## 1NC v Michigan CH

### T – Subsets

#### Substantial increase is 30% to 50%.

Hantash 06, Patent Attorneys & Engineers Lynch Kneblewski - Sâo Paulo

[Feras, 3/16, http://www.freshpatents.com/Method-for-detecting-cystic-fibrosis dt20060316ptan20060057593.php]

[0011] A substantial increase in the amount of a CFTR target segment identified means that the segment has been duplicated while a substantial decrease in the amount of a CFTR target segment identified means that the target segment has been deleted. The term "substantial decrease" or "substantial increase" means a decrease or increase of at least about 30-50%. Thus, deletion of a single CFTR exon would appear in the assay as a signal representing for example of about 50% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene. Conversely, amplification of a single exon would appear in the assay as a signal representing for example about 150% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene.

#### Targeted Killings include a wide variety of practices-not just drones

Abresch 9 (William, 2009, “Targeted Killing in International Law” book review, original book by Nils Melzer, Oxford: Oxford University Press, 2008, <http://ejil.oxfordjournals.org/content/20/2/449.full>)

Studies of targeted killing are often situated within the politically fraught debate over Hellfire missile attacks on suspected terrorists. The scope of Melzer's analysis is, then, refreshingly broad, covering equally sniper shots used to end hostage stand-offs, poison letters sent to insurgent commanders, and commando raids launched with orders to liquidate opponents. These diverse practices are marked off from other uses of lethal force by states, such as soldiers shooting in a firefight, with a precise and intuitively satisfying definition. Melzer defines targeted killing as a use of lethal force by a subject of international law that is directed against an individually selected person who is not in custody and that is intentional (rather than negligent or reckless), premeditated (rather than merely voluntary), and deliberate (meaning that ‘the death of the targeted person [is] the actual aim of the operation, as opposed to deprivations of life which, although intentional and premeditated, remain the incidental result of an operation pursuing other aims’) (at 3–4). It is a strength of Melzer's book that, although the concepts deployed in this definition do not correspond with those found in either international human rights law or international humanitarian law (IHL), he eschews de lege ferenda argumentation in favour of a rigorous elaboration of the implications of the lex lata for the practices covered by his definition.

#### “In the area” means all of the activities

United Nations 13

(United Nations Law of the Sea Treaty, http://www.un.org/depts/los/convention\_agreements/texts/unclos/part1.htm)

PART I¶ INTRODUCTION¶ Article 1

Use of terms and scope¶ 1. For the purposes of this Convention:¶ (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;¶ (2) "Authority" means the International Seabed Authority;¶ (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;

### Debt Ceiling DA

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

Dovere, 10/1

(Edward, Politico, “Government shutdown: President Obama holds the line” <http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### The plan causes an inter-branch fight that derails Obama’s agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea." While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6° In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failedperhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq. When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

#### That consumes his capital and causes a default

Lillis, 9/7

(Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

#### Collapses the global economy

Davidson 9-10

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0>

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Collapse causes nuclear conflicts

Harris and Burrows 9

Mathew J. Burrows counselor in the National Intelligence Council and Jennifer Harris a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” The Washington Quarterly 32:2 https://csis.org/files/publication/twq09aprilburrowsharris.pdf

Increased Potential for Global Conflict¶ Of course, the report encompasses more than economics and indeed believes the¶ future is likely to be the result of a number of intersecting and interlocking¶ forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity.¶ Even so, history may be more instructive than ever. While we continue to¶ believe that the Great Depression is not likely to be repeated, the lessons to be¶ drawn from that period include the harmful effects on fledgling democracies and¶ multiethnic societies (think Central Europe in 1920s and 1930s) and on¶ the sustainability of multilateral institutions (think League of Nations in the¶ same period). There is no reason to think that this would not be true in the¶ twenty-first as much as in the twentieth century. For that reason, the ways in¶ which the potential for greater conflict could grow would seem to be even more¶ apt in a constantly volatile economic environment as they would be if change¶ would be steadier.¶ In surveying those risks, the report stressed the likelihood that terrorism and¶ nonproliferation will remain priorities even as resource issues move up on the¶ international agenda. Terrorism’s appeal will decline if economic growth¶ continues in the Middle East and youth unemployment is reduced. For those¶ terrorist groups that remain active in 2025, however, the diffusion of¶ technologies and scientific knowledge will place some of the world’s most¶ dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a¶ combination of descendants of long established groupsinheriting¶ organizational structures, command and control processes, and training¶ procedures necessary to conduct sophisticated attacksand newly emergent¶ collections of the angry and disenfranchised that become self-radicalized,¶ particularly in the absence of economic outlets that would become narrower¶ in an economic downturn.¶ The most dangerous casualty of any economically-induced drawdown of U.S.¶ military presence would almost certainly be the Middle East. Although Iran’s¶ acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed¶ Iran could lead states in the region to develop new security arrangements with¶ external powers, acquire additional weapons, and consider pursuing their own¶ nuclear ambitions. It is not clear that the type of stable deterrent relationship¶ that existed between the great powers for most of the Cold War would emerge¶ naturally in the Middle East with a nuclear Iran. Episodes of low intensity¶ conflict and terrorism taking place under a nuclear umbrella could lead to an¶ unintended escalation and broader conflict if clear red lines between those states¶ involved are not well established. The close proximity of potential nuclear rivals¶ combined with underdeveloped surveillance capabilities and mobile¶ dual-capable Iranian missile systems also will produce inherent difficulties in¶ achieving reliable indications and warning of an impending nuclear attack. The¶ lack of strategic depth in neighboring states like Israel, short warning and missile¶ flight times, and uncertainty of Iranian intentions may place more focus on¶ preemption rather than defense, potentially leading to escalating crises.Types of conflict that the world continues¶ to experience, such as over resources, could¶ reemerge, particularly if protectionism grows and¶ there is a resort to neo-mercantilist practices.¶ Perceptions of renewed energy scarcity will drive¶ countries to take actions to assure their future¶ access to energy supplies. In the worst case, this¶ could result in interstate conflicts if government¶ leaders deem assured access to energy resources,¶ for example, to be essential for maintaining domestic stability and the survival of¶ their regime. Even actions short of war, however, will have important geopolitical¶ implications. Maritime security concerns are providing a rationale for naval¶ buildups and modernization efforts, such as China’s and India’s development of¶ blue water naval capabilities. If the fiscal stimulus focus for these countries indeed¶ turns inward, one of the most obvious funding targets may be military. Buildup of¶ regional naval capabilities could lead to increased tensions, rivalries, and¶ counterbalancing moves, but it also will create opportunities for multinational¶ cooperation in protecting critical sea lanes. With water also becoming scarcer in¶ Asia and the Middle East, cooperation to manage changing water resources is¶ likely to be increasingly difficult both within and between states in a more¶ dog-eat-dog world.

### Transparency CP

#### Text: The Executive branch of the United States should publically establish transparency standards outlining its legal rationale for its target killing policy, including the standards and procedures for target selection.

#### CP resolves drone legitimacy and resentment

Daskal 13

Jennifer Daskal, Fellow and Adjunct Professor, Georgetown Center on National Security and the Law, Georgetown University Law Center, April 2013, ARTICLE: THE GEOGRAPHY OF THE BATTLEFIELD: A FRAMEWORK FOR DETENTION AND TARGETING OUTSIDE THE "HOT" CONFLICT ZONE, 161 U. Pa. L. Rev. 1165

4. Procedural Requirements¶ Currently, officials in the executive branch carry out all such ex ante review of out-of-battlefield targeting and detention decisions, reportedly with the involvement of the President, but without any binding and publicly articulated standards governing the exercise of these authorities. n163 All ex post review of targeting is also done internally within the executive branch. There is no public accounting, or even acknowledgment, of most strikes, their success and error rates, or the extent of any collateral damage. Whereas the Department of Defense provides solatia or condolence payments to Afghan civilians who are killed or injured as a result of military actions in Afghanistan (and formerly did so in Iraq), there is no equivalent effort in areas outside the active conflict zone. n164¶ Meanwhile, the degree of ex post review of detention decisions depends on the location of detention as opposed to the location of capture. Thus, [\*1219] Guantanamo detainees are entitled to habeas review, but detainees held in Afghanistan are not, even if they were captured far away and brought to Afghanistan to be detained. n165¶ Enhanced ex ante and ex post procedural protections for both detention and targeting, coupled with transparency as to the standards and processes employed, serve several important functions: they can minimize error and abuse by creating time for advance reflection, correct erroneous deprivations of liberty, create endogenous incentives to avoid mistake or abuse, and increase the legitimacy of state action.¶ a. Ex Ante Procedures¶ Three key considerations should guide the development of ex ante procedures. First, any procedural requirements must reasonably respond to the need for secrecy in certain operations. Secrecy concerns cannot, for example, justify the lack of transparency as to the substantive targeting standards being employed. There is, however, a legitimate need for the state to protect its sources and methods and to maintain an element of surprise in an attack or capture operation. Second, contrary to oft-repeated rhetoric about the ticking time bomb, few, if any, capture or kill operations outside a zone of active conflict occur in situations of true exigency. n166 Rather, there is often the time and need for advance planning. In fact, advance planning is often necessary to minimize damage to one's own troops and nearby civilians. n167 Third, the procedures and standards employed must be transparent and sufficiently credible to achieve the desired legitimacy gains.¶ These considerations suggest the value of an independent, formalized, ex ante review system. Possible models include the Foreign Intelligence [\*1220] Surveillance Court (FISC), n168 or a FISC-like entity composed of military and intelligence officials and military lawyers, in the mode of an executive branch review board. n169¶ Created by the Foreign Intelligence Surveillance Act (FISA) in 1978, n170 the FISC grants ex parte orders for electronic surveillance and physical searches, among other actions, based on a finding that a "significant purpose" of the surveillance is to collect "foreign intelligence information." n171 The Attorney General can grant emergency authorizations without court approval, subject to a requirement that he notify the court of the emergency authorization and seek subsequent judicial authorization within seven days. n172 The FISC also approves procedures related to the use and dissemination of collected information. By statute, heightened restrictions apply to the use and dissemination of information concerning U.S. persons. n173 Notably, the process has been extraordinarily successful in protecting extremely sensitive sources and methods. To date, there has never been an unauthorized disclosure of an application to or order from the FISC court.¶ An ex parte review system for targeting and detention outside zones of active hostility could operate in a similar way. Judges or the review board would approve selected targets and general procedures and standards, while still giving operators wide rein to implement the orders according to the approved standards. Specifically, the court or review board would determine whether the targets meet the substantive requirements and would [\*1221] evaluate the overarching procedures for making least harmful means-determinations, but would leave target identification and time-sensitive decisionmaking to the operators. n174¶ Moreover, there should be a mechanism for emergency authorizations at the behest of the Secretary of Defense or the Director of National Intelligence. Such a mechanism already exists for electronic surveillance conducted pursuant to FISA. n175 These authorizations would respond to situations in which there is reason to believe that the targeted individual poses an imminent, specific threat, and in which there is insufficient time to seek and obtain approval by a court or review panel as will likely be the case in instances of true imminence justifying the targeting of persons who do not meet the standards applicable to operational leaders. As required under FISA, the reviewing court or executive branch review board should be notified that such an emergency authorization has been issued; it should be time-limited; and the operational decisionmakers should have to seek court or review board approval (or review, if the strike has already taken place) as soon as practicable but at most within seven days. n176¶ Finally, and critically, given the stakes in any application namely, the deprivation of life someone should be appointed to represent the potential target's interests and put together the most compelling case that the individual is not who he is assumed to be or does not meet the targeting criteria.¶ The objections to such a proposal are many. In the context of proposed courts to review the targeting of U.S. citizens, for example, some have argued that such review would serve merely to institutionalize, legitimize, and expand the use of targeted drone strikes. n177 But this ignores the reality of their continued use and expansion and imagines a world in which targeted [\*1222] killings of operational leaders of an enemy organization outside a zone of active conflict is categorically prohibited (an approach I reject n178). If states are going to use this extraordinary power (and they will), there ought to be a clear and transparent set of applicable standards and mechanisms in place to ensure thorough and careful review of targeted-killing decisions. The formalization of review procedures along with clear, binding standards will help to avoid ad hoc decisionmaking and will ensure consistency across administrations and time.¶ Some also condemn the ex parte nature of such reviews. n179 But again, this critique fails to consider the likely alternative: an equally secret process in which targeting decisions are made without any formalized or institutionalized review process and no clarity as to the standards being employed. Institutionalizing a court or review board will not solve the secrecy issue, but it will lead to enhanced scrutiny of decisionmaking, particularly if a quasi-adversarial model is adopted, in which an official is obligated to act as advocate for the potential target.¶ That said, there is a reasonable fear that any such court or review board will simply defer. In this vein, FISC's high approval rate is cited as evidence that reviewing courts or review boards will do little more than rubber-stamp the Executive's targeting decisions. n180 But the high approval rates only tell part of the story. In many cases, the mere requirement of justifying an application before a court or other independent review board can serve as an internal check, creating endogenous incentives to comply with the statutory requirements and limit the breadth of executive action. n181 Even if this system does little more than increase the attention paid to the stated requirements and expand the circle of persons reviewing the factual basis for the application, those features in and of themselves can lead to increased reflection and restraint.¶ Additional accountability mechanisms, such as civil or criminal sanctions in the event of material misrepresentations or omissions, the granting of far-reaching authority to the relevant Inspectors General, and meaningful ex post review by Article III courts, n182 are also needed to help further minimize abuse.¶ Conversely, some object to the use of courts or court-like review as stymying executive power in wartime, and interfering with the President's Article II powers. n183 According to this view, it is dangerous and potentially unconstitutional to require the President's wartime targeting decisions to be subject to additional reviews. These concerns, however, can be dealt with through emergency authorization mechanisms, the possibility of a presidential override, and design details that protect against ex ante review of operational decisionmaking. The adoption of an Article II review board, rather than an Article III-FISC model, further addresses some of the constitutional concerns.¶ Some also have warned that there may be no "case or controversy" for an Article III, FISC-like court to review, further suggesting a preference for an Article II review board. n184 That said, similar concerns have been raised with respect to FISA and rejected. n185 Drawing heavily on an analogy to courts' roles in issuing ordinary warrants, the Justice Department's Office of Legal Counsel concluded at the time of enactment that a case and controversy existed, even though the FISA applications are made ex parte. n186 [\*1224] Here, the judges would be issuing a warrant to kill rather than surveil. While this is significant, it should not fundamentally alter the legal analysis. n187 As the Supreme Court has ruled, killing is a type of seizure. n188 The judges would be issuing a warrant for the most extreme type of seizure. n189¶ It is also important to emphasize that a reviewing court or review board would not be "selecting" targets, but determining whether the targets chosen by executive branch officials met substantive requirements much as courts do all the time when applying the law to the facts. Press accounts indicate that the United States maintains lists of persons subject to capture or kill operations lists created in advance of specific targeting operations and reportedly subject to significant internal deliberation, including by the President himself. n190 A court or review board could be incorporated into the existing ex ante decisionmaking process in a manner that would avoid interference with the conduct of specific operations reviewing the target lists but leaving the operational details to the operators. As suggested above, emergency approval mechanisms could and should be available to deal with exceptional cases where ex ante approval is not possible.¶ Additional details will need to be addressed, including the temporal limits of the court's or review board's authorizations. For some high-level operatives, inclusion on a target list would presumably be valid for some set period of [\*1225] time, subject to specific renewal requirements. Authorizations based on a specific, imminent threat, by comparison, would need to be strictly time-limited, and tailored to the specifics of the threat, consistent with what courts regularly do when they issue warrants.¶ In the absence of such a system, the President ought to, at a minimum, issue an executive order establishing a transparent set of standards and procedures for identifying targets of lethal killing and detention operations outside a zone of active hostilities. n192 To enhance legitimacy, the procedures should include target list reviews and disposition plans by the top official in each of the agencies with a stake in the outcome the Secretary of Defense, the Director of the CIA, the Secretary of State, the Director of Homeland Security, and the Director of National Intelligence, with either the Secretary of Defense, Director of National Intelligence, or President himself, responsible for final sign-off. n193 In all cases, decisions should be unanimous, or, in the absence of consensus, elevated to the President of the United States. n194 Additional details will need to be worked out, including critical questions about the standard of proof that applies. Given the stakes, a clear and convincing evidentiary standard is warranted. n195¶ While this proposal is obviously geared toward the United States, the same principles should apply for all states engaged in targeting operations. n196 States would ideally subject such determinations to independent review or, alternatively, clearly articulate the standards and procedures for their decisionmaking, thus enhancing accountability.¶ b. Ex Post Review¶ For targeted-killing operations, ex post reviews serve only limited purposes. They obviously cannot restore the target's life. But retrospective review either by a FISC-like court or review board can serve to identify errors or overreaching and thereby help avoid future mistakes. This can, and ideally would, be supplemented by the adoption of an additional Article III damages mechanism. n197 At a minimum, the relevant Inspectors General should engage in regular and extensive reviews of targeted-killing operations. Such post hoc analysis helps to set standards and controls that then get incorporated into ex ante decisionmaking. In fact, post hoc review can often serve as a more meaningful and often more searching inquiry into the legitimacy of targeting decisions. Even the mere knowledge that an ex post review will occur can help to protect against rash ex ante decisionmaking, thereby providing a self-correcting mechanism.¶ Ex post review should also be accompanied by the establishment of a solatia and condolence payment system for activities that occur outside the active zone of hostilities. Extension of such a system beyond Afghanistan and Iraq would help mitigate resentment caused by civilian deaths or injuries and would promote better accounting of the civilian costs of targeting operations. n198

