## Topicality

### 1

Indefinite detention is when a government detains without a trial

US Legal

Indefinite Detention Law & Legal Definition

<http://definitions.uslegal.com/i/indefinite-detention/>

Indefinite detention is the practice of detaining an arrested person by a national government or law enforcement agency without a trial. It may be made by the home country or by a foreign nation. Indefinite detention is a controversial practice, especially in situations where the detention is by a foreign nation. It is controversial because it seems to violate many national and international laws. It also violates human rights laws. Indefinite detention is seen mainly in cases of suspected terrorists who are indefinitely detained. The Law Lords, Britain’s highest court, have held that the indefinite detention of foreign terrorism suspects is incompatible with the Human Rights Act and the European Convention on Human Rights. [Human Rights Watch] In the U.S., indefinite detention has been used to hold terror suspects. The case relating to the indefinite detention of Jose Padilla is one of the most highly publicized cases of indefinite detention in the U.S. In the U.S., indefinite detention is a highly controversial matter and is currently under review. Organizations such as International Red Cross and FIDH are of the opinion that U.S. detention of prisoners at Guantanamo Bay is not based on legal grounds. However, the American Civil Liberties Union is of the view that indefinite detention is permitted pursuant to section 412 of the USA Patriot Act.

#### Affirmative doesn’t restrict the authority to indefinitely detain, but rather what we can do once we indefinitely detain – that’s a distinction

#### Clear limits distinction – at best the aff is a restriction on commander in chief power which is LEGALLY and SUBSTANTIVELY distinct from the topic.

Heidt 2013

Stephen, PhD candidate Georgia State University, A Memorandum on the Topic Area, http://www.cedadebate.org/forum/index.php?topic=4846.0

To summarize: War powers are enumerated in Article 1 of the Constitution. Commander in Chief power is enumerated in Article 2. The framers of the Constitution kept the two entirely distinct, on purpose, as a means for resolving the tension between the danger that a strong president would risk dictatorship and the need for unfettered power of the executive to conduct and win war. The key constitutional controversy related to war power is NOT what weapons presidents get to use or how presidents get to pursue war. It is that presidents have continuously utilized a narrow constitutional exception (defense of the nation in crisis) to engage in “acts of war” without Congressional authorization. In fact, the Congress has only formally declared war 5 times in U.S. history while the president has authorized military force at least 200 times and, by some counts, over 300 times. This is the core war powers controversy – the very thing that led to the passage of the War Powers Resolution in 1973 and the controversy the community voted for. The topic paper overrides that distinction and the topic committee would be well to heed the distinction. This distinction, if held, means that the wildest fears of tiny, unpredictable affs can only exist in a world in which Commander in Chief power is selected as the topic. That is the power presidents enjoy for running an army.

#### Topic education – commander and chief powers are about HOW wars are fought whereas war powers are IF they are fought. The aff avoids the central clash of the topic where da and cp ground stems from.

#### Limits – commander in chief powers blow the barn door off, Heidt evidence says it creates tiny unpredictable affs.

#### Vote neg – reasonability is arbitrary and mandates judge intervention.

## Counterplan

#### The President of the United States should issue a classified Presidential Directive ordering that

## Politics

### 1NC Immigration DA

Comprehensive reform will pass now – Obama’s going all-in to work with moderates.

Daily Mail 10/17 [“Immigration battle threatens to dwarf debt-limit fight as many Republicans fear power of 17 MILLION newly legalized loyal Democrats,” http://www.dailymail.co.uk/news/article-2464112/Immigration-battle-threatens-dwarf-debt-limit-fight-Republicans-fear-power-17-MILLION-newly-legalized-loyal-Democrats.html#ixzz2i182BrcS]

The White House has shifted gears and put its policy team in immigration overdrive, zooming past the debt crisis that threatened to sink the republic and on to the task of normalizing the estimated 11 million U.S. residents who have no legal basis for being there. The Democrat-dominated U.S. Senate passed a bill in June that would provide a citizenship path for those who have been in the U.S. since the end of 2011. But as with the early days of the debt crisis and the partial government shutdown, Republican leaders in the House of Representatives aren't eager to consider it. The White House has avoided saying that it take advantage of a weak House and spend its political capital to push an immigration policy, but Republicans have reason to suspect the other shoe is about to drop. The Center for Immigration Studies, a Washington, D.C. think-tank, projects that the Senate bill, S.744, would add 17.3 million new legal, voting-age U.S. residents to 14.9 million whom analysts already expect to appear without the proposed law. 'To place these figures in perspective,' writes Steven Camarota, the group's director of research, 'the last four presidential elections were decided by 4.5 million votes on average.' Obama has been 'trying to destroy the Republican Party' with the debt standoff, says Rep. Raul Labrador, 'and I think that anything we negotiate right now with the president on immigration will be with that same goal in mind' Obama has been 'trying to destroy the Republican Party' with the debt standoff, says Rep. Raul Labrador, 'and I think that anything we negotiate right now with the president on immigration will be with that same goal in mind' Converting illegal immigrants into citizens has long been a Democratic Party brass ring. And not only, as President Barack Obama told business leaders on Sept. 18, because 'we know ... that that can add potentially a trillion dollars to our economy, and that we will continue to attract the best and brightest talent around the world.' Hispanics are the biggest ethnic group involved in U.S. immigration. In the 2012 elections, 77 per cent of those who voted supported Democratic candidates for Congress, according to the polling group Latino Decisions. Seventy-five per cent voted for Obama. Among Hispanic voters who weren't born in the U.S., Democratic congressional candidates picked up 81 per cent of the vote. Obama rated 80 per cent. In fact, Republicans' share of Hispanic votes in presidential elections peaked in 2004, at 43 per cent before tumbling in the next two elections. And the Pew Research Center has consistently found that large majorities Hispanic voters favor policies that produce governments with bigger footprints and more social programs. 'There are things that we know will help strengthen our economy that we could get done before this year is out,' the president said Wednesday night as focus on the debt-limit fix bill moved from the Senate to the House. 'A law to fix our broken immigration system' was first on his wish-list. More... Report: Senate immigration bill includes nearly $300 million in slush funds for immigrants' rights groups, in language drafted by the former policy chief for one such organization 'Immigrants will be the job creators of tomorrow': Facebook's Mark Zuckerberg goes public with backing of immigration reform Obama HECKLED as he tries to woo Hispanic voters by hailing importance of immigrants to U.S. AMNESTY? 'Gang Of Eight' immigration reform will turn illegal aliens into citizens - in 13 YEARS, and after a 2,000 dollar fine 'You have no right to be in the UK and you should leave': Extraordinary moment immigration minister tells five-time failed asylum seeker to go home on live TV 'We had a very strong Democratic and Republican vote in the Senate,' Obama told the Los Angeles affiliate of the Spanish-language network Univision on Tuesday, comparing it to the debt battle. 'The only thing right now that’s holding it back is again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives.' 'So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act. Once that’s done – you know, the day after – I'm going to be pushing to say, "call a vote on immigration reform."' GOP lawmakers hear from conservative who want the borders closed before any immigrants get a path to citizenship, and from those worried about the impact on reduced wages and employment for citizens Demonstrators marched toward Capitol Hill during a immigration rally in Washington on Oct. 8. They wanted to put pressure on House Republicans to vote on a stalled immigration reform bill Republicans in the House are less split on Obamacare than on immigration, with some arguing that rewarding lawbreakers sets a bad example and others pointing to economic advantages of a larger workforce willing to undertake manual labor, and a boom in fast-tracked visas for those with specialized skills. But if Obama thinks he has the GOP on the ropes, an aide to a conservative House Republican lawmaker told MailOnline, he will be surprised by the party unity that will return as soon as someone breathes 'the "A"-word: "Amnesty".' 'Everyone in the House Republican caucus wants to get rid of Obamacare,' the aide said, 'but not everyone agreed killing it was worth going to the mat.' So-called 'DREAMers' are young illegal immigrants who were brought to the U.S. as children. Some Republicans see virtue in providing them special status So-called 'DREAMers' are young illegal immigrants who were brought to the U.S. as children. Some Republicans see virtue in providing them special status 'But we're talking about changing voting patterns for maybe 100 years and creating natural advantages for candidates who will run against our guys. It's like giving my boss 40 pounds of rocks to carry over his shoulder, and letting his challenger walk around with a fanny pack full of feathers.' The debt-limit and shutdown fights, says Idaho GOP Rep. Raul Labrador, may have made immigration advocates' uphill climb even steeper, especially for Republicans who suspect President Obama of having an ulterior motive. 'I think what he's done over the last two and half weeks [is] he’s trying to destroy the Republican Party,' Labrador said Wednesday at the monthly Conversations with Conservatives meeting organized by the Heritage Foundation. 'And I think that anything we negotiate right now with the president on immigration will be with that same goal in mind, which is to destroy the Republican Party and not to get good policies.' 'There are things that we are on the same page about,' Labrador said, 'and if he is unwilling to negotiate on those things I don’t see how he could in good faith negotiate with us on immigration.' House Republicans' strategy so far has been to approach the Senate bill piecemeal, advancing parts of it – border security and more fences, for instance – that GOP leaders like. Speaker John Boehner has said Senate Democrats' more comprehensive approach won't reach the House floor, even though 14 Senate Republicans gave it 'yes' votes. But the fight over the partial government shutdown that occupied half of October may have given Democrats insights into how to combat that strategy. House Republicans offered a series of nearly a dozen one-off bills to fund government agencies and initiatives whose absence became a black eye, including the National Institutes of Health, the Department of Veterans Affairs and salary payments for active-duty military. Obama found he could stave off the pressure to sign all but a few, insisting on an all-or-nothing approach – which he eventually got. 'There are things that we know will help strengthen our economy that we could get done before this year is out,' Obama said Wednesday night: 'We still need to pass a law to fix our broken immigration system' 'There are things that we know will help strengthen our economy that we could get done before this year is out,' Obama said Wednesday night: 'We still need to pass a law to fix our broken immigration system' Immigration reform activists marched in Washington on Oct. 8, occupying portions of the National Mall that wre officially closed as part of a government shutdown Immigration reform activists marched in Washington on Oct. 8, occupying portions of the National Mall that wre officially closed as part of a government shutdown. The National Park Service later said the Obama administration ordered it to provide security. Several Democratic members of Congress were arrested. 'It's different, of course, because there's no economic catastrophe awaiting if Republicans sit on their hands with immigration,' a Democratic campaign strategist told MailOnline on Wednesday. 'But the White House has learned how stubborn some of the Republicans are willing to be. And more important, they've figured out which ones are worth trying to reason with.' House Minority Leader Nancy Pelosi has said she will bring 'any' immigration proposal to her Democratic colleagues in the Senate House Minority Leader Nancy Pelosi has said she will bring 'any' immigration proposal to her Democratic colleagues in the Senate While some Republican moderates will be unwilling to cross the tea party caucus while the sting of the debt defeat is still in the air, others have already signaled their openness to meet Democrats halfway, mostly in one-off measures that carve out pet projects from the larger immigration issue. California Rep. Nancy Pelosi, a long-time supporter of immigration reform, said this month that she will do 'whatever it takes' to find a bill that the House can bring to the Senate. She's open to going to a House-Senate legislative conference with 'one bill, two bills, one at a time, singly, jointly, severally, whatever,' betting that whatever emerges from such a meeting would including 'comprehensive immigration reform that will lead to a pathway to citizenship.' Pelosi may find some help from a few Republicans. The Associated Press reported on Sept. 30 that Rep. Bob Goodlatte, who chairs the House Judiciary Committee, has been openly discussing how to change the immigration status of the 11 million illegal immigrants in the U.S. without awarding them special status. His idea is to allow illegal immigrants to have legal work status – a 'green card' – and then to allow them access to a list of existing routes to citizenship. They could be sponsored by a U.S. company, for instance, or by a relative who's already a citizen. Goodlatte favors this more narrow approach to the Senate's catch-all bill, which has a companion bill in the House that no Republicans have been willing to endorse. House Majority Leader Eric Cantor, another Virginia Republican, is also helping Goodlatte with a bill that would provide a path to citizenship for immigrants brought illegally to the U.S. as children. Idaho Rep. Raul Labrador and Texas Rep. Ted Poe are trying to create a visa program that would target low-skilled workers for migration into the U.S. Several of these narrow proposals have already passed through House committees, and their Republican chairman are hoping they see action. The U.S.-Mexico border fence stretches through the port of entry at San Ysidro. Millions pass through this checkpoint every year, many of them smuggled in. And countless others cross parts of the border where there are no fences The U.S.-Mexico border fence stretches through the port of entry at San Ysidro. Millions pass through this checkpoint every year, many of them smuggled in. And countless others cross parts of the border where there are no fences Some Latinos are angry at President Obama because he hasn't delivered on his promise of comprehensive immigration reform Some Latinos are angry at President Obama because he hasn't delivered on his promise of comprehensive immigration reform. Others are frustrated that the president has dramatically increased the number of illegal immigrants who are deported back to their home countries House Homeland Security Committee chairman Mike McCaul of Texas told the AP that he thinks a series of immigration bills 'would be the next agenda item in the queue after we're done with this [debt limit] mess.' Cantor spokesman Doug Heye insists, however, that while 'moving immigration forward remains a priority ... right now there's no firm timetable.' Goodlatte has said, though, that he wants to see some movement by the end of October on a bill that could give the Senate some basis to negotiate. A senior aide to a southern Republican House member said that ultimately, some Republicans don't want their party to be 'on the wrong side of the new electoral math,' and 'if we can create our own grateful constituency, that's just good politics in addition to doing the right thing.'

#### Public backlash to closing Gitmo gets Congress on

Posner 13 Eric, Professor at University of Chicago Law School; “President Obama Can Shut Guantanamo Whenever He Wants” *Slate*; May 2, 2013; http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/president\_obama\_can\_shut\_guantanamo\_whenever\_he\_wants\_to.html

The real issue here, of course, is that Congress has given the president a convenient excuse for not doing something he doesn’t really want to do anyway. The public wants to keep Guantanamo open. Shutting it would generate a serious backlash that enraged members of Congress would whip up. It also matters that President Obama does not object to indefinite detention, but to the island prison itself. That is why he wants to move detainees to a supermax in the United States, not release them. But doing so would make clear that his campaign promise to shut down Guantanamo Bay was an empty one. The place of indefinite detention would change; the system supporting it would not. He does better with headlines like “Congress, rules keep Obama from closing Guantanamo Bay” than with “Obama moves detainees to U.S. soil where they will remain forever.” The president will not shut Guantanamo, and the reason is politics, not law. If you don’t like this choice, blame him.

Immigration is critical to the growth – every day it’s delayed crushes competitiveness.

