### Same 1AC as R4

### 2AC

#### No decline coming – Their ev describes momentary setbacks

Bolton, AEI, ’11 (John, April 25, “Is America In Decline?” The American Spectator, http://www.aei.org/article/103508)

Fulminating about America in decline is fashionable today across the political spectrum. Contemporary political commentators are seemingly rewarded for drawing the broadest possible conclusions from an ever-narrower range of data. Whatever the reason for the commentators' grandiose predictions of decline, their conclusions du jour, they are describing what can and should be understood simply as a unique civilization's momentary indigestion.

The international left and its U.S. acolytes welcome decline as long-overdue payback for our past sins, while many American conservatives see it as the inevitable consequence of decades of bad policy decisions. Both are wrong. There is no decline that can't be reversed by electing a real president in 2012 to unleash our country's vibrant political and economic strengths. I acknowledge that, as they say, "mistakes were made," including under prior presidents, but the mistakes are not ultimately consequential if we can just get a grip on ourselves. Moreover, by comparing ourselves to the mistaken or exaggerated views of other nations' current performance and prospects, we simply increase a perception of decline that doesn't exist in fact. Take the economy. Obviously, 2008 was a bad year, but the governmental policy mistakes that led to the recession (such as Fannie and Freddie) can be reversed, and so can the political mistakes that followed it (such as the Dodd-Frank financial regulation bill). Pointing to the continuing strength of China's economy and straight-lining it forever may suggest U.S. decline, but China's economy will not grow at its present rate forever. Internal political and social strains are already taking their toll, and we will find out relatively soon just how real China's economic statistics actually are, and how much is derived from imaginary government planning figures, a common problem of Communist regimes. And anyone who thinks Europe is prospering needs to respond honestly to the question of which country's government bonds they are really prepared to buy. Similarly, regarding international geopolitics, observers cite Obama's indecisiveness, his deference to multilateral institutions and foreign governments, his incessant embarrassment about America, and his general lack of interest in national security. All too true, but hardly evidence of decline that an unapologetic U.S. president couldn't fix after 2012. Americans still hold their fate in their hands, and there is no real reason to bet against us. We will once again confirm Churchill's observation that "you can always count on the Americans to do the right thing—after they've tried everything else."

### No counter-Balancing

#### 1. Too costly

Brooks and Wohlforth 8 (Stephen G. Brooks, Prof. of Government at Dartmouth, William C. Wohlforth, Professor of Government and Chair of the Department of Government at Dartmouth, World Out of Balance, p. 22-3)

In this chapter, we show that the theory does not predict and historical experience does not imply that there will be efforts to counterbalance the United States today. Balance of power theory predicts that states try to prevent rise of a hegemon. While scholars debate the historical evidence for this proposition, they fail to register a point important for constraints on U.S. power today: even if a potential hegemon must he concerned about counterbalancing, the theory yields no such implication for one that has already established its material primacy. We argue that once a country achieves such a position, it has passed a threshold, and the effect of increasing power is reversed: the stronger the leading state and the more entrenched its dominance, the more unlikely and thus less constraining are counterbalancing dynamics. Our explanation for the absence of counterbalancing against the United States emphasizes a simple point: counterbalancing is and will long remain prohibitively costly for the other major powers. Because no country comes close to matching the comprehensive nature of U.S. power, an attempt to counterbalance would be far more expensive than a similar effort in any previous international system. Matching U.S. capabilities could become even more formidably costly, moreover, if the United States decided to increase its defense expenditures (currently around 4 percent of GOP) to Cold War levels (which averaged 7.5 percent of GDP).4 General patterns of evidence since the advent of unipolarity are consistent with our argument and inexplicable in traditional balance of power terms. The principal change in alliances since the demise of the Soviet Union has been the expansion of NATO, and the biggest increases in defense spending have been on behalf of the Pentagon. The other great powers have not attempted to constrain the United States by allying together: No counterhegemonic coalition has taken shape, and none is on the horizon. Nor have they balanced increases in U.S. military power through internal spending. Notwithstanding increased expenditures by a few great powers (notably China), in aggregate their commitments to defense have declined compared to the United States: the U.S. share of total defense spending by the major powers grew from 47 percent in 1991 to 66 percent in 2006.1 No major power has exhibited any propensity to use military capabilities directly to contain U.S. power. This is not the pattern of evidence balance of power theory predicts. Were the theory not already popular with scholars and pundits, nothing about the behavior of the major powers since 1991 would have called it to mind.

#### 2. No coalitions and geography.

Walt 9 (Stephen M., Prof. Int'l Relations @ Harvard U, "Alliances in a Unipolar World," in World Politics, Vol 61, No 1, January, MUSE)

Even if other states now worry about the unipole’s dominant power position, the condition of unipolarity also creates greater obstacles to the formation of an effective balancing coalition. When one state is far stronger than the others, it takes a larger coalition to balance it, and assembling such a coalition entails larger transaction costs and more daunting dilemmas of collective action. In particular, each member of the countervailing coalition will face greater incentives to free ride or pass the buck, unless it is clear that the unipolar power threatens all of them more or less equally and they are able to develop both a high degree of trust and some way to share the costs and risks fairly. Moreover, even if a balancing coalition begins to emerge, the unipole can try to thwart it by adopting a divide-and-conquer strategy: punishing states that join the opposition while rewarding those that remain aloof or support the unipole instead. These structural obstacles would exist regardless of who the single superpower was, but a counterhegemonic alliance against the United States faces an additional nonstructural barrier. The United States is [End Page 96] the sole great power in the Western hemisphere, while the other major powers are all located on the Eurasian landmass. As a result, these states tend to worry more about each other; furthermore, many have seen the United States as the perfect ally against some nearby threat. Accordingly, they are even less likely to join a coalition against the United States, even if U.S. power is substantially greater. Assembling a vast counter-American coalition would require considerable diplomatic virtuosity and would probably arise only if the United States began to pose a genuine existential threat. It is unlikely to do so, however, in part because this same geographic isolation dampens American concerns about potential Eurasian rivals.30 America’s geopolitical isolation has been an advantage throughout its history, and it remains an important asset today.31

### 2AC Framework

#### And, debating about the aff is key to solve it—we must keep Guantanamo in the public consciousness in order to organize effective strategies

Cole 12, Professor of Law

[2012, David Cole is a Professor of Law, Georgetown University Law Center, “Legal Affairs: Dreyfus, Guantanamo, and the Foundation of the Rule of Law, 29 Touro L. Rev. 43]