### Schmitt K

#### Restrictions on executive war powers DO NOTHING for the state of political legal exception we live in and only gives further justification for violent intervention on the basis of legality

Dyzenhaus 05 (David, is a professor of Law and Philosophy at the University of Toronto, and a Fellow of the Royal Society of Canada, “Schmitt v. Dicey: Are States of Emergency Inside or Outside the Legal Order?” Cardozo Law Review 27)

Rossiter had in mind Lincoln's actions during the Civil War, including the proclamation by which Lincoln, without the prior authority of Congress, suspended habeas corpus. n35 Lincoln, he said, subscribed to a theory that in a time of emergency, the President could assume whatever legislative, executive, and judicial powers he thought necessary to preserve the nation, and could in the process break the "fundamental laws of the nation, if such a step were unavoidable." n36 This power included one ratified by the Supreme Court: "an almost unrestrained power to act toward insurrectionary citizens as if they were enemies of the United States, and thus place them outside the protection of the Constitution." Rossiter's difficulties here illustrate rather than solve the tensions inherent in the idea of constitutional dictatorship. On the one hand, he wants to assert that emergency rule in a liberal democracy can be constitutional in nature. "Constitutional" implies restraints and limits in accordance not only with law, but with fundamental laws. These laws are not the constitution that is in place for ordinary times; rather, they are the laws that govern the management of exceptional times - the eleven criteria that he developed for constitutional dictatorship. The criteria are either put within the discretion of the dictator - they are judgments about necessity - or are couched as limits that should be enshrined either in the constitution or in legislation. However, Rossiter does not properly address the fact that judgments about necessity are for the dictator to make, which means that these criteria are not limits or constraints but merely factors about which the dictator will have to decide. Other criteria look more like genuine limits. Moreover, they are limits that could be constitutionally enshrined - for example, the second criterion, which requires that the person who makes the decision that there is an emergency should not be the person who assumes dictatorial powers. Yet, as we have seen, Rossiter's foremost example of the modern constitutional dictator, Lincoln, not only gave himself dictatorial powers but, Rossiter supposes, had no choice but to do this. Moreover, if these criteria are constitutionally enshrined, so that part of the constitution is devoted to the rules that govern the time when the rest of the constitution might be suspended, they still form part of the constitution. So, no less than the ordinary constitution, what we can think of as the exceptional or emergency constitution - the constitution that governs the state of emergency - is subject to suspension should the dictator deem this necessary. This explains why, on the other hand, Rossiter equated emergency rule with potentially unlimited dictatorship, with Locke's idea of prerogative. And Rossiter said, "whatever the theory, in moments of extreme national emergency the facts have always been with ... John Locke." So Rossiter at one and the same time sees constitutional dictatorship as unconstrained in nature and as constrainable by principles - his eleven criteria. The upshot is that "constitutional" turns out not to mean what we usually take it to mean; rather, it is a misleading name for the hope that the person who assumes dictatorial powers does so because of a good faith evaluation that this is really necessary and with the honest and steadfast intention to return to the ordinary way of doing things as soon as possible. Giorgio Agamben is thus right to remark that the bid by modern theorists of constitutional dictatorship to rely on the tradition of Roman dictatorship is misleading. n39 They rely on that tradition in an effort to show that dictatorship is constitutional or law-governed. But in fact they show that dictatorship is in principle absolute - the dictator is subject to whatever limits he deems necessary, which means to no limits at all. As H.L.A. Hart described the sovereign within the tradition of legal positivism, the dictator is an uncommanded commander. n40 He [\*2015] operates within a black hole, in Agamben's words, "an emptiness of law." n41 Agamben thus suggests that the real analogue to the contemporary state of emergency is not the Roman dictatorship but the institution of iustitium, in which the law is used to produce a "juridical void" - a total suspension of law. n42 And in coming to this conclusion, Agamben sides with Carl Schmitt, his principal interlocutor in his book. However, it is important to see that Schmitt's understanding of the state of exception is not quite a legal black hole, a juridically produced void. Rather, it is a space beyond law, a space which is revealed when law recedes, leaving the state, represented by the sovereign, to act. In substance, there might seem to be little difference between a legal black hole and space beyond law since neither is controlled by the rule of law. But there is a difference in that nearly all liberal legal theorists find the idea of a space beyond law antithetical, even if they suppose that law can be used to produce a legal void. This is so especially if such theorists want to claim for the sake of legitimacy that law is playing a role, even if it is the case that the role law plays is to suspend the rule of law. Schmitt would have regarded such claims as an attempt to cling to the wreckage of liberal conceptions of the rule of law brought about by any attempt to respond to emergencies through the law. They represent a vain effort to banish the exception from legal order. Because liberals cannot countenance the idea of politics uncontrolled by law, they place a veneer of legality on the political, which allows the executive to do what it wants while claiming the legitimacy of the rule of law. We have seen that Rossiter presents a prominent example which supports Schmitt's view, and as I will now show, it is a depressing fact that much recent post 9/11 work on emergencies is also supportive of Schmitt's view. II. Responding to 9/11 For example, Bruce Ackerman in his essay, The Emergency Constitution, n43 starts by claiming that we need "new constitutional concepts" in order to avoid the downward spiral in protection of civil liberties that occurs when politicians enact laws that become increasingly repressive with each new terrorist attack. n44 We need, he says, to rescue the concept of "emergency powers ... from fascist thinkers like Carl Schmitt, who used it as a battering ram against liberal [\*2016] democracy." n45 Because Ackerman does not think that judges are likely to do, or can do, better than they have in the past at containing the executive during an emergency, he proposes mainly the creative design of constitutional checks and balances to ensure, as did the Roman dictatorship, against the normalization of the state of emergency. Judges should not be regarded as "miraculous saviors of our threatened heritage of freedom." n46 Hence, it is better to rely on a system of political incentives and disincentives, a "political economy" that will prevent abuse of emergency powers. He calls his first device the "supramajoritarian escalator" n48 - basically the requirement that a declaration of a state of emergency requires legislative endorsement within a very short time, and thereafter has to be renewed at short intervals, with each renewal requiring the approval of a larger majority of legislators. The idea is that it will become increasingly easy with time for even a small minority of legislators to bring the emergency to an end, thus decreasing the opportunities for executive abuse of power. n49 The second device requires the executive to share security intelligence with legislative committees and that a majority of the seats on these committees belong to the opposition party. Ackerman does see some role for courts. They will have a macro role should the executive flout the constitutional devices. While he recognizes both that the executive might simply assert the necessity to suspend the emergency constitution and that this assertion might enjoy popular support, he supposes that if the courts declare that the executive is violating the constitution, this will give the public pause and thus will decrease incentives on the executive to evade the constitution. n51 In addition, the courts will have a micro role in supervising what he regards as the inevitable process of detaining suspects without trial for the period of the emergency. Suspects should be brought to court and some explanation should be given of the grounds of their detention, not so that they can contest it - a matter which Ackerman does not regard as practicable - but in order both to give the suspects a public identity so that they do not disappear and to provide a basis for compensation once the emergency is over in case the executive turns out to have fabricated [\*2017] its reasons. He also wishes to maintain a constitutional prohibition on torture, which he thinks can be enforced by requiring regular visits by lawyers. Not only is the judicial role limited, but it is clear that Ackerman does not see the courts as having much to do with preventing a period of "sheer lawlessness." n53 Even within the section on the judiciary, he says that the real restraint on the executive will be the knowledge that the supramajoritarian escalator might bring the emergency to an end, whereupon the detainees will be released if there is no hard evidence to justify detaining them. In sum, according to Ackerman, judges have at best a minimal role to play during a state of emergency. We cannot really escape from the fact that a state of emergency is a legally created black hole, a lawless void. It is subject to external constraints, controls on the executive located at the constitutional level and policed by the legislature. But internally, the rule of law does next to no work; all that we can reasonably hope for is decency. But once one has conceded that internally a state of emergency is more or less a legal black hole because the rule of law, as policed by judges, has no or little purchase, it becomes difficult to understand how external legal constraints, the constitutionally entrenched devices, can play the role Ackerman sets out. Recall that Ackerman accepts that the reason we should not give judges more than a minimal role is the history of judicial failure to uphold the rule of law during emergencies in the face of executive assertions of a necessity to operate outside of law's rule. For that reason, he constructs a political economy to constrain emergency powers. But that political economy still has to be located in law in order to be enforceable, which means that Ackerman cannot help but rely on judges. But why should we accept his claim that we can rely on judges when the executive asserts the necessity of suspending the exceptional constitution, the constitution for the state of emergency, when one of his premises is that we cannot so rely? Far from rescuing the concept of emergency powers from Schmitt, Ackerman's devices for an emergency constitution, an attempt to update Rossiter's model of constitutional dictatorship, fails for the same reasons that Rossiter's model fails. Even as they attempt to respond to Schmitt's challenge, they seem to prove the claim that Schmitt made in late Weimar that law cannot effectively enshrine a distinction between constitutional dictatorship and dictatorship. They appear to be vain attempts to find a role for law while at the same time conceding that law has no role. Of course, this last claim trades on an ambiguity in the idea of the rule of law between, on the one hand, the rule of law, understood as the rule of substantive principles, and, on the other, rule by law, where as long as there is a legal warrant for what government does, government will be considered to be in compliance with the rule of law. Only if one holds to a fairly substantive or thick conception of the rule of law will one think that there is a point on a continuum of legality where rule by law ceases to be in accordance with the rule of law. Ackerman's argument for rule by law, by the law of the emergency constitution, might not answer Schmitt's challenge. But at least it attempts to avoid dignifying the legal void with the title of rule of law, even as it tries to use law to govern what it deems ungovernable by law. The same cannot be said of those responses to 9/11 that seem to suggest that legal black holes are not in tension with the rule of law, as long as they are properly created. While it is relatively rare to find a position that articulates so stark a view, it is quite common to find positions that are comfortable with grey holes, as long as these are properly created. A grey hole is a legal space in which there are some legal constraints on executive action - it is not a lawless void - but the constraints are so insubstantial that they pretty well permit government to do as it pleases. And since such grey holes permit government to have its cake and eat it too, to seem to be governing not only by law but in accordance with the rule of law, they and their endorsement by judges and academics might be even more dangerous from the perspective of the substantive conception of the rule of law than true black holes.

#### Our alternative is to recognize the necessity of the opposition. Sovereignty necessarily functions in exception to the law. This exception is necessary to avoid the universal violence of the Law and the affirmative.

Rasch 2000 (William. "Conflict as a Vocation: Carl Schmitt and the Possibility of Politics." Theory Culture Society 17.1)

It is not difficult to see that the polemical elevation of sovereignty over the rule of law replicates a lively historical opposition, one that can be perhaps best evoked by that happy pair, Hobbes and Locke. Within the liberal tradition, the rule of law invokes reason and calculability in its battles against the arbitrary and potentially despotic whim of an unrestrained sovereign. The legitimacy of the sovereign is thus replaced by a legality that claims to provide its own immanent and unforced legitimacy. Predictable and universally accessible reason - the normative validity of an "uncorked consensus", to use the words of a prominent modern exponent - gently usurps, so it is claimed, the place that would otherwise be occupied by a cynical, pragmatic utilitarianism and the tyranny of a dark, incalculable will. The rule of law brings all the comforts of an uncontroversial, rule-based, normative security as if legality preceded by way of simple logical derivation, abolishing above all the necessity of decisions. Schmitt clearly will have none of this and in various writings attempts to expose what he considers to be the two-fold fallacy of the liberal position. As we have seen, if taken at its word, legality, or the rule of law, is seen by Schmitt to be impotent; it can neither legitimize nor effectively defend itself against determined enemies in times of crisis. Were law truly the opposite of force, it would cease to exist. But this self-description is deceptive, for if judged by its deeds, the same liberal regime that enunciates the self-evidence validity of universal norms strives to enact a universal consensus that is, indeed, far from uncorked. The rule of law inevitably reveals itself, precisely during moments of crisis, as the force of law, perhaps, not every bit as violent and "irrational" as the arbitrary tyrant, but nonetheless compelling and irresistible - indeed, necessarily so. Thus, Schmitt would argue the distinction between "decision", "force" and sovereignty", on the one hand, and the "rule of law", on the other, is based on a blithe and simple illusion. What agitates Schmitt is not the force, but the deception. More precisely, what agitates Schmitt is what he perceives to be the elimination of politics in the name of a higher legal or moral order. In its claim to a universal, normative, rule-bound validity, the liberal sleight-of-hand reveals itself to be not the opposite of force, but a force that outlaws opposition. In resurrecting the notion of sovereignty, therefore, Schmitt sees himself as one who rescues a legitimate notion of politics. Of course, this rescue attempt is itself political, a battle over the correct definition of politics. That is, we are not merely dealing with a logical problem, and not merely dealing with a desire to provide constitutional mechanisms that would prevent the self-dissolution of the constitution. Rather, we are dealing with a contest between a particularist notion of politics, in which individual conflicts can be resolved, but in which antagonism as a structure and reservoir of possible future conflicts is never destroyed, versus politics as the historical unfolding and pacific expansion of the universal morality. To evoke the long shadows of an ongoing contemporary debate, we are dealing with the difference between a politics of dissensus and a politics of consensus. Whereas the latter ideology entails an explicit or implicit belief in the "highest good" that can be rationally discerned and achieved, a "right regime", to use Leo Strauss's term, or the "just society" that hopes to actualize aspects of the City of God here on earth, the former stresses the necessity of determining a workable order where no single order bears the mantle of necessity, in fact, where all order is contingent, hence imperfect, and thus seeks to make the best of an inherently contradictory world by erecting structures that minimize self-inflicted damage. In Schmitt's eyes, the elements of such a structure must be the manifold of sovereign states. The liberal says there can only be one world-wide sovereign, the sovereignty of a universal moral and legal order. Schmitt counters with a plurality of equal sovereigns, for only in this way, he believes, can the economic and moral extinction of politics be prevented. Politics, on this view, is not the means by which the universally acknowledged good is actualized, but the mechanism that negotiates and limits disputes in the absence of any universally acknowledged good. Politics exists, in other words, because the just society does not.

#### This requires the unchecked authority of the executive to respond to the exception.

Nagan and Haddad 12 (Winston and Aitza, "Sovereignty in Theory and Practice." San Diego International Law Journal 13)

Although Schmitt was German, his ideas about sovereignty, and the political exception have had influence on the American theory and practice of sovereignty. Carl Schmitt was a philosophic theorist of sovereignty during the Third Reich. n375 His ideas about sovereignty and its above the law placement in the political culture of the State have important parallels in the developing discourse in the United States about the scope of presidential authority and power. His views have attracted the attention of American theorists. Schmitt developed his view of sovereignty on the concept described as "the exception". n376 This idea suggests that the sovereign or executive may invoke the idea of exceptional powers which are distinct from the general theory of the State. In Schmitt's view, the normal condition of the functions of the theory of a State, rides with the existence of the idea of the "exception." The exception is in effect intrinsic to the idea of a normal State. In his view, [\*487] the normal legal order of a State depends on the existence of an exception. n377 The exception is based on the continuing existence of an existential threat to the State and it is the sovereign that must decide on the exception. n378 In short, the political life of a State comprises allies and enemies. For the purpose of Statecraft, "an enemy exists only when at least potentially, one fighting collectivity of people confronts another similar collectivity." n379 In this sense, the political reality of the State always confronts the issue of the survival of the group. This reality is explained as follows. The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping. \*\*\* As an ever present possibility [war] is the leading presupposition which determines in a characteristic way human action and thinking and hereby creates a specifically political behavior.\*\*\* A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction between friend and enemy and hence a world without politics. n380 Schmitt's view bases the supremacy of the exception on the supremacy of politics and power. n381 Thus, the exception, as rooted in the competence of the executive, is not dependent on law for its authority but on the conditions of power and conflict, which are implicitly pre-legal. n382 The central idea is that in an emergency, the power to decide based on the exception accepts its normal superiority over law on the basis that the suspension of the law is justified by the pre-legal right to self-preservation. n383 Schmitt's view is a powerful justification for the exercise of extraordinary powers, which he regards as ordinary, by executive authority. This is a tempting view for executive officers but it may not be an adequate explanation of the interplay of power, legitimacy, and the constitutional foundations of a rule of law State. In a later section, we draw on insights from the New Haven School, which deals empirically with the problem of power and the problem of constituting authority using the methods of contextual mapping. Nonetheless, Schmitt's view provides support for theorists who seek to enlarge executive power on the unitary presidency theory.