Garfield 13 [Dean Garfield, president and CEO of the Information Technology Industry Council, Mercury News, 02/12/2013, “Dean Garfield: Immigration reform means a stronger Silicon Valley and U.S. economy,” http://www.mercurynews.com/opinion/ci\_22570060/dean-garfield-immigration-reform-means-stronger-silicon-valley]

The recent jobs report and the decline in fourth-quarter GDP growth reinforce that the U.S. economy is teetering on the edge of stalling. The policy decisions made in 2013 will be critical in determining our fate. To ensure a future of renewed prosperity and innovation, we should move quickly to advance immigration reform. As an immigrant who spent six years separated from his mother as she dealt with the immigration bureaucracy, I understand the moral imperative of immigration reform. That said, there should be no doubt that reform is in the best interest of Silicon Valley, of California and of our nation. The data are undeniable. When a foreign-born, advanced-degree graduate from a U.S. university decides to stay here and work in a math or science field, an additional 2.6 jobs are created. Multiply that by 50,000 or 100,000 foreign graduate students, and you begin to see just how forcefully immigration reform can propel the economy. From 1995 through 2005, immigrants founded 25 percent of the venture-backed startups in the U.S., and nearly 50 percent in Silicon Valley. In 2011, immigrant entrepreneurs were responsible for more than one in four new U.S. businesses, and immigrant businesses employ one in every 10 people working for private companies. Immigrants and their children founded 40 percent of Fortune 500 companies. These firms, including dynamic brands like Apple, Google, eBay and IBM, collectively generated $4.2 trillion in revenue in 2010 -- more than the GDP of every country in the world except the United States, China and Japan. Immigration is innovation. Every day that goes by without immigration reform is another day when new jobs and new industries start in foreign countries instead of on American shores. If we want next-generation industries to be founded in San Jose instead of Shenzhen, then our policymakers must seize this moment and produce legislation that all sides can support. If done right, immigration reform will result in a stronger innovation economy for the U.S., with new industries, new jobs and new opportunities. To achieve our full economic potential, we must deal with the entire spectrum of immigrants. Reforming our high-skill system will allow companies to fill tens of thousands of good-paying but vacant jobs in knowledge-dependent sectors. ITI recently co-authored a report with the U.S. Chamber of Commerce and the Partnership for a New American Economy on this topic. It found that immigrants working in science, technology, engineering and math (STEM) fields in the U.S. do not compete with American workers but complement them. Reform can help address our STEM skills gap, reward entrepreneurship and fund a pipeline of homegrown STEM students. If Congress can reach agreement on a fair process to legalize the millions of undocumented immigrants in the United States, experts predict that they would add $1.5 trillion to the U.S. gross domestic product during the next 10 years. This would create a cycle that exerts upward pressure on the wages of both American and immigrant workers. Higher wages and better jobs translate into increased consumer purchasing power, which benefits the U.S. economy. Fortunately, the president and Republicans and Democrats in Congress are forging common ground on a set of policy principles that would serve the national interest. This leadership is a once-in-a-generation opportunity, and all of us who have a stake in an effective immigration system should work to build support for it. We cannot afford to miss this opportunity to turn away from old, misguided stereotypes and toward a stronger American future.

Economic collapse causes global nuclear war.

Merlini, Senior Fellow – Brookings, 11

[Cesare Merlini, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? DOI: 10.1080/00396338.2011.571015 Article Requests: Order Reprints : Request Permissions Published in: journal Survival, Volume 53, Issue 2 April 2011 , pages 117 - 130 Publication Frequency: 6 issues per year Download PDF Download PDF (~357 KB) View Related Articles To cite this Article: Merlini, Cesare 'A Post-Secular World?', Survival, 53:2, 117 – 130]

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

## Deference DA

#### Judicial deference is stable now but the plan’s precedent collapses it

John O’Connor 7, Former officer in the Marine Corp and Judge Advocate; JD, U Maryland Law School. Statistics and the Military Deference Doctrine: a Response to Professor Lichtman, 66 Md. L. Rev. 668, Lexis

As I have written elsewhere, one of the most important aspects of the military deference doctrine, and one that many commentators misunderstand,176 is that the military deference doctrine is not a venerable doctrine that has existed since the early days of the Republic. 177 Indeed, a review of the Court’s military deference jurisprudence could lead one to the conclusion that the doctrine was more or less the brainchild of Chief Justice Rehnquist, who wrote virtually every important military deference decision that the Court has issued.178 While notions of stare decisis may militate against a retreat from the military deference doctrine by the Court, the fact remains that the doctrine is one of fairly recent vintage, which was developed and perpetuated mainly through judicial opinions written by a Justice who is no longer on the Court. Moreover, while stare decisis is a nice concept in the abstract, that doctrine did not prevent the Court from radically changing its approach to constitutional challenges to military practices twice before. Therefore, it is not out of the realm of possibility that the military deference doctrine could recede in importance with personnel changes on the Court. This could occur through an express overruling of the doctrine, through decisions narrowing the doctrine’s application, or through a more subtle process whereby the Court continues to pay lip service to its need to defer to political branch judgments but nevertheless accords little or no actual deference to the policy determinations of Congress and the President.

But early indications from the Roberts Court, with Chief Justice Roberts and Justice Alito replacing Chief Justice Rehnquist and Justice O’Connor, respectively, provide reason to believe that the military deference doctrine will continue to be a robust feature of the Court’s military jurisprudence, at least in the near term. In FAIR, the first “military” case decided by the Roberts Court, the Court upheld the Solomon Amendment against a constitutional challenge and, in so doing, began its constitutional analysis by extolling the virtues of the military deference doctrine when Congress legislates pursuant to its constitutional power to raise and support armies:

The Constitution grants Congress the power to “provide for the common Defence,” “[t]o raise and support Armies,” and “[t]o provide and maintain a Navy.” Congress’ power in this area “is broad and sweeping,” and there is no dispute in this case that it includes the authority to require campus access for military recruiters. That is, of course, unless Congress exceeds constitutional limitations on its power in enacting such legislation. But the fact that legislation that raises armies is subject to First Amendment constraints does not mean that we ignore the purpose of this legislation when determining its constitutionality; as we recognized in Rostker, “judicial deference . . . is at its apogee” when Congress legislates under its authority to raise and support armies.179

While it is always dangerous to draw conclusions from a single case, all participating members of the Court—Justice Alito did not participate—joined Chief Justice Roberts’s opinion, which invoked the military deference doctrine as its first step in constitutional analysis once the Court resolved what the statute in fact provided.180 Moreover, this is a case that could have been decided on a number of grounds, such as a pure Spending Clause or First Amendment basis, 181 without invoking the military deference doctrine, and the Court’s prominent reliance on the military deference doctrine to support its decision suggests that there is no move afoot to eradicate the doctrine, explicitly or through subtle narrowing. For his part, Justice Alito noted prominently in his confirmation hearing that he had joined a conservative Princeton alumni group because, as an alumnus who attended Princeton on an ROTC scholarship, he was unhappy that the school had decided to abolish the campus ROTC program.182 While, again, predicting judicial attitudes based on personal history is always a risky proposition, Justice Alito’s background makes him seem like an unlikely candidate to take up the sword against the military deference doctrine, particularly when every other member of the Court joined an opinion applying it in FAIR.

V. Conclusion

This Article is by no means an attempt to catalogue every military deference case decided by the Court, or to discuss every nuance in its application. n183 It is important, however, that the doctrine be understood, both in terms of the facts surrounding its development and the limited scope of the doctrine as evidenced by the framework in which it is applied. Professor Lichtman's article on the military deference doctrine is thought provoking in that it challenges the orthodoxy by which the military deference doctrine is viewed - through the lens of time rather than through the lens of subject matter irrespective of time. n184 Ultimately, however, I have come to the conclusion that Professor Lichtman's analysis of the military deference doctrine is flawed in several important respects, all of which result in a fundamental misunderstanding [\*706] of the doctrine. In my estimation, the principal flaws in Professor Lichtman's analysis include: focusing on "win-loss" records rather than on the analytical framework in which those wins and losses occurred; failing to perceive that the military deference doctrine should - and does - apply only to a narrow category of "military" cases; incorrectly casting the military deference doctrine as a longstanding and relatively stable doctrine that has only subtly evolved since the early twentieth century; determining that subject matter, rather than timing, is the proper variable around which to organize an analysis of military deference decisions; and concluding that the military deference doctrine does not - and should not - apply to statutes and regulations burdening civilians instead of military personnel.

The military deference doctrine is, at once, both historically immature and limited, yet potent when applicable. After the disruption that occurred in the course of the Court's prior rejection of the doctrine of noninterference, the Court ultimately landed on the military deference doctrine as an appropriate analytical framework, where applicable, in the mid-1970s, and the Court has largely remained in the same place with its military jurisprudence ever since. The Court's rejection of its noninterference policy beginning in the mid-1950s likely came about as a result of what the Court perceived as overreaching by the political branches in subjecting persons - military and civilian - to courts-martial in a willy-nilly fashion. If the military deference doctrine were to recede in importance in the future, it would be a good bet that it happens because some collection of Supreme Court Justices perceives that Congress and the President are overreaching in the exercise of their constitutional powers to raise armies and regulate the armed forces. At present, though, there is no sign that such an upheaval is anywhere on the horizon.

#### Deference is vital to effective executive crisis response --- solves terror, rogue states, and prolif

Robert Blomquist 10, Professor of Law, Valparaiso University School of Law, THE JURISPRUDENCE OF AMERICAN NATIONAL SECURITY PRESIPRUDENCE, 44 Val. U.L. Rev. 881

Supreme Court Justices--along with legal advocates--need to conceptualize and prioritize big theoretical matters of institutional design and form and function in the American national security tripartite constitutional system. By way of an excellent introduction to these vital issues of legal theory, the Justices should pull down from the library shelf of the sumptuous Supreme Court Library in Washington, D.C. (or more likely have a clerk do this chore) the old chestnut, The Legal Process: Basic Problems in the Making and Application of Law by the late Harvard University law professors Henry M. Hart and Albert M. Sacks. n7 Among the rich insights on institutional design coupled with form and function in the American legal system that are germane to the Court's interpretation of national security law-making and decision-making by the President are several pertinent points. First, "Hart and Sacks' intellectual starting point was the interconnectedness of human beings, and the usefulness of law in helping us coexist peacefully together." n8 By implication, therefore, the Court should be mindful of the unique [\*883] constitutional role played by the POTUS in preserving peace and should prevent imprudent judicial actions that would undermine American national security. Second, Hart and Sacks, continuing their broad insights of social theory, noted that legal communities establish "institutionalized[] procedures for the settlement of questions of group concern" n9 and regularize "different procedures and personnel of different qualifications . . . appropriate for deciding different kinds of questions" n10 because "every modern society differentiates among social questions, accepting one mode of decision for one kind and other modes for others-e.g., courts for 'judicial' decisions and legislatures for 'legislative' decisions" n11 and, extending their conceptualization, an executive for "executive" decisions. n12 Third, Professors Hart and Sacks made seminal theoretical distinctions between rules, standards, principles, and policies. n13 While all four are part of "legal arrangements [\*884] in an organized society," n14 and all four of these arrangements are potentially relevant in judicial review of presidential national security decisions, principles and policies n15 are of special concern because of the sprawling, inchoate, and rapidly changing nature of national security threats and the imperative of hyper-energy in the Executive branch in responding to these threats. n16

The Justices should also consult Professor Robert S. Summers's masterful elaboration and amplification of the Hart and Sacks project on enhancing a flourishing legal system: the 2006 opus, Form and Function in a Legal System: A General Study. n17 The most important points that [\*885] Summers makes that are relevant to judicial review of American national security presiprudence are three key considerations. First, a "conception of the overall form of the whole of a functional [legal] unit is needed to serve the founding purpose of defining, specifying, and organizing the makeup of such a unit so that it can be brought into being and can fulfill its own distinctive role" n18 in synergy with other legal units to serve overarching sovereign purposes for a polity. The American constitutional system of national security law and policy should be appreciated for its genius in making the POTUS the national security sentinel with vast, but not unlimited, powers to protect the Nation from hostile, potentially catastrophic, threats. Second, "a conception of the overall form of the whole is needed for the purpose of organizing the internal unity of relations between various formal features of a functional [legal] unit and between each formal feature and the complementary components of the whole unit." n19 Thus, Supreme Court Justices should have a thick understanding of the form of national security decision-making conceived by the Founders to center in the POTUS; the ways the POTUS and Congress historically organized the processing of national security through institutions like the National Security Council and the House and Senate intelligence committees; and the ways the POTUS has structured national security process through such specific legal forms as Presidential Directives, National Security Decision Directives, National Security Presidential Decision Directives, Presidential Decision Directives, and National Security Policy Directives in classified, secret documents along with typically public Executive Orders. n20 Third, according to Summers, "a conception of the overall form of the whole functional [legal] unit is needed to organize further the mode of operation and the instrumental capacity of the [legal] unit." n21 So, the Supreme Court should be aware that tinkering with national security decisions of the POTUS--unless clearly necessary to counterbalance an indubitable violation of the text of the Constitution--may lead to unforeseen negative second-order consequences in the ability of the POTUS (with or without the help of Congress) to preserve, protect, and defend the Nation. n22

[\*886] B. Geopolitical Strategic Considerations Bearing on Judicial Interpretation

Before the United States Supreme Court Justices form an opinion on the legality of national security decisions by the POTUS, they should immerse themselves in judicially-noticeable facts concerning what national security expert, Bruce Berkowitz, in the subtitle of his recent book, calls the "challengers, competitors, and threats to America's future." n23 Not that the Justices need to become experts in national security affairs, n24 but every Supreme Court Justice should be aware of the following five basic national security facts and conceptions before sitting in judgment on presiprudential national security determinations.

(1) "National security policy . . . is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice." n25 While "[y]esterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers" n26, the twenty-first century reality is that "[t]hreats are also more likely to be intertwined--proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers." n27

(2) "Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat--the Soviet Union--was brittle, most of the potential adversaries and challengers America now faces are resilient." n28

(3) "The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events." n29 Importantly, "[w]hen you hold [\*887] the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not." n30

(4) While "keeping the strategic advantage may not have the idealistic ring of making the world safe for democracy and does not sound as decisively macho as maintaining American hegemony," n31 maintaining the American "strategic advantage is critical, because it is essential for just about everything else America hopes to achieve--promoting freedom, protecting the homeland, defending its values, preserving peace, and so on." n32

(5) The United States requires national security "agility." n33 It not only needs "to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources." n34

[\*888] As further serious preparation for engaging in the jurisprudence of American national security presiprudence in hotly contested cases and controversies that may end up on their docket, our Supreme Court Justices should understand that, as Walter Russell Mead pointed out in an important essay a few years ago, n35 the average American can be understood as a Jacksonian pragmatist on national security issues. n36 "Americans are determined to keep the world at a distance, while not isolating ourselves from it completely. If we need to take action abroad, we want to do it on our terms." n37 Thus, recent social science survey data paints "a picture of a country whose practical people take a practical approach to knowledge about national security. Americans do not bother with the details most of the time because, for most Americans, the details do not matter most the time." n38 Indeed, since the American people "do know the outlines of the big picture and what we need to worry about [in national security affairs] so we know when we need to pay greater attention and what is at stake. This is the kind of knowledge suited to a Jacksonian." n39

Turning to how the Supreme Court should view and interpret American presidential measures to oversee national security law and policy, our Justices should consider a number of important points. First, given the robust text, tradition, intellectual history, and evolution of the institution of the POTUS as the American national security sentinel, n40 and the unprecedented dangers to the United States national security after 9/11, n41 national security presiprudence should be accorded wide latitude by the Court in the adjustment (and tradeoffs) of trading liberty and security. n42 Second, Justices should be aware that different presidents [\*889] institute changes in national security presiprudence given their unique perspective and knowledge of threats to the Nation. n43 Third, Justices should be restrained in second-guessing the POTUS and his subordinate national security experts concerning both the existence and duration of national security emergencies and necessary measures to rectify them. "During emergencies, the institutional advantages of the executive are enhanced", n44 moreover, "[b]ecause of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times." n45 Fourth, Supreme Court Justices, of course, should not give the POTUS a blank check--even during times of claimed national emergency; but, how much deference to be accorded by the Court is "always a hard question" and should be a function of "the scale and type of the emergency." n46 Fifth, the Court should be extraordinarily deferential to the POTUS and his executive subordinates regarding questions of executive determinations of the international laws of war and military tactics. As cogently explained by Professors Eric Posner and Adrian Vermeule, n47 "the United States should comply with the laws of war in its battle against Al Qaeda"--and I would argue, other lawless terrorist groups like the Taliban--"only to the extent these laws are beneficial to the United States, taking into account the likely response of [\*890] other states and of al Qaeda and other terrorist organizations," n48 as determined by the POTUS and his national security executive subordinates.

