balance their interests with Latin America's. Both China and the US have denied any intention of rivalry in Latin America, but the thriving relationship between China and Latin America has already impacted the traditional US influence over this region. Latin America has become an unavoidable topic if China and the US want to establish a new pattern of relationship. Setting up mechanisms to enhance communication, negotiation and mutual trust between both countries over this region should be a top priority. More challenges than opportunities will prevail in the future relationship between the US and Latin America. The challenges are mostly left over by history, such as immigration, drug dealing and US policies toward Cuba and Venezuela.

#### Specifically Latin American engagement hurts Chinese growth

Kreps and Flores-Macias 13 (Sarah E. Kreps, Assistant Professor of Government at Cornell University and Gustavo A. Flores-Macías, Assistant Professor of Government at Cornell University. “No Strings Attached? Evaluating China’s Trade Relations Abroad.” The Diplomat 17 May 2013. Web.) <http://thediplomat.com/china-power/no-strings-attached-evaluating-chinas-trade-relations-abroad/>

To be sure, China may not have a purposeful plan to bring their trade partners into alignment on foreign policy questions. Even if unintentional, however, this “gravitational effect” has a sound economic basis. Developing countries in Africa and Latin America are comparatively much more dependent on China than China is on these countries. In a ten year period, for example, Sudan’s trade with China rose from 1 to 10% of its Gross Domestic Product. That pattern is even starker in a country like Angola, for which trade with China represented 25% of its GDP in 2006. While China certainly needs access to the resources in these countries, the individual countries are far less important to China than China is to these countries. The asymmetry in needs gives China a bargaining advantage that translates into foreign policy outcomes even if not by explicit design. Whether by design or not, the convergence with China’s foreign policy goals is important on at least two levels. First, developing countries in Africa and Latin America may be lulled by the prospect of partnering with a country such as China that does not have an explicit political agenda, as did the United States and Soviet Union during the Cold War, but this appears to be an illusion. Whether this reaches the level of “new colonialism” as former Secretary of State Hillary Clinton referred to it remains to be seen, but the economic asymmetries that undergird the relationship make that prospect more likely. A second set of implications deals with the United States. During the same period in which China’s trade with Africa and Latin America and foreign policy convergence have increased, the United States and China have actually diverged in their overall UNGA voting behavior. This suggests something of a zero sum dynamic in which China’s growing trade relations make it easier to attract allies in international forums while US influence is diminishing. Taken together, these trends call for greater engagement on behalf of the United States in the developing world. Since the September 2001 attacks, Washington has dealt with Africa and Latin America through benign neglect and shifted its attention elsewhere. If foreign policy alignment does follow from tighter commercial relations, the US ought to reinvigorate its trade and diplomatic agenda as an important means of projecting influence abroad. Oil and copper import growth rates have recently been 10 times higher than average import growth rates for the rest of the world.

### 2NC – Representation

#### China is a real threat that must be securitized against—our understanding of them doesn’t cause us to go into a war

Blumenthal et al 11 ( Dan Blumenthal is a current commissioner and former vice chairman of the U.S.-China Economic and Security Review Commission, where he directs efforts to monitor, investigate, and provide recommendations on the national security implications of the economic relationship between the two countries. “Avoiding Armageddon with China” http://shadow.foreignpolicy.com/posts/2011/09/06/avoiding\_armageddon\_with\_china?wpisrc=obinsite ,KENTUCKY)