### Adv 1

#### Norms fail

Jack Goldsmith Professor of Law, University of Chicago, 2K (“Should International Human Rights Law Trump US Domestic Law?” 1 Chi. J. Int'l L. 327) Lexis

Many nonetheless believe that the United States' failure to domesticate human rights treaties diminishes the legitimacy of international human rights law and makes it less likely that other nations will comply with this law. This position reflects an inappropriately law-centered conception of human rights progress. Nations that increase protection for their citizens' human rights rarely do so because of the pull of international law. Europe appears to be, but is not, a counterexample. As Andrew Moravcsik has shown, the successful European human rights system was made possible by a "prior convergence of domestic practices and institutions" in support of democracy and human rights. **32** The European system provided the monitoring, information, and focal points that assisted domestic governments and groups already committed to human rights protections but unable to provide these rights through domestic institutions. **33** The European system contrasts with the international human rights regime in Latin America, which, though legally similar, has been relatively unsuccessful because it has little support from domestic groups there. **34** The inadequacy of a legalistic approach to human rights progress can be seen in another way. The two most influential human rights instruments this century--the Universal Declaration and the Helsinki Accords--were not legally binding documents. These instruments succeeded because their ideas, in combination with other world events, aroused domestic groups, helped them to organize, and incited them to action. Their technical status as non-legal documents mattered little to these ends. Similarly, neither the act of nor the success of human rights shaming strategies depend on the legal status of moral norms. China was criticized for its human rights abuses long before it signed the ICCPR. The United States was shamed before the world by its race discrimination practices in the 1950s and 1960s long before there was an international law prohibition against such discrimination. When nations criticize the United States for its juvenile death penalty, it matters not a bit that there is no  [\*338]  international rule binding on the United States that prohibits this practice. Of course, rhetoric of illegality is often--and often irresponsibly--used in criticizing human rights practices. But it is the moral quality of the act, and not its legal validity, that provokes such criticisms. When shaming works, it is the perceived moral quality of the shamed practice, and not its illegality, that matters.

#### US rights abuses are inevitable­

Hilde 9

Thomas Hilde 09, professor at the University of Maryland School of Public Policy, “Beyond Guantanamo. Restoring U.S. Credibility on Human Rights,” Heinrich Böll Foundation, <http://www.boell.org/downloads/hbf_Beyond_Guantanamo_Thomas_Hilde(2).pdf>

Apart from these practical issues, however, the very existence of the U.S. torture institution points to a deeper crisis at the core of the liberal democratic conception of human rights. Historically, the foundational principles of liberal democracy include human dignity, individual autonomy, and the primacy of liberty. The doctrine suggests, in Locke’s and Mill’s formulations, that normative or regulatory limitations on individual autonomy and liberty are justifiable only when individuals cause harm to others or when they engage in acts of cruelty that deny others’ dignity, autonomy, and liberty. These de jure principles of liberalism have often hung in a precarious balance with de facto violations of those principles: the universalizing impulse of principles of individual dignity and freedom in tension with violent means for protecting or preserving a society from enemies both real and imagined. Such contradictions have always been at the heart of the struggle to articulate a robust and legitimate conception of human rights embedded in liberal democratic institutions as the principle of equal respect for all persons. ¶ Consider the liberal notion of toleration, for instance — how far does one tolerate the intolerant? How far does one extend human rights to enemies who wish to destroy you? At what point does the state’s defense of a society or constitution become an assault on human dignity and liberty? Liberalism, despite de facto violations of its principles, attempts to give reason to the management of this balance between substance (its core values — say, autonomy) and procedure (its means of defending those values — say, habeas corpus or universal suffrage). Institutions may fail in practice to live up to these principles — such as in the case of racial bias in criminal sentencing — but the ideals are perhaps most important in giving guidance to and procedures for the ongoing reconstruction of society’s institutions. One important strength of liberal democracy is precisely in its ongoing deliberation through democratic means over the meaning of its basic principles. Such deliberation at its best both defines those principles and is simultaneously an instance of them in action. This perpetual balancing act between substance and procedure defines many of the institutions of modern liberal democracy and, indeed, much of international law. For such a state, however, institutionalization of torture represents liberalism’s preservationist procedures tipping the balance towards an increasingly authoritarian defense of its substance. A torturing society, especially a society with an open policy of torture (which is where the “torture works” argument leads), is no longer a liberal democratic society respectful of human dignity and freedom. Indeed, here the basic principles of liberal democratic society are inconvenient obstacles in the pursuit of other goals. The complexity of the current issues requires more than legal and moral accountability.

**The Russian public supports democracy – no risk of backsliding to authoritarianism**

**Colton & McFaul ‘1**

(Timothy J., professor of government and director of the Davis Center for Russian Studies at Harvard University, and Michael, associate professor of political science and Hoover Fellow at Stanford University, Senior Associate at the Carnegie Endowment for International Peace, Foreign Affairs, “America’s Real Russian Allies,” lexis)

OUR SURVEYS of Russian grassroots attitudes challenge these pessimistic assumptions. n1 Although our findings do not contradict the fact that numerous features of Russia’s current political scene have become illiberal, they do suggest that the system’s flaws do not stem primarily from popular opinion. Russian citizens may be unhappy with the way their national institutions work, but the majority of them have not spurned democratic values or ideas per se. Even Putin’s own supporters are more pro-democratic than Russia’s authoritarian trend suggests. n1 As part of a research project on Russian elections, the authors, along with Russian colleagues from the Institute of Sociology of the Academy of Sciences, completed three waves of panel surveys of nearly 2,000 people across Russia between November 1999 and May 2000. For the last decade, Russia’s elected leaders have assured the country’s citizens that the post-Soviet system of government is a democracy. Our polling data testify that Russians on the whole do not believe what they have been told; after a decade of change in government, only 20 percent of Russians categorize their state as a democracy. In newly democratic countries, dissatisfaction with the chaos and hardship that can attend the introduction of free elections and a market economy often gnaws away at normative support for such changes. Indeed, discontent with the current order is so rampant in Russia that it is no wonder that many citizens are nostalgic for the old days. Most still lament the dismantling of the Soviet Union in 1991. And yet, remarkably, most Russians also still robustly support democratic norms. When asked, “Do you in general support the idea of democracy?” roughly two in three Russians say yes, and fewer than one in five responds negatively. When asked if democracy is the appropriate way to govern Russia, 60 percent of respondents reply that it is a fairly or very good model for the country -- almost triple the amount of those who consider it fairly or very bad. And when asked about democracy and its alternatives, a plurality of Russians endorses democracy as the best form of government compared to other systems. Russians also support actual democratic practices even more strongly than they favor democracy as a concept. When asked if it was important to them that the country’s leaders be popularly elected, 87 percent of respondents to our surveys said it was, and 86 percent said it was the duty of each citizen to vote in elections. Elections, of course, are not the only ingredient of a functioning democracy, but Russian voters also espouse many other democratic procedures. More than 85 percent of those polled reckoned that the freedoms of conscience, expression, and the press were important to them.

**No impact to warming - threat overestimated and adaption solves**

**Mendelsohn 9**

(Robert O. the Edwin Weyerhaeuser Davis Professor, Yale School of¶ Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and¶ Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/¶ gcwp060web.pdf

The heart of the **debate about climate change comes from** a number of **warnings** from scientists and others that give the impression **that** human induced **climate change is an immediate threat to society** (IPCC 2007a,b; Stern 2006.) Millions of people might be vulnerable to health effects (IPCC 2007b) crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20-30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people. (Dasgupta et al. 2009) Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and wellbeing may be at risk (Stern 2006). **These statements are** largely **alarmist and misleading**. Although climate change is a serious problem that deserves attention, **society’s immediate behavior has an extremely low probability of leading to catastrophic consequences**. The science and economics of climate change is quite clear **that emissions over the next few decades will lead to only mild consequences**. **The severe impacts** predicted **by alarmists require a century** (or two in the Case of Stern 2006) **of no mitigation**. Many of the predicted impacts assume there will be no **or little adaptation. the net** economic **impacts** from climate change over the next 50 years **will take more than a century or even a millennium to unfold** **and** many of these “potential” impacts will never occur because **people will adapt**. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long-run balanced responses.

**6 degree warming’s inevitable**

**AP 9**

(Associated Press, Six Degree Temperature Rise by 2100 is Inevitable: UNEP, September 24, <http://www.speedy-fit.co.uk/index2.php?option=com_content&do_pdf=1&id=168>)

**Earth's temperature is likely to jump six degrees between now and the end of the century even if every country cuts greenhouse gas emissions** as proposed, according to a United Nations update. Scientists looked at emission plans from 192 nations and calculated what would happen to global warming. **The projections take into account 80 percent emission cuts from the U.S. and Europe by 2050, which are not sure things**. The U.S. figure is based on a bill that passed the House of Representatives but is running into resistance in the Senate, where debate has been delayed by health care reform efforts. Carbon dioxide, mostly from the burning of fossil fuels such as coal and oil, is the main cause of global warming, trapping the sun's energy in the atmosphere. The world's average temperature has already risen 1.4 degrees since the 19th century. **Much of projected rise in temperature is because of developing nations, which aren't talking much about cutting their emissions**, scientists said at a United Nations press conference Thursday. **China alone adds** nearly **2 degrees to the projections**. "We are headed toward very serious changes in our planet," said Achim Steiner, head of the U.N.'s environment program, which issued the update on Thursday. The review looked at some 400 peer-reviewed papers on climate over the last three years. **Even if the developed world cuts its emissions by 80 percent and the developing world cuts theirs in half by 2050**, as some experts propose, **the world is still facing a 3-degree increase by the end of the century**, said Robert Corell, a prominent U.S. climate scientist who helped oversee the update. Corell said the most likely agreement out of the international climate negotiations in Copenhagen in December still translates into a nearly 5-degree increase in world temperature by the end of the century. European leaders and the Obama White House have set a goal to limit warming to just a couple degrees. The U.N.'s environment program unveiled the update on peer-reviewed climate change science to tell diplomats how hot the planet is getting. The last big report from the Nobel Prize-winning Intergovernmental Panel on Climate Change came out more than two years ago and is based on science that is at least three to four years old, Steiner said. **Global warming is speeding up**, especially in the Arctic, and **that means** that some **top-level science projections from 2007 are already out of date and overly optimistic**. Corell, who headed an assessment of warming in the Arctic, said global warming "is accelerating in ways that we are not anticipating." **Because Greenland and West Antarctic ice sheets are melting far faster than thought**, it looks like the **seas will rise twice as fast as projected just three years ago**, Corell said. He said **seas should rise** about **a foot every 20** to 25 **years**.

#### Torture wrecks legitimacy

Hilde 9

Thomas Hilde 09, professor at the University of Maryland School of Public Policy, “Beyond Guantanamo. Restoring U.S. Credibility on Human Rights,” Heinrich Böll Foundation, <http://www.boell.org/downloads/hbf_Beyond_Guantanamo_Thomas_Hilde(2).pdf>

Beginning at least in 2002, the United States created and developed a policy instituting torture — what it calls “enhanced interrogation” — of its detainees in the “global war on terror”2 under the general framework of a state of necessity. Many of these torture techniques have already been used and refined by the Western powers during the 20th century.3 They are also built partially into U.S. “survival, evasion, resistance, escape” (sere) training program techniques, which reportedly also adapt techniques previously used by China.4 The logic of torture used as an information-seeking instrument in the current conflict, however, has entailed the creation of a large-scale institution of torture, spread among several countries, and implicating hundreds and perhaps thousands of people.5¶ This institution strikes at the heart of the very idea of human rights and core principles of liberal democratic society. It raises important and uncomfortable questions about the nature of human rights in the wake of the torture at Guantánamo and other sites, the policy and practice of extraordinary rendition, indefinite detentions and the suspension of due process and habeas corpus, the violation of domestic and international laws, and perhaps other features and goals of the program yet to come into the public light. The claim is a claim to exception or necessity to the suspension of laws and civil liberties in a moment of national emergency. This is not unusual, unfortunately. Most states have similar national emergency procedures, even if only implicit. The law will always be suspended in the name of survival and the global war on terror was framed as a matter of the survival of civilization. With self-defense being the moral justification of violence par excellence, extraordinary acts may be viewed as entirely legitimate in the defense of civilization. What should also concern us, however, is the suspension of rights in the name of political expediency. In other words, this is not only a moment for lawyers to rise to the occasion. The problem is political and philosophical. There is more at stake than the legally appropriate punishment of terrorists and credibility of certain public officials and agencies.¶ The prohibition of torture has been formal international law since the UN Declaration on Human Rights (1948) and the Geneva Conventions (1949). It is also generally assumed to be an international peremptory norm (jus cogens), a norm accepted universally by the international community that cannot be derogated, such as the norm of state sovereignty. The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984/1987) and the non-binding Istanbul Protocol (1999), among other international legal instruments, further codified the norm into international law. Torture violates international law, usually domestic law (as, for example, in the 8th Amendment to the United States constitution banning “cruel and unusual punishment”), basic morality, and one of the fundamental shared norms of international society. Violation of the law entails criminality by definition. Violation of a basic shared norm entails a loss of moral and political standing, of credibility, trust, and legitimacy in international society.

#### Plan can't solve- targeting "associated forces” wrecks legitimacy and leads to i-law violations

**Roth 13** – Executive Director @ Human Rights Watch [Kenneth Roth, “ (JD from Yale University) The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force” “ [Statement to the Senate Armed Services Committee](http://www.hrw.org/news/2013/05/16/us-statement-senate-armed-services-committee-aumf-targeted-killing-guantanamo) , May 16, 2013, pg. http://www.hrw.org/news/2013/05/16/us-statement-senate-armed-services-committee-aumf-targeted-killing-guantanamo

The Obama administration has offered several possible legal rationales for drone strikes, but with little clarity about the concrete, practical limits, if any, under which it purports to operate. Beyond the risk to people in these countries who face possible wrongful targeting, the **lack of clarity** denies Congress and the American public the ability to exercise effective oversight. It also makes it easier for other countries that are rapidly developing their own drone programs to **interpret that ambiguity** in a way that is likely to lead to serious **violations of international law**.

One possible rationale for drone strikes comes from international humanitarian law governing armed hostilities. The Obama administration has formally dropped the Bush administration’s use of the phrase “global war on terror,” but its interpretation of the AUMF as authorizing “war with al Qaeda, the Taliban, and associated forces” looks very similar. This expansive view of the “war” currently facing the United States **cries out for a clear statement of its limits**. Does the United States really have the right to attack anyone it might characterize as a combatant against the United States anywhere in the world? We would hardly accept summary killing if the target were walking the streets of London or Paris.

John Brennan has said that as a matter of policy the administration has an “unqualified preference” to capture rather than kill all targets. But what are the factors leading the administration to decide that this preference can be met? Will it kill simply because convincing another government to arrest a suspect may be difficult? If so, how much political difficulty will it put up with before launching a drone attack?  Will it kill simply because of the risk involved if US soldiers were to attempt to arrest the suspect? If so, how much risk is the administration willing to accept before pulling the kill switch? The truth is that we have no idea. We don’t know whether these decisions are being made with appropriate care or not. We do know that other governments are likely to interpret this ambiguity in ways that are less respectful than we would want of the fundamental rights involved.

Moreover, away from a traditional battlefield, international human rights law requires the capture of enemies if possible. As noted, failing to apply that law encourages other governments to circumvent it as well—to summarily kill suspects simply by announcing a “war” against their group without there being a traditional armed conflict anywhere in the vicinity. Imagine the mayhem that Russia could cause by killing alleged Chechen “combatants” throughout Europe, or China by killing Uighur “combatants” in the United States. In neither case is the government where the suspect is located likely to cooperate with arrest efforts. And **these precedential fears are real**: China recently considered using a drone to kill a drug trafficker in Burma

#### Hegemony isn’t key to peace

Fettweis, 11   
Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that there is no evidence to support a direct relationship between the relative level of U.S. activism and international stability. In fact, the limited data we do have suggest the opposite may be true. During the 1990s, the United States cut back on its defense spending fairly substantially. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, if the pacific trends were not based upon U.S. hegemony but a strengthening norm against interstate war, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the U**nited** S**tates** cut its forces. No state seemed to believe that its security was endangered by a less-capable United States military, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it is true that either U.S. commitments or relative spending account for global pacific trends, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that there is in fact a level of engagement below which the United States cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.