Moreover, while district courts exercising habeas corpus jurisdiction initially ruled in favor of the detainees in the large majority of cases they heard, the United States Court of Appeals for the D.C. Circuit has consistently sided with the government on its appeals, and has eased the government's burden to demonstrate that a detainee is lawfully held. n69 The Supreme Court has repeatedly denied petitions for certiorari from these D.C. Circuit decisions. n70 Meanwhile, the Supreme Court's other post-9/11 national security decisions have all been decided in the government's favor. n71 [\*54] The Court rejected two lawsuits seeking damages against Attorney General John Ashcroft for alleged unconstitutional detentions in the roundups that occurred in the wake of 9/11. n72 And the Court rejected a First Amendment challenge to the criminalization of pure speech advocating peace and human rights under the "material support" statute. n73 The Court's record on protecting human rights, in short, while better than in previous crises, is mixed. Moreover, most of the Bush administration's curtailments of its aggressive initiatives enumerated above were not ordered by a court. No court ordered the abandonment of the first torture memo, an end to extraordinary rendition, the suspension of the NSA warrantless wiretapping program, the release of the secret torture memos, or the closure of the CIA's black sites. n74 Approximately 600 men have been released from Guantanamo, but the vast majority was released without a court order, and none have been released under a non-appealable court order. While several district courts have ordered the release of Guantanamo detainees, every time the administration has appealed to the District of Columbia Circuit ("D.C. Circuit"), it has prevailed. n75 No court ordered the administration to abandon the Article II Commander-in-Chief theory of uncheckable executive power. Additionally, as noted above, when the D.C. Circuit ruled that international law did not play any role in constraining the president's detention authority, President Obama in effect objected that the court had granted him too much unchecked authority, and insisted that his actions were bound by international law. What, then, caused the United States, specifically the executive branch, to change course? In my view, they were much the same sorts of forces that worked to vindicate Alfred Dreyfus: not the formal separation of powers, but informal nongovernmental resistance in the name of upholding the rule of law. As in the Dreyfus affair, this resistance took the form of individuals, acting on their own and [\*55] in association with others, speaking out, issuing critical reports, organizing protests, filing lawsuits, and generally challenging perceived abuses of power. n76 As in the Dreyfus affair, the media played a critical role, by disclosing secret rights abuses and writing countless editorials espousing the importance of adhering to the rule of law and the Constitution. Were it not for leaks reported in the media, we would not know about the torture at Abu Ghraib, the torture memo, the NSA warrantless wiretapping program, secret CIA prisons, and extraordinary renditions to torture. In addition, international voices played a major role. Guantanamo, after all, held nationals from forty-two countries, and some of those countries objected strongly to the way their countrymen were treated there. A former United Kingdom Law Lord, Lord Steyn, dubbed Guantanamo a "legal black hole," and 175 members of the Houses of Parliament filed an amicus brief on the Guantanamo detainees' behalf in the Supreme Court. n77 Together, these informal forces are responsible, as much as the formal separation of powers, for reining in the United States' "war on terror" in important ways. What lessons, then, can we draw from the Dreyfus affair and the first post-9/11 decade? The first is that the rule of law and individual rights are all too vulnerable to fear and demagoguery in times of crisis. Designed to constrain short-sighted decision making by insisting on adherence to basic principles of fairness, constitutional rights often seem inconvenient obstacles in a crisis. For Dreyfus and many Arabs and Muslims after 9/11, the law was initially unable to offer much, if any, protection. But both affairs also suggest that the rule of law is more resilient than many cynics might think. Alfred Dreyfus was eventually exonerated. The rule of law recovered in significant measure from its hasty dismissal in the aftermath of the 9/11 terrorist attacks. However, in both instances, the tide turned only because individuals, associations, and nongovernmental organizations [\*56] mobilized behind the cause of justice for the vulnerable. When it comes to the reality of rights protections, much depends on the mobilization of the polity. But as the other "affair" under examination in this conference - the lynching of American Jewish businessman Leo Frank - chillingly demonstrates, popular mobilization can go either way. n78 When, in 1915, Georgia's governor commuted Frank's death sentence for murder to life without imprisonment, based on substantial concerns with the fairness of the trial and the accuracy of the verdict, a mob gathered, abducted Frank from his cell, and lynched him. n79 Popular mobilization does not always take the side of human rights, and it can easily overwhelm legal bulwarks through brute force and terror. Precisely because they help to establish and reinforce a culture of respect for equality and the rule of law, the assessments and reassessments of the "Dreyfus affair" that continue to this day in France are critically important for sustaining contemporary commitments to the rule of law. The fact that the case has become an "affair," a narrative widely known, exhaustively studied, and frequently invoked is crucial, for the history of the "affair" reminds us of what can go wrong when we depart from principles of fairness and justice. Whether the story of the United States' response to 9/11 will similarly become an "affair" from which the United States and others draw lessons about resisting the temptation to sacrifice our fundamental commitments on the backs of the most vulnerable, remains to be seen. As was the case with Dreyfus for many years, the particular lessons to be drawn from the post-9/11 era are a matter of deep contestation. President Bush, Vice-President Cheney, and their supporters have sought to portray their actions as tough, but necessary and reasonable, decisions to recalibrate security and liberty. n80 Others, myself included, have insisted that the principal lesson [\*57] of the first post-9/11 decade is that sacrifices in the rule of law are all too easy to make, generally unnecessary, and come at a great cost to the legitimacy and long-term success of a democracy's struggle against terrorism. The fact that Guantanamo has become one of the world's leading symbols for "lawlessness" suggests that the latter narrative has taken hold, at least in the rest of the world. The struggle over its meaning within the United States, however, continues. n81 At stake is nothing less than the nature of our constitutional culture. Whether, after the next attack, we repeat our mistakes or respond in a more resilient and rights-respecting manner depends ultimately on the lessons we learn as a nation from our recent past. Those who are committed to the protection of civil liberties and the rule of law must continue to work to ensure that the "Guantanamo affair" takes on the character of the "Dreyfus affair" in popular consciousness. At the end of the day, the strength of our legal protections turns on our culture's engaged commitment to the values of the Constitution, the rule of law, and human rights.