## Cap K

Their divorcement of ethics from politics cedes the political sphere to liberal capitalism – only a radical repoliticization of ethics can challenge the status quo

Zizek, 1999 (Slavoj, “NATO AS THE LEFT HAND OF GOD,” Arena Magazine, August 1)

The problem is rather that this purely humanitarian-ethic legitimisation (again) thoroughly depoliticises the military intervention, changing it into an intervention into humanitarian catastrophe, grounded in purely moral reasons, not an intervention into a well-defined political struggle. In this way, the `militaristic' intervention (into the social struggle) is presented as a help to the victims of (ethnic, etc.) hatred and violence, justified directly in depoliticised terms of universal human rights. Consequently, what we need is not a `true' demilitarised humanism/pacifism, but a `militaristic' social intervention divested of the depoliticised humanist/pacifist coating. Even the large majority of those who opposed the NATO bombing, silently accepted this moralistic logic, merely complaining that this logic was not fully implemented, that other interests (strategic, geopolitical, etc.) were behind it. The typical stance of a moralist opponent to the NATO bombardment of Yugoslavia was that he or she supports the moral consideration for human rights, but deplores the concrete way in which NATO militarily intervened (bombing bridges and civilian objects, etc.). What I am tempted to do is to reverse this commonplace position. The NATO intervention ultimately did bring about some good results -- refugees are returning, the Milosevic rule is for the first time seriously threatened. What was problematic about it was precisely its depoliticised humanitarian legitimisation. So, in this perspective, every actual act is bad. When Serbs cleanse Kosovo of Albanians, it's bad; when NATO intervenes to prevent it, it's bad; when the KLA strikes back, it's bad. On the other hand, every excuse is good, since it allows us to claim that, of course, we await and want an act, but a proper moralistic act, the conditions for which are just never here -- like the proverbial falsely enlightened husband who, in principle, agrees that his wife can take lovers, but complains apropos of every actual lover she chooses `Okay, you can have lovers, but not this one, why did you have to pick up this miserable guy!' The ultimate cause of this moralistic depoliticisation is, of course, the retreat of the great leftist historico-political narratives and projects. In this constellation, rationally convinced that the radical change of the existing liberal-democratic capitalist system is no longer even imaginable as a serious political project, but nonetheless unable to fully renounce their passionate attachment to the prospect of such a global change, the disappointed Leftists invest the thwarted excess of their political energy that cannot find satisfaction in the moderate changes within the system, into the abstract and excessively rigid moralising stance. So the choice is: either we resignedly renounce this `excessive' stubborn attachment to the prospect of global change and `maturely' accept our post-political universe of particular pragmatic solutions, or we risk a thorough repoliticisation that would translate the false moralist zeal back into a radical ethico-political commitment. To get a taste of this falsity, it is sufficient to compare this recent moral tone with the great emancipatory movements based on the universalist moral appeal epitomised by the names of Mahathma Gandhi and Martin Luther King. Gandhi and King led movements directed not against a certain group of people, but against concrete (racist, colonialist) institutionalised practices. Their movements involved a positive, all-inclusive stance that, far from excluding the `enemy' (whites, English colonisers), made an appeal to their moral sense and asked them to do something that would restore their own moral dignity. By contrast, the predominant form of today's moralism is the fake gesture of the disavowed politics, of assuming a `moral', depoliticised stance in order to make a stronger political case. This stance is not assertive, but controlling, leveraging, bridling. What we saw in NATO's intervention in Kosovo was a perverted version of what, in the good old days of dissidence, Vaclav Havel called the `power of the powerless': one manipulates one's powerlessness as a stratagem in order to gain more power, in exactly the same way that today, in our politically correct times, in order for one's voice to gain authority, one has to legitimise oneself as being some kind of a (potential or actual) victim of power.

#### The unchecked spread of neoliberal capitalism necessitates extermination in the name of profit – ensures poverty and environmental and cultural destruction, culminating in eventual extinction.

Cole 11 [Dr. Mike Cole is Emeritus Research Professor in Education and Equality at Bishop Grosseteste University College Lincoln, Lincoln, UK. His most recent book is Racism and Education in the U.K. and the U.S.: towards a socialist alternative (New York and London: Palgrave Macmillan, 2011 RACISM AND EDUCATION IN THE U.K. AND THE U.S. Palgrave Macmillan (June 7, 2011), pgs. 180-182]

Neo-liberal capitalism, in being primarily about expanding opportunities for large multinational companies, has undermined the power of nation¬states and exacerbated the negative effects of globalization on such services as healthcare, education, water and transport (Martinez and Garcia, 2000). However, the current hegemonic role of business in schooling is para¬mount in convincing workers and future workers that socialism is off the agenda. Marxist educators and other Left radicals should expose this myth. Students have a right to discuss different economic and political systems such as twenty-first-century democratic socialism. This is particularly press¬ing given the current economic recession. It is easier in general for discussion in schools to embrace issues of gender, “race,” disability, sexual orientation, and social class when social class relates just to attainment than to address social class in the context of overthrowing capitalism, and replacing it with world democratic socialism, where participatory democracy is central. The latter may thus be seen as the last taboo, and, of course, understandably so. It is time to move forward and bring such discussions into schools, colleges, and universities, Marxist and other Left educators can make the case that such considerations are a perfectly reasonable democratic demand. Global capitalism is out of control, and the very survival of our planet is dependent on dialogical education that considers the socialist alternative, an alternative distanced from the distortions of Marx by Stalinism. No longer can socialism be divorced from environmental and ecologi¬cal issues. McLaren and Houston (2005, p, 167) have argued that “escalat¬ing environmental problems at all geographical scales from local to global have become a pressing reality that critical educators can no longer afford to ignore.” They go on to cite “the complicity between global profiteering, resource colonization, and the wholesale ecological devastation that has become a matter of everyday life for most species on the planet.” Following Kahn (2003), they state the need for “a critical dialogue between social and eco-justice” (McLaren and Houston 2005, p. 168). They call for a dialec¬tics of ecological and environmental justice to reveal the malign interaction between capitalism, imperialism, and ecology that has created widespread environmental degradation that has dramatically accelerated with the onset of neo-liberalism. World capitalism’s environmentally racist (Bullard et al., 2007) effects in both the “developing” and “developed” world should be discussed openly and freely in the educational institutions. As far as the “developing world” is concerned, there are, for example, such issues as the environmentally dev-astating method of extraction of natural resources utilized by multinational corporations in numerous “developing” countries that have devastated eco-systems and destroyed cultures and livelihoods (World Council of Churches, 1994, cited in Robinson, 2000), with toxic waste polluting groundwater, soil and the atmosphere (e.g., Robinson, 2000). In addition, there is trans¬boundary dumping of hazardous waste by developed countries to develop¬ing nations, usually in sub-Sahara Africa (e.g., Ibitayo et al., 2008; see also Blanco, 2010 on Latin America). As far as the “developed” world is concerned, in the U.S., for example, people of color are concentrated around hazardous waste facilities-more than half of the nine million people living within two miles of such facilities are minorities (Bullard et al., 2007). Finally, there is the ubiquitous issue of climate change, itself linked to the totally destructive impact of capitalism. Joel Kovel (2010) has described cli-mate change as “a menace without parallel in the whole history of humanity.” However, on a positive note, he argues that “[it]s spectacular and dramatic character can generate narratives capable of arousing general concern and thus provide a stimulus to build movements of resistance.” Climate change is linked to loss to the planet of living things—also a rallying point for young people. For Marxist educators, this provides a good inroad for linking envi¬ronment, global capitalism, and arguments for the socialist alternative. As Kovel (2010) puts it, only within the framework of a revolutionary ecoso- cialist society can we deal with the twinned crises of climate change and spe¬cies loss—and others as well—within a coherent program centered around the flourishing of life.” Capitalism and the destruction of the environment are inextricably linked, to the extent that it is becoming increasingly apparent that saving the environment is dependent on the destruction of capitalism. Debate should therefore include a consideration of the connections between global capital¬ism and environmental destruction, as well as a discussion of the socialist alternative. The need for environmental issues to be allied to socialism is paramount. As Nick Beams (2009) notes, all the “green” opponents of Marxism view “the overthrow of the capitalist system by means of the socialist revolution as the key to resolving the problems of global warming” as either “unrealis¬tic,” “not immediate enough,” or believe that socialism is hostile to nature. Beams (ibid.) argues that, in reality, “the system of market relations is based on the separation of the producers from the means of production, and it is this separation—-the metabolic rift between [human beings] and nature— that is the source of the crisis.” In other words, instead of the real producers of wealth (the working class) having control over what they produce and rationally assigning this to human need, goods are irrationally produced for profit. Beams (ibid.) quotes Marx (1894 [1966] p. 959) as follows: Freedom. ..can consist only in this, that socialised man, the associated pro¬ducers, govern the human metabolism with nature in a rational way, bringing it under their collective control instead of being dominated by it as a blind power; accomplishing it with the least expenditure of energy and in conditions most worthy and appropriate for their human nature. As Beams (2009) concludes, “[f]ar from Marx being outdated, the world has, so to speak, caught up with Marx.”

Vote negative as an absolute rejection of the structures that support capitalism

We must hollow out capitalist structures by refusing to invest our energy in reforms and rescue operations

Herod 2004

(James, Getting Free, http://site.www.umb.edu/faculty/salzman\_g/Strate/GetFre/06.htm)

  It is time to try to describe, at first abstractly and later concretely, a strategy for destroying capitalism. This strategy, at its most basic, calls for pulling time, energy, and resources out of capitalist civilization and putting them into building a new civilization. The image then is one of emptying out capitalist structures, hollowing them out, by draining wealth, power, and meaning out of them until there is nothing left but shells.

      This is definitely an aggressive strategy. It requires great militancy, and constitutes an attack on the existing order. The strategy clearly recognizes that capitalism is the enemy and must be destroyed, but it is not a frontal attack aimed at overthrowing the system, but an inside attack aimed at gutting it, while simultaneously replacing it with something better, something we want.

      Thus capitalist structures (corporations, governments, banks, schools, etc.) are not seized so much as simply abandoned. Capitalist relations are not fought so much as they are simply rejected. We stop participating in activities that support (finance, condone) the capitalist world and *start participating* in activities that build a new world while simultaneously undermining the old. We create a new pattern of social relations alongside capitalist relations and then we continually build and strengthen our new pattern while doing every thing we can to weaken capitalist relations. In this way our new democratic, non-hierarchical, non-commodified relations can eventually overwhelm the capitalist relations and force them out of existence.

      This is how it has to be done. This is a plausible, realistic strategy. To think that we could create a whole new world of decent social arrangements overnight, in the midst of a crisis, during a so-called revolution, or during the collapse of capitalism, is foolhardy. Our new social world must grow within the old, and in opposition to it, until it is strong enough to dismantle and abolish capitalist relations. Such a revolution will never happen automatically, blindly, determinably, because of the inexorable, materialist laws of history. It will happen, and only happen, because we want it to, and because we know what we’re doing and know how we want to live, and know what obstacles have to be overcome before we can live that way, and know how to distinguish between our social patterns and theirs.

      But we must not think that the capitalist world can simply be ignored, in a live and let live attitude, while we try to build new lives elsewhere. (There *is* no elsewhere.) There is at least one thing, wage-slavery, that we can’t simply stop participating in (but even here there are ways we can chip away at it). Capitalism must be explicitly refused and replaced by something else. This constitutes War, but it is not a war in the traditional sense of armies and tanks, but a war fought on a daily basis, on the level of everyday life, by millions of people. It is a war nevertheless because the accumulators of capital will use coercion, brutality, and murder, as they have always done in the past, to try to block any rejection of the system. They have always had to force compliance; they will not hesitate to continue doing so. Nevertheless, there are many concrete ways that individuals, groups, and neighborhoods can gut capitalism, which I will enumerate shortly.

      We must always keep in mind how we became slaves; then we can see more clearly how we can cease being slaves. We were forced into wage-slavery because the ruling class slowly, systematically, and brutally destroyed our ability to live autonomously. By driving us off the land, changing the property laws, destroying community rights, destroying our tools, imposing taxes, destroying our local markets, and so forth, we were forced onto the labor market in order to survive, our only remaining option being to sell, for a wage, our ability to work.

      It’s quite clear then how we can overthrow slavery. We must reverse this process. We must begin to reacquire the ability to live without working for a wage or buying the products made by wage-slaves (that is, we must get free from the labor market and the way of living based on it), and embed ourselves instead in cooperative labor and cooperatively produced goods.

      Another clarification is needed. This strategy does not call for reforming capitalism, for changing capitalism into something else. It calls for replacing capitalism, totally, with a new civilization. This is an important distinction, because capitalism has proved impervious to reforms, as a system. We can sometimes in some places win certain concessions from it (usually only temporary ones) and win some (usually short-lived) improvements in our lives as its victims, but we cannot reform it piecemeal, as a system.

      Thus our strategy of gutting and eventually destroying capitalism requires at a minimum a totalizing image, an awareness that we are attacking an entire way of life and replacing it with another, and not merely reforming one way of life into something else.

Many people may not be accustomed to thinking about entire systems and social orders, but everyone knows what a lifestyle is, or a way of life, and that is the way we should approach it.

      The thing is this: in order for capitalism to be destroyed millions and millions of people must be dissatisfied with their way of life. They must *want something else* and see certain existing things as obstacles to getting what they want. It is not useful to think of this as a new ideology. It is not merely a belief-system that is needed, like a religion, or like Marxism, or Anarchism. Rather it is a new prevailing vision, a dominant desire, an overriding need. What must exist is a pressing desire to live a certain way, and not to live another way. If this pressing desire were a desire to live free, to be autonomous, to live in democratically controlled communities, to participate in the self-regulating activities of a mature people, then capitalism could be destroyed. Otherwise we are doomed to perpetual slavery and possibly even to extinction.