### Adv 2

#### The definition of imminence in the al-Awlaki white paper doesn’t grant expansive powers---and it’s premised on the target being impossible to capture

Mike Dreyfuss 12, J.D., Vanderbilt University Law School, January, 2012, “NOTE: My Fellow Americans, We Are Going to Kill You: The Legality of Targeting and Killing U.S. Citizens Abroad,” Vanderbilt Law Review, 65 Vand. L. Rev. 249

Throughout its brief for the plaintiff in Al-Aulaqi v. Obama, the ACLU declares that targeted killing is unlawful unless the target poses a threat of death or serious physical injury that is "concrete, specific, and imminent." n109 In support of its claim that the threat should be concrete, specific, and imminent, the ACLU applies a standard taken from domestic law enforcement. n110 The differences between these cases and targeted killing are numerous. The government actors are different: line law enforcement officers in the cited cases as opposed to senior government officials in the case of targeted killing. n111 The suspects are different, too: common criminals in the cited cases versus members of international terrorist organizations. The crimes are also different: relatively minor infractions like reckless driving in the cited cases as opposed to treasonous terrorist operations. n112 Most importantly, the purpose of killing is different. In the cited cases, the police may use lethal force to protect themselves and others from the immediate threat that the suspect poses and not from future operations that the suspect is preparing. If the purpose is to protect the citizenry from an immediate threat, but there is no immediate threat, then killing by domestic law enforcement is not permissible. The purpose of a targeted killing is to protect citizens from an attack that is being prepared, where waiting until the threat is temporally immediate is not feasible.

The other cases the ACLU cited in support of its proposition, that the threat should be concrete, specific, and imminent, deserve even less weight than the domestic law enforcement cases it mentioned. The remaining cases it cited are not only distinguishable, but they also are not from U.S. courts and therefore have only limited [\*268] persuasive authority. n113 One problem with reasoning from foreign cases to determine U.S. obligations is that, particularly with regard to immediacy, two of the countries in the cited cases, Cyprus and Peru, signed and ratified Protocol I, which contains an immediacy requirement. n114 Protocol I is not part of U.S. law; therefore, the immediacy requirement contained within it does not apply in the United States. n115 The foreign courts upheld their nations' treaty obligations, which the United States does not share.

The OLC memo authorizing the killing of Al-Aulaqi opted to stretch the definition of imminence to include risks posed by an enemy leader who is in the business of attacking the United States whenever possible, even if he is not in the midst of launching an attack when he is found. n116 This definition tracks the idea of preemptory self-defense. At first blush, it appears to do violence to the idea of imminence by redefining it broadly enough to include attacks decades off. However, when read with the OLC memo provision that only allows the government to kill individuals it cannot capture, n117 the definition limits the government to killing individuals who will attack the United States before it is feasible to stop them in another way, which is a less strained definition of imminence.

#### Targeting U.S. citizens is legitimate---belligerency against the U.S. forfeits Constitutional protections

Charles Krauthammer 13, 2/15/13, “Krauthammer: In defense of drones,” http://www.denverpost.com/opinion/ci\_22592883?source=bb

2. But Awlaki was no ordinary enemy. He was a U.S. citizen. By what right does the president order the killing by drone of an American? Where's the due process?

Answer: Once you take up arms against the United States, you become an enemy combatant, thereby forfeiting the privileges of citizenship and the protections of the Constitution, including due process. You retain only the protection of the laws of war — no more and no less than those of your foreign comrades-in-arms.

Lincoln steadfastly refused to recognize the Confederacy as a separate nation. The soldiers that his Union Army confronted at Antietam were American citizens (in rebellion) — killed without due process. Nor did the Americans storming German bunkers at Normandy inquire before firing if there were any German-Americans among them — to be excused for gentler treatment while the other Germans were mowed down.

#### Aff doesn’t solve organized crime- their Lichter evidence isn’t reverse causal, it just says due processing a tool in the fight against crime.

#### No impact- Dobriansky evidence doesn’t provide any causal scenario for a nuclear war

Organized crime is inevitable

SimPol ‘13

http://simpoluk.wordpress.com/2013/06/18/international-organized-crime-capitalism-at-its-finest/

But it is both the liberalization of the global economy over the past twenty years, in line with the ‘Washington Consensus’, combined with limits to that liberalization in the form of laws against such activities as drug production and use and prostitution, combined with a world with globally fragmented tax and financial regulatory system, which make such internally organized crime not only possible, but inevitable. Therefore, it is the global economic, legal, and financial systems which allow for the emergence of deeply embedded and destructive organized crime, rather than, to put it bluntly ‘bad guys’. In fact, I would argue, many of those involved criminal activities would prefer not to live in constant fear of violence and life-long prison sentences. But, in a world where material opulence can be achieved faster and with higher probability through illicit capitalism than licit capitalism, the choice for those in a position to exploit illicit activity, is obvious.

**US-Mexico relations will never collapse- interdependence ensures**

**Mares and Canovas 10**

[David R. Mares, University of California, San Diego. Gustavo Vega Cánovas, El Colegio de México. “The U.S.-Mexico Relationship: Towards a New Era?”]

¶ The U.S. and Mexico have been neighbors for more than two centuries and within that relationship there is one important constant. Despite intermittent attempts by Mexico to distance itself from the US out of a concern of US protectionism and its political, cultural and economic hegemony**, a process of progressive economic and social integration has taken place among the two countries which expresses itself in high levels of trade, financial and labor flows.¶ Mexico is** currently **the US’ third largest trading partner**, after Canada and China, accounting for approximately 8.4 percent of US exports and imports. **The U**nited **S**tates, on the other hand, **is Mexico's dominant trading partner**, accounting for two-thirds of both exports and imports and far outdistancing Mexico's trade with Europe, Japan, **and** with the rest of Latin America and Canada. The United States is also **the major source of foreign investment** flows in the Mexican economy, accounting for close to 65 percent of the total. Labor market integration is also very high, with at least 10 percent of the growth of the US labor supply since World War II accounted for by Mexican migration.i Mexicans who work in the US represent close to one- fifth of the Mexican work force and their remittances in 2008 were close to 21 billions dollars, representing the first source of foreign exchange surpassing oil and tourism.¶ **NAFTA**, the latest chapter in this process, **accelerated the economic and social integration of both economies to unprecedented levels**. By 2001 some analysts and think tanks believed that sufficient progress had been achieved to propose a greater intensification of economic and social relations and even the creation of a North American Community.ii

**US – Latin American Relations resilient – immigration proves**

**Duddy and Mora 5/1/13**

(Patrick and Frank O., “Latin America: Is U.S. influence waning?”, Miami Herald, <http://www.miamiherald.com/2013/05/01/3375160/latin-america-is-us-influence.html>)

Finally, **one should not underestimate the resiliency of U.S. soft power in the region**. **The power of national reputation, popular culture, values and institutions continues to contribute to U.S. influence in ways that are difficult to measure and impossible to quantify.** Example: **Despite 14 years of strident anti-American rhetoric during the Chávez government, tens of thousand of Venezuelans apply for U.S. nonimmigrant visas every year, including many thousands of Chávez loyalists.**

**Middle east war doesn’t escalate**

**Dyer 2**

(Gwynne, former appointments to the Royal Military College Sandhurst and Oxford University, former member of three different armed services, Winter, "The Coming War," Queen's Quarterly, Expanded Academic ASAP)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: **this will not become World War III**. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. **The connections that once tied Middle Eastern confrontations to a global confrontation involving** tens of thousands of **nuclear weapons have all been undone. The** East-West **Cold War is finished**. The truly dangerous powers in the world today are the **industrialized countries** in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we **are out of the business.**

US-Russia war is inevitable and now is key—the US could prevent escalation but waiting ensures Russia regains second-strike and causes fully escalated war.

Schwarz 6 – national editor of The Atlantic, Jan/Feb, “ThePerils of Primacy,” The Atlantic, http://www.theatlantic.com/doc/200601/primacy

In a feat of technical sophistication and strategic insight, Lieber and Press have modeled a U.S. first strike against Russia. (Although China is Washington's most probable great-power rival, the authors argue, Russia presents a "hard case" for their contention that America has achieved nuclear ascendancy.) That model, which they presented at the Council on Foreign Relations in October, has been vetted by most of the top civilian defense analysts. To be conservative, it assumes that U.S. nuclear weapons will perform with much less accuracy and reliability than should be expected. Even so, the authors conclude, a U.S. attack today would destroy the entire Russian nuclear arsenal. To grossly oversimplify: the erosion of Russian capabilities, combined with new, overwhelming warhead yields and the "accuracy revolution" in U.S. nuclear forces, has largely obviated the problems of "fratricide" (the prospect that U.S. missiles on the attack would destroy each other, leaving their targets safe) that once helped make a disarming strike impossible to achieve. Lieber and Press emphasize that their analysis doesn't prove that a U.S. first strike would succeed, but it highlights a development that is grave if only because it's one that prudent planners in Russia and China, who conduct similar analyses, are no doubt already surmising: that their countries can no longer be confident of having a viable deterrent. Surely adding to their alarm is the realization that the nuclear imbalance, troubling enough already, will only grow in the coming years. Washington's withdrawal from the Anti-Ballistic Missile Treaty and its concomitant pursuit of a national missile-defense system will greatly enhance its offensive nuclear capabilities, because although critics of missile defense correctly argue that it could never shield America from a massive full-scale nuclear attack, it could quite plausibly deal with the very few missiles an adversary might have left to deploy after a U.S. first strike. What's more, the United States is actively pursuing a series of initiatives—including further advances in anti-submarine and anti-satellite warfare; in missile accuracy and potency; and in wide-area remote sensing, aimed at finding "relocatable" targets such as mobile ICBMs—that will render Russia's and China's nuclear forces all the more vulnerable. Defense analysts have grown increasingly nervous about the convergence of several strategic developments. In "The End of Mutual Assured Destruction?," a brilliant and sobering study of military analysis that is being prepared for publication in an academic journal, Keir A. Lieber, a scholar at Notre Dame, and Daryl G. Press, a professor at the University of Pennsylvania and a consultant to the Defense Department and to RAND, have trenchantly surveyed the trends that are troubling the experts. The first is the precipitous erosion of Russian nuclear capabilities. Compared with its forces in 1990, Moscow has 55 percent fewer intercontinental ballistic missiles, 39 percent fewer strategic bombers, and 80 percent fewer ballistic-missile submarines, or SSBNs (the component of a nuclear arsenal most likely to survive a first strike). Moscow itself has stated that its nuclear forces will decline by an additional 35 percent in the coming years, but many experts believe the total Russian arsenal could shrink even more, from about 3,800 strategic warheads today to as few as 500 (the United States currently has more than 5,200). More important than this quantitative reduction, though, has been the even steeper qualitative decline. Owing to financial constraints, Russia can't ensure unbroken monitoring of American ICBM fields, and can't plug the holes in its missile-warning networks that render it blind to attacks from U.S. submarines in launch areas in the Pacific. Maintenance, supply, and training deficiencies afflict Russia's nuclear forces generally and its submarines most crucially. A viable Russian deterrent demands that a number of SSBNs be at sea at any given time and that they successfully evade the U.S. attack submarines that stalk them. But in fact most Russian SSBNs must now remain pierside—the Russians weren't able to conduct any patrols in 2002 and could carry out only two in 2004. This makes the SSBNs highly vulnerable to a U.S. first strike, and it means that the skills Russian SSBN crews need in order to elude U.S. subs have been greatly vitiated (most Russian crews haven't been on patrol in years). Largely for these reasons former commanders of Russia's ballistic-missile fleet warned as long ago as 1998 that their supposedly invulnerable submarines would be detected and destroyed in a conflict with the United States. To be sure, America's emerging nuclear hegemony could bring benefits, including potential leverage vis-à-vis our superpower counterparts in such areas of competition as the Balkans and Taiwan. It will also force China to divert defense resources from its power-projection efforts in East Asia. (This, however, would be both a blessing and a curse: "We should expect a new, prolonged, and intense nuclear arms race," Lieber and Press conclude.) But whether or not America has deliberately pursued the ability to win a nuclear conflict, that capability will increase the risk of great-power war. U.S.-Chinese relations are bound to be edgy or worse for the foreseeable future, and although relations between Washington and Moscow are nowhere near their Cold War nadir, actual and potential strains remain formidable. Each country has nuclear-armed missiles that can be delivered against the other within minutes—and in America's nuclear-war plans the overwhelming number of targets remain inside Russia. Most important, any shift in the nuclear balance itself will engender a volatility that could cause seemingly small conflicts between countries to quickly spiral. Confronted with the growing nuclear imbalance, Russia and China will be forced to try to redress it; but given America's advantages, that effort, as Lieber and Press note, could take well over a decade. Until a nuclear stalemate is restored—if it ever is—Moscow and Beijing will surely buy deterrence by spreading out their nuclear forces, decentralizing their command-and-control systems, and implementing "launch on warning" policies. If more than half a century of analyzing nuclear dangers and "crisis stability" has taught us anything, it is that all these steps can cause crises to escalate uncontrollably. They could trigger the unauthorized or accidental use of nuclear weapons; this could lead to inadvertent nuclear war.

Only fully-escalated war causes extinction.

Bostrom, 02 (Nick Bostrum, Ph.D., faculty of philosophy at Oxford, “Existential Risks Analyzing Human Extinction Scenarios and Related Hazards,” Published in the Journal of Evolution and Technology, Vol. 9, March)

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal.There was a real worry among those best acquainted with the information available at the time that a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization**.**[[4]](http://www.nickbostrom.com/existential/risks.html#_ftn4)  Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately. There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind’s potential permanently. Such a war might however be a local terminal risk for the cities most likely to be targeted. Unfortunately, we shall see that nuclear Armageddon and comet or asteroid strikes are mere preludes to the existential risks that we will encounter in the 21st century.

War prevents Russian nano-weapons and arms race.

Stulberg 8 – Assoc. Prof Intl Affairs @ Georgia Institute of Technology, Adam, “Russia and the Nanotechnology Revolution”, PONARS Eurasian Policy Memo No 26, August, http://ceres.georgetown.edu/esp/ponarsmemos/page/55922.html

Similarly, Moscow has seemingly staked out a competitive and ambitious trajectory for its strategic nanotechnology pursuits. While other states have generally downplayed prospective military applications (or trumpeted development of “defensive” human sensor and protective gear), Russian scientists and officials have proclaimed that future warfare will be premised on an offensive-dominated, nanotechnology-driven arms race. Putin has struck an especially ominous tone by declaring that Russia will “spare no expense” at developing “super-effective” offensive military applications. This rhetoric took on new meaning in September 2007 with the testing of the “father of all bombs.” Notwithstanding the crude nano-link to this fuel air explosive, Russian officials and the high command heralded the device as comparable to a nuclear bomb (without the same environmental impact), marking the onset of the nanotech revolution in military affairs.

Nano arms race causes global war with nuclear and nano-weapons.

Gubrud 97 – Center for Superconductivity Research, Mark, “Nanotechnology and International Security”, The Foresight Institute, http://www.foresight.org/Conferences/MNT05/Papers/Gubrud/index.html

Whereas the perfection of nuclear explosives established a strategic stalemate, advanced molecular manufacturing based on self-replicating systems, or any military production system fully automated by advanced artificial intelligence, would lead to instability in a confrontation between rough equals. Rivals would feel pressured to preempt, if possible, in initiating a full-scale military buildup, and certainly not to be caught behind. As the rearmament reached high levels, close contact between forces at sea and in space would give an advantage to the first to strike. The greatest danger coincides with the emergence of these powerful technologies: A quickening succession of "revolutions" may spark a new arms race involving a number of potential competitors. Older systems, including nuclear weapons, would become vulnerable to novel forms of attack or neutralization. Rapidly evolving, untested, secret, and even "virtual" arsenals would undermine confidence in the ability to retaliate or resist aggression. Warning and decision times would shrink. Covert infiltration of intelligence and sabotage devices would blur the distinction between confrontation and war. Overt deployment of ultramodern weapons, perhaps on a massive scale, would alarm technological laggards. Actual and perceived power balances would shift dramatically and abruptly. Accompanied by economic upheaval, general uncertainty and disputes over the future of major resources and of humanity itself, such a runaway crisis would likely erupt into large-scale rearmament and warfare well before another technological plateau was reached.