Working within the government key – their alt fails

McClean 01 SOCIETY FOR THE ADVANCEMENT OF AMERICAN PHILOSOPHY – GRADUATE AND PHILOSOPHER – NYU, “THE CULTURAL LEFT AND THE LIMITS OF SOCIAL HOPE”, http://www.american-philosophy.org/archives/2001%20Conference/Discussion%20papers/david\_mcclean.htm]

Leftist American culture critics might put their considerable talents to better use if they bury some of their cynicism about America's social and political prospects and help forge public and political possibilities in a spirit of determination to, indeed, achieve our country - the country of Jefferson and King; the country of John Dewey and Malcom X; the country of Franklin Roosevelt and Bayard Rustin, and of the later George Wallace and the later Barry Goldwater. To invoke the words of King, and with reference to the American society, the time is always ripe to seize the opportunity to help create the "beloved community," one woven with the thread of agape into a conceptually single yet diverse tapestry that shoots for nothing less than a true intra-American cosmopolitan ethos, one wherein both same sex unions and faith-based initiatives will be able to be part of the same social reality, one wherein business interests and the university are not seen as belonging to two separate galaxies but as part of the same answer to the threat of social and ethical nihilism. We who fancy ourselves philosophers would do well to create from within ourselves and from within our ranks a new kind of public intellectual who has both a hungry theoretical mind and who is yet capable of seeing the need to move past high theory to other important questions that are less bedazzling and "interesting" but more important to the prospect of our flourishing - questions such as "How is it possible to develop a citizenry that cherishes a certain hexis, one which prizes the character of the Samaritan on the road to Jericho almost more than any other?" or "How can we square the political dogma that undergirds the fantasy of a missile defense system with the need to treat America as but one member in a community of nations under a "law of peoples?"The new public philosopher might seek to understand labor law and military and trade theory and doctrine as much as theories of surplus value; the logic of international markets and trade agreements as much as critiques of commodification, and the politics of complexity as much as the politics of power (all of which can still be done from our arm chairs.) This means going down deep into the guts of our quotidian social institutions, into the grimy pragmatic details where intellectuals are loathe to dwell but where the officers and bureaucrats of those institutions take difficult and often unpleasant, imperfect decisions that affect other peoples' lives, and it means making honest attempts to truly understand how those institutions actually function in the actual world before howling for their overthrow commences. This might help keep us from being slapped down in debates by true policy pros who actually know what they are talking about but who lack awareness of the dogmatic assumptions from which they proceed, and who have not yet found a good reason to listen to jargon-riddled lectures from philosophers and culture critics with their snobish disrespect for the so-called "managerial class."

### 2AC Perm

#### Perm – use the plan as a means to connect with the alienated through criticism of existing law. Using the plan as a critical legal strategy revitalizes critical legal studies as a whole.

Peter Gabel, former President and Professor of Law at New College of California, 2009 (“LAW AND ECONOMICS, CRITICAL LEGAL STUDIES, AND THE HIGHER LAW: CRITICAL LEGAL STUDIES AS A SPIRITUAL PRACTICE.” 36 Pepp. L. Rev. 515. Lexis )

This calls not for a rejection of past CLS work, but for a reclaiming of the spiritual dimension of that work. And this in turn requires a reunderstanding of the indeterminacy critique as being merely an analytical moment within the synthesis of a moral critique, as a kind of analytical insight that indicates that the world is open-textured but not going nowhere, and that legal reasoning's claims that would fix the world in idealized, reified abstractions legitimizing injustice and alienation are actually a passivizing defense against the freedom and creative challenge of social vulnerability and uncharted possibility. [\*530] But this also requires a new agenda for our movement that cooperates with the world-wide spiritual-political initiatives that have sprung up since the post-'60s era from which CLS first emerged, and that would be tremendously supportive of our efforts. These spiritual-political initiatives include the religious renewal movements that are linking the spiritual ideal of the beloved community to social action and social change; spiritually informed secular movements like the Network of Spiritual Progressives that are trying to invent new forms of spiritual activism while rethinking foreign and domestic social policy reforms to emphasize spiritual transformation rather than merely liberal redistribution of resources and rights; 31 and the efforts of the environmental and ecology movements to link the redemption of the planet with social healing and sustainable, cooperative economies. All of these efforts require a new legal culture that links justice with explicitly spiritual outcomes - outcomes that foster empathy, compassion, and social connection rather than the vindication of liberal rights in a legal order founded upon the fear-based separation of self and other. One lesson that CLS scholarship itself has taught is that it is impossible for a social transformation movement to be successful without an ability to express its own ideals as also ideals of justice that can achieve legitimate political expression through legal culture. Without that, as Karl Klare, Alan Freeman, and many others have shown, 32 the movement's radical ideals will be recast and stolen away by the liberal interpretations those movements will suffer through the prism of legal assumptions that actually contradict them. Thus while the movement must create the "parallel universe" that can affirm the ontological/epistemological validity of the possibility of a society based on love and mutual recognition, the movement also requires a legal expression of itself that declares this same realization of love and mutual recognition to be indispensable to just outcomes of social conflicts. Such a parallel justice system has already begun to sprout up across the legal landscape, alongside the antagonism of self and other, presupposed and reinforced by the mainstream's adversary system. Among its manifestations are the truly remarkable restorative justice movement, which understands crime and social violence as expressive of a breakdown in community and aspires to apology and forgiveness through direct encounters between victims and offenders as a means of restoration of the communal fabric; 33 the transformative and understanding-based mediation movements that make compassion a central objective to the resolution of civil conflicts; 34 the new [\*531] forms of spiritually-informed law practice that are redefining the lawyer-client relationship as a non-technical, holistic relationship in which lawyers bring a substantive moral and healing vision to bear on the client's perception of his or her "interests," and the relation of those interests to the well-being of the larger community; 35 and the transformation of legal education away from a focus on the mere manipulation of existing rules and doctrine, toward a more humane and spiritually integrated conception of law and justice. What these new efforts need from a revitalized critical legal studies movement is a scholarship and pedagogy that provides in every field a critique of existing law and legal culture that reveals the limitations of the liberal world-view out of which the existing order was constructed in the centuries since the Enlightenment, and that points toward the socially connected community that ought to be its successor. It is this intellectual piece of the puzzle that is lacking from all of the recent efforts to transform legal practice in the ways I have just described; all of these efforts without exception, as far as I know, challenge the individualized, antagonistic, and despiritualized character of the adversary system without challenging the substantive content of existing law or the analytical thought process of legal reasoning. Both of these elements of legal culture - the critique of the substance of legal rules and doctrine, and the critique of detached, analytical rule-application through abstract, logical technique resting on a normative foundation - require a cadre of intellectuals to help disassemble what is and point to what ought to be, as a "moment" in the transformation from the individualistic, liberal world we inhabit to a post-liberal socially connected, loving, and compassionate world to which we aspire. So, for example, a CLS course in Contracts should subordinate its use of the indeterminacy critique to a meaning-centered critique emphasizing how the rules presupposing the legitimacy and desirability of individualistic, self-interested bargains (adjusted by a touch of concern for "the reliance interest") among an infinite number of socially disconnected strangers bound by no common moral purpose or spiritually bonded social community outside their respective blood relatives are rapidly destroying the planet, in part, by making use of liberal abstractions like freedom of choice that make it appear that this lonely destiny is what people really want. Or a course in [\*532] Torts should make it clear to students that there is more to the obligations born of our essential connection to each other as social beings than the duty to not pull chairs out from under each other as we are about to sit down to dinner, or not to smash into each others' cars, or injure each other with exploding Coke bottles - that the bond of recognition itself, and what Emmanuel Levinas calls the ethical demand of the face of the Other, 36 means we have a duty to "rescue" each other, that we must take care of each other, including the poor, the homeless, and those who lack health care. CLS scholars and teachers should extend - and in many instances already have extended - this kind of critical analysis to every area of law, including developing a critical reflection on the Constitution as a liberal and individualistic document that was a great advance in its time but now must be transformed to embrace a newly evolving vision of spiritual community that was not even conceived of as a universal necessity in the late eighteenth century when it was drafted. Concomitant with the transformation of doctrine must come a transformation of remedy, beyond money damages passed between socially separated litigants conceived as interested only in material outcomes, and beyond a due process model of civil and criminal procedure that links justice to merely the vindication of rights through the dutiful monitoring of a fact-based public hearing that leaves the parties as disconnected or more disconnected than when their legal process began. And finally, supporting such a re-visioning of doctrine, remedy, and process must be a rethinking of legal reasoning itself that goes beyond the normative circularity of the application of indeterminate rules presupposing the legitimacy of the secular liberal order toward a morally grounded reflection anchored in the common effort to realize the values of love, compassion, and mutual concern and well-being that are being carried forward by the movement itself as it tries to link the transformative element of its own social being with a new legal knowledge that would be expressive of it. If CLS would embrace the moral and spiritual agenda that I'm proposing here, it would instantly revitalize itself. Everywhere today there are law students and young legal scholars trying to figure out how to devote their lives and work to addressing the problems of global warming and the destruction of the environment, to overcoming the social violence and irrationality of religious fundamentalism and pathological, secular nationalism, and to challenging the human indifference of corporate globalization and its blind and reeling world markets. But Marxist materialism can no longer speak to these new generations of potential activists who have become aware that these problems require a spiritually grounded solution, and after a thirty-year assault by the New Right, no one [\*533] believes any longer in the model of regulatory government as morally capable of containing and altering a civil society founded upon Fear of the Other and private self-interest. A new spiritual activism actually connecting Self and Other is clearly what is needed, and it is already coming into being in hundreds of hopeful incarnations. If CLS were to rediscover itself as the legal-intellectual expression of that world-wide effort, it could once again challenge legal education and legal scholarship to become vehicles of the creation of a better world, connecting the worthwhile body of work already produced by its older generations with new, more spiritually confident work yet to be written by the young.