## China

#### Obama’s ignoring human rights with China now – he doesn’t think he has the moral authority

Roth 10

Kenneth Roth, Foreign Affairs, Executive Director of Human Rights Watch, “Empty Promises: Obama's Hesitant Embrace of Human Rights”, 89 Foreign Aff. 10 2010 //jchen

Similarly, in China, Obama followed in the footsteps of successive U.S. presidents by downplaying the importance of human rights in favor of promoting trade, economic ties, and diplomatic cooperation. Before a handpicked audience of "future Chinese leaders" in Shanghai, he spoke of the United States' journey up from slavery and the struggles for women's and workers' rights, making clear that the United States, too, has a far-from-perfect human rights record. He affirmed the United States' bedrock belief "that all men and women are created equal, and possess certain fundamental rights." However, in a question-and-answer session, he seemed to suggest that China's draconian "great firewall" on the Internet was a reflection of different "traditions," rather than demanding that itbe torn down. That remark led to a storm of criticism from Chinese bloggers, and Obama left the country appearing to be in thrall to Chinese economic power and barely interested in risking anything to protect the rights of the 1.3 billion Chinese still living under a dictatorship. In a speech at Georgetown University a few weeks later, Secretary of State Hillary Clinton justified this approach as "principled pragmatism," and administration officials have spoken privately of building up political capital to press China on human rights in the future. But there is no such pressure today. From Clinton's February 2009 statement that human rights "can't interfere" with other U.S. interests in China to Obama's refusal to meet with the Dalai Lama in October, Washington has consistently failed to confront China's authoritarian rulers on questions of religious and political freedom.

#### Hunger strikes are the key determinant of US legitimacy – impacts Obama decisionmaking

Revcom 13

Revcom 5/12/13, “Guantánamo: The Hunger Strike and the Hellhole of Made-in-America Torture”, 5/12/13, http://www.revcom.us/a/303/the-hunger-strike-at-guantanamo-en.html //jchen

The hunger strike at Guantánamo has brought this dungeon and all its horrors to world attention. Obama revealed the real reason for his sudden concern about the situation when he said on April 30 that "Guantánamo is not necessary to keep America safe. It is expensive. It is inefficient. It hurts us in terms of our international standing. It lessens cooperation with our allies on counterterrorism efforts. It is a recruitment tool for extremists. It needs to be closed."

In other words, Obama and the imperialist rulers he represents are concerned that their strategic interests are being damaged by prisoners starving themselves to death to protest their unspeakably inhumane treatment at the hands of the country that proclaims itself the champion of "freedom and democracy and the rule of law." The image of America to millions of people across the planet has become the image of Guantánamo—hooded men in orange jumpsuits, held prisoner behind barbed wire, forced to their knees by heavily armed captors.

#### Refocusing on human rights entrenches an ideological divide and reignites a cool war

Feldman 13

Noah Feldman, Bemis Professor of International Law at Harvard Law School, senior adjunct fellow at the Council on Foreign Relations, Salon, 5/19/13, “How Guantanamo affects China: Our human rights hypocrisies ”, http://www.salon.com/2013/05/19/how\_guantanamo\_affects\_china\_our\_human\_rights\_hypocrisies/ //jchen

How Guantanamo affects China: Our human rights hypocrisies

In May 2012, Secretary of State Hillary Clinton and Secretary of Treasury Timothy Geithner were poised to make a rare double visit to China for a high-level strategic and economic dialogue. The presence of both of these key cabinet officials at a delicate moment in the relationship between the two countries marked the importance of the issues. For once, economic interdependence and geopolitics were on the agenda at the same moment.

But on April 22, in the tiny village of Dongshigu in the eastern Shandong province, something happened that would eclipse the visit. Chen Guangcheng, a blind dissident lawyer-activist, managed to scale a high wall to escape the building where he had been under house arrest for two years. Chen broke his foot in the process, yet over the next several days, with the help of other activists, he managed to make his way four hundred miles to Beijing, where he was taken into the U.S. embassy. On April 27, when he was inside the embassy, a YouTube video was posted in which Chen informed Premier Wen Jiabao that he had escaped and demanding punishment for the local officials who had detained him.

In the days that followed, Chen’s future became an international incident of the highest order. Chen first insisted he did not want to leave China. Then, after he was transferred to a Chinese hospital to have his foot treated, he changed his mind. In an emblematic piece of cool war theater, Chen, from his hospital bed, used a borrowed mobile phone to address an open hearing of the U.S. Congress in Washington. He told the congressmen — and the world — that he was worried for his family’s safety and wanted to come to the United States.

Chen’s predicament, featured for days on the front pages of the U.S. press, drew Western eyes away from the secretarial visit. Finally, after days of intense negotiations between ranking U.S. diplomats and their Chinese counterparts, Chen obtained permission to travel to the United States as a special student, a “solution” that spared China the embarrassment of having Chen granted asylum status. The pressing questions of politics and economics that were supposed to be the subject of the visit were ignored, replaced by the subject of human rights.

The Chen Guangcheng episode hints at the hugely complicated and hugely important way that human rights will figure in the cool war. The United States showed a willingness to put human rights issues front and center, even when other issues were supposed to be on the table. The upstaging of a major diplomatic encounter by a focus on China’s human rights violations may conceivably have been planned by someone within the U.S. government, since the whole story of Chen’s escape seems highly improbable without help. Even if the timing of Chen’s escape was accidental, the U.S. embassy still had to decide to take Chen in, creating an inevitable crisis. Either way, the United States knowingly put human rights first in a highly public forum.

From the Chinese standpoint, the whole episode must have been frustrating and embarrassing. Enormous diplomatic resources went into discussing the fate of one previously little-known human rights activist. Instead of being treated respectfully as a rising global power, China was being scolded as a rights violator. The United States seemed to be using human rights to weaken China and give itself an edge in discussions between them.

The emerging historical moment is creating a new context for the rhetoric and practice of human rights. For the first time since the fall of the Soviet Union, the United States now has a major incentive to promote the international human rights agenda. So long as China continues to violate human rights, there may be no better ideological tool for the United States to gain advantage under cool war circumstances.

#### Causes US China War – ideology is comparatively more important than other interests

Feldman 13

Noah Feldman is Bemis Professor of International Law at Harvard Law School, senior adjunct fellow at the Council on Foreign Relations, “Cool War”, 2013 //jchen

The Cold War was a battle of ideals. Communism and liberal de-mocracy each claimed the moral high ground, and each claimed to be superior in practice. As systems, they were mutually exclusive. Only one side could win.

Will the cool war be ideological in the same way? Today, is either China or the United States advocating a universal ideology meant to apply to everyone everywhere? If not, then perhaps in the absence of ideological struggle, the two nations could craft a kind of competitive partnership. Each would have its sphere of influence and shared responsibility for maintaining global security and stability. An Asia dominated by China could be counterbalanced by a West dominated by the United States. Everyone would get along. There would be neither cold war nor cool war. Each would be a “responsible stakeholder” in the international system, as Robert Zoellick, George W. Bush’s deputy secretary of state, optimisti¬cally put it in 2007.

This scenario of shared maintenance of the international order sounds appealing. For the United States, after all, being the sole superpower has had its drawbacks. The financial burden of main¬taining global stability has been high. Even more costly have been America’s unforced errors during two decades of unquestioned dominance. A strategic counterpart might help keep it honest. One reason that the United States invaded Iraq and Afghanistan was that it could.

But if cool war ideologies are sufficiently universal and mutually exclusive, they will pose genuine barriers to peaceful, cooperative strategic coexistence. Ideas about how people should be governed and what states are for exert a tremendous influence on international politics. Political ideas are among the tools we use to define what our interests are. These ideas can be even more important than what realists describe as enduring interests. In interna¬tional affairs, as in every area of life, interests are not facts like the laws of nature. They are, rather, objectives that we choose based on our ideas—the product of what we believe our interests to be.

Of course, countries with very different political ideas and sys¬tems cooperate with one another for mutual benefit. The United States and Saudi Arabia have been close allies for decades despite the fact that one is a democracy with no established religion and the other is an Islamic monarchy. Each side has something the other wants. The United States offers security and a market, and Saudi Arabia offers oil. Even countries at war with each other can reach limited agreements in narrow domains.1

But when political ideologies are opposed and aggressive, then any accommodation cannot be more than temporary—an opportunity for both sides to gather resources for the final battle between them. Cooperation strengthens the enemy and is therefore not to be undertaken except under limited, exceptional circumstances and to avoid disastrous breakdown, like the modest cooperation between the Soviet Union and the United States during the Cold War.

#### Extinction.

White 11 [Mr. Hugh White is professor of strategic studies at the Australian National University in Canberra and a visiting fellow at the Lowy Institute in Sydney. The Obama Doctrine WSJ, 11/25/11 http://online.wsj.com/article/SB10001424052970204452104577057660524758198.html]

One risk is that escalating strategic competition will disrupt the vital economic relationship between the U.S. and China. Many hope that the two countries' deep interdependence will prevent their rivalry getting out of hand. But that will only happen if both sides are willing to forgo strategic objectives to protect their economic cooperation. With the Obama Doctrine, the President has declared that he has no intention of doing that. Why should we expect the Chinese to act any different? So it is more likely that escalating rivalry will soon start to erode economic interdependence between the two nations, at great cost to both. The other risk is the growing chance of conflict. A war with China over Taiwan or the Spratly Islands is simple to start but hard to end, and could very easily escalate. China is a nuclear-armed power capable of destroying American cities, and the threshold for nuclear exchanges in a U.S.-China clash might be dangerously unclear and disastrously low.

## Case

#### Restricting detention policies means we kill and extradite prisoners

Jack Goldsmith 09, a professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, assistant attorney general in the Bush administration, 5/31/09, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.¶ This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.¶ The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

#### Must evaluate consequences

Issac 2 [Jeffrey, professor of political science at Indiana University, Dissent, Spring, ebsco]

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### No biopower impact

Dickinson 4 [Edward Ross, University of Cincinnati, “Biopolitics, Fascism, Democracy: Some Reflections on Our Discourse About “Modernity,” Central European History, vol. 37, no. 1, March]

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

#### Extinction first

Nick Bostrom, Department of Philosophy, Yale University, 2002, “Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards,” [http://www.transhumanist.com/volume9/risks.html //](http://www.transhumanist.com/volume9/risks.html%20//) vkoneru

Our approach to existential risks cannot be one of trial-and-error. There is no opportunity to learn from errors. The reactive approach – see what happens, limit damages, and learn from experience – is unworkable. Rather, we must take a proactive approach. This requires foresight to anticipate new types of threats and a willingness to take decisive preventive action and to bear the costs (moral and economic) of such actions. We cannot necessarily rely on the institutions, moral norms, social attitudes or national security policies that developed from our experience with managing other sorts of risks. Existential risks are a different kind of beast. We might find it hard to take them as seriously as we should simply because we have never yet witnessed such disasters.[5] Our collective fear-response is likely ill calibrated to the magnitude of threat. Reductions in existential risks are global public goods [13] and may therefore be undersupplied by the market [14]. Existential risks are a menace for everybody and may require acting on the international plane. Respect for national sovereignty is not a legitimate excuse for failing to take countermeasures against a major existential risk. If we take into account the welfare of future generations, the harm done by existential risks is multiplied by another factor, the size of which depends on whether and how much we discount future benefits [15,16].

#### They have the equation backwards – the bias is AGAINST making doomsday predictions – our form of calculations are necessary

Bostrom, 2k2

(Bostrom, Professor of Philosophy at Oxford University and Director of the Future of Humanity Institute, ’02 Nick, March, “Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards” Journal of Evolution and Technology, Vol 9, http://www.nickbostrom.com/existential/risks.html)

8.5 Psychological biases? The psychology of risk perception is an active but rather messy field [80] that could potentially contribute indirect grounds for reassessing our estimates of existential risks. Suppose our intuitions about which future scenarios are “plausible and realistic” are shaped by what we see on TV and in movies and what we read in novels. (After all, a large part of the discourse about the future that people encounter is in the form of fiction and other recreational contexts.) We should then, when thinking critically, suspect our intuitions of being biased in the direction of overestimating the probability of those scenarios that make for a good story, since such scenarios will seem much more familiar and more “real”. This Good-story bias could be quite powerful. When was the last time you saw a movie about humankind suddenly going extinct (without warning and without being replaced by some other civilization)? While this scenario may be much more probable than a scenario in which human heroes successfully repel an invasion of monsters or robot warriors, it wouldn’t be much fun to watch. So we don’t see many stories of that kind. If we are not careful, we can be mislead into believing that the boring scenario is too farfetched to be worth taking seriously. In general, if we think there is a Good-story bias, we may upon reflection want to increase our credence in boring hypotheses and decrease our credence in interesting, dramatic hypotheses. The net effect would be to redistribute probability among existential risks in favor of those that seem to harder to fit into a selling narrative, and possibly to increase the probability of the existential risks as a group.

#### Predictions are good enough to act on. Their critique sets the bar too high

Chernoff, ’09 (Fred, Prof. IR and Dir. IR – Colgate U., European Journal of International Relations, “Conventionalism as an Adequate Basis for Policy-Relevant IR Theory”, 15:1, Sage)