**Sustainability is impossible**

**Barnhizer 6** -- Professor of Law, Cleveland State University. (David, Waking from Sustainability's "Impossible Dream": The Decisionmaking Realities of Business and Government, 18 Geo. Int'l Envtl. L. Rev. 595, Lexis)

Medieval alchemists sought unsuccessfully to discover the process that would enable them to turn base metal into gold--assigning the name "Philosopher's Stone" to what they sought. The quest was doomed to failure. Just as a "sow's ear" cannot become a "silk purse," a base metal cannot become gold. **Sustainability** is impossible for the same reasons. It **asks us to** **be something we are not, both individually and as a political and economic community**. **It is impossible to convert humans into the** wise, **selfless, and** nearly **omniscient creatures** **required to** build and **operate** a system that incorporates **sustainability**. **Even if it were** ultimately **possible** (and it is not), **it would take** many **generations** to achieve **and we are running out of time.¶ There is an enormous gap among what we claim** we want to do, **what we actually** want to **do, and our ability to achieve our professed goals**. **I admit to an absolute distrust of cheap and easy proclamations of lofty ideals and commitments to** voluntary or unenforceable **codes of practice**. **The only thing that counts is** the actor's **actual behavior**. For most people, **that behavior is shaped by self-interest** determined by the opportunity to benefit or to avoid harm. **In the economic arena this means that if a substantial return can be had without a high risk of** significant **negative consequences, the decision will be made to seek the benefit**. It is the reinvention of Hardin's Tragedy of the Commons. n1¶ This essay explores the nature of human decisionmaking and motivation within critical systems. These systems include business and governmental decisionmaking with a focus on environmental and social areas of emerging crisis where the consequence of acting unwisely or failing to act wisely produces large-scale harms for both human and natural systems. The analysis begins by suggesting that **nothing humans create is "sustainable**." **Change is inevitable** and [\*597] irresistible **whether** styled as **systemic entropy**, Joseph Schumpeter's idea of a regenerative "**creative destruction," or** Nikolai Kondratieff's "**waves" of economic and social transformation**. n2¶ **Business entities and governmental decisionmakers play critical roles in** both **causing environmental and social harms and avoiding those consequences**. Some have thought that the path to avoiding harm and achieving positive benefits is to develop codes of practice that by their language promise that decisionmakers will behave in ways consistent with the principles that have come to be referred to as "**sustainability**." That belief **is a delusion--an "impossible dream**." Daniel Boorstin once asked: "Have we been doomed to make our dreams into illusions?" n3 He adds: "An illusion . . . is an image we have mistaken for reality. . . . [W]e cannot see it is not fact." n4 Albert **Camus warns of** the inevitability of **failing to** **achieve unrealistic goals** **and the need to become** more **aware of the** limited **extent of our power to effect fundamental change**. **He urges that we concentrate on** devising **realistic strategies** and behaviors **that allow us to be effective** in our actions. n5¶ **As** companies are expected to implement global **codes of conduct** such as the U.N. Global Compact and the Organisation for Economic Co-operation and Development's (OECD) Guidelines for Multinational Enterprises, n6 and governments [\*598] and multilateral institutions supposedly **become more concerned about** limiting the **environmental** and social **impacts** of business decisionmaking, **it may be useful to consider actual behavior related to corporate and governmental responses to codes of practice**, treaties, and even national laws. Unfortunately, **business, government, and multilateral institutions have poor track records vis-a-vis** conformity to such **codes of practice and treaties**.¶ **Despite good intentions, empty** dreams and **platitudes may be counterproductive**. This essay argues that the ideal of sustainability as introduced in the 1987 report of the Brundtland Commission and institutionalized in the form of Agenda 21 at the 1992 Rio Earth Summit is false and counterproductive. The ideal of **sustainability assumes that we are** almost **god-like**, **capable of perceiving,** integrating**, monitoring, organizing, and controlling our world.** These assumptions create an "impossible" character to the "dream" of sustainability in business and governmental decisionmaking.¶ **Sustainability** of the Agenda 21 kind **is a utopian vision that is the enemy of the possible and the good.** The problem is that **while on paper we can** always **sketch** elegant **solutions** that appear to have the ability to achieve a desired utopia, **such solutions work "if only" everyone will come together and behave in the way laid out in the "blueprint."** n7 **Humans should have learned from** such grand misperceptions as the French **Enlightenment's failure to accurately comprehend the** quality and **limits of human nature or Marxism's** **flawed view of altruistic** human **motivation that the "if only" is an impossibly utopian reordering of human nature we will never achieve**. n8¶ [\*599] A critical defect in the idea of sustainable development is that it continues the flawed assumptions about human nature and motivation that provided the foundational premises of Marxist collectivism and centralized planning authorities. n9 Such perspectives inject rigidity and bureaucracy into a system that requires monitoring, flexibility, adaptation, and accountability. But, in criticizing the failed Marxist-Leninist form of organization, my argument should not be seen as a defense of supposed free market capitalism. Like Marxism, a true free market capitalism does not really exist.¶ The factors of **greed** and self interest, **limited human capacity**, **inordinate** systemic **complexity**, **and the power of large-scale driving forces beyond our** abilityto **control** **lead to the unsustainability of human systems.** **Human self-interest is an insurmountable barrier that can be affected** to a degree **only by effective laws, the promise of significant financial** or career **returns, or fear of consequences. The only way to change the behavior of business and governmental decisionmakers is through the** use of the **"carrot" and the "stick**." n10 Yet even this approach can only be achieved incrementally with limited positive effects.

### Solvency

#### Drone court doesn’t appropriately promote effective control over drones

Roth 2013

(Kenneth Roth, Executive Director of Human Rights Watch, April 4, 2013, “What Rules Should Govern US Drone Attacks?,” New York Review of Books, http://www.nybooks.com/articles/archives/2013/apr/04/what-rules-should-govern-us-drone-attacks/?pagination=false)

Whatever the rules governing drone attacks, many object to the covert, unilateral way the administration decides who should be killed. In the heat of battle, that is a necessity. But drone targets are typically selected over lengthy periods, with more than enough time for independent scrutiny. Under US law, the executive branch cannot even secure a wiretap without court oversight, so why should it be allowed to select drone targets unilaterally? Senator Dianne Feinstein has thus put forward the idea of a drone court similar to the courts that review wiretap applications under the Foreign Intelligence Surveillance Act (FISA).¶But replicating the FISA courts would provide little by way of effective control because, by their nature, they must be kept secret from the target, so they provide no opportunity for an independent attorney to challenge the government’s claims. At least for wiretaps the law is reasonably settled. But the administration, as we have seen, seems to accept in only vague terms the law governing drone attacks. In the absence of an adversarial process, a judge cannot be counted on to challenge the administration’s permissive interpretation of the law.¶Moreover, a drone court could at most approve placing someone on a kill list, not whether the circumstances of a prospective attack, including the risk to civilians in a changing situation, would be lawful. That would require a determination of the sort that a court can’t possibly undertake in advance. In any event, most proposals for drone courts envision them being used only for targeted US citizens—not much help to the great majority of targets from other nationalities. Though of no help to those killed, permitting after-the-fact lawsuits against the government would be a better way to allow the courts to define the limits of the law. But the administration has blocked such suits through various claims of secrecy.

#### Sets the OPPOSITE international precedent--- rubber stamping

Vladeck 2013

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

That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, even if one could design a legally and practically workable regime in which such a tribunals could operate, its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts.¶As a purely practical matter, it would be next to impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat that an individual suspect poses ex ante. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record. Judges, after all, are humans.¶In the process, the result would be that such ex ante review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post. Put another way, ex ante revew in this context would most likely lead to a more expansive legal framework within which the targeted killing program could operate, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, even if it were legally and practically possible, a drone court would be a very dangerous idea.

#### No political will to implement the plan

Druck, JD – Cornell Law, ‘12

(Judah, 98 Cornell L. Rev. 209)

There are obvious similarities between the causes and effects of the public scrutiny associated with the larger wars discussed above. In each situation, the United States was faced with some, or even all, of the traditional costs associated with war: a draft, an increasingly large military industry, logistical sacrifices (such as rationing and other noncombat expenses), and significant military casualties. n114 Americans looking to keep the United States out of foreign affairs ob-viously had a great deal on the line, which provided sufficient incentive to scrutinize military policy. In the face of these potentially colossal harms, the public was willing to assert a significant voice, which in turn increased the willingness of politicians to challenge and subsequently shift presidential policy. As a result, public scrutiny and activism placed a President under constant scrutiny in one war, delayed U.S. intervention in another, and even helped end two wars entire-ly. Thus, we may extract a general principle from these events: when faced with the prospect of a war requiring heavy domestic sacrifices, and absent an incredibly compelling reason to engage in such a war (as seen in World War II, for example), n115 the public is properly incentivized to emerge and exert social (and, consequently, political) pressure in order to engage and shift foreign policy. However, as we will see, the converse is true as well. B. The Introduction of Technology-Driven Warfare and Shifting Wartime Doctrines The recent actions in Libya illustrate the culmination of a shift toward a new era of warfare, one that upsets the system of social and political checks on presidential military action. Contrary to the series of larger conflicts fought in the twen-tieth century, this new era has ushered in a system of war devoid of some of the fundamental aspects of war, including the traditional costs discussed above. Specifically, through the advent of military technology, especially in the area of robotics, modern-day hostilities no longer require domestic sacrifices, thereby concealing the burden of war from main-stream consciousness. n116 By using fewer troops and introducing drones and other [\*228] forms of mechanized warfare into hostile areas more frequently, n117 an increased number of recent conflicts have managed to avoid many domestic casualties, economic damages, and drafts. n118 In a way, less is on the line when drones, rather than people, take fire from enemy combatants, and this reality displaces many hindrances and considerations when deciding whether to use drones in the first place. n119 This move toward a limited form of warfare has been termed the "Obama Doctrine," which "emphasizes air power and surgical strikes, rather than boots on the ground." n120 Under this military framework, as indicated by the recent use of drones in the Middle East, the traditional harms associated with war might become increasingly obsolete as technolo-gy replaces the need for soldiers. Indeed, given the increased level of firepower attached to drones, we can imagine a situation where large-scale military engagements are fought without any American soldiers being put in harm's way, without Americans having to ration their food purchases, and without teenagers worrying about being drafted. n121 For example, "with no oxygen-and sleep-needing human on board, Predators and other [unmanned aerial vehicles] can watch over a potential target for 24 hours or more - then attack when opportunity knocks." n122 Thus, if the recent actions in Libya are any indication of what the future will look like, we can predict a major shift in the way the United States carries out wars . n123 [\*229] C. The Effects of Technology-Driven Warfare on Politics and Social Movements The practical effects of this move toward a technology-driven, and therefore limited, proxy style of warfare are mixed. On the one hand, the removal of American soldiers from harm's way is a clear benefit, n124 as is the reduced harm to the American public in general. For that, we should be thankful. But there is another effect that is less easy to identify: pub-lic apathy. By increasing the use of robotics and decreasing the probability of harm to American soldiers, modern war-fare has "affected the way the public views and perceives war" by turning it into "the equivalent of sports fans watching war, rather than citizens sharing in its importance." n125 As a result, the American public has slowly fallen victim to the numbing effect of technology-driven warfare; when the risks of harm to American soldiers abroad and civilians at home are diminished, so too is the public's level of interest in foreign military policy. n126 In the political sphere, this effect snowballs into both an uncaring public not able (or willing) to effectively mobi-lize in order to challenge presidential action and enforce the WPR, and a Congress whose own willingness to check presidential military action is heavily tied to public opinion. n127 Recall, for example, the case of the Mayaguez, where potentially unconstitutional action went unchecked because the mission was perceived to be a success. n128 Yet we can imagine that most missions involving drone strikes will be "successful" in the eyes of [\*230] the public: even if a strike misses a target, the only "loss" one needs to worry about is the cost of a wasted missile, and the ease of deploying another drone would likely provide a quick remedy. Given the political risks associated with making critical statements about military action, especially if that action results in success, n129 we can expect even less congressional WPR en-forcement as more military engagements are supported (or, at the very least, ignored) by the public. In this respect, the political reaction to the Mayaguez seems to provide an example of the rule, rather than the exception, in gauging politi-cal reactions within a technology-driven warfare regime. Thus, when the public becomes more apathetic about foreign affairs as a result of the limited harms associated with technology-driven warfare, and Congress's incentive to act consequently diminishes, the President is freed from any possible WPR constraints we might expect him to face, regardless of any potential legal issues. n130 Perhaps unsurpris-ingly, nearly all of the constitutionally problematic conflicts carried out by presidents involved smaller-scale military actions, rarely totaling more than a few thousand troops in direct contact with hostile forces. n131 Conversely, conflicts that have included larger forces, which likely provided sufficient incentive for public scrutiny, have generally complied with domestic law. n132 The result is that as wars become more limited, n133 unilateral presidential action will likely become even more un-checked as the triggers for WPR enforcement fade away. In contrast with the social and political backlash witnessed during the Civil War, World War I, the Vietnam War, and the Iraq War, contemporary military actions provide insuffi-cient incentive to prevent something as innocuous and limited as a drone strike. Simply put, technology-driven warfare is not conducive to the formation of a substantial check on presidential action. n134

## 2NC

### Kritik

#### Claims that liberalism is preferable is merely a tool of the global neo-liberal elite to demonize state's insisting on national sovereignty and independence.

Thorup ‘06

Mikkel Thorup. In Defense of Enmity: Critiques of Liberal Globalism. Ph.D. Dissertation, Institute of Philosophy and the History of Ideas, University of Aarhus, Denmark. January 2006.

The main enemy of cosmopolitan globalization discourse is the nation state and its practitioners. This gives rise to distinct readings of both history and current affairs, and I argue that it may give rise to an unwelcomed conglomeration of cosmopolitans and the state, where the cosmopolitan discourse isn't really in opposition to the state, as much as it helps its transformation and most likely not to ?he post-nation, plural-nation, nation-indifferent, and nation-tolerant state(Beck 2001c: 87), that they hope. Cosmopolitanism may, paradoxically, be giving us a new language of state sovereignty, which reinstalls the in/out, friend/enemy distinctions under different names. The ?osmopolitan thoughtis an attack on any notions of classical differentiations, both descriptively in the globalization discourse and normatively. The particulars of the nation state age, in/out, friend/enemy, foreign/domestic, local/national/international and also distinctions such as war/peace, economics/politics, police/military are transcended or discarded as obsolete. This may sound as a strong critique of statist power but in actual fact it is complementary to the Western state? own discourse, which is progressively changing its ways of international/global control into a deterritorialized form of dominance, which project force from above and afar. The ones losing are the states trying to secure a statehood in the first place. Once modernity? distinctions are dissolved, one has to ask: Who profits from fluidity and indistinction? Who defines the new distinctions? I want to argue in this final section, that cosmopolitanism serves the re-configuration of power by hyper-politicizing the nation state and, consequently, depoliticizing its usurper. Cosmopolitans help frame the new post-sovereign language of dominance and intervention by not being attentive enough to the ?ew alliance of humanitarian and military interest(Kennedy 2004: xii). The modern nation state was born in and through war; so is the postnational. The ?ew warsare borderland wars and they are instrumental in reinstating order by drawing new distinctions between the West and the Rest, between order and chaos, the civilized and the barbaric, between friends and enemies. As Mark Duffield says in his remarkable book Global Governance and the New Wars: The Merging of Development and Security: ?he aim of liberal peace is to transform the dysfunctional and war- affected societies that it encounters on its borders into cooperative, representative and, especially, stable entities(2001: 11). This is, of course, an often worthy and needed enterprise but it is also part of the new repression of the global borderland and the making of a new global order and it isn? obvious that the humanitarian or cosmopolitan language is always the most effective or appropriate vocabulary. The new wars outline the new cartography and the new enmities of globalized power. This is what we?l concentrate on in the following and in the next chapter. Cosmopolitanism is complicit in the new ?amingof the borderland. The post-sovereignty discourse is no risk to Western states, who are secure in their statehood and in their sovereignty in a post-sovereign order. In this way too, one can agree with Michael Ignatieff that, ?osmopolitanism is the privilege of those who can take a secure nation state for granted” (1994: 9). It may not be meant as such, but the unequal distribution of power in the international system makes the new post-sovereign language a political tool of the powerful. The new global borderland is defined as post-political. The political is obsolete. It belongs exclusively to the nation state era. But this kind of language is systematically hiding the return of the political in new in/out, friend/enemy categories; the most prominent being the ones between cosmopolitan or postmodern states on one side and a combination of modern nationalist barbarism and premodern warlord chaos on the other. The post-sovereign discourse is a moral discourse denying (certain) sovereign states their legitimacy. It becomes, therefore, a means of de-legitimization and intervention. The new moral discourse may be directed against state abuse but in a significant way it gives new life to the state in its most statist register: War. Margaret Canovan (1998) asks: ?rusaders want to see human rights recognized and protected across the world, and questions of political agency inevitable follow. Seeking to make the Marxist political project effective, Lenin hit on the notion of the powerful Party: what collective actor can (by analogy) bear the project of human rights?It is and remains the state or more precisely, a conglomerate of Western states, we?l later call the ?umanitarian sovereign The collective actor of the world community is the West. One cannot imagine China or Iran proclaiming to be the defender of the international community or humanity and then be recognized as such. This humanist and globalist prerogative is exclusively Western.