### AT Cooption

#### **Their cooption arguments are wrong and make institutions worse**

Orly Lobel, Assistant Professor of Law, University of San Diego, October 2006 “The Paradox of Extra-Legal Activism: Critical Legal Consciousness and Transformative Politics” Legal Studies Research Paper No. 07-75

After exploring the underlying assumptions of each of these proposals with regard to the limits of law and the limits of change, the article revisits the concept of cooptation within the broader range of possibilities for social struggle. Rather than dismissing concerns about legal cooptation, section VI asserts that the emerging umbrella school of thought draws erroneous conclusions from critical understandings and misrepresents false alternatives in the gamut of law and social change. A more accurate inquiry into the limits of change should cast doubt on the privileged role of “extra-legal” activism that is trumpeted in contemporary writings. The limits of reform are not unique to the legal arena but occur in a broad range of forms of activism and engagement around social issues. Yet, in an effort to avoid the risks of legal cooptation, a current wave of suggested alternatives produces a mirror-effect of conceptual and practical cooptation. The article demonstrates how conclusions that extra-legal proponents draw which misrepresent alternative avenues of activism as “solutions” to the concerns about cooptation, enabling these advocates to overlook the risks of cooptation by opting out of law and the legal arena. Consequently, a counter “myth of engagement” is reified by the rejection of the “myth of law.” Not only is the idea of avoiding legal strategies as means of social change misdirected, but such a construction also conceals the ways in which law continues to exist in the background of the envisioned alternatives. As a consequence, earlier critical insights about the on-going importance of law in seemingly unregulated spheres are lost in the contemporary message. The idea of opting out of the legal arena further fails to recognize a reality of growing interpenetration and blurring of boundaries between private and public spheres; profit and non-profit actors; and formal and informal institutions. Most importantly, a theory of avoidance contributes to a conservative rhetoric about the decline of the state, the necessities of deregulation, and the inevitability of mounting inequalities. Scrutinizing the oppositional claims that are presented as contemporary substitutes of legal action reveals the false equation of formal law reform avenues with a conservative status quo, while equating “informal” – that is, extra-legal -- alternatives with the production of transformative progress. The result of this false alignment is the creation of a gap between the conceptual ideals of reform projects and their practical implementation through “extra-legal” strategies. The concepts favored by the new extra-legal scholarship, including civil society revivalism, the proliferation of norm-generating actors, and informal avenues of reform have in fact recently been appropriated by supporters from a wide range of political commitments. Accordingly, in practice, progressive visions increasingly converge with decreasing commitments of the state and dominant processes of re-privatization, deregulation, and devolution of governmental authority over welfare and social provision. All three brands of extra-legal strategies reflect not only disillusionment and disappointment in the legal system as a potential engine for social reform but also imply path-dependency with current economic realities and shifting commitments of the state in an era of globalization. Since the critique of legal cooptation has involved the argument that legal reform, even when viewed as successful, is never radically transformative, it is equally crucial to ask what criteria are available for assessing the success of the suggested alternatives. As the article argues, the risks of extra-legal cooptation are similar to the risks of legal cooptation. However, the allure of an alternative model of progressive politics which would avoid the critical risks of cooptation has prevented its advocates from scrutinizing it in the same way that legal strategies are routinely questioned. Posing these challenges, the final section concludes that much of the contemporary alternative scholarship obscures the lines between description and prescription in the exploration and formulation of transformative politics. Therefore, the new envisioned extra-legal politics risk representing no more than a losers’ ex-post self-mystification.