For these and other reasons, many social theorists and social scientists have come to the conclusion that prediction is impossible. Well-known IR reflexivists like Rick Ashley, Robert Cox, Rob Walker and Alex Wendt have attacked naturalism by emphasizing the interpretive nature of social theory. Ashley is explicit in his critique of prediction, as is Cox, who says quite simply, ‘It is impossible to predict the future’ (Ashley, 1986: 283; Cox, 1987: 139, cf. also 1987: 393). More recently, Heikki Patomäki has argued that ‘qualitative changes and emergence are possible, but **predictions are not’ defective** and that the latter two presuppose an unjustifiably narrow notion of ‘prediction’.14 A determined prediction sceptic may continue to hold that there is too great a degree of complexity of social relationships (which comprise ‘open systems’) to allow any prediction whatsoever. Two very simple examples may circumscribe and help to refute a radical variety of scepticism. First, **we all make reliable social predictions and do so with great frequency**. We can predict with high probability that a spouse, child or parent will react to certain well-known stimuli that we might supply, based on extensive past experience. More to the point of IR prediction – scepticism, we can imagine a young child in the UK who (perhaps at the cinema) (1) picks up a bit of 19th-century British imperial lore thus gaining a sense of the power of the crown, without knowing anything of current balances of power, (2) hears some stories about the US–UK invasion of Iraq in the context of the aim of advancing democracy, and (3) hears a bit about communist China and democratic Taiwan. Although the specific term ‘preventative strike’ might not enter into her lexicon, it is possible to imagine the child, whose knowledge is thus limited, thinking that if democratic Taiwan were threatened by China, the UK would (possibly or probably) launch a strike on China to protect it, much as the UK had done to help democracy in Iraq. In contrast to the child, readers of this journal and **scholars who study the world** more thoroughly **have factual information** (e.g. about the relative military and economic capabilities of the UK and China) and hold some cause-and-effect principles (such as that states do not usually initiate actions that leaders understand will have an extremely high probability of undercutting their power with almost no chances of success). Anyone who has adequate knowledge of world politics would predict that the UK will not launch a preventive attack against China. In the real world, China knows that for the next decade and well beyond the UK will not intervene militarily in its affairs. While Chinese leaders have to plan for many likely — and even a few somewhat unlikely — future possibilities, they do not have to plan for various implausible contingencies: they do not have to structure forces geared to defend against specifically UK forces and do not have to conduct diplomacy with the UK in a way that would be required if such an attack were a real possibility. Any rational decision-maker in China may use some cause-and-effect (probabilistic) principles along with knowledge of specific facts relating to the Sino-British relationship to predict (P2) that the UK will not land its forces on Chinese territory — even in the event of a war over Taiwan (that is, the probability is very close to zero). The statement P2 qualifies as a prediction based on DEF above and counts as knowledge for Chinese political and military decision-makers. A Chinese diplomat or military planner who would deny that theory-based prediction would have no basis to rule out extremely implausible predictions like P2 and would thus have to prepare for such unlikely contingencies as UK action against China. A reflexivist theorist sceptical of ‘prediction’ in IR might argue that the China example distorts the notion by using a trivial prediction and treating it as a meaningful one. But the critic’s temptation to dismiss its value stems precisely from the fact that it is so obviously true. The value to China of knowing that the UK is not a military threat is significant. The fact that, under current conditions, any plausible cause-and-effect understanding of IR that one might adopt would yield P2, that the ‘UK will not attack China’, does not diminish the value to China of knowing the UK does not pose a military threat. A critic might also argue that DEF and the China example allow non-scientific claims to count as predictions. But we note that while physics and chemistry offer precise ‘point predictions’, other natural sciences, such as seismology, genetics or meteorology, produce predictions that are often much less specific; that is, they describe the predicted ‘events’ in broader time frame and typically in probabilistic terms. W e often find predictions about the probability, for example, of a seismic event in the form ‘some time in the next three years’ rather than ‘two years from next Monday at 11:17 am’. DEF includes approximate and probabilistic propositions as predictions and is thus able to catagorize as a prediction the former sort of statement, which is of a type that is often of great value to policy-makers. With the help of these ‘non-point predictions’ coming from the natural and the social sciences, leaders are able to choose the courses of action (e.g. more stringent earthquake-safety building codes, or procuring an additional carrier battle group) that are most likely to accomplish the leaders’ desired ends. So while ‘point predictions’ are not what political leaders require in most decision-making situations, critics of IR predictiveness often attack the predictive capacity of IR theory for its inability to deliver them. The critics thus commit the straw man fallacy by requiring a sort of prediction in IR (1) that few, if any, theorists claim to be able to offer, (2) that are not required by policy-makers for theory-based predictions to be valuable, and (3) that are not possible even in some natural sciences.15 The range of theorists included in ‘reflexivists’ here is very wide and it is possible to dissent from some of the general descriptions. From the point of view of the central argument of this article, there are two important features that should be rendered accurately. One is that reflexivists reject explanation–prediction symmetry, which allows them to pursue causal (or constitutive) explanation without any commitment to prediction. The second is that almost all share clear opposition to predictive social science.16 The reflexivist commitment to both of these conclusions should be evident from the foregoing discussion.

#### No root cause of war.

Gat, Political Science at Tel Aviv, 9 [Azar, Chair of the Department of Political Science at Tel Aviv University, So Why Do People Fight? Evolutionary Theory and the Causes of War, European Journal of International Relations, 2009, Vol. 15(4): 571–599, http://ejt.sagepub.com/cgi/content/abstract/15/4/571]

Thus attempts to find the root cause of war in the nature of either the individual, the state, or the international system are fundamentally misplaced. In all these ‘levels’ there are necessary but not sufficient causes for war, and the whole cannot be broken into pieces.13 People’s needs and desires — which may be pursued violently — as well as the resulting quest for power and the state of mutual apprehension which fuel the security dilemma are all molded in human nature (some of them existing only as options, potentials, and skills in a behavioral ‘tool kit’); they are so molded because of strong evolutionary pressures that have shaped humans in their struggle for survival over geological times, when all the above literally constituted matters of life and death. The violent option of human competition has been largely curbed within states, yet is occasionally taken up on a large scale between states because of the anarchic nature of the inter-state system. However, returning to step one, international anarchy in and of itself would not be an explanation for war were it not for the potential for violence in a fundamental state of competition over scarce resources that is imbedded in reality and, consequently, in human nature. The necessary and sufficient causes of war — that obviously have to be filled with the particulars of the case in any specific war — are thus as follows: politically organized actors that operate in an environment where no superior authority effectively monopolizes power resort to violence when they assess it to be their most cost-effective option for winning and/or defending evolution-shaped objects of desire, and/or their power in the system that can help them win and/or defend those desired goods. Wars have been fought for the attainment of the same objects of human desire that underlie the human motivational system in general — only by violent means, through the use of force. Politics — internal and external — of which war is, famously, a continuation, is the activity intended to achieve at the intra- and inter-state ‘levels’ the very same evolution-shaped human aims we have already seen. Some writers have felt that ‘politics’ does not fully encompass the causes of war. Even Thayer (2004: 178–9), who correctly argues that evolutionary theory explains ultimate human aims, nonetheless goes on to say, inconsistently, that Clausewitz needs extension because war is caused not only by political reasons but also by the evolutionarily rooted search for resources, as if the two were separate, with politics being somehow different and apart, falling outside of the evolutionary logic. What is defined as ‘politics’ is of course a matter of semantics, and like all definitions is largely arbitrary. Yet, as has been claimed here, if not attributed to divine design, organisms’ immensely complex mechanisms and the behavioral propensities that emanate from them — including those of human beings — ultimately could only have been ‘engineered’ through evolution. The challenge is to lay out how evolution-shaped human desires relate to one another in motivating war. The desire and struggle for scarce resources — wealth of all sorts — have always been regarded as a prime aim of ‘politics’ and an obvious motive for war. They seem to require little further elaboration. By contrast, reproduction does not appear to figure as a direct motive for war in large-scale societies. However, as we saw, appearance is often deceptive, for somatic and reproductive motives are the two inseparable sides of the same coin. In modern societies, too, sexual adventure remained central to individual motivation in going to war, even if it usually failed to be registered at the level of ‘state politics.’ This may be demonstrated by the effects of the sexual revolution since the 1960s, which, by lessening the attraction of foreign adventure for recruits and far increasing the attraction of staying at home, may have contributed to advanced societies’ growing aversion to war. Honor, status, glory, and dominance — both individual and collective — enhanced access to somatic and reproductive success and were thus hotly pursued and defended, even by force. The security dilemma sprang from this state of actual and potential competition, in turn pouring more oil onto its fire. Power has been the universal currency through which all of the above could be obtained and/or defended, and has been sought after as such, in an often escalating spiral. Kinship — expanding from family and tribe to peoples — has always exerted overwhelming influence in determining one’s loyalty and willingness to sacrifice in the defense and promotion of a common good. Shared culture is a major attribute of ethnic communities, in the defense of which people can be invested as heavily as in the community’s political independence and overall prosperity. Finally, religious and secular ideologies have been capable of stirring enormous zeal and violence; for grand questions of cosmic and socio-political order have been perceived as possessing paramount practical significance for securing and promoting life on earth and/or in the afterlife. In the human problem-solving menus, ideologies function as the most general blueprints. Rather than comprising a ‘laundry list’ of causes for war, all of the above partake in the interconnected human motivational system, originally shaped by the calculus of survival and reproduction.

#### War decreasing disproves your root cause claims.

Fettweis 10 [Christopher J., fifth year doctoral student in the University of Maryland's Department of Government and Politics. His primary interests include US foreign and national security policies. His dissertation, currently titled The Geopolitics of Energy and the Obsolescence of Major War, focuses on the relationship between oil and conflict. Mr. Fettweis has a BA in History from the University of Notre Dame, Threat and Anxiety in US Foreign Policy, April 2010 Survival, 52:2, 59 - 82]

Not only is the invasion and conquest of the United States virtually unthinkable, but warfare of all kinds is everywhere on the decline. Since the end of the Cold War, inter-and intra-national conflict and crises have steadily declined in number and intensity.18 The risk for the average person of dying in battle has plummeted since the Second World War, especially since the end of the Cold War.19 The incidence of new wars is also at an all-time low.20 Only one international war has been fought since the invasion of Iraq, and it can be counted only if the common understanding of 'war' is stretched a bit. Despite the sound and fury that accompanied the 2008 Russo-Georgian clash, the combined battle-death figure appears to be under 1,000, which means it would not even qualify as a war using the most-used definitions.21 By virtually all measures, the world is a far more peaceful place than it has been at any time in recorded history.

#### No prior questions—focus on critical theory makes it impossible to describe the world and act

Owen 02**,** David Owen, Reader of Political Theory at the Univ. of Southampton, Millennium Vol 31 No 3 2002 p. 655-7

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

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## XO CP

### Solves – Gen Force of Law

#### EOs have the force of law – as good as statute.

Mayer 1 [Kenneth, Professor of Political Science @ University of Wisconsin – Madison, With the Stroke of a Pen]

These chronicles of presidential decisiveness and unilateral action are at odds with the prevailing scholarly view of presidential power. Among political scientists the conventional wisdom is that the president is weak, hobbled by the separation of powers and the short reach of his formal legal authority. Presidential power, far from being a matter of prerogative or legal rule, “is the power to persuade,” wrote Richard Neustadt in the single most influential statement about the office in the past fifty years.6 Yet throughout U.S. history presidents have relied on their executive authority to make unilateral policy without interference from either Congress or the courts. In this book, I investigate how presidents have used a tool of executive power—the executive order—to wield their inherent legal authority. Executive orders are, loosely speaking, presidential directives that require or authorize some action within the executive branch (though they often extend far beyond the government).They are presidential edicts, legal instruments that create or modify laws, procedures, and policy by fiat. Working from their position as chief executive and commander in chief, presidents have used executive orders to make momentous policy choices, creating and abolishing executive branch agencies, reorganizing administrative and regulatory processes, determining how legislation is implemented, and taking whatever action is permitted within the boundaries of their constitutional or statutory authority. Even within the confines of their executive powers, presidents have been able to “legislate” in the sense of making policy that goes well beyond simple administrative activity. Y ale Law School professor E. Donald Elliot has argued that many of the thousands of executive orders “plainly ‘make law’ in every sense,”7 and Louis Fisher finds that despite the fact that the Constitution unambiguously vests the legislative function in Congress, “the President’s lawmaking role is substantial, persistent, and in many cases disturbing.”8

### Solves – Indefinite Detention

#### Obama empirically corrects detention policy through EOs.

Owens and Shephard 12 [The Impact of the “War on Terror” on Executive-Legislative Relations in the UK and US: A Comparative Analysis John E. Owens The Centre for the Study of Democracy The University of Westminster 32-38 Wells Street, LONDON W1 3SR, United Kingdom and Center for Congressional and Presidential Studies American University 4400 Massachusetts Avenue, NW, WASHINGTON, DC 20016 email owensj@westminster.ac.uk and Mark Shephard University of Strathclyde School of Government and Public Policy Dec 11, 2012 http://www.britishpoliticsgroup.org/BPG%202010-Owens-Shephard.pdf]

In his election campaign, President-elect Obama promised to "turn the page" on the policiesof the Bush administration and inaugurate a new era of moral and civic renewal. As a senator, Obama had criticized the expansive nature of the 2001 and 2003 “use of force” resolutions and the Bush administration’s assertion of “inherent” and “plenary power” and in answers to the Boston Globe’s questionnaire, as a presidential candidate, had rejected “the view that the President may do whatever he deems necessary to protect national security” and disavowed “extreme and implausible claims of presidential authority” (Savage 2007). Within two days of his inauguration, moreover, the new president had signed executive orders revoking the Bush administration’s severe limits on public access to presidential records, closing Guantánamo (albeit with some caveats), ending military tribunals, prohibiting the CIA from maintaining its so-called “black sites” overseas, and by revoking Bush’s EO 13440 (2007) and every executive directive, order, and regulation relating to the detention or interrogation of individuals issued by any executive branch lawyer after 9/11. The new president also transferred primary authority over detention policies to the Justice Department and signalled a much less aggressive and disrespectful approach to the Congress. During his confirmation hearings, Obama’s nominees for Attorney General and CIA Director, Eric Holder and Leon Panetta, repeatedly stressed their wishes to work with the Congress to write new detention and other anti-terror legislation and keep legislators better informed of their activities. Echoing Obama’s election pledge, Holder categorically rejected the view that the president possessed “inherent” power to override congressional statutes: “[N] o one is above the law”, he insisted. “The president has the constitutional obligation to make sure that the laws are faithfully executed” (US. Senate. Judiciary Committee 2009: 23, 30). Before Obama took office, former Vice President Cheney averred that the new president would “appreciate” the expansions of executive power achieved during the Bush administration and “not likely … cede that authority back to the Congress” (Quoted in Bolton 2008). While the new president eschewed the “inherent” powers doctrine of its predecessor, and proposed to engage in “conversations” with the Congress on new legislation, many actions have not invalidated Cheney’s prediction. Indeed, although none of the baggage of “inherent” presidential powers was attached, Obama’s initial executive orders nonetheless effectively revised US torture and interrogation policy unilaterally, without congressional statute or approval; in so doing, allowing that Obama’s new policy could be subsequently overturned by another executive order written by the same president or one of his successors. Obama also did not abandon all claims to exert other unilateral powers and, indeed, when he subsequently did so he typically invoked the same foundational legislation as Bush, chiefly the 2001 use of force resolution, which the Congress made no effort to repeal or amend.

### Detention – Prez Circumvents

#### President will circumvent due process and detention – he’ll pretend it’s nonprosecution

McNeal 8 [Gregory, Visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law. The author previously served as an academic consultant to the former Chief Prosecutor, Department of Defense Office of Military Commissions, “ARTICLE: BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” August 08, 103 Nw. U. L. Rev. Colloquy 29]

3. Executive Forum-Discretion--Any reform which allows for adjudication of guilt in different forums, each with differing procedural protections, raises serious questions of legitimacy and also incentivizes the Executive to use "lesser" forms of justice--nonprosecution or prosecutions by military commission. In this section, my focus is on the incentives which compel the Executive to not prosecute, or to prosecute in military commissions rather than Article III courts. Understanding the reason for these discretionary decisions will guide reformers pondering whether a new system will actually be used by the next President.¶ There are two primary concerns that executive actors face when selecting a forum: protecting intelligence and ensuring trial outcomes. Executive forum-discretion is a different form of prosecutorial discretion with a different balancing inquiry from the one engaged in by courts. Where prosecutorial discretion largely deals with the charges a defendant will face, executive forum-discretion impacts the procedural protections a defendant can expect at both the pretrial and trial phase. Where balancing by Courts largely focuses on ensuring a just outcome which protects rights, the balancing engaged in by executive actors has inwardly directed objectives [\*50] which value rights only to the degree they impact the Executive's self interest.¶ Given the unique implications flowing from forum determinations, reformers can benefit from understanding why an executive actor chooses one trial forum over another. I contend that there are seven predictive factors that influence executive discretion; national security court reformers should be aware of at least the two most salient predictive factors: trial outcomes and protection of intelligence equities. n112 The Executive's balancing of factors yields outcomes with direct implications for fundamental notions of due process and substantial justice. Any proposed reform is incomplete without thoroughly addressing the factors that the Executive balances.