#### SUBPOINT A – Univeralism effaces the us/them distinction to form a unified whole. This lack of distinctions causes global, genocidal war BECAUSE OF lashout

Reinhard 2k4

[Kenneth, Professor of Jewish Studies at UCLA, 2004, “Towards a Political Theology- Of the Neighbor,” online: <http://www.cjs.ucla.edu/Mellon/Towards_Political_Theology.pdf>]

If the concept of the political is defined, as Carl Schmitt does, in terms of the Enemy/Friend opposition, the world we find ourselves in today is one from which the political may have already disappeared, or at least has mutated into some strange new shape. A world not anchored by the “us” and “them” binarisms that flourished as recently as the Cold War is one subject to radical instability, both subjectively and politically, as Jacques Derrida points out in The Politics of Friendship: The effects of this destruction would be countless: the ‘subject’ in question would be looking for new reconstitutive enmities; it would multiply ‘little wars’ between nation states; it would sustain at any price so-called ethnic or genocidal struggles; it would seek to pose itself, to find repose, through opposing still identifiable adversaries – China, Islam? Enemies without which … it would lose its political being … without an enemy, and therefore without friends, where does one then find oneself, qua a self? (PF 77) If one accepts Schmitt’s account of the political, the disappearance of the enemy results in something like global psychosis: since the mirroring relationship between Us and Them provides a form of stability, albeit one based on projective identifications and repudiations, the loss of the enemy threatens to destroy what Lacan calls the “imaginary tripod” that props up the psychotic with a sort of pseudo-subjectivity, until something causes it to collapse, resulting in full-blown delusions, hallucinations, and paranoia. Hence, for Schmitt, a world without enemies is much more dangerous than one where one is surrounded by enemies; as Derrida writes, the disappearance of the enemy opens the door for “an unheard-of violence, the evil of a malice knowing neither measure nor ground, an unleashing incommensurable in its unprecedented – therefore monstrous –forms; a violence in the face of which what is called hostility, war, conflict, enmity, cruelty, even hatred, would regain reassuring and ultimately appeasing contours, because they would be identifiable” (PF 83).

#### And this results in extinction.

Schmitt ’63 (Carl. The Theory of the Partisan: A Commentary/Remark on the Theory of the Political. Trans. A. C. Goodson. East Lansing, MI: Michigan State University Press, 2004. 67.)

This means concretely that the supra-conventional weapon supposes¶ the supra-conventional man. It presupposes him not merely as a postulate¶ of some remote future; it intimates his existence as an already existent reality. The ultimate danger lies then not so much in the living presence of the¶ means of destruction and a premeditated meanness in man. It consists in¶ the inevitability of a moral compulsion. Men who turn these means against¶ others see themselves obliged/forced to annihilate their victims and¶ objects, even morally. They have to consider the other side as entirely criminal and inhuman, as totally worthless. Otherwise they are themselves¶ criminal and inhuman. The logic of value and its obverse, worthlessness,¶ unfolds its annihilating consequence, compelling ever new, ever deeper discriminations, criminalizations, and devaluations to the point of annihilating all of unworthy life [lebensunwerten Lebens]. In a world in which the partners push each other in this way into the¶ abyss of total devaluation before they annihilate one another physically,¶ new kinds of absolute enmity must come into being. Enmity will be so terrifying that one perhaps mustn’t even speak any longer of the enemy or of¶ enmity, and both words will have to be outlawed and damned fully before¶ the work of annihilation can begin. Annihilation thus becomes entirely¶ abstract and entirely absolute. It is no longer directed [96] against an¶ enemy, but serves only another, ostensibly objective attainment of highest¶ values, for which no price is too high to pay. It is the renunciation of real¶ enmity that opens the door for the work of annihilation of an absolute¶ enmity.

#### SUBPOINT B - Denying enmity as a structuring principle causes total warfare that outweighs the aff. only our evidence is comparative about the scope and quality of violence in what our authors desribe as “war”.

Prozorov 2K6

[Sergei, collegium fellow at the Helsinki Collegium for Advanced Studies, University of Helsinki, Professor of International Relations in the Department of International Relations, Faculty of Politics and Social Sciences, Petrozavodsk State University, Russia, 2006, “Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism,” Millennium: Journal of International Studies, Vol. 35, No. 1, p. 75-99]

Schmitt makes a distinction between hostis and inimicus to stress the specificity of the relationship of a properly political enmity. The concept of inimicus belongs to the realm of the private and concerns various forms of moral, aesthetic or economic resentment, revulsion or hate that are connoted by the archaic English word ‘foe’, whose return into everyday circulation was taken by Schmitt as an example of the collapse of the political into the moral.31 In contrast, the concept of hostis is limited to the public realm and concerns the existential threat posed to the form of life of the community either from the inside or from the outside. In simple terms, the enemy (hostis) is what we confront, fight and seek to defeat in the public realm, to which it also belongs, while the foe (inimicus) is what we despise and seek either to transform into a more acceptable life-form or to annihilate. Contrary to Zizek’s attribution of the ‘ultra-politics of the foe’ to Schmitt, he persistently emphasised that the enemy conceptually need not and normatively should not be reduced to the foe: ‘The enemy in the political sense need not be hated personally.’32 In Schmitt’s argument, during the twentieth century such a reduction entailed the destruction of the symbolic framework of managing enmity on the basis of equality and the consequent absolutisation of enmity, i.e. the actualisation of the ‘most extreme possibility’: [Presently] the war is considered to constitute the absolute last war of humanity. Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only.33 Thus, it appears impossible to equate Schmitt’s notion of enmity with the friend–foe politics that was the object of his criticism. The very anti- essentialism, which Zizek’s reading recovers in Schmitt, brings into play a plurality of possible modalities of enmity. To argue, as Schmitt certainly does, that enmity is an ontological presupposition of any meaningful political relation, is certainly not to valorise any specific construction of the friend–enemy distinction. What is at stake is the need to distinguish clearly between what we have termed the transcendental function of the friend–enemy distinction (and in this aspect, Zizek’s own work on politics, particularly his recent ‘Leninist’ turn,34 remains resolutely Schmittian) and the empirical plurality of historical modalities of enmity. Schmitt’s philosophical achievement arguably consists in his affirmation of the irreducibility of the former function and the perils of its disavowal, an achievement that is not tarnished by a plausible criticism of his historical excursus on the Jus Publicum Europaeum as marked by a conservative nostalgia for a system that, after all, combined the sovereign equality of European powers with the manifestly asymmetric structure of colonial domination. At the same time, the objective of this article is not merely to correct manifold misreadings in the exegesis of a ‘properly Schmittian’ conception of enmity. Instead, we shall rely on Schmitt’s political realism and more contemporary philosophical orientations in deconstructing the present, actually existing ultra-politics of the foe, which has acquired a particular urgency in the current ascendancy of American neoconservative exceptionalism but is by no means reducible to it. Against the facile assumption of the unbridgeable gulf between the politics of the Bush administration and the remainder of the transatlantic community, we shall rather posit the ‘ultra-politics of the foe’ as the definitive feature of the transformation of the relation of enmity in Western politics in the twentieth century. Moreover, as our analysis below will demonstrate, the emergence of this ultra-politics is a direct effect of the universalisation of the liberal disposition rather than a resurgence of an ‘archaic’ form of political realism. What we observe presently is not a temporary ‘barbarian’ deviation from the progressive teleology of liberalism, but the fulfilment of Schmitt’s prophecy that liberalism produces its own form of barbarism.

#### and, the k turns the case – liberalism endless generates its own internal crises to justify its continual outlash until it unleashes all out war – try or die for the alt.

Prozorov 06

(Sergei, Professor of International Relations at Petrozavodsk State University, Millennium – Journal of International Studies, “Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism, <http://mil.sagepub.com/cgi/reprint/35/1/75.pdf>, 2006, LEQ)

At the same time, the practical implementation of such a project is hardly conceivable as encountering no resistance. The project of world unity and the effacement of exteriority is therefore bound to have its own enemies, insofar as alterity is ontologically ineradicable. Letting the Other into the global ‘homeland’ does not eliminate the ‘most extreme possibility’ of violent conflict but makes it impossible to manage it through the pluralistic disjunction of the Self and the Other. In the world in which there is ‘only a homeland’, radical alterity has no place, both literally and figuratively. In this setting, conflict appears no longer merely possible but actually inevitable, as the Other is certain to resist its violent inclusion into the homeland of liberal humanity. Yet, having disposed of genuine political pluralism, liberalism finds itself lacking in any instruments to protect its universal homeland other than the absolute existential negation of the Other that parallels the conceptual negation of alterity in liberal monism. Thus, the universalisation of the liberal disposition to embrace the entire humanity actualizes the ‘most extreme possibility’ either by exposing the Self to the resentful violence of the Other or by annihilating the Other to eliminate the former existential threat. It is here that enmity, foreclosed in the symbolic register of liberalism with its monistic universalism, returns with a vengeance, since the sole consequence of the deployment of the concept of humanity as the referent of the liberal political project is the inevitable designation of the adversaries of this project in terms of the negation of humanity as, in a strict sense, inhuman beings: When a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent. At the expense of its opponent, it tries to identify itself with humanity in the same way as one can misuse peace, justice, progress and civilisation in order to claim these as one’s own and to deny the same to the enemy.50 Indeed, denial is a central category in the discursive transformation of the enemy into the foe – through manifold gestures of denial the enemy is reduced to the purely negative figure that reminds us of Agamben’s homo sacer, a bare life that is both worthless and undesirable: ‘The enemy is easily expropriated of his human quality. He is declared an outlaw of humanity. … The absolute enemy encounters an undivided humanity that regards him as already always proscribed by God or by nature.’51 The effect of the liberal foreclosure of enmity, i.e. its bracketing off from the political discourse, is ironically the de-bracketing of violence, its deregulation and intensification, whereby the enemy is absolutised as the inhuman monster, ‘the negative pole of the distinction, [that] is to be fully and finally consumed without remainder’.52 In line with Zizek’s diagnosis of ultra-politics, depoliticisation brings about nothing other than an extreme politicisation, which can no longer be contained within the symbolic dimension of potentiality but must pass into the actuality of existential negation: “Depoliticisation is a political act in a particularly intense way.”53 It is thus the liberal ‘peace project’ itself that produces its own opposite or perhaps reveals its own essence in the guise of its antithesis.

#### The affirmative imagines that the problem with drones is that our use of them is illegal. This only serves to legitimate legal strikes as reasonable and legitimate. This renders all life killable and turns the aff – this card is long but devastates the aff

Hayes 2013

(Heather Ashley Hayes, Asst Prof of Rhetoric, Whitman College. “Violent Subjects: A Rhetorical Cartography of Bodies, Spaces, and Technologies in the Global War on Terror.” A Dissertation SUBMITTED TO THE FACULTY OF UNIVERSITY OF MINNESOTA BY Heather Ashley Hayes IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY Ronald Walter Greene, Adviser, April 2013)

Another line of argument over drone production and use centers around whether or not U.S. drone strikes are counterproductive in terms of diminishing adherence to and recruitment for militant groups in the Pakistani and Afghani regions. As Owen Bowcott, a legal affairs correspondent with The Guardian explains, “the CIA’s programme of ‘targeted’ drone killings in Pakistan’s tribal heartlands is counterproductive, kills large numbers of civilians, and undermines respect for international law.”139 He goes on to note that the research he cites is particularly powerful, namely because “coming from American lawyers rather than overseas human rights groups, the criticisms are likely to be more influential in U.S. domestic debates over the legality of drone warfare.” Additionally, Leila Hudson, Colin S. Owens, and Matt Flannes, all affiliated with the School of Middle Eastern and North African Studies at the University of Arizona note that drone use can be critiqued in another realm: military efficiency. As they note, “the erosion of trust and lack of clarity in U.S. drone policy produces strategic and tactical confusion within U.S. defense and intelligence agencies. This confusion proves unhelpful as exit strategies for the Afghan war are debated and continuing evaluation of U.S.- Pakistani relations are assessed behind closed doors.”140

Yet another interesting approach to drone critique comes from Daniel Klaidman, former Newsweek journalist and author, who, in June of 2012, gave an account of how President Barack Obama was first informed of a newly emerging (and now common) practice of “signature striking.” Signature strikes target groups of suspected militants, without determining identity. These stem from different procedural norms than targeted strikes, which identify individuals with ties to militant organizations and aim for a surgical missile launch against the individual rather than the group. Klaidman recounts the moment that the president was informed about the nature of signature strikes:

Sometimes called “crowd killing,” signature strikes are deeply unpopular in Pakistan. Obama struggled to understand the concept. Steve Kappes, the CIA’s deputy director, offered a blunt explanation. “Mr. President, we can see that there are a lot of military-age males down there, men associated with terrorist activity, but we don’t always know who they are.” Obama reacted sharply. “That’s not good enough for me,” he said. But he was still listening. Hayden forcefully defended the signature approach. You could take out a lot more bad guys when you targeted groups instead of individuals, he said. And there was another benefit: the more afraid militants were to congregate, the harder it would be for them to plot, plan, or train for attacks against America and its interests...Obama remained unsettled. “The president’s view was ‘OK, but what assurances do I have that there aren’t women and children there?” according to a source familiar with his thinking. “How do I know that this is working? Who makes these decisions? Where do they make them, and where’s my opportunity to intervene?”141

As per Klaidman’s depiction, further developed in his recent book-length treatment of the subject,142 President Obama remained the voice of concern and dissent in many of the discussions about unmanned aerial vehicles and their deployment, particularly over the killing of women and children and over the legal and procedural mandates necessary for the program to “be legal”. This is a sharply contrasted position to Obama’s chief counterterrorism advisor, now CIA Director, John Brennan, quoted as replying to Obama’s misgivings about the program: “We’re killing these sons of bitches faster than they can grow them.”143 Additionally, this new discourse supplements the growing idea of legal drone processes by making a distinction among various genres of strikes. Overall, dissent and critique around the program has come from many sites, ranging from Obama’s own concerns about legality and particular “innocent bodies” (i.e. women and children) to academic qualms with international law and United States military efficiency. Yet few, if any, voices indict the program beyond its legality and its judicial and processual implications. Even in Obama’s concern over signature strike action, innocent life is reconfigured as young in the body of a child and feminine in the body of a woman. His own authority as president in making decisions is a primary rationale for interrogating strike deployment. A discourse of reasonability is normalized, even in dissent. Journalists, politicians, and academics harp on the drone program’s effectiveness in targeting the terrorists it is supposed to target and its legality in adhering to an always already established system of transnational legal norms. When leading American news outlets publish forums on the topic (e.g. The New York Times forum of September 2012, cited above) these mechanisms for objection are further embedded in the circulation of knowledges and practices with regard to drones. The January 2013 announcement of John Brennan’s transition from counterterrorism advisor into a more legally articulated role of CIA Director points to the very practices of this normalization.

Yet, while forms of dissent against drones become normalized in particular discourses and practices, others evaporate from view. Circulatory exploration, with a look to the rhetoricoviolence of the space of drone warfare, allows several longtime drone activists to emerge, who are/have been organizing in the regions most affected by unmanned aerial vehicle attack. Among these activists is Pakistani politician and former cricketer Imran Khan.