### 2AC Guantanamo Good

Lobel 4, Professor of Law

[December 2004, Jules Lobel is a Professor of Law, University of Pittsburgh Law School, “Courts as Forums for Protest”, 52 UCLA L. Rev. 477]

[\*556] I conclude with a discussion of the litigation brought on behalf of the prisoners being held by the United States at Guantanamo Bay, Cuba. This important litigation fits comfortably within the courts as forums for protest model, and illustrates many of the insights and contradictions of the model. In early 2002, the CCR challenged the Bush Administration's detention of suspected Taliban and Al Qaeda prisoners at Guantanamo Bay without affording them the protections or rights mandated by the Geneva Convention and human rights norms. n375 At the time, many individuals and organizations were timid about openly challenging the administration's antiterrorism policies. n376 Moreover, a case on behalf of the Guantanamo detainees presented a particularly difficult context to challenge the administration. These prisoners had been captured in and around Afghanistan as part of a popular war effort. The memory of September 11 was fresh in people's minds. The government claimed that what it was doing at Guantanamo was necessary to defend American national security and prevent future terrorist attacks, a claim that resonates particularly strongly with the courts. Most important, Johnson v. Eisentrager, n377 decided by the Supreme Court in 1950, held that nonresident enemy aliens, after being convicted of war crimes by a military tribunal (detained by the U.S. government outside of U.S. territory) had no right or privilege to avail themselves of the jurisdiction of a U.S. court to challenge their detentions. While the legal and political climate was bleak, the CCR attorneys believed that Johnson was distinguishable and that it was possible to win in court. The CCR decided to take the risk. n378 The government's position was in clear violation of the Geneva Convention as well as due process and was in effect saying that no law applied to these detainees. But the CCR's objective [\*557] went beyond winning or losing in court. Its objective was to demonstrate that there was resistance to U.S. policy, to help publicize the injustice to, and plight of, the detainees, to keep the issue of the detainees in the public mind, and to use the case as part of a broader political movement against the administration's antiterrorism policies. The decision to litigate was not based on whether the CCR attorneys thought the litigation had a good chance of winning in court. The CCR first filed a complaint with the Inter-American Commission of Human Rights of the Organization of American States, which ruled that the Guantanamo prisoners may not be held "entirely at the unfettered discretion of the United States government," and that the government must accord those prisoners a hearing to determine their legal status. n379 The Bush Administration predictably refused to comply with the Commission's ruling. Indeed, given the certainty that the administration would not comply with any unfavorable Commission ruling, the purpose of the complaint was to obtain an authoritative ruling, and to use that ruling to mobilize international and domestic public opinion against the administration's Guantanamo policies. The CCR also brought a federal lawsuit on behalf of several of the detained prisoners. The federal district court, and then the U.S. Court of Appeals for the District of Columbia Circuit, ruled unanimously in the government's favor. n380 Nonetheless, the CCR persisted, and the Supreme Court decided in November 2003 to hear its appeal. n381 The Guantanamo case had an impact even before the Supreme Court handed down its June 2004 decision reversing the court of appeals. For over two years, the case helped keep the outrageous Guantanamo situation in the public eye and galvanized international protest. News reports sparked outrage at keeping the detainees in what British judges termed a "legal black hole." n382 Amicus briefs submitted to the Supreme Court from former federal judges, former senior American diplomats, former American POWs, former Judge Advocates General of the Navy and top Marine Corps lawyers, the Bar Association representing the fifty-four nations of the former British Commonwealth, and the International Bar Association reflected and fanned [\*558] the widespread protest against the U.S. Guantanamo policy. n383 That protest, combined with Supreme Court review, compelled the administration to release a number of the prisoners, even before the Supreme Court announced its decision. n384 The question the case presented to the Supreme Court was narrow and involved only whether federal courts have jurisdiction to consider the detention of foreign nationals captured abroad and held at Guantanamo Bay. n385 Thus, at that stage of the litigation, the specific relief being requested of the Court was minimal (although the implications of the Court grant of that relief are significant), namely, a holding that federal courts have jurisdiction to hear plaintiffs' habeas petitions. On remand, the district court will determine what rights the plaintiffs have, and to what process they are entitled. Because the issue before the Court was solely jurisdictional, the plaintiffs were able to obtain a ruling articulating the basic norm that executive detentions, even in wartime, cannot be lawless. Yet because the issue was framed jurisdictionally, neither the plaintiffs nor the Court had to grapple immediately with the exact contours of the plaintiffs' rights and the potential remedies to which they may be entitled. The Supreme Court's assertion of jurisdiction to hear the case is a tremendous victory. It articulates and gives meaning to a fundamental constitutional principle: that executive detentions of prisoners outside the United States cannot operate entirely outside the law or without some legal process. While the Court's decision addresses only the applicability of the writ of habeas corpus to the detention of prisoners at Guantanamo Bay, Cuba, the implications of the Court's holding are broad; as Justice Scalia correctly notes in his dissent, the Court's decision potentially applies to prisoners held by the military in other places. Moreover, while the Court merely asserted federal court jurisdiction to determine the legality of the Executive's potentially indefinite detention of individuals who claim to be wholly innocent of wrongdoing, footnote fifteen of Justice Stevens' majority opinion states that the plaintiffs' claims "unquestionably describe "custody in violation of the Constitution or laws or treaties of the United States.'" n386 That footnote, in which Justice Stevens cities Justice Kennedy's concurrence in United States v. Verdugo-Urquidez, n387 [\*559] clearly indicates that on the merits, the plaintiffs have constitutional due process rights which a court must recognize. The Court's mere assertion of jurisdiction in the Guantanamo case has dramatically affected governmental conduct. Indeed, the Supreme Court's decision to hear the Guantanamo case had a strong impact on the government's behavior even before the Court announced its ruling, leading to the release of many prisoners and Secretary of Defense Rumsfeld's decision that some process would be established to determine whether a prisoner should continue to be detained. n388 Only eight days after the Supreme Court's decision, the Department of Defense announced that procedures to inform the Guantanamo prisoners of their rights and to review their detention would be implemented. n389 The government has thus moved quickly to establish some due process for the prisoners, although the prisoners' lawyers have severely criticized that process and seek hearings before federal district courts. Therefore, the process owed plaintiffs will be back before the courts fairly quickly. Finally, the Guantanamo case also illustrates the limitations of litigation to transform the public dialogue. For some of the lawyers at the CCR, the most fundamental issue involved in the case is the Executive's use of the wartime paradigm to detain and prosecute people who should be prosecuted under civilian law. These attorneys would want to challenge whether the "war against terrorism" truly fits within the definition of a war, or whether Al Qaeda should be treated as a criminal conspiracy and its members prosecuted under ordinary civilian law. n390 But a challenge in the Guantanamo case to whether the war against Al Qaeda is really a war for constitutional or international purposes would have little chance of success in the courts. n391 Therefore, these attorneys [\*560] are relegated to making that more fundamental point in their public speaking about the case, and not in court. However, the filing and the arguing of the case at its various stages has resulted in a large amount of publicity in the United States and abroad, resulting in pressure on the government to discontinue this lawless policy. Such publicity can have various effects throughout society. It can encourage people to engage in discussion about their views on that particular situation. It can generate support for the movements advocating the various sides of the issue. It could even result in bringing new financial resources, and organizational or legal talent, to the movement. Thus, movement attorneys should realize that litigation and publicity should go together hand in hand as part of an overall strategy that will result in eventual success, even if that success is temporarily delayed by defeats in the courts. The Guantanamo litigation is but a recent example of the long tradition in this country of using courts as one arena of protest. That case started as a lonely protest against an illegal government policy. The case was originally viewed as hopeless by most legal observers and rejected by the lower courts. Many observers might even initially have said that no reasonable lawyer could have any hope for success. The publicity and international outrage surrounding the Guantanamo policy helped force the Supreme Court to take the case seriously and eventually rule for the plaintiffs. Yet the fundamental lesson of the Guantanamo case is not to be found in the important Supreme Court victory, but in the decision of a dedicated group of lawyers to litigate the case in order to protest the administration's policy despite the seemingly difficult odds of success. Conclusion The courts as forums for protest model differs from the traditional, private dispute standard on institutional reform, the two models traditionally described by legal scholars. The reduced emphasis on winning or losing and the lesser role of the judge are two features that distinguish this model from the others. Our nation has seen a long tradition of litigators and movements using the courts as platforms for arguing controversial positions and garnering public support for them. From the Revolutionary period, through this country's struggle with the issues of slavery and women's suffrage, up until modern instances where private citizens and public officials have attempted to challenge governmental actions, our system's courts have been used as forums to stir debate by the citizenry. [\*561] Because of the importance of encouraging people to engage in discussion about current social issues, and because of the implications for freedom of speech, courts should not allow sanctions under Federal Rule of Civil Procedure 11 or other similar rules to stifle popular debate stirred by lawsuits that may be considered "frivolous" because they argue against precedent or are viewed as losing cases. Bringing a lawsuit to generate publicity for one's cause should not be viewed as an improper purpose under Rule 11. Under the Courts as Forums for Protest model, judges will often find themselves in a difficult position: they will be faced with a situation where legal precedent and social and political reality collide. Though articulating a legal principle while deciding a case without enforcing that principle may seem problematic, judges should feel comfortable doing so when it is necessary in order to encourage society and governmental actors to remedy an injustice which otherwise will continue unchecked.