## China DA

#### Guantanamo undermining credibility – prevents us from criticizing others

The Guardian (London) 2005

1/14, “Bush under fire over human rights: Watchdog says US setting bad example,” lexis>

The torture and degrading treatment of prisoners in Iraq, Afghanistan, and Guantanamo Bay have undermined the credibility of the US as a defender of human rights and opponent of terrorism, the New York-based Human Rights Watch says in its annual report.  
"The US government is less and less able to push for justice abroad because it is unwilling to see justice done at home**,**" says Kenneth Roth, the group's executive director.  
The report comes as the Bush administration prepares for inauguration next week. The administration has shown little interest in moderating its aggressive approach to its "global war on terror".   
Yesterday's scathing report argues that the US has weakened its own moral authority at a time that authority is most needed, "in the midst of a seeming epidemic of suicide bombings, beheadings, and other attacks on civilians and noncombatants."

#### Hypocritical counterterrorism policy undermines American willingness to criticize China

deLisle 10

Jacques deLisle, Stephen A. Cozen Professor of Law, Professor of Political Science, and Director of the Center for East Asian Studies, University of Pennsylvania, “Security First? Patterns and Lessons from China's Use of Law To Address National Security Threats”, 4 J. Nat'l Sec. L. & Pol'y 397 2010 //jchen

Asserting before foreign audiences that China's domestic enemies or targets of repression are terrorists - and, indeed, international terrorists - is a PRC tactic of long standing, but it became newly prominent, specific, and potent after 9/11. PRC sources have branded Uighur and Tibetan groups that participated in uprisings since the early 2000s as terrorists. By doing so, they have sought, with some success, to lump them with groups whose actions foreign governments and international bodies have deemed appropriate causes for legal changes that reduce or bypass ordinary limits on state power. In 2008, PRC sources strove to tie an alleged attack by Uighur militants on a paramilitary police station in remote Kashgar to the broader international security concern at that moment: the then-upcoming Beijing Olympics. Two years later, this strategy of asserting a common risk

shared by China and its frequent critics gained a boost when three members 67 of a pro-Uighur separatist group were arrested for bomb plots in Europe. This line of argument went further still when PRC authorities and official spokesmen asserted that dissident Muslim groups in Xinjiang had cross- border ties to international terrorism, including al Qaeda. 8 In part based on the alleged al Qaeda links, the PRC pressed strongly and successfully after 9/11 to have the East Turkistan Islamic Movement labeled a terrorist organization by the United Nations and the United States. The PRC unilaterally formally so labeled several other Uighur groups. Such moves have been controversial. Especially abroad, they have fueled disputes about whether some of the targeted groups are terrorist, still active, distinct from one another, or ever existed.69

Internationally, this tactic promised benefits for Chinese authorities. Legal changes that the United States and others have defended as necessary means for fighting terrorism and preserving national security, as well as anti-terrorism excesses committed by the United State, or transgressions of international and domestic legal limits that the United States has condoned have created significant "glass house" problems for some hitherto hearty foreign government criticisms of China. Such developments have undermined the force of foreign condemnations of China's illiberal or repressive laws and actions. This has given China more room to claim that its laws and actions are justified by exigencies comparable to those faced in the post-9/11 West and elsewhere.70 As quasi-official and sympathetic PRC commentators put it in the context of debates over China's emergency powers legislation, all countries have such laws, and China need be no exception. Chinese sources have even portrayed China's adoption of anti- terrorism and emergency powers laws as examples of legal learning from abroad.'

#### The plan builds ‘moral capital’ – that enables more aggressive diplomacy

Rapkin and Braaten 09

DAVID P. RAPKIN AND DAN BRAATEN, David Rapkin is Associate Professor at University of Nebraska, Political Science, Dan Braate, “Conceptualising hegemonic legitimacy”, Review of International Studies (2009), 35, 113–149 //jchen

Once we are open to the idea of multiple connotations that are substitutable for one another, that is, can be added or subtracted, the concept becomes applicable to a wider range of real world situations. Furthermore, the FRC approach allows examination of the interrelationships among the different dimensions: what are the tradeoffs between them? Can strong standing in one dimension of legitimacy (say, shared values) offset or compensate for weak or nonexistent status in another (procedural legitimacy). A successful track record of positive global outcomes (for instance, provision of global public goods) might incline others to overlook shortfalls in open decision-making.

Also, hegemons may build up over time a stock of legitimacy (as a kind of political or moral capital) that then can be drawn upon to maintain their legitimate status through a series of unpopular actions that others might regard as illegitimate. And, if legitimacy is thought of as a stock that can be conserved, expended or depleted, then it is also possible to think of it as a variable property across time and space. ‘Legitimacy is not an all or nothing affair . . . [I]t may be eroded, contested or incomplete; and judgments about it are usually judgments of degree, rather than all or nothing’.85 In Haass’ terms: ‘ ‘‘Legitimacy’’ need not be understood as an absolute. It is as much about perception as it is a legal concept. It is also possible to be partly legitimate (or less than fully legitimate) and not be illegitimate’.86

#### Any confrontation can spark a war – escalation is fast, imminent and probable

Goldstein 13

Avery Goldstein, David M. Knott Professor of Global Politics and International Relations at UPenn, research focuses on international relations, security studies, and Chinese politics, Senior Fellow at the Foreign Policy Research Institute in Philadelphia, Foreign Affairs, September/October 2013 Issue, “China’s Real and Present Danger: Now Is the Time for Washington to Worry, ” http://www.foreignaffairs.com/articles/139651/avery-goldstein/chinas-real-and-present-danger?cid=nlc-this\_week\_on\_foreign\_affairs-101013-chinas\_real\_and\_present\_danger\_4-101013&sp\_mid=43534099&sp\_rid=amFja2llY2hlbjEzQGdtYWlsLmNvbQS2 //jchen

Much of the debate about China’s rise in recent years has focused on the potential dangers China could pose as an eventual peer competitor to the United States bent on challenging the existing international order. But another issue is far more pressing. For at least the next decade, while China remains relatively weak compared to the United States, there is a real danger that Beijing and Washington will find themselves in a crisis that could quickly escalate to military conflict. Unlike a long-term great-power strategic rivalry that might or might not develop down the road, the danger of a crisis involving the two nuclear-armed countries is a tangible, near-term concern -- and the events of the past few years suggest the risk might be increasing.

Since the end of the Cold War, Beijing and Washington have managed to avoid perilous showdowns on several occasions: in 1995–96, when the United States responded to Chinese missile tests intended to warn Taiwanese voters about the danger of pushing for independence; in 1999, when U.S. warplanes accidentally bombed the Chinese embassy in Belgrade during the NATO air assault on Serbia; and in 2001, when a U.S. spy plane collided with a Chinese fighter jet, leading to the death of the Chinese pilot and Beijing’s detention of the U.S. plane and crew. But the lack of serious escalation during those episodes should not breed complacency. None of them met the definition of a genuine crisis: a confrontation that threatens vital interests on both sides and thus sharply increases the risk of war. If Beijing and Washington were to find themselves in that sort of showdown in the near future, they would both have strong incentives to resort to force. Moreover, the temptations and pressures to escalate would likely be highest in the early stages of the face-off, making it harder for diplomacy to prevent war.

THIN RED LINES

It might seem that the prospects for a crisis of this sort in U.S.-Chinese relations have diminished in recent years as tensions over Taiwan have cooled, defusing the powder keg that has driven much Chinese and U.S. military planning in East Asia since the mid-1990s. But other potential flash points have emerged. As China and its neighbors squabble over islands and maritime rights in the East China and South China seas, the United States has reiterated its treaty commitments to defend two of the countries that are contesting China’s claims (Japan and the Philippines) and has nurtured increasingly close ties with a third (Vietnam). Moreover, the Obama administration’s “pivot,” or “rebalancing,” to Asia, a diplomatic turn matched by planned military redeployments, has signaled that Washington is prepared to get involved in the event of a regional conflict.

China might be less cautious about triggering a crisis -- and less cautious about firing the first shot if a crisis ensued.

Also, the United States insists that international law affords it freedom of navigation in international waters and airspace, defined as lying beyond a country’s 12-mile territorial limit. China, by contrast, asserts that other countries’ military vessels and aircraft are not free to enter its roughly 200-mile-wide “exclusive economic zone” without express permission -- a prohibition that, given Beijing’s territorial claims, could place much of the South China Sea and the airspace above it off-limits to U.S. military ships and planes. Disputes over freedom of navigation have already caused confrontations between China and the United States, and they remain a possible trigger for a serious crisis.

It is true that China and the United States are not currently adversaries -- certainly not in the way that the Soviet Union and the United States were during the Cold War. But the risk of a U.S.-Chinese crisis might actually be greater than it would be if Beijing and Washington were locked in a zero-sum, life-and-death struggle. As armed adversaries on hair-trigger alert, the Soviet Union and the United States understood that their fundamentally opposed interests might bring about a war. After going through several nerve-racking confrontations over Berlin and Cuba, they gained an understanding of each other’s vital interests -- not to be challenged without risking a crisis -- and developed mechanisms to avoid escalation. China and the United States have yet to reach a similar shared understanding about vital interests or to develop reliable means for crisis management.

#### Attempts at democratization cause CCP Crackdown

Feldman 13

Noah Feldman is Bemis Professor of International Law at Harvard Law School, senior adjunct fellow at the Council on Foreign Relations, “Cool War”, 2013 //jchen

Democracy Is a Good Thing?

In retrospect, the crackdown on the democracy protesters at Tiananmen Square did not mark a principled rejection of the ideals of democracy. It rejected the practical implementation of democracy in real time. The senior party leadership was deciding that immediate democratization would lead to collapse. A glance at the Soviet Union suggests that, however immoral their judgment may have been, it was also probably correct. Democratization was the handmaiden of Soviet dissolution. In the case of Russia, rapid democratization also turned out to be highly impermanent.4

#### Deterrence fails – conventional forces incentivize brinkship and nuclear escalation

Goldstein 13

Avery Goldstein, David M. Knott Professor of Global Politics and International Relations at UPenn, research focuses on international relations, security studies, and Chinese politics, Senior Fellow at the Foreign Policy Research Institute in Philadelphia, Foreign Affairs, September/October 2013 Issue, “China’s Real and Present Danger: Now Is the Time for Washington to Worry, ” http://www.foreignaffairs.com/articles/139651/avery-goldstein/chinas-real-and-present-danger?cid=nlc-this\_week\_on\_foreign\_affairs-101013-chinas\_real\_and\_present\_danger\_4-101013&sp\_mid=43534099&sp\_rid=amFja2llY2hlbjEzQGdtYWlsLmNvbQS2 //jchen

The fact that both sides have nuclear arsenals would help keep the situation in check, because both sides would want to avoid actions that would invite nuclear retaliation. Indeed, if only nuclear considerations mattered, U.S.-Chinese crises would be very stable and not worth worrying about too much. But the two sides’ conventional forces complicate matters and undermine the stability provided by nuclear deterrence. During a crisis, either side might believe that using its conventional forces would confer bargaining leverage, manipulating the other side’s fear of escalation through what the economist Thomas Schelling calls a “competition in risk-taking.” In a crisis, China or the United States might believe that it valued what was at stake more than the other and would therefore be willing to tolerate a higher level of risk. But because using conventional forces would be only the first step in an unpredictable process subject to misperception, missteps, and miscalculation, there is no guarantee that brinkmanship would end before it led to an unanticipated nuclear catastrophe.

#### Economic decoupling now – diverging interests breed conflict

Leonard 13

Mark Leonard, director of the European Council on Foreign Relations and a Bosch public policy fellow at the Transatlantic Academy, Director of The Foreign Policy Centre and one of Britain's leading foreign policy thinkers, Foreign Affairs 92.5, Sep/Oct 2013, 125-135, “Why Convergence Breeds Conflict: Growing More Similar Will Push China and the United States Apart” //jchen

TRADING PLACES

The financial crisis of 2008 brought the Chimerican era to an end. Sobered by their mutual vulnerability to the systemic failures that led to the crisis, Beijing and Washington vowed to rebalance their economic relationship, which both felt had become unhealthy. But as they retooled their domestic and foreign policies to adapt to the suddenly fragile global economy, they began to mirror each other in ways that encouraged more competition than complementarity.

In the economic realm, China is now moving away from its long reliance on exports and trying to stimulate domestic consumption and develop a domestic service economy. Meanwhile, the United States is bolstering its manufacturing sector, in part by promoting a cheap dollar through quantitative easing and subsidizing the automotive sector, and encouraging export-led growth through a new generation of trade deals with rich countries, including Japan and the eu states.

Chinese efforts to move up the value chain and American attempts to reindustrialize will lead the two countries to compete more directly, as each moves closer to the other's traditional modes of production and consumption. For example, China no longer wants to supply the cheap parts inside an iPhone only to watch the biggest profits accrue to a U.S. company. Instead, China is encouraging Chinese firms to take their cues from Huawei, the Guangdong-based firm that has been extremely successful selling smartphones that mimic the iPhone but whose profits stay in China.

#### CCP Nationalism overrides economic considerations – diversionary theory

The Economist 13

The Economist, 6/15/13, “After you: Will a bipolar world be peaceful?”, http://www.economist.com/news/books-and-arts/21579430-will-bipolar-world-be-peaceful-after-you //jchen

The old Soviet block barely traded with the West. China not only trades with America on a stupendous scale but also holds much of its debt. A trade embargo would cripple China’s economy. That would undermine the Communist Party’s main claim to legitimacy: that China has prospered under its rule. And that in turn would threaten the party’s precious grip on power. So it “would simply be irrational” for China and America to go to war, Mr Feldman writes. Alas, just because something is irrational does not mean it will not happen. The Communist Party’s other claim to legitimacy is that it embodies Chinese nationalism. As growth slows and the Chinese people tire of being robbed by corrupt officials, Beijing may feel tempted to crank up the aggression in its backyard. Taiwan is the scariest flashpoint. China claims the island; America has vowed to defend it. For America to abandon Taiwan altogether would signal that it is no longer the sole superpower. Its Asian allies would no longer trust its security umbrella. They would have no choice but to find some accommodation with China. China does not need to match America’s military strength. “All it needs is to be powerful enough to deter the United States from fighting it over Taiwan.” Controversially, Mr Feldman thinks the tipping point is close. And if Taiwan decides that it cannot count on America, he thinks it may have to negotiate the best deal it can get: perhaps something like Hong Kong’s (in which the former British colony bowed to Beijing’s rule while keeping old freedoms). China’s ambitions are largely pragmatic. It seeks regional sway and global access to markets and minerals. It covets African oil, but cares little how Africa is governed. The destabilising ideology in the cool war comes from the West, reckons Mr Feldman. Since China’s rulers are unelected, many Westerners believe them to be “fundamentally illegitimate”. Think of it from the Chinese leaders’ point of view, he urges. They must sit down with negotiating partners who would like to see their regime crumble. “This is not a good starting point for mutual trust or respect,” he warns. True enough, but trust and respect must be earned.