Pakistani drone activist and leader of the Tehreek-e-Insaf party (Pakistan Movement for Justice), Imran Khan, leading a drone protest in Pashtun Tribal Lands of Pakistan, Khan has remained mostly ignored by Western media, politicians, and academics discussing the implication of drone attacks, despite being an ardent opponent of drone use since 1998, before the American election of George W. Bush and before the September 11, 2001 attacks by al-Qaeda against U.S. targets. His only mentions in U.S. and British media came after Khan led a protest against drone use in the tribal region of Pakistan in October of 2012. While Khan had led more than a hundred similar protests in the same region since 2002, this one was halted by the Pakistani government, due to the fact that Khan allowed leaders from the United States anti-war organization Code Pink to be a part of the protest, namely vocal anti-drone activist Medea Benjamin. Expressing fear that a￼￼￼ large rally featuring American protesters could safely be held in the South Waziristan region, the Pakistani government blocked access to the protest, and shut it down. Benjamin, Code Pink’s founder, hailed the trip as a success directly as a result of American involvement rather than Khan’s organizing efforts, noting the value as: “to show the face of the American people that believe that the lives of Pakistanis are as valuable as the lives of any American.”145

Khan becomes an even more fascinating case study in the normalizing power of everyday practice and discourse over drones when looking to his few remarks in English on the drone program. In two interviews with American media (one on a CNN video logged program and one on a CNN program airing at 8am EST), Khan offered powerful critiques of the unmanned aerial vehicle program that differ from the normalized discourses I have discussed. In an interview with Jim Clancey on CNN’s News Stream (now cancelled due to low ratings), Khan remarked, “According to many international reports, only 2% of high level targets are killed. So who are these 98%?...I just do not understand how anyone can sit in front of a computer screen, press some buttons, and kill people...this is inhuman.”146 Khan went on to expand his position on drones in an interview with Elliot Spitzer on CNN’s In the Arena (also cancelled in late 2011 due to

low ratings): “Look, I’m sitting in Pakistan. I’m telling you the impact drone attacks are having in this country. And I’m telling you that the more drone attacks the more anti- Americanism, the more anti-Americanism the more radicalization. The more radicalization, there is only one beneficiary, and that’s al-Qaeda.”147

While Khan adheres to the discourse of effectiveness in his comments about drone attack’s ability to boost membership in militant Islamic organizations found in some Western sources, he also cites his positional authority as a member of the Pakistani population as a primary vantage point. And, the differences in his tone between 2011 and 2012 are notable, where he grows much more hostile to drones from a human, rather than legal, perspective, venturing to call their very use inhuman. Additionally, Khan’s political efforts in Pakistan have been in the name of an Islamist republic. Throughout the 2000s, while protesting the increasing use and development of U.S. drone technology, Khan also sided with Muttahida Majlis-e-Amal, a coalition of theocratic parties in Pakistan, on a number of controversial anti-American positions. These included strong opposition of U.S. military presence in Pakistan and the abolition of corporate use of any Pakistani lands so that there could be a redistribution of that wealth back to peasant populations of the tribal regions. For all practical purposes, his prominent disagreement with al-Qaeda appears to be over their mass scale violence, not over violence more generally. In fact, in May of 2005, when Khan learned of a case of Qur’an desecration at the United States’ Guantánamo Bay’s detention facility, he made a sweeping appeal to Islamic journalists that Islam was “under attack” by the United States, a claim which has been credited with the deaths of over 16 people in anti-American riots in the neighboring Afghanistan. Khan defends the violence, arguing “To throw the Qur'an in the toilet is the greatest violation of a Muslim's human rights...When you speak out, people react. Violence is regrettable, but that's not the point.”148 In this sense, it is clear that the violence of the drone attacks are not what Khan necessarily opposes but rather the particular type of constituted violence against human beings. In this case, the violence is perpetrated against Pakistani citizens.  
With both Western critique of drone attacks and Khan’s position in mind, what does this normalization of some and exclusion of other forms of protest and dissent mean for understanding the circulation of drone warfare and its relationship to rhetoricoviolence? Judith Butler has offered one frame for consideration here, in her fundamental question about what human life is grievable. As she argues, “lives are supported and maintained differently, and there are radically different ways in which human vulnerability is distributed across the globe. Certain lives will be highly protected, and the abrogation of their claims to sanctity will be sufficient to mobilize the forces of war. Other lives will not find such fast and furious support and will not even qualify as ‘grievable’.”149 To return to Jackson’s opening arguments about remaking the world in particular ways, Butler’s claims are realized in the circulation and culture of drone warfare through the United States. Khan finds the lives lost in drone strikes highly grievable, and a compelling piece of the map that should operate to end their use in his view. Most Western critics of the program find the same lives lost grievable only insofar as they represent violations of international law and/or the standards of military operational efficiency.

I argue that more than being a materialist rhetoric, the U.S. drone program has generated a new set of everyday practices, institutions, and subjects that flow through a larger network of power within the global war on terror. This flow has endless directions and functions to not only open up available spigots but also to close some of them off. In other words, the program allows for subject positions to appear on a map in one place, while simultaneously possessing the power to move those subject positions into other available spaces. In this case, the two available subject positions could be understood as grievable or not grievable. The drone program demonstrates the falsity and impotence an oppositional binary between rhetoric and violence offers in helping explicate increasingly complex problems of the global war on terror, particularly in transnational contexts. As a materialist rhetoric, rhetoricoviolence lends itself to working outside of the bounds of this binary, particularly in its assumptions that rhetoric and violence are most potent when they travel together, indistinguishable from one another.

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So if Butler’s precarity of life is well reflected in the revelations and concealments within the circulation of the drone program, how does that precarity get extended to the technological politics of governance in which the U.S. drone program is steeped? As she notes, “when we think that others have taken themselves out of the human community as we know it, is a test of our very humanity.” This test of humanity strikes at the heart of many discursive moves about drones’ legality and processual articulation, and echoes another argument by Martin Luther King, Jr. In discussing the Vietnam War, King predicted, “When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, militarism and economic exploitation are incapable of being conquered.” While the concealing capability found in the rhetoricoviolence of drones begins to articulate one possible realization of King’s claims in practice, next I look to the ways technological warfare (in this case, the drone program) uses these revelations and concealments to reconfigure modes of governance.

#### The aff is mere whitewashing – it leads to a more expansive legal framework in which drone operations expand because it’s now seen as legitimate – turns the whole aff

Greenwald 2013

(Glenn Greenwald, former Constitutional and civil rights litigator, May 3, 2013, “The bad joke called 'the FISA court' shows how a 'drone court' would work,” The Guardian, http://www.guardian.co.uk/commentisfree/2013/may/03/fisa-court-rubber-stamp-drones)

The rationale offered is the same as what was used to justify the Fisa court: the President needs some check on who he targets, but requiring that he charge the person he wants to kill with a crime and convict them in a real court is too cumbersome. Therefore, this reasoning goes, a "drone court" modeled on the Fisa court is the happy medium: he'll have some constraints on his power to kill whomever he wants, but its secretive, one-sided process and lowered levels of required proof will ensure the necessary agility and flexibility he needs as Commander-in-Chief. As the NYT Editors put it: the drone court "would be an analogue" to the Fisa court whereby: "If the administration has evidence that a suspect is a terrorist threat to the United States, it would have to present that evidence in secret to a court before the suspect is placed on a kill list."¶ But does anyone believe that a "drone court" would be any less of a mindless rubber-stamp than the Fisa court already is? Except for a handful of brave judges who take seriously their constitutionally assigned role of independence, the vast majority of federal judges are far too craven to tell the president that he has not submitted sufficient proof that would allow him to kill someone he claims is a Terrorist. The fact that it would all take place in secret, with only the DOJ present, further ensures that the results would mirror the embarrassing subservience of the Fisa court. As former Pentagon chief counsel Jeh Johnson put it in a speech last month discussing this proposal:¶ "Its proceedings would necessarily be ex parte and in secret, and, like a FISA court, I suspect almost all of the government's applications would be granted, because, like a FISA application, the government would be sure to present a compelling case. So, at the same time the New York Times editorial page promotes a FISA-like court for targeted lethal force, it derides the FISA court as a 'rubber stamp' because it almost never rejects an application. How long before a 'drone court' operating in secret is criticized in the same way?"¶ Precisely. But like the Fisa court, such a "drone court" would be far worse than merely harmless. Just imagine how creepy and tyrannical it is to codify a system where federal judges - in total secrecy and with only government lawyers present - issue execution warrants that allow the president to kill someone who has never been charged with a crime. It's true that the president is already doing this, and is doing it without any external oversight. But a fake, illusory judicial process lends a perceived legitimacy to his execution powers that is not warranted by the reality of this process. Worse, it further infects the US judiciary with warped, secretive procedures more akin to a Star Chamber than anything recognized by the US Constitution. Beyond that, it takes a program that is now seen as a radical presidential power grab - Obama's kill list - and legitimizes and entrenches it by making both the Congress and courts cooperative parties.¶It's one thing to have a secret court that lends a veneer of legality and legitimacy to the government's rampant spying behavior. It's quite another to have one that authorizes the government to kill people who have never been charged with, let alone convicted of, any actual crime. But it's a rather powerful reflection of how warped our political culture has become that a secret, unaccountable, one-sided "court" is being widely proposed to issue execution warrants, and that this is the "moderate" or even "liberal" position. How anyone could look at the Fisa court and want to replicate its behavior in the context of presidential executions is really mystifying.

#### Drone court doesn’t appropriately promote effective control over drones

Roth 2013

(Kenneth Roth, Executive Director of Human Rights Watch, April 4, 2013, “What Rules Should Govern US Drone Attacks?,” New York Review of Books, http://www.nybooks.com/articles/archives/2013/apr/04/what-rules-should-govern-us-drone-attacks/?pagination=false)

Whatever the rules governing drone attacks, many object to the covert, unilateral way the administration decides who should be killed. In the heat of battle, that is a necessity. But drone targets are typically selected over lengthy periods, with more than enough time for independent scrutiny. Under US law, the executive branch cannot even secure a wiretap without court oversight, so why should it be allowed to select drone targets unilaterally? Senator Dianne Feinstein has thus put forward the idea of a drone court similar to the courts that review wiretap applications under the Foreign Intelligence Surveillance Act (FISA).¶But replicating the FISA courts would provide little by way of effective control because, by their nature, they must be kept secret from the target, so they provide no opportunity for an independent attorney to challenge the government’s claims. At least for wiretaps the law is reasonably settled. But the administration, as we have seen, seems to accept in only vague terms the law governing drone attacks. In the absence of an adversarial process, a judge cannot be counted on to challenge the administration’s permissive interpretation of the law.¶Moreover, a drone court could at most approve placing someone on a kill list, not whether the circumstances of a prospective attack, including the risk to civilians in a changing situation, would be lawful. That would require a determination of the sort that a court can’t possibly undertake in advance. In any event, most proposals for drone courts envision them being used only for targeted US citizens—not much help to the great majority of targets from other nationalities. Though of no help to those killed, permitting after-the-fact lawsuits against the government would be a better way to allow the courts to define the limits of the law. But the administration has blocked such suits through various claims of secrecy.

#### Sets the OPPOSITE international precedent--- rubber stamping

Vladeck 2013

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

That brings me to perhaps the biggest problem we should all have with a “drone court”–the extent to which, even if one could design a legally and practically workable regime in which such a tribunals could operate, its existence would put irresistible pressure on federal judges to sign off even on those cases in which they have doubts.¶As a purely practical matter, it would be next to impossible meaningfully to assess imminence, the existence of less lethal alternatives, or the true nature of a threat that an individual suspect poses ex ante. Indeed, it would be akin to asking law enforcement officers to obtain judicial review before they use lethal force in defense of themselves or third persons–when the entire legal question turns on what was actually true in the moment, as opposed to what might have been predicted to be true in advance. At its core, that’s why the analogy to search warrants utterly breaks down–and why it would hardly be surprising if judges in those circumstances approved a far greater percentage of applications than they might have on a complete after-the-fact record. Judges, after all, are humans.¶In the process, the result would be that such ex ante review would do little other than to add legitimacy to operations the legality of which might have otherwise been questioned ex post. Put another way, ex ante revew in this context would most likely lead to a more expansive legal framework within which the targeted killing program could operate, one sanctioned by judges asked to decide these cases behind closed doors; without the benefit of adversary parties, briefing, or presentation of the facts; and with the very real possibility that the wrong decision could directly lead to the deaths of countless Americans. Thus, even if it were legally and practically possible, a drone court would be a very dangerous idea.

#### Fourth, the perm exemplifies the gray hole, which our Dyzenhaus evidence says is comparatively worse than black holes – the alt alone. The perm gives the appearance of restriction, but concede that the executive can still make exceptions to the law. That’s exactly the link.

Dysenhaus ’06 (David. The Constitution of Law: Legality in a Time of Emergency. New York: Cambridge University Press, 2006. Page 179-180)

My point here is not that the majority were wrong to defer, but that ¶ they failed to require that a proper case for deference be made. In failing ¶ so to require, they in effect conceded to Schmitt the first limb of his claim ¶ about states of emergency - that it is for the executive to decide when ¶ there is a state of exception. Moreover, they concede that limb in the ¶ way which, as I have argued throughout this book, makes things worse ¶ from the perspective of the rule of law. They still adopt the regulative ¶ assumption that all exercises of public power are legally constrained. But ¶ their understanding of constraint is so thin that it becomes merely formal, ¶ with the result that they claim that the declaration of the state of emergency ¶ has met the test of legality, even as they empty the test of rule-of-law substance. The majority did face a rather large problem though in confronting this ¶ Issue. There was no doubt that the United Kingdom faced a serious threat ¶ of terror attacks and the events of July 2005 confirmed the government's ¶ claims. But the issue of whether that threat, or indeed actual attacks, ¶ amounted to an emergency in accordance with the Article 15 definition ¶ was not so much debated but asserted, as one can gather from both the¶ account in the judges' speeches of the government's arguments and by ¶ Lord Hoffmann's cursory dismissal of those arguments. One can sum up ¶ the majority view by saying that if there is some reason to suppose that ¶ there is an emergency, that is, it is not irrational to claim that there is, even ¶ if the judges doubt that there is, they still have to give the benefit of the ¶ doubt to the executive. And not only is that just the test that was suggested ¶ by Lord Hoffmann in Rehman for review of decisions concerning national ¶ security, but Lord Bingham seemed to accept that the jurisprudence of ¶ Rehman should determine this issue. In order for the judges to do more, they would need a better justificatory basis to scrutinize. For there to be such a basis, the government would ¶ have to be prepared to treat Parliament as more than a rubber stamp for ¶ legislation when the government thinks it needs more powers to confront ¶ an alleged crisis. Not only would the government have to forego its standard (and nearly always unjustified) line that there is no time to debate ¶ properly both the extent of the emergency and the appropriate responses ¶ to it. It would have to devise some system of parliamentary committees ¶ which could hear that part of the government's case which could not be ¶ publicly debated. To use the term introduced at the end of the last chapter ¶ more constitutional furniture would have to be put in place in order to ¶ ensure that the government could meet its justificatory responsibilities ¶ before the judges could carry out their duty properly to evaluate the government's case. And for the judges to carry out that duty, they would of ¶ course have to be given some means of testing the arguments made in the ¶ closed committee sessions. The upshot for my critique of the majority on this first issue is not ¶ that I think the judges were obviously wrong to defer to the government's ¶ claim that there was a state of emergency. Rather, my critique is that ¶ they should have made clear both that they did not have an adequate ¶ basis for testing that claim and that the government should take suitable ¶ steps to make an adequate justification possible. They needed to do that ¶ because the two limbs of Schmitt's challenge cannot be separated. As we ¶ know, the majority denied the second limb of Schmitt's claim. They held ¶ contrary to him and to the government, that judges can effectively, and ¶ are entitled to, second-guess the way that the executive chooses to respond ¶ to the emergency, and the logic of that holding extends to the question¶ whether there is an emergency. For the propriety of the response can only ¶ be assessed against a view of what the response is to, a view of whether ¶ there is an emergency and, if there is, of what kind.

### Adv 2

#### Give a US-Russia war impact zero probability

Graham 7  
Thomas Graham 7, senior advisor on Russia in the US National Security Council staff 2002-2007, September 2007, "Russia in Global Affairs” July - September 2007, The Dialectics of Strength and Weakness ¶ <http://eng.globalaffairs.ru/numbers/20/1129.html>

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, than it has been at any time since the end of the Second World War. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and the threat of a strategic strike approaches zero probability. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

#### Even a rapid conflict will end in peaceful negotiations - generals concede

Ivashov 7

Colonel General Leonid Ivashov, President of the Academy of Geopolitical Problems. July 2007 “WILL AMERICA FIGHT RUSSIA”. Defense and Security, No 78. LN

Ivashov: Numerous scenarios and options are possible. Everything may begin as a local conflict that will rapidly deteriorate into a total confrontation. An ultimatum will be sent to Russia: say, change the domestic policy because human rights are allegedly encroached on, or give Western businesses access to oil and gas fields. Russia will refuse and its objects (radars, air defense components, command posts, infrastructure) will be wiped out by guided missiles with conventional warheads and by aviation. Once this phase is over, an even stiffer ultimatum will be presented - demanding something up to the deployment of NATO "peacekeepers" on the territory of Russia. Refusal to bow to the demands will be met with a mass aviation and missile strike at Army and Navy assets, infrastructure, and objects of defense industry. NATO armies will invade Belarus and western Russia. Two turns of events may follow that. Moscow may accept the ultimatum through the use of some device that will help it save face. The acceptance will be followed by talks over the estrangement of the Kaliningrad enclave, parts of the Caucasus and Caspian region, international control over the Russian gas and oil complex, and NATO control over Russian nuclear forces. The second scenario involves a warning from the Kremlin to the United States that continuation of the aggression will trigger retaliation with the use of all weapons in nuclear arsenals. It will stop the war and put negotiations into motion.