### 2AC XO CP

#### CP doesn’t solve- legal certainty is key

Guiora 12 (Professor of Law, S.J. Quinney College of Law, University of Utah; author of Freedom from Religion: Rights and National Security (2009). DUE PROCESS AND COUNTERTERRORISM EMORY INTERNATIONAL LAW REVIEW [Vol. 26 pg Lexis Nexis]

While President Obama signed an Executive Order ordering the closure of the Guantanamo Bay detention center26 for the purpose of discontinuing trials before Military Commissions, in April 2010 the Obama Administration reinstituted the Military Commissions.27 It is unclear whether this represents reversal of a policy previously articulated but not implemented, or a stopgap measure. Whatever the explanation, the Obama Administration has largely failed to satisfactorily address the rule-of-law questions essential to creating and implementing counterterrorism policy that ensures implementation of due process guarantees and obligations. For example, the Administration has failed to resolve whether Article III courts are the proper judicial forums for suspected terrorists.28 Perhaps this continuing failure is reflective of political infighting, as demonstrated in the backtracking with respect to Khalid Sheikh Mohammed’s trial.29 The result is a disturbing failure to ensure due process for individuals suspected of involvement in terrorism. More fundamentally, the status of individuals detained post-9/11 has not been uniformly or consistently articulated or applied. That is, varying definitions have been articulated at different times, reflecting legal and policy uncertainty directly affecting the ability to establish and consistently apply a legal regime based on due process.30 For thousands of individuals whose initial detention was based on questionable intelligence and subsequent, inadequate habeas protections, the current regime is inherently devoid of due process.31 I propose that detainees are neither prisoners of war nor criminals in the traditional sense; rather, they are a hybrid of both. To that end, I propose that the appropriate term for post-9/11 detainees is a combination—a convergence of the criminal law and law of war paradigms—best described as a hybrid paradigm.

### 2AC Immigration CP

Absent resolving Indefinite Detention, the CP fails—detention is the critical issue for Obama to transition away from the perception of Bush-era counterterrorism policies

McCrisken 11, Chair of British American Security Information Council

[2011, Trevor McCrisken received his BA in American Studies (Politics) from the University of Kent with a year at the University of Maryland, College Park. He then completed an MA in International Affairs at American University, Washington, DC and received his DPhil from the University of Sussex. He has held previous posts at the University of Oxford, Lancaster University, and UWE Bristol. He was a Visiting Fellow at the Rothermere American Institute at Oxford from 2001-2003 and an Associate Fellow from 2003-2009. He joined the department at Warwick in September 2003. He has also been Chair of British American Security Information Council (BASIC) since November 2007, “Ten years on: Obama’s war on terrorism in rhetoric and practice”, International Affairs 87:4 (2011) 781–801]