### War Turns Structural Violence

#### War makes structural violence worse.

Joshua S. Goldstein (prof of IR @ American U, Wash D.C.) ‘1 War and Gender: How Gender Shapes the War System and Vice Versa. Cambridge University Press. pp. 412

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.10

#### Even if predictions aren’t perfect, we can still reach some conclusion about human behavior.

Miller 2 (Katherine Miller, Prof. of Communication at Texas A&M, Communication theories: Perspectives, processes, and contexts, 2002, p 35-36)

If positivism, in its classical and logical forms, is largely rejected, what philosophical foundation should take its place as a framework for social research? Very different answers to this question have been proposed. Some social researchers argue that flaws in the positivist foundation require a radically different philosophy of sci- encee, one in which the realist ontology, objec- ive epistemology, and value-free axiology of positivism are vehemently rejected and replaced with forms of inquiry that honor nominalism, subjectivism, and omnipresent values. The posi- tions of these scholars are discussed in great detail in Chapters 4 and 5 as we consider interpretive and critical petspectives on communication theory. However, some scholars believe that a rejection of positivism does not require a total rejection of realism, objectivity, and the scientific goal of value-free inquiry. However, these scholars reject the notion of absolute truth, reject the unassailable foundation of observation, and reject the assumption of an always steady and upward accumulation of knowledge. In these rejections, scholars have forged a new philosophy of science that D. C. Phillips (1987, 1990, 1992) has called post-positivism. The metatheoretical tenets of this position are discussed in the next section. Metatheoretical Commitments Ontology In Chapter 2, we discussed three ontological positions: the realist, the nominalist, and the social constructionist. To summarize, a realist believes in a hard and solid reality of physical and social objects, a nominalist proposes that the reality of social entities exists only in the names and labels we provide for them, and a social constructionist emphasizes the ways in which social meanings are created through historical and contemporary interaction. Both the realist and the social constructionist positions make contributions to the ontology of post-positivist researchers in the communication discipline. Researchers in the post-positivist tradition can be seen as realists in that they support the position that phenomena exist independent of our perceptions and theories about them (Phillips, 1987). However, this realism is tempered by the argument that humans cannot fully apprehend that reality and that the driving mechanisms in the social and physical world cannot be fully understood. As J. D. Smith (1990, p. 171) states, "Realism is essential . . . because it poses 'at least in principle, a standard by which all human societies and their beliefs can be judged: they can all have beliefs about the world which turn out to be mistaken'" (Trigg, 1985, p. 22). Phillips argues, however, that a post-positivist ontology does not deny the notions inherent in approaches advocating a "social construction of reality" (Berger & Luckmann, 1967). Rather, Phillips (1990) draws the distinction between beliefs about the reality and the objective reality (pp. 42-43). Making this distinction allows a post-positivist scholar to appreciate (and investigate) multiple realities that are constructed by social collectives through communicative inter-action. For example, a post-positivist scholar could study the ways that beliefs about the imminent end of the world influence the behaviors of mountain survivalists, members of cults, and fundamental religious groups. However, the fact that a social group has arrived at certain beliefs about the world does not make those beliefs about the social or physical world necessarily true. As Phillips (1990) notes, "It is clear that Freudians believe in the reality of the id and superego and the rest, and they act as if these are realities; but their believing in these things does not make them real" (p. 43). It could be further argued that post-positivism is consistent with social constructionist views in two important ways. First, many post-positivists would argue that the process of social construction occurs in relatively patterned ways that are amenable to the type of social scientific investigation undertaken by post-positivists. Individuals have free will and creativity but they exercise that creativity in ways that are often (though not always, certainly) patterned and predictable. In the field of mass communication, Barbara Wilson (1994) argues convincingly for this point regarding her own study of children's responses to the mass media: I believe that children's interpretations and responses are as richly individualistic as snow-flakes. However, I also believe that there are common patterns that characterize a majority of young viewers and that those patterns are as predictable and explainable as the basic process by which all those unique snowflakes are formed from water, (p. 25) Second, many post-positivists would argue that social constructions are regularly reified and treated as objective by actors in the social world. Thus, it is reasonable to study the impact of these reified constructions on our communicative lives. Tompkins (1997) has made this argument with regard to his organizational communication research with the National Aeronautics and Space Administration (NASA): The engineers, scientists, managers, bureau-crats, and other kinds of members did not believe in a socially constructed world. They believed the rockets they made did in fact go to the moon. Moreover, they believed that NASA and the contractor firms who worked for them were real. They believed that these organizations could succeed or fail by objective criteria and that their bosses could hire or fire, reward or penalize individuals—actions with real consequences, (p. 369) Thus, a social constructionist ontology is consistent with a post-positivist position that emphasizes both the patterned nature of the social construction process and the regular and predictable effects that reified social constructions have on social actors. Thus, the ontology of post-positivism is not necessarily the belief in a hard, immutable, and unchanging social world implied in a strict realist stance. Rather, a post-positivist ontology entails a belief in regularity and pattern in our interactions with others. The ways in which these regularities and patterns are studied within post-positivist theory are considered in the next section.

#### Ethic of responsibility requires weighing of consequences

Harries, 94 – Editor @ The National Interest (Owen, Power and Civilization, The National Interest, Spring, lexis)

Performance is the test. Asked directly by a Western interviewer, “In principle, do you believe in one standard of human rights and free expression?”, Lee immediately answers, “Look, it is not a matter of principle but of practice.” This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is “the ethic of responsibility” rather than “the ethic of absolute ends” that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

# 1NR

#### US China cooperation is key to solve global warming

Chandler 8

William Chandler , Senior Associate, Carnegie Endowment for International Peace, March 2008, Breaking the Suicide Pact: U.S.-China Cooperation on Climate Change

The United States and China must make accommodations to curb greenhouse gas emissions if both countries are to break their “suicide pact” of self-destructive, energy-using behavior. Together they produce 40 percent of global greenhouse gas emissions, yet both countries demand that the other take responsibility for climate change, meanwhile the threat of environmental disaster grows. For the first time, China is considering an emissions target while half of U.S. states have set their own targets—the time for a deal is now. In Breaking the Suicide Pact: U.S.-China Cooperation on Climate Change, William Chandler, director of the Carnegie Energy and Climate Program, identifies practical, non treaty-based approaches both countries could take to cut their carbon dioxide emissions across economic sectors—with little financial impact. He argues that China and the United States should work together to set individual, national goals and achieve them through domestically enforceable measures and international agreements that prevent either nation from taking advantage of steps taken by the other. Key Recommendations for U.S.-China Cooperation: Eliminate subsidies that discourage energy efficiency. Provide tax breaks for investment in efficiency and low-carbon energy and impose tax penalties on high-carbon energy. Make climate cooperation integral to trade policy, such as jointly setting production standards to limit the energy used to manufacture exports. Create partnerships between Chinese provincial officials and leaders in U.S. states on the forefront of climate change prevention to improve implementation of innovative energy policies. Promote market penetration of existing carbon emission reduction technologies and encourage development of new technologies by linking American laboratories more closely to Chinese markets to share research and development costs. Encourage banks in China to remove the regulatory cap on interest rates for energy-efficiency investments. “U.S.–China collaboration poses no threat to the climate leadership of any region or nation or to global cooperation. It is a complement, not a challenge, to existing and planned emissions cap and trade systems. This act of mutual self-preservation would help the United States and China to avert climate disaster and the eventual sanctions of other nations if they do not act, and lay the groundwork for successful global action,” concludes Chandler.

#### Warming causes extinction

Don Flournoy 12, Citing Feng Hsu, PhD NASA Scientist @ the Goddard Space Flight Center and Don is a PhD and MA from UT, former Dean of the University College @ Ohio University, former Associate Dean at SUNY and Case Institute of Technology, Former Manager for University/Industry Experiments for the NASA ACTS Satellite, currently Professor of Telecommunications @ Scripps College of Communications, Ohio University, “Solar Power Satellites,” January 2012, Springer Briefs in Space Development, p. 10-11

In the Online Journal of Space Communication , Dr. Feng Hsu, a  NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010 ) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010 ).

It is an ethical obligation to break down capitalism’s universal control of every aspect of our reality

**Zizek & Daly 4** (Slavoj, University of Northampton, prof of sociology @ U of Ljubljana, and Glyn, Conversations with Zizek page 14-16)

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. **For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity.** With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee**, crucial theoretical advances have been made that enable the transcendence of all forms of economism.** In this new context, however**, Zizek argues that the problem that now presents itself is almost that of the opposite fetish.** That is to say, **the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence.** In an ironic Freudian-Lacanian twist, **the fear of economism can end up**  **reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears).**  This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place. Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and nameless (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

Foster & Clark 4 (John Bellamy, Prof of Sociology @ U of Oregon, Brett, assist. prof of sociology @ NCSUMonthly Review Vol. 56.7 December JF)

A new age of barbarism is upon us.” These were the opening words of an editorial in the September 20, 2004, issue of Business Week clearly designed to stoke the flames of anti-terrorist hysteria. Pointing to the murder of schoolchildren in Russia, women and children killed on buses in Israel, the beheading of American, Turkish, and Nepalese workers in Iraq, and the killing of hundreds on a Spanish commuter train and hundreds more in Bali, Business Week declared: “America, Europe, Israel, Egypt, Pakistan, and governments everywhere are under attack by Islamic extremists. These terrorists have but one demand—the destruction of modern secular society.” Western civilization was portrayed as standing in opposition to the barbarians, who desire to destroy what is assumed to be the pinnacle of social evolution. Altogether absent from this establishment view is the predatory role played by U.S. and European imperialism. It is true that we are living in a “new age of barbarism.” However this has its roots not in religious fundamentalism but in what Marx saw as the barbarism accompanying bourgeois civilization and what Rosa Luxemburg once called “the ruins of imperialistic barbarism.” We need to look at global capitalism and beyond that at what the United States and Britain are doing in Iraq, the principal zone of imperialist conflict at present, if we are to plumb the full depths of the barbarism that characterizes our time. The more global way in which Marx and Engels utilized the concept of barbarism, however, was in the treatment of the relation between center and periphery of the capitalist world economy. In their panegyric to the bourgeoisie that comprised much of part 1 of The Communist Manifesto they remarked how the bourgeoisie “has made barbarian and semi-barbarian countries dependent on the civilized ones, nations of peasants on nations of bourgeois, the East on the West.” Likewise they referred to the fact that “the cheap prices of its [the bourgeoisie’s] commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians’ intensely obstinate hatred of foreigners to capitulate.” Marx viewed Tsarist Russia, on the semi-periphery of Europe, as a bastion of barbarism threatening revolutionary movements in the West. Today the world is facing what de Silva feared—a barbarism emanating from a single powerful country, the United States, which has adopted a doctrine of preemptive (or preventative) war, and is threatening to destabilize the entire globe. In the late twentieth century the further growth of monopoly capital (as explained most cogently in Paul Baran and Paul Sweezy’s Monopoly Capital and Harry Magdoff’s Age of Imperialism) led to a heavy reliance, particularly for the United States as the hegemonic state of the world system, on military spending and imperialist intervention. With the waning of the Cold War this dependence of the imperial superpower on the most barbaric means of advancing its interests and controlling the system has only increased. The continuing decline of U.S. economic hegemony, occurring alongside deepening economic stagnation in capitalism as a whole, has led the United States to turn increasingly to extraeconomic means of maintaining its position: putting its huge war machine in motion in order to prop up its faltering hegemony over the world economy. The “Global War on Terror” is a manifestation of this latest lethal phase of U.S. imperialism, which began with the 1991 Gulf War made possible by the breaking up of the Soviet bloc and the emergence of the United States as the sole superpower.

The revolution must take place in the form of insubordination and refusal to live according to the dictates of capital. Demands on the state take the command structure of capital as their principal reference point, which will always result in betrayal and cooption.

Holloway 5 (John, teacher at the Institute for Humanities and Social Sciences at the [Autonomous University of Puebla](http://en.wikipedia.org/wiki/Autonomous_University_of_Puebla), “Can we change the world without taking power?” Znet, August 16, <http://www.zcommunications.org/can-we-change-the-world-without-taking-power-by-john-holloway> Accessed 7/13/11)

I don’t know the answer. Perhaps we can change the world without taking power. Perhaps we cannot. The starting point—for all of us, I think—is uncertainty, not knowing, a common search for a way forward. Because it becomes more and more clear that capitalism is a catastrophe for humanity. A radical change in the organisation of society, that is, revolution, is more urgent than ever. And this revolution can only be world revolution if it is to be effective.

But it is unlikely that world revolution can be achieved in one single blow. This means that the only way in which we can conceive of revolution is as interstitial revolution, as a revolution that takes place in the interstices of capitalism, a revolution that occupies spaces in the world while capitalism still exists. The question is how we conceive of these interstices, whether we think of them as states or in other ways.

In thinking about this, we have to start from where we are, from the many rebellions and insubordinations that have brought us to Porto Alegre. The world is full of such rebellions, of people saying NO to capitalism: NO, we shall not live our lives according to the dictates of capitalism, we shall do what we consider necessary or desirable and not what capital tells us to do. Sometimes we just see capitalism as an all-encompassing system of domination and forget that such rebellions exist everywhere. At times they are so small that even those involved do not perceive them as refusals, but often they are collective projects searching for an alternative way forward and sometimes they are as big as the Lacandon Jungle or the Argentinazo of three years ago or the revolt in Bolivia just over a year ago. All of these insubordinations are characterised by a drive towards self-determination, an impulse that says, ‘No, you will not tell us what to do, we shall decide for ourselves what we must do.’

These refusals can be seen as fissures, as cracks in the system of capitalist domination. Capitalism is not (in the first place) an economic system, but a system of command. Capitalists, through money, command us, telling us what to do. To refuse to obey is to break the command of capital. The question for us, then, is how do we multiply and expand these refusals, these cracks in the texture of domination?

There are two ways of thinking about this.

The first says that these movements, these many insubordinations, lack maturity and effectiveness unless they are focused, unless they are channelled towards a goal. For them to be effective, they must be channelled towards the conquest of state power—either through elections or through the overthrowing of the existing state and the establishment of a new, revolutionary state. The organisational form for channelling all these insubordinations towards that aim is the party.

The question of taking state power is not so much a question of future intentions as of present organisation. How should we organise ourselves in the present? Should we join a party, an organisational form that focuses our discontent on the winning of state power? Or should we organise in some other way?

The second way of thinking about the expansion and multiplication of insubordinations is to say, ‘No, they should not be all harnessed together in the form of a party, they should flourish freely, go whatever way the struggle takes them.’ This does not mean that there should be no coordination, but it should be a much looser coordination. Above all, the principal point of reference is not the state but the society that we want to create.

The principal argument against the first conception is that it leads us in the wrong direction. The state is not a thing, it is not a neutral object: it is a form of social relations, a form of organisation, a way of doing things which has been developed over several centuries for the purpose of maintaining or developing the rule of capital. If we focus our struggles on the state, or if we take the state as our principal point of reference, we have to understand that the state pulls us in a certain direction. Above all, it seeks to impose upon us a separation of our struggles from society, to convert our struggle into a struggle on behalf of, in the name of. It separates leaders from the<CONTINUED>

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masses, the representatives from the represented; it draws us into a different way of talking, a different way of thinking. It pulls us into a process of reconciliation with reality, and that reality is the reality of capitalism, a form of social organisation that is based on exploitation and injustice, on killing and destruction. It also draws us into a spatial definition of how we do things, a spatial definition which makes a clear distinction between the state’s territory and the world outside, and a clear distinction between citizens and foreigners. It draws us into a spatial definition of struggle that has no hope of matching the global movement of capital.