The balancing and hedging strategy should involve options to avoid what Traub rightfully describes as "Armageddon." We call for a myriad of conventional options short of striking the nuclear-armed PRC, in the hope that such a strategy enhances deterrence in the first place and avoids Armageddon should deterrence fail. The strategy aims to slow escalation rather than quicken it. The idea of a self-fulfilling prophecy -- of turning China into an enemy by treating it as one -- is like a unicorn; it is a make believe creature that still has its believers. The United States has done more than any other country to "turn China into a friend" by welcoming it into the international community. Alas, China has not fulfilled this U.S. "prophesy of friendship." Instead China has built what all credible observers call a destabilizing military that has changed the status quo by holding a gun to Taiwan's head even as Taiwan makes bold attempts at peace, by claiming ever more territory in the South China Sea, and by attempting to bully and intimidate Japan. Traub asks whether our allies and partners will be willing to participate in an "anti-Chinese coalition," as he describes it. As the paper says, all allies, partners, and potential partners are already modernizing their militaries in response to China. And they will continue to do so regardless of whether the U.S. pursues what Traub would see as an "anti-China" strategy. Even laid-back Australia has plans to double its submarine fleet -- it is not doing so to defend against Fiji. The paper argues that it is time for the United States to offer more serious assistance so that matters do not get out of hand. A strong U.S. presence and commitment to the region's security can help avoid a regional nuclear arms race, for example. The United States can be a force multiplier by providing the intelligence, surveillance, and reconnaissance that only Washington possesses, and by training, and equipping our allies and friends. This strategy is one way of beginning to put Asia back in balance as China changes the status quo. Not doing so, we fear, would lead to Armageddon.

#### Only a risk of our offense

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NATO's accidental bombing of the Chinese Embassy in Belgrade has revealed the fallacy at the core of the Clinton Administration's China policy. While Administration officials continue to yearn for a "strategic partnership" with Beijing, China's leaders make no effort to conceal the fact they consider the United States an enemy -- or, more precisely, the enemy. How else can one interpret the Chinese Government's response to the bombing? Instead of trying to contain the damage to diplomatic relations, as any friendly nation would have after such an obvious if tragic mistake, the Chinese Government used its vast propaganda machine to whip up anti-American hysteria. The Government bused student protesters to the American Embassy, and the police cordoned off parts of Beijing to make access to the compound easier. State-run media refused to print repeated apologies from NATO and the United States. Instead of accepting NATO's explanations, in fact, the Chinese Government has persisted in claiming that NATO intentionally hit the embassy, which has only further inflamed protesters who have no other information. The result is that Ambassador James Sasser and other embassy employees are self-described hostages and in peril. This anti-American campaign in China did not begin with the bombing. For weeks Chinese citizens have been barraged by Government propaganda -- complete with old films from the Korean War -- depicting the United States and its allies as vicious aggressors against an innocent and helpless Serbia. All this fits within the broader anti-American line Beijing has been spouting for years: that the United States is an imperialist aggressor, bent on world domination, and at China's expense. Why have Chinese leaders chosen to use the bombing to mobilize anti-American hatred? Perhaps they are trying to distract attention from the 10-year anniversary of the Tiananmen Square massacre. Perhaps, having been caught red-handed stealing American nuclear secrets, they want to turn the tables and put the United States on the defensive. Perhaps they believe that bullying and brinksmanship are good tactics to use with an Administration that seems bent on "engagement" at any cost. And given the lack of indignation expressed so far by White House officials in the face of China's behavior, they may be right. But none of these explanations preclude another possibility. Perhaps Beijing is just revealing what it really thinks about the United States. Six years ago, a report prepared by top Chinese foreign and military specialists declared that the United States was China's "international archenemy." When its military conducts war games, the primary adversary is the United States. When Chinese leaders map out their ambitions -- taking control of Taiwan and becoming the dominant power in East Asia -- they see the United States as the main obstacle. They are right. So far, the United States has insisted on remaining the leading power in East Asia. The Chinese believe their ambitions clash directly with the vital interests of the United States. They're right about that, too. Would that we in the United States were as clear-sighted. The Administration believes that if we don't treat China as an enemy, it won't become one. Those who recommend a tougher approach, those who call for containing China's ambitions, are usually accused of creating a self-fulfilling prophecy. But what if the prophecy has already been fulfilled? When the smoke clears from this latest and most revealing crisis, sober Americans may want to start taking the emerging confrontation as seriously as the Chinese do.