Although Obama committed his administration to repealing these provisions, by March 2011 he had implicitly admitted defeat and issued a new executive order that effectively institutionalizes indefinite detention at Guantánamo. The new executive order established a regular review process for those held to determine whether they can be released or tried, but allowed for the resumption of military commission trials rather than the administration’s stated preferred route of trials in civilian criminal courts in the US.30 Within a month of this new order, Attorney General Eric Holder concluded that Khalid Sheikh Mohammed and four other suspects accused of planning the 9/11 attacks would face military commission trials rather than the civilian trials originally announced in 2010. The negative response from critics of Obama’s inability to follow through on his Guantánamo closure promises was swift and unequivocal. The senior counterterrorism counsel at Human Rights Watch, Andrea Prasow, was representative of the depth of feeling: ‘The Obama administration has squandered a key opportunity to reject the unlawful counterterrorism policies of the past. It has sacrificed fundamental protections under the US constitution and international law in what may be the single most important case of President Obama’s tenure.’ Although Human Rights Watch admitted that the process for military trials had been much improved since the end of the Bush administration, it nonetheless condemned the decision because such trials at Guantánamo were ‘marred by procedural irregularities, the use of evidence obtained by coercion, inconsistent application of ever-changing rules of evidence, inadequate defense resources, poor translation, and lack of public access’. Prasow concluded: ‘Any trial in the military commission system will carry the stigma of Guantánamo and be subject to challenge and delay.’31 The key symbolic opportunity for the Obama administration to demonstrate that its approach and attitude towards counterterrorism are significantly different from those of the Bush administration has therefore turned into a political and moral albatross of which the President and his advisers seem incapable of unbur-dening themselves. The blame for the stalemate on what to do with the remaining prisoners can too easily be shifted to Bush’s legacy or Republican politicking in Congress. Since Obama acted so swiftly to issue the closure order, however, the lack of significant progress towards that goal suggests an absence of effective forward planning on the issue or a paucity of commitment to use the necessary political capital to ensure it would happen. With the President having issued the original executive order in January 2009, supporters of the closure might have expected an immediate push by the administration to resolve the thorny issues that have simply grown and ramified in the last two years. Instead, Obama expended political capital in other areas, mostly on domestic policies such as health care that raised the ire of his opponents and made congressional opposition to the closure plans more acute and more riven by partisan politics. The result is a sense of deep disappointment on the part of those who expected real change from Obama and concern that other aspects of his supposed transformation of US counterterrorism activity were little more than empty promises designed to placate the left and deflect attention from the President’s determination to maintain and deepen the ‘war on terrorism’ footing adopted by his predecessor. The executive order issued alongside that calling for the closure of Guantá- namo has been rather more effective. By April 2009, CIA Director Leon Panetta could state categorically that the CIA no longer employed any of the ‘enhanced interrogation techniques’ that were authorized by the Justice Department from 2002 to 2009. In line with Obama’s executive order, only methods consistent with the Army Field Manual would be used during interrogations of terrorist suspects, and these interrogations would no longer be contracted out to non-CIA officers. Panetta also gave assurances that the CIA had ceased to operate ‘detention facilities or black sites’ and that all remaining sites would be decommissioned.32 The CIA also refrained from seizing, detaining and interrogating suspects abroad, other than in Afghanistan and Iraq, relying instead on foreign intelligence and security services to ‘debrief ’ suspects and share the information gathered.

**The House will kill the bill – watering down the bill destroys senate negotiations and delays it until election time**

**(Ashby 4/25)**

JM Ashby “House GOP Plans Non-Comprehensive Immigration Reform” The Daily Banter, April 25, 2013, http://bobcesca.thedailybanter.com/blog-archives/2013/04/house-gop-plans-non-comprehensive-immigration-reform.html

While it seems likely that the Senate will pass comprehensive immigration reform, **passage in the House was always in question and it appears that House Republicans are now planning to pass piecemeal immigration** reform rather than a comprehensive bill. From the Associated Press Goodlatte said rather than a huge immigration bill, the House would take a step-by-step approach. He said it was important to not rush the complicated overhaul of immigration laws, and he declined to commit to completing the process this year. Goodlatte said he has been consulting with a bipartisan group of House members working on immigration legislation. He said he has also held private briefings for around 100 House Republicans. My guess is that **this will make it easier for House Republicans to water down each individual measure while reducing the amount of negative press they’ll receive should any one element fail to pass muster**. If the House passes immigration reform and if this is how they do it**, the process could take a very long time. It may even bleed into the 2014 campaign season next summer**. Obviously **that would reduce the chances of anything passing.**

### AT: Debt Ceiling

#### Debt ceiling will inevitably be increased

Sahadi, 9/12 (Jeanne, “The never-ending charade of debt ceiling fights,” <http://money.cnn.com/2013/09/12/news/economy/debt-ceiling/?source=cnn_bin)>)

Lawmakers are tied up in knots over increasing the debt ceiling this fall. But they eventually will. The only question is how messy the process will be.

Why assume they'll raise it? Because they have no real choice if they want to avoid a U.S. default. A default would hurt the economy and markets, and most lawmakers know this. That's why they regularly raise the debt ceiling before it comes to that.

In fact, since 1940, Congress has effectively approved 79 increases to the debt ceiling. That's an average of more than one a year.

How do they raise it? Sometimes lawmakers have raised it by small amounts, other times by large amounts. And sometimes they've raised it "temporarily" with provisions for a "snap-back" to a lower level.

Since it's a politically tough vote, they occasionally devise clever ways to tacitly approve increases without ever having to publicly record a "yes" vote.

For example, as part of the deal to resolve the 2011 debt ceiling war, Congress approved a plan that let President Obama raise the debt limit three times unless both the House and Senate passed a "joint resolution of disapproval." Such a measure never materialized. And even if it had, the president could have vetoed it.

Then this past February, lawmakers decided to temporarily "suspend" the debt ceiling.

Under this scheme, Treasury was able to continue borrowing to pay the country's bills until May 19. At that point, the debt limit automatically reset to the old cap plus whatever Treasury borrowed during the suspension period.

Related: Debt ceiling 'X' date could hit Oct. 18

What does raising the debt ceiling accomplish? Despite some politicians' incorrect assertions, raising the debt ceiling does not give the government a "license to spend more."

It simply lets Treasury borrow the money it needs to pay all U.S. bills in full and on time. Those bills are for services already performed and entitlement benefits already approved by Congress. In other words, it's a license to pay the bills the country incurs as a result of past decisions made by lawmakers from both parties over the years.

Refusing to raise the debt ceiling is "not like cutting up your credit cards. It's like cutting up your credit card bills," said historian Joseph Thorndike, who has written about past debt crises.

How high is it today? The debt ceiling was reset at $16.699 trillion on May 19, up from the $16.394 trillion where it was before the suspension.

Since then, Treasury has been forced to use "extraordinary measures" to keep the country from breaching the limit.

Treasury Secretary Jack Lew said those measures will be exhausted by mid-October, after which he will only have $50 billion on hand, plus incoming revenue to pay what's owed. Sounds like a lot, but it won't last long.

How long will it last? An analysis by the Bipartisan Policy Center estimates that the Treasury will no longer be able to pay all bills in full and on time at some point between Oct. 18 and Nov. 5.

So, you're saying they only have a few weeks to work this out? Yup.

House Republicans say they will demand spending cuts and fiscal reforms in exchange for their support of a debt ceiling increase. The White House, meanwhile, has said it won't negotiate quid pro quos.

The question is when will Republicans or the White House -- or both - bend in the standoff? If recent history is any guide it likely will be just in the nick of time.

And there's no telling how creative the deal they cut will be.

But any bad blood created along the way almost certainly would poison other budget negotiations. To top of page

#### No link between the economy and war – history proves

Ferguson 6, Professor of History @ Harvard

(Ferguson, Niall. "The Next War of the World." Foreign Affairs 85.5 (Sept-Oct 2006): 61. Expanded Academic ASAP.)