There is one key concept in the history of the state-centred left, and that concept is betrayal. Time and time again the leaders have betrayed the movement, and not necessarily because they are bad people, but just because the state as a form of organisation separates the leaders from the movement and draws them into a process of reconciliation with capital. Betrayal is already given in the state as an organisational form.

Can we resist this? Yes, of course we can, and it is something that happens all the time. We can refuse to let the state identify leaders or permanent representatives of the movement, we can refuse to let delegates negotiate in secret with the representatives of the state. But this means understanding that our forms of organisation are very different from those of the state, that there is no symmetry between them. The state is an organisation on behalf of, what we want is the organisation of self-determination, a form of organisation that allows us to articulate what we want, what we decide, what we consider necessary or desirable. What we want, in other words, is a form of organisation that does not have the state as its principal point of reference.

The argument against taking the state as the principal point of reference is clear, but what of the other concept? The state-oriented argument can be seen as a pivoted conception of the development of struggle. Struggle is conceived as having a central pivot, the taking of state power. First we concentrate all our efforts on winning the state, we organise for that, then, once we have achieved that, we can think of other forms of organisation, we can think of revolutionising society. First we move in one direction, in order to be able to move in another: the problem is that the dynamic acquired during the first phase is difficult or impossible to dismantle in the second phase.

The other concept focuses directly on the sort of society we want to create, without passing through the state. There is no pivot: organisation is directly prefigurative, directly linked to the social relations we want to create. Where the first concept sees the radical transformation of society as taking place after the seizure of power, the second insists that it must begin now. Revolution not when the time is right but revolution here and now.

### AT: Perm- Hydra

Anything short of total rejection will cause capitalism to regenerate itself stronger than before, like chopping off a single head of a hydra

Kovel, Professor of Social Studies at Bard, 02

(Joel, The Enemy of Nature, p142)

The value-term that subsumes everything into the spell of capital sets going a kind of wheel of accumulation, from production to consumption and back, spinning ever more rapidly as the inertial mass of capital grows, and generating its force field as a spinning magnet generates an electrical field. This phenomenon has important implications for the reformability of the system. Because capital is so spectral, and succeeds so well in ideologically mystifying its real nature, attention is constantly deflected from the actual source of eco-destabilization to the instruments by which that source acts. The real problem, however, is the whole mass of globally accumulated capital, along with the speed of its circulation and the class structures sustaining this. That is what generates the force field, in proportion to its own scale; and it is this force field, acting across the numberless points of insertion that constitute the ecosphere, that creates ever larger agglomerations of capital, sets the ecological crisis going, and keeps it from being resolved. For one fact may be taken as certain - that to resolve the ecological crisis as a whole, as against tidying up one corner or another, is radically incompatible with the existence of gigantic pools of capital, the force field these induce, the criminal underworld with which they connect, and, by extension, the elites who comprise the transnational bourgeoisie. And by not resolving the crisis as a whole, we open ourselves to the spectre of another mythical creature, the many-headed hydra, that regenerated itself the more its individual tentacles were chopped away. To realize this is to recognize that there is no compromising with capital, no schema of reformism ,that will clean up its act by making it act more greenly or efficiently. We shall explore the practical implications of this thesis in Part III, and here need simply to restate the conclusion in blunt terms: green capital, or non-polluting capital, is preferable to the immediately ecodestructive breed on its immediate terms. But this is the lesser point, and diminishes with its very success. For green capital (or 'socially/ecologically responsible investing') exists, by its very capital-nature, essentially to create more value, and this leaches away from the concretely green location to join the great pool, and follows its force field into zones of greater concentration, expanded profitability - and greater ecodestruction.

### AT: Perm- No Third Way

Engaging the politics of capitalism causes extinction – there is no middle ground

Meszaros 1 (Istvan, prof. emeritus @ Univ. of Sussex, *Socialism or* Barbarism, pp. 80-81, JM)

Those who talk about the "third way" as the solution to our dilemma, asserting that there can be no room for the revival of a radical mass movement, either want to deceive us by cynically calling their slavish acceptance of the ruling order "the third way," or fail to realize the gravity of the situation, putting their faith in a wishfully non-conflictual positive outcome that has been promised for nearly a century but never approximated even by one inch. The uncomfortable truth of the matter is that if there is no future for a radical mass movement in our time, there can be no future for humanity itself. If I had to modify Rosa Luxemburg's dramatic words, in relation to the dangers we now face, I would add to "socialism or barbarism" this qualification: "barbarism if we are lucky." For the extermination of humanity is the ultimate concomitant of capital's destructive course of development. And the world of that third possibility, beyond the alternatives of "socialism or barbarism," would be fit only for cockroaches, which are said to be able to endure lethally high levels of nuclear radiation. This is the only rational meaning of capital's third way. The now fully operative third and potentially deadliest phase of global hegemonic imperialism, corresponding to the profound structural crisis of the capital system as a whole on the political and military plane, leaves us no room for comfort or cause for self-assurance. Instead, it casts the darkest possible shadow on the future, in case the historical challenges facing the socialist movement fail to be successfully met in the time still within our reach. This is why the century in front of us is bound to be the century of "socialism or barbarism."

Their fiat-based model for demands on the state is bad- two reasons

A. They have no actual voice in the formation of policy

B. It is rooted in a nationalist identification with the USFG, which we critique

Herod 2001 (James, “A Stake, Not a Mistake: On Not Seeing the Enemy”, October, http://www.jamesherod.info/index.php?sec=paper&id=9&print=y&PHPSESSID=4387a9147ad42723ea101944dd538914)

      Let's take another example. Russell Mokhiber and Robert Weissman, otherwise very sensible writers, complain that "bombing a desperately poor country under the yoke of a repressive regime is a wrongheaded response [to the "unspeakable acts of violence" committed on Sept. 11]. "The U.S. bombing of Afghanistan should cease immediately," they say. They discuss three reasons: "1. The policy of bombing increases the risk of further terrorism against the United States. 2. The bombing is intensifying a humanitarian nightmare in Afghanistan. 3. There are better ways to seek justice." All three statements are true of course, but irrelevant, because seeking justice, avoiding humanitarian nightmares, and reducing the risk of terrorism do not enter into the calculations of US policy makers. Quite the contrary, US policy makers create injustice, humanitarian nightmares, and terrorism, throughout the world, in pursuit of the imperial objective of making profit, and this has been thoroughly documented in thousands of scholarly studies. So for Mokhiber and Weissman to talk in this way, and phrase the problem in this way, exposes their failure to really comprehend the enemy we face, which in turn prevents them from looking for effective strategies to defeat that enemy, like so many other opponents of the "war". Hence all the moralizing, the bulk of which is definitely directed at the rulers, not at the ruled. That is, it is not an attempt to win over the ruled, but an attempt to win over the rulers. [4]

      It's what I call the "we should" crowd -- all those people who hope to have a voice in the formation of policy, people whose stances are basically that of consultants to the ruling class. "We" should do this, "we" shouldn't do that, as if they had anything at all to say about what our rulers do. This is the normal stance among the bootlicking intelligentsia of course. But what is it doing among progressives and radicals? Even if their stance is seen to be not exactly that of consultants, but that of citizens making demands upon their government, what makes them think that the government ever listens? I think this attitude -- the "we should" attitude -- is rooted in part at least in the fact that most progressives still believe in nations and governments. They believe that this is "our" country, and that this is "our" government, or at least should be. So Kevin Danaher says that "we should get control of the government." They identify themselves as Americans, or Germans, or Mexicans, or Swedes. So they are constantly advising and making demands that 'their' government should do this and that. If they would reject nationalism altogether, and states and governments, they could begin to see another way.

### Link: Demands on the State

Simply constructing a laundry list of atrocities, or morally condemning US policies misses the point— the universal “we should” assumes we actually have a voice in the formation of policy, and misidentifies the enemy.

Herod 2001 (James, “A Stake, Not a Mistake: On Not Seeing the Enemy”, October, http://www.jamesherod.info/index.php?sec=paper&id=9&print=y&PHPSESSID=4387a9147ad42723ea101944dd538914)

      The widespread belief that the US government has good intentions, a belief held onto tenaciously in spite of decades of overwhelming empirical evidence refuting it, has got to be one of the greatest phenomena of mass delusion in history. It would take a twenty-first century Freud to unravel this one. Here is a government that has already bombed two other countries to smithereens just in the past ten years, first Iraq and then Yugoslavia (not to mention endless interventions abroad since its inception [7]). Now it is bombing Afghanistan to smithereens -- hospitals, fuel supplies, food depots, electrical systems, water systems, radio stations, telephone exchanges, remote villages, mosques, old folks homes, UN offices, Red Cross warehouses, clinics, schools, neighborhoods, roads, dams, airports -- and a victim of the assault escapes to plead for help from the very people who are attacking him. To have created such an illusion as this is surely one of the greatest feats of propaganda ever seen.[8]

      So although it is important to try to shatter this illusion, it is ultimately not enough, and of very limited effectiveness, simply to list all the atrocities committed by our rulers, carefully expose all their double standards, accuse them of being the real terrorists, morally condemn what they are doing, or call for peace. All these arguments are useful of course in the battle for the hearts and minds of average people, if average people ever heard them, which they do not, for the most part. And if they do hear them, it's like they (most of them) are tuning in to madness, they're so brainwashed. It takes a lot more than mere arguments to break through the mind set of a thoroughly indoctrinated people.

      Of all the dozens of comments that I read on the government's response to the attacks of September Eleven, precious few raised the key question: How do we stop them (the government, from attacking Afghanistan)? For the most part, progressive commentators don't even raise questions of strategy.[9] They are too busy analyzing ruling class ideology, in order to highlight its hypocrisies. Proving that the ruling class is hypocritical doesn't get us very far. It's useful of course. Doing this work is an important task. Noam Chomsky, for example, devotes himself almost exclusively to this task, and we should be thankful that we have his research. He usually does mention also, somewhere in almost every speech, article, or interview, that 'it doesn't have to be this way', that this situation we are in is not inevitable, and that we can change it. But when asked "How?", he replies, "Organize, agitate, educate." Well, sure. But the Christian Coalition organizes, agitates, and educates. So did the Nazis and the Klu Klux Klan. The Taliban organizes, agitates, and educates. So does the ruling class, and it does so in a massive and highly successful way, which results in overwhelming hegemony for its point of view.

      In spite of more than three decades of blistering exposés of US foreign policy, and in spite of the fact that he is an anarchist, and is thus supposedly against all government, at least in the long run, Chomsky still regularly uses the 'universal we'. Much of the time Chomsky says "The US government does this, or does that," but some of the time he says "We do this, or we do that," thus including himself, and us, as agents in the formation and execution of US foreign policy. This is an instance of what I call the 'universal we'. It presumes a democracy that does not exist. The average American has no say whatsoever in the formation and execution of US foreign policy. Nor do we even have any influence in picking the people who are making it, since we have no say over who gets to run for office or what they do after they are elected. So to say something like "we shouldn't be bombing Afghanistan", as so many progressives do, is highly misleading, and expresses a misperception and misdiagnosis of the situation we are in.

      In the question period following Chomsky's major address on "The New War Against Terror" (delivered at MIT on October 18) [10], Chomsky was challenged by a man in the audience who accused Chomsky of blaming America for the tragedy of September 11. Chomsky correctly said that the term America is an abstraction and cannot do anything. But then he said that he blamed himself, and his questioner, and others present, for this event (implying that 'we' are responsible for what 'our' government does). This is a half-truth at best. The blame for September Eleven rests squarely on those who did it. Next, to the extent that a connection can be proved between their actions and US foreign policy, the US government is to blame, and the ruling class that controls the government. Average Americans are to blame for what the US government does only in the sense that they have not managed to change or block its policies, either because they haven't tried or because they have tried but have failed.

      Of course, the category of Average American is an abstraction as well. Many average Americans vigorously support US foreign <CONTINUED>

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policy. Others oppose it, but have failed to change it. Those of us who want a real democracy, and want to put an end to Empire, have so far failed to do so, and only in this sense are we in anyway responsible for September Eleven. But even this failure must be judged in

light of the relative strengths that the parties bring to the fight. We cannot fault ourselves for being defeated by an opponent with overwhelmingly superior forces, as long as we fought as bravely and as hard as we could. Our task is to find ways to enhance our strengths and weaken theirs. To fail to make a distinction between the ruling class and the rest of us hinders this task, causes us to presume a democracy that does not exist, to misunderstand exactly what we are up against, and to misidentify the enemy. It thus prevents us from devising a successful strategy for defeating this enemy.

### Link: Demands on the State

Merely being reactive to US policy lets the war-mongers set the agenda—our strategy must directly fight the state and capitalism, not merely get the government to change its policy.

Herod 2001 (James, “A Stake, Not a Mistake: On Not Seeing the Enemy”, October, http://www.jamesherod.info/index.php?sec=paper&id=9&print=y&PHPSESSID=4387a9147ad42723ea101944dd538914)

      The 'peace now' protesters strike a similar stance. Of course, it was heartening to see an anti-war movement blossom almost immediately. But it was also disheartening. It meant that radicals were letting the war-mongers set the agenda. Instead of continuing the fight against neoliberalism and its institutions, and against capitalism, oppositionists suddenly dropped all this to launch an anti-war campaign. The candlelight vigils, especially, seemed to me a pathetic response to a war-mongering, repressive government. This happens again and again. The government launches a war of aggression, and the peaceniks take to the streets, with their candles, crying "peace now" and "no more war". Do they ever win? Have they ever stopped even one war? Do they ever even think about how they could win? Doesn't the inefficacy of their response prove that they are not really serious about peace? Do they ever think about ways of actually stopping the murderers rather than just pleading with them not to kill? They keep saying that peace cannot be achieved by going to war. Who says the US government wants peace!? They quote A.J. Muste as saying that war is not the way to peace; peace is the way. Is this relevant? Does it make sense to quote such thoughts to a government that has always engaged, from its inception two hundred years ago, in systematic mass murder?

      Similarly with the bulk of the other progressive commentators. They are just trying to change the government's policy, not stop them and deprive them of power. Here is a typical sentence. Rahul Mahajan and Robert Jensen write: "The next step is for us to build a movement that can change our government's barbaric and self-destructive policy."[13] You see, from the government's point of view, its policy is not barbaric or self-destructive. It is intelligent, self-serving, and self-preserving. Mahajan and Jensen actually pretty much admit this in their piece, by reasoning that "This war is about the extension of U.S. power. It has little to do with bringing the terrorists to justice, or with vengeance." (Such a view is rather rare among progressives actually.) They argue that there are three other motives for the war, from the government's point of view: the desire to defend "imperial credibility", to control "oil and natural gas of Central Asia," and "to push a right-wing domestic agenda." Nevertheless, in spite of these insights, they still stop short of realizing that they therefore have to fight, stop, and neutralize the government, rather than just change its policy. Given who the government is, who it serves (capital, the rich), and what its interests and priorities are, it can't change its policies into those favored by progressives, not and survive as an imperial power that is.