#### No escalation

Fettweis 7

Asst Prof Poli Sci – Tulane, Asst Prof National Security Affairs – US Naval War College, 7

(Christopher, “On the Consequences of Failure in Iraq,” *Survival*, Vol. 49, Iss. 4, December, p. 83 – 98)

Without the US presence, a second argument goes, nothing would prevent Sunni-Shia violence from sweeping into every country where the religious divide exists. A Sunni bloc with centres in Riyadh and Cairo might face a Shia bloc headquartered in Tehran, both of which would face enormous pressure from their own people to fight proxy wars across the region. In addition to intra-Muslim civil war, cross-border warfare could not be ruled out. Jordan might be the first to send troops into Iraq to secure its own border; once the dam breaks, Iran, Turkey, Syria and Saudi Arabia might follow suit. The Middle East has no shortage of rivalries, any of which might descend into direct conflict after a destabilising US withdrawal. In the worst case, Iran might emerge as the regional hegemon, able to bully and blackmail its neighbours with its new nuclear arsenal. Saudi Arabia and Egypt would soon demand suitable deterrents of their own, and a nuclear arms race would envelop the region. Once again, however, none of these outcomes is particularly likely.Wider war No matter what the outcome in Iraq, the region is not likely to devolve into chaos. Although it might seem counter-intuitive, by most traditional measures the Middle East is very stable. Continuous, uninterrupted governance is the norm, not the exception; most Middle East regimes have been in power for decades. Its monarchies, from Morocco to Jordan to every Gulf state, have generally been in power since these countries gained independence. In Egypt Hosni Mubarak has ruled for almost three decades, and Muammar Gadhafi in Libya for almost four. The region's autocrats have been more likely to die quiet, natural deaths than meet the hangman or post-coup firing squads. Saddam's rather unpredictable regime, which attacked its neighbours twice, was one of the few exceptions to this pattern of stability, and he met an end unusual for the modern Middle East. Its regimes have survived potentially destabilising shocks before, and they would be likely to do so again. The region actually experiences very little cross-border warfare, and even less since the end of the Cold War. Saddam again provided an exception, as did the Israelis, with their adventures in Lebanon. Israel fought four wars with neighbouring states in the first 25 years of its existence, but none in the 34 years since. Vicious civil wars that once engulfed Lebanon and Algeria have gone quiet, and its ethnic conflicts do not make the region particularly unique. The biggest risk of an American withdrawal is intensified civil war in Iraq rather than regional conflagration. Iraq's neighbours will likely not prove eager to fight each other to determine who gets to be the next country to spend itself into penury propping up an unpopular puppet regime next door. As much as the Saudis and Iranians may threaten to intervene on behalf of their co-religionists, they have shown no eagerness to replace the counter-insurgency role that American troops play today. If the United States, with its remarkable military and unlimited resources, could not bring about its desired solutions in Iraq, why would any other country think it could do so?17 Common interest, not the presence of the US military, provides the ultimate foundation for stability. All ruling regimes in the Middle East share a common (and understandable) fear of instability. It is the interest of every actor - the Iraqis, their neighbours and the rest of the world - to see a stable, functioning government emerge in Iraq. If the United States were to withdraw, increased regional cooperation to address that common interest is far more likely than outright warfare.

#### Middle East conflict won’t escalate – local conflicts do not spillover

Cook, Takeyh, and Maloney 7

Steven A. Cook (fellow at the Council on Foreign Relations) Ray Takeyh (fellows at the Council on Foreign Relations) and Suzanne Maloney (senior fellow at Saban Center) June 28 2007 “Why the Iraq war won't engulf the Mideast”, International Herald Tribune

Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, the region has also developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.

#### The environment is indestructible

Easterbrook 95

Distinguished Fellow, Fullbright Foundation ¶ **(**Gregg, A Moment on Earth pg 25)

IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. The environment that contains them is close to indestructible. The living environment of Earth has survived ice ages; bombardments of cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the planet's magnetic poles; the rearrangement of continents; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; 300-foot vacillations in sea levels

; shortening and lengthening of the seasons caused by shifts in the planetary axis; collisions of asteroids and comets bearing far more force than man's nuclear arsenals; and the years without summer that followed these impacts. Yet hearts beat on, and petals unfold still. Were the environment fragile it would have expired many eons before the advent of the industrial affronts of the dreaming ape. Human assaults on the environment, though mischievous, are pinpricks compared to forces of the magnitude nature is accustomed to resisting.

## 1NR

### Adv 1

#### No impact: Neither the public or the elite support a return to nationalism or authoritarianism- stability is more important

Shlapentokh 2k

(Dmitry, associate professor of world history at Indiana University-South Bend, Winter, The Washington Quarterly, Vol. 23, No. 1, “The Illusions and Realities of Russian Nationalism,” lexis)

There are other important changes. Those who have envisioned the rise of a nationalistic regime have usually put their hopes on the anti-Yeltsin opposition. The nationalists, it was believed, would rise to power through either election or the use of force. These sorts of people are still around. At the same time, new theories have developed, based on the assumption that the present regime, the Yeltsin government, or those who would emerge from the present-day ruling group will lead the country's nationalistic transformation. It is clear that quite a few of the members of the present-day Russian elite are anxious to see a mighty nationalistic state respected and feared by the West. Yet there is a powerful impediment to the creation of such a state, at least at the present. That sort of state needs to have a harsh authoritarian or semitotalitarian makeup. A rise in the economic and military power of the state would require all members of Russian society, including the elite, to sacrifice their own interests. And the present-day Russian elite is not ready to sacrifice any of its interests, including economic ties with the West, despite all its nationalistic rhetoric. The situation is complicated by the fact that the majority of the Russian population is completely removed from all the nationalist rhetoric. Their worries are their daily needs, and they are hardly willing to make such a sacrifice either. All of this suggests that the present-day nationalistic fervor that one reads about in the Russian newspapers -- especially during the Balkan crisis -- is not an indication of Russia's imminent transformation into a powerful, nationalistic state but rather of the further weakness that could lead to the semidisintegration of the Russian state.

#### Heg is unsustainable

Layne 10

(Christopher Layne, Professor and Robert M. Gates Chair in National Security at Texas A&M's George H.W. Bush School of Government & Public Service. "Graceful decline: the end of Pax Americana". The American Conservative. May 2010. http://findarticles.com/p/articles/mi\_7060/is\_5\_9/ai\_n5422359

**China's economy has been growing much more rapidly than the United States'** over the last two decades and continues to do so, maintaining audacious 8 percent growth projections in the midst of a global recession. Leading economic forecasters predict that **it will overtake the U.S. as the world's largest economy**, measured by overall GDP, sometime **around 2020.** Already in 2008, China passed the U.S. as the world's leading manufacturing nation--a title the United States had enjoyed for over a century--and this year China will displace Japan as the world's second-largest economy. Everything we know about the trajectories of rising great powers tells us that **China will use its increasing wealth to build formidable military power and that it will seek to become the dominant power in East Asia**. Optimists contend that once the U.S. recovers from what historian Niall Ferguson calls the "Great Repression"--not quite a depression but more than a recession--we'll be able to answer the Chinese challenge. The country, they remind us, faced a larger debt-GDP ratio after World War II yet embarked on an era of sustained growth. They forget that the postwar era was a golden age of U.S. industrial and financial dominance, trade surpluses, and persistent high growth rates. Those days are gone. The **United States of 2010** and the world in which it **lives are far different from those of 1945. Weaknesses in the** fundamentals of the American **economy have been accumulating** for more than three decades. In the 1980s, these problems were acutely diagnosed by a number of writers--notably David Calleo, Paul Kennedy, Robert Gilpin, Samuel Huntington, and James Chace--who predicted that **these structural ills would** ultimately **erode the economic foundations of America's global preeminence.** A spirited late-1980s debate was cut short, when, in quick succession, the Soviet Union collapsed, Japan's economic bubble burst, and the U.S. experienced an apparent economic revival during the Clinton administration. Now **the delayed day of reckoning is fast approaching.** Even in the best case, the United States will emerge from the current crisis with fundamental handicaps. **The Federal Reserve and Treasury have pumped massive amounts of dollars into circulation in hope of reviving the economy. Add to that the $1 trillion-plus budget deficits** that the Congressional Budget Office (CBO) predicts the United States will incur for at least a decade. When the projected deficits are bundled with the persistent U.S. current-account deficit, the entitlements overhang (the unfunded future liabilities of Medicare and Social Security**), and the cost of the ongoing wars in Iraq and Afghanistan, there is reason to worry about the United States' fiscal stability.** As the CBO says, "Even if the recovery occurs as projected and the stimulus bill is allowed to expire, the country will face the highest debt/GDP ratio in 50 years and an increasingly unsustainable and urgent fiscal problem**." The dollar's vulnerability is the United States' geopolitical Achilles' heel.** Its role as the international economy's reserve currency ensures American preeminence, and if it loses that status, **hegemony will be literally unaffordable**. As Cornell professor Jonathan Kirshner observes, the dollar's vulnerability "presents potentially significant and underappreciated restraints upon contemporary American political and military predominance." Fears for the dollar's long-term health predated the current financial and economic crisis. The meltdown has amplified them and highlighted two new factors that bode ill for continuing reserve-currency status. First, **the other big financial players** in the international economy are either military rivals (China) or ambiguous allies (Europe) that have their own ambitions and **no longer require U.S. protection from the Soviet threat**. Second, the dollar faces an uncertain future because of concerns that its value will diminish over time. Indeed, China, which has holdings estimated at nearly $2 trillion, is worried that America will leave it with huge piles of depreciated dollars. China's vote of no confidence is reflected in its recent calls to create a new reserve currency. In coming years, **the U.S. will be under increasing pressure to defend the dollar** by preventing runaway inflation. **This will require it to impose fiscal self-discipline through** some combination of **budget cuts, tax increases, and interest-rate hikes.** Given that the last two options could choke off renewed growth, there is likely to be strong pressure to slash the federal budget. But **it will be almost impossible to make meaningful cuts** in federal spending **without deep reductions in defense expenditures**. Discretionary non-defense domestic spending accounts for only about 20 percent of annual federal outlays. So **the United States will face obvious "guns or butter" choices**. As Kirshner puts it, the absolute size of U.S. defense expenditures are "more likely to be decisive in the future when the U.S. is under pressure to make real choices about taxes and spending. When borrowing becomes more difficult, and adjustment more difficult to postpone, choices must be made between raising taxes, cutting non-defense spending, and cutting defense spending." Faced with these hard decisions, **Americans will find themselves afflicted with hegemony fatigue.**

### Adv 2

**Middle east war doesn’t escalate**

**Dyer 2**

(Gwynne, former appointments to the Royal Military College Sandhurst and Oxford University, former member of three different armed services, Winter, "The Coming War," Queen's Quarterly, Expanded Academic ASAP)

All of this indicates an extremely dangerous situation, with many variables that are impossible to assess fully. But there is one comforting reality here: **this will not become World War III**. Not long ago, wars in the Middle East always went to the brink very quickly, with the Americans and Soviets deeply involved on opposite sides, bristling their nuclear weapons at one another. And for quite some time we lived on the brink of oblivion. But that is over. World War III has been cancelled, and I don't think we could pump it up again no matter how hard we tried. **The connections that once tied Middle Eastern confrontations to a global confrontation involving** tens of thousands of **nuclear weapons have all been undone. The** East-West **Cold War is finished**. The truly dangerous powers in the world today are the **industrialized countries** in general. We are the ones with the resources and the technology to churn out weapons of mass destruction like sausages. But the good news is: we **are out of the business.**

**Sustainability is impossible**

**Barnhizer 6** -- Professor of Law, Cleveland State University. (David, Waking from Sustainability's "Impossible Dream": The Decisionmaking Realities of Business and Government, 18 Geo. Int'l Envtl. L. Rev. 595, Lexis)

Medieval alchemists sought unsuccessfully to discover the process that would enable them to turn base metal into gold--assigning the name "Philosopher's Stone" to what they sought. The quest was doomed to failure. Just as a "sow's ear" cannot become a "silk purse," a base metal cannot become gold. **Sustainability** is impossible for the same reasons. It **asks us to** **be something we are not, both individually and as a political and economic community**. **It is impossible to convert humans into the** wise, **selfless, and** nearly **omniscient creatures** **required to** build and **operate** a system that incorporates **sustainability**. **Even if it were** ultimately **possible** (and it is not), **it would take** many **generations** to achieve **and we are running out of time.¶ There is an enormous gap among what we claim** we want to do, **what we actually** want to **do, and our ability to achieve our professed goals**. **I admit to an absolute distrust of cheap and easy proclamations of lofty ideals and commitments to** voluntary or unenforceable **codes of practice**. **The only thing that counts is** the actor's **actual behavior**. For most people, **that behavior is shaped by self-interest** determined by the opportunity to benefit or to avoid harm. **In the economic arena this means that if a substantial return can be had without a high risk of** significant **negative consequences, the decision will be made to seek the benefit**. It is the reinvention of Hardin's Tragedy of the Commons. n1¶ This essay explores the nature of human decisionmaking and motivation within critical systems. These systems include business and governmental decisionmaking with a focus on environmental and social areas of emerging crisis where the consequence of acting unwisely or failing to act wisely produces large-scale harms for both human and natural systems. The analysis begins by suggesting that **nothing humans create is "sustainable**." **Change is inevitable** and [\*597] irresistible **whether** styled as **systemic entropy**, Joseph Schumpeter's idea of a regenerative "**creative destruction," or** Nikolai Kondratieff's "**waves" of economic and social transformation**. n2¶ **Business entities and governmental decisionmakers play critical roles in** both **causing environmental and social harms and avoiding those consequences**. Some have thought that the path to avoiding harm and achieving positive benefits is to develop codes of practice that by their language promise that decisionmakers will behave in ways consistent with the principles that have come to be referred to as "**sustainability**." That belief **is a delusion--an "impossible dream**." Daniel Boorstin once asked: "Have we been doomed to make our dreams into illusions?" n3 He adds: "An illusion . . . is an image we have mistaken for reality. . . . [W]e cannot see it is not fact." n4 Albert **Camus warns of** the inevitability of **failing to** **achieve unrealistic goals** **and the need to become** more **aware of the** limited **extent of our power to effect fundamental change**. **He urges that we concentrate on** devising **realistic strategies** and behaviors **that allow us to be effective** in our actions. n5¶ **As** companies are expected to implement global **codes of conduct** such as the U.N. Global Compact and the Organisation for Economic Co-operation and Development's (OECD) Guidelines for Multinational Enterprises, n6 and governments [\*598] and multilateral institutions supposedly **become more concerned about** limiting the **environmental** and social **impacts** of business decisionmaking, **it may be useful to consider actual behavior related to corporate and governmental responses to codes of practice**, treaties, and even national laws. Unfortunately, **business, government, and multilateral institutions have poor track records vis-a-vis** conformity to such **codes of practice and treaties**.¶ **Despite good intentions, empty** dreams and **platitudes may be counterproductive**. This essay argues that the ideal of sustainability as introduced in the 1987 report of the Brundtland Commission and institutionalized in the form of Agenda 21 at the 1992 Rio Earth Summit is false and counterproductive. The ideal of **sustainability assumes that we are** almost **god-like**, **capable of perceiving,** integrating**, monitoring, organizing, and controlling our world.** These assumptions create an "impossible" character to the "dream" of sustainability in business and governmental decisionmaking.¶ **Sustainability** of the Agenda 21 kind **is a utopian vision that is the enemy of the possible and the good.** The problem is that **while on paper we can** always **sketch** elegant **solutions** that appear to have the ability to achieve a desired utopia, **such solutions work "if only" everyone will come together and behave in the way laid out in the "blueprint."** n7 **Humans should have learned from** such grand misperceptions as the French **Enlightenment's failure to accurately comprehend the** quality and **limits of human nature or Marxism's** **flawed view of altruistic** human **motivation that the "if only" is an impossibly utopian reordering of human nature we will never achieve**. n8¶ [\*599] A critical defect in the idea of sustainable development is that it continues the flawed assumptions about human nature and motivation that provided the foundational premises of Marxist collectivism and centralized planning authorities. n9 Such perspectives inject rigidity and bureaucracy into a system that requires monitoring, flexibility, adaptation, and accountability. But, in criticizing the failed Marxist-Leninist form of organization, my argument should not be seen as a defense of supposed free market capitalism. Like Marxism, a true free market capitalism does not really exist.¶ The factors of **greed** and self interest, **limited human capacity**, **inordinate** systemic **complexity**, **and the power of large-scale driving forces beyond our** abilityto **control** **lead to the unsustainability of human systems.** **Human self-interest is an insurmountable barrier that can be affected** to a degree **only by effective laws, the promise of significant financial** or career **returns, or fear of consequences. The only way to change the behavior of business and governmental decisionmakers is through the** use of the **"carrot" and the "stick**." n10 Yet even this approach can only be achieved incrementally with limited positive effects.