There are many unsatisfactory explanations for why the twentieth century was so destructive. One is the assertion that the availability of more powerful weapons caused bloodier conflicts. But there is no correlation between the sophistication of military technology and the lethality of conflict. Some of the worst violence of the century -- the genocides in Cambodia in the 1970s and central Africa in the 1990s, for instance -- was perpetrated with the crudest of weapons: rifles, axes, machetes, and knives. Nor can economic crises explain the bloodshed. What may be the most familiar causal chain in modern historiography links the Great Depression to the rise of fascism and the outbreak of World War II. But that simple story leaves too much out. Nazi Germany started the war in Europe only after its economy had recovered. Not all the countries affected by the Great Depression were taken over by fascist regimes, nor did all such regimes start wars of aggression. In fact, no general relationship between economics and conflict is discernible for the century as a whole. Some wars came after periods of growth, others were the causes rather than the consequences of economic catastrophe, and some severe economic crises were not followed by wars.

#### Court shields and plan pacifies the base

Stimson 9 [09/25/09, Cully Stimson is a senior legal fellow at the Heritage Foundation and an instructor at the Naval Justice School former American career appointee at the Pentagon. Stimson was the Deputy Assistant Secretary of Defense for Detainee Affairs., “Punting National Security To The Judiciary”, http://blog.heritage.org/2009/09/25/punting-national-security-to-the-judiciary/]

So what is really going on here? To those of us who have either served in senior policy posts and dealt with these issues on a daily basis, or followed them closely from the outside, it is becoming increasingly clear that this administration is trying to create the appearance of a tough national-security policy regarding the detention of terrorists at Guantanamo, yet allow the courts to make the tough calls on releasing the bad guys. Letting the courts do the dirty work would give the administration plausible cover and distance from the decision-making process. The numbers speak for themselves. Of the 38 detainees whose cases have been adjudicated through the habeas process in federal court in Washington, 30 have been ordered released by civilian judges. That is close to an 80 percent loss rate for the government, which argued for continued detention. Yet, how many of these decisions has this administration appealed, knowing full well that many of those 30 detainees should not in good conscience be let go? The answer: one. Letting the courts do it for him gives the president distance from the unsavory release decisions. It also allows him to state with a straight face, as he did at the Archives speech, “We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.” No, the president won’t release detainees; he’ll sit back and let the courts to do it for him. And the president won’t seek congressional authorization for prolonged detention of the enemy, as he promised, because it will anger his political base on the Left. The ultra-liberals aren’t about to relinquish their “try them or set them free” mantra, even though such a policy threatens to put terrorists back on the battlefield. Moreover, the president would have to spend political capital to win congressional authorization for a prolonged detention policy. Obviously, he would rather spend that capital on other policy priorities. Politically speaking, it is easier to maintain the status quo and let the detainees seek release from federal judges.

The passive approach also helps the administration close Gitmo without taking the heat for actually releasing detainees themselves.

### 1AR

#### This is uniquely true with liberalism—the success of global democratic revolutions depends on a focus on the pragmatic details of international institutions and global norms—the alternative is genocides and nuclear war

Shaw, Professor of International Relations and Politics at the University of Sussex, ’99 (Martin, November 9, “The unfinished global revolution: Intellectuals and the new politics of international relations”

The new politics of international relations require us, therefore, to go beyond the antiimperialism of the intellectual left as well as of the semi-anarchist traditions of the academic discipline. We need to recognise three fundamental truths: First, in the twenty-first century people struggling for democratic liberties across the non-Western world are likely to make constant demands on our solidarity. Courageous academics, students and other intellectuals will be in the forefront of these movements. They deserve the unstinting support of intellectuals in the West. Second, the old international thinking in which democratic movements are seen as purely internal to states no longer carries conviction – despite the lingering nostalgia for it on both the American right and the anti-American left. The idea that global principles can and should be enforced worldwide is firmly established in the minds of hundreds of millions of people. This consciousness will a powerful force in the coming decades. Third, global state-formation is a fact. International institutions are being extended, and they have a symbiotic relation with the major centre of state power, the increasingly internationalised Western conglomerate. The success of the global-democratic revolutionary wave depends first on how well it is consolidated in each national context – but second, on how thoroughly it is embedded in international networks of power, at the centre of which, inescapably, is the West. From these political fundamentals, strategic propositions can be derived. First, democratic movements cannot regard non-governmental organisations and civil society as ends in themselves. They must aim to civilise local states, rendering them open, accountable and pluralistic, and curtail the arbitrary and violent exercise of power. Second, democratising local states is not a separate task from integrating them into global and often Western-centred networks. Reproducing isolated local centres of power carries with it classic dangers of states as centres of war. Embedding global norms and integrating new state centres with global institutional frameworks are essential to the control of violence. (To put this another way, the proliferation of purely national democracies is not a recipe for peace.) Third, while the global revolution cannot do without the West and the UN, neither can it rely on them unconditionally. We need these power networks, but we need to tame them, too, to make their messy bureaucracies enormously more accountable and sensitive to the needs of society worldwide. This will involve the kind of ‘cosmopolitan democracy’ argued for by David Held80 and campaigned for by the new Charter 9981. It will also require us to advance a global social-democratic agenda, to address the literally catastrophic scale of world social inequalities. Fourth, if we need the global-Western state, if we want to democratise it and make its institutions friendlier to global peace and justice, we cannot be indifferent to its strategic debates. It matters to develop robust peacekeeping as a strategic alternative to bombing our way through zones of crisis. It matters that international intervention supports pluralist structures, rather than ratifying Bosnia-style apartheid. Likewise, the internal politics of Western elites matter. It makes a difference to halt the regression to isolationist nationalism in American politics. It matters that the European Union should develop into a democratic polity with a globally responsible direction. It matters that the British state, still a pivot of the Western system of power, stays in the hands of outward-looking new social democrats rather than inward-looking old conservatives. As political intellectuals in the West, we need to have our eyes on the ball at our feet, but we also need to raise them to the horizon. We need to grasp the historic drama that is transforming worldwide relationships between people and state, as well as between state and state. We need to think about how the turbulence of the global revolution can be consolidated in democratic, pluralist, international networks of both social relations and state authority. We cannot be simply optimistic about this prospect. Sadly, it will require repeated violent political crises to push Western governments towards the required restructuring of world institutions.82 What I have outlined tonight is a huge challenge; but the alternative is to see the global revolution splutter into defeat, degenerate into new genocidal wars, perhaps even nuclear conflicts. The practical challenge for all concerned citizens, and the theoretical and analytical challenges for students of international relations and politics, are intertwined.