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#### A topical affirmative must defend statutory or judicial restrictions on war powers authority of the president in one of the topically designated list areas

#### A topical plan is limited to restricting the President’s authority over the military

Bajesky 13 – MA in Political Science and Applied Economics, LLM @ Georgetown

(Robert, “Dubitable Security Threats and Low Intensity Interventions as the Achilles' Heel of War Powers,” 32 Miss. C. L. Rev. 9)

A numerical comparison indicates that the Framer's intended for Congress to be the dominant branch in war powers. Congressional war powers include the prerogative to "declare war;" "grant Letters of Marque and Reprisal," which were operations that fall short of "war"; "make Rules for Government and Regulation of the land and naval Forces;" "organize, fund, and maintain the nation's armed forces;" "make Rules concerning Captures on Land and Water," "raise and support Armies," and "provide and maintain a Navy." [n25](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n25) In contrast, the President is endowed with one war power, named as the Commander-in-Chief of the Army and Navy. [n26](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n26)¶ The Commander-in-Chief authority is a core preclusive power, predominantly designating that the President is the head of the military chain of command when Congress activates the power. [n27](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n27) Moreover, peripheral Commander-in-Chief powers are bridled by statutory and treaty restrictions [n28](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n28) because the President "must respect any constitutionally legitimate restraints on the use of force that Congress has enacted." [n29](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n29) However, even if Congress has not activated war powers, the President does possess inherent authority to expeditiously and unilaterally react to defend the nation when confronted with imminent peril. [n30](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n30) Explicating the intention behind granting the President this latitude, Alexander Hamilton explained that "it is impossible to foresee or to define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." [n31](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n31) The Framers drew a precise distinction by specifying that the President was empowered "to repel and not to commence war." [n32](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.771738.1261791409&target=results_DocumentContent&returnToKey=20_T17974748742&parent=docview&rand=1376677997032&reloadEntirePage=true#n32)

#### Vote neg because they destroy limits – it’s impossible for us to effectively research every potential subject of every single affirmative.

#### Predictable limits are a precondition for negative participation and effective dialogue and clash

Galloway 7—Samford Comm prof (Ryan, Contemporary Argumentation and Debate, Vol. 28, 2007)

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. Far from being a banal request for links to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon months of preparation, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms operate to exclude particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. Germaneness and other substitutes for topical action do not accrue the dialogical benefits of topical advocacy.

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Academic debate over policy issues like the response to War Powers is critical to improve policymaking---their abstractions cedes the political

Stephen M. Walt 11, Professor of International Affairs at Harvard’s John F. Kennedy School of Government, July 21, “International Affairs and the Public Sphere”, http://publicsphere.ssrc.org/walt-international-affairs-and-the-public-sphere/

Academics can make at least three distinct contributions to public discourse on global affairs. First, although the digital revolution has made a wealth of information from around the world accessible on a near real-time basis, most of us still lack both extensive direct data on events in far-flung areas and the background knowledge necessary to understand what new developments mean. If our town’s school district is troubled or the local economy is suffering, we can observe that for ourselves and make reasonably well-informed judgments about what might be done about it. But if the issue is the war in Afghanistan, an uprising in Yemen, a naval confrontation in the South China Sea or the prospects that some battered economy will be bailed out successfully, most of us will lack the factual knowledge or conceptual understanding to know what is really going on. Even when basic information is readily available, it may be hard for most of us to put it in the appropriate context or make sense of what it means. ¶ When citizens and leaders seek to grasp the dizzying complexity of modern world politics, therefore, they must inevitably rely upon the knowledge and insights of specialists in military affairs, global trade and finance, diplomatic/international historians, area experts, and many others. And that means relying at least in part on academic scholars who have devoted their careers to mastering various aspects of world affairs and whose professional stature has been established through the usual procedures of academic evaluation (e.g., peer review, confidential assessments by senior scholars, the give-and-take of scholarly debate, etc.). ¶ Second, and more importantly, an independent academic community is an essential counterweight to official efforts to shape public understanding of key foreign policy issues. Governments enjoy enormous information asymmetries in many areas of political life, but these advantages are especially pronounced when dealing with international affairs.[5] Much of what we know about the outside world is ultimately derived from government sources (especially when dealing with national security affairs), and public officials often go to considerable lengths to shape how that information is reported to the public. Not only do governments collect vast amounts of information about the outside world, but they routinely use secrecy laws to control public access to this information. Government officials can shape public beliefs by leaking information strategically, or by co-opting sympathetic journalists whose professional success depends in part on maintaining access to key officials.[6] Given these information asymmetries and their obvious interest in retaining public support for their preferred policies, it is hardly surprising that both democratic and non-democratic leaders use their privileged access to information to build support for specific policies, at times by telling outright lies to their own citizens.[7] ¶ This situation creates few problems when the policies being sold make good strategic sense, but the results can be disastrous when they don’t. In such cases, alternative voices are needed to challenge conventional wisdoms and official rationales, and to suggest different solutions to the problem(s) at hand. Because scholars are protected by tenure and cherish the principle of academic freedom, and because they are not directly dependent on government support for their livelihoods, they are uniquely positioned to challenge prevailing narratives and policy rationales and to bring their knowledge and training to bear on vital policy issues. If we believe that unfettered debate helps expose errors and correct missteps, thereby fostering more effective public policies, then a sophisticated, diverse and engaged scholarly community is essential to a healthy polity. ¶ Third, the scholarly world also offers a potentially valuable model of constructive political disagreement. Political discourse in many countries (and especially the United States) has become increasingly personal and ad hominem, with little attention paid to facts and logic; a trend reinforced by an increasingly competitive and loosely regulated media environment. Within academia, by contrast, even intense disputes are supposed to be conducted in accordance with established canons of logic and evidence. Ad hominem attacks and other forms of character assassination have no place in scholarly discourse and are more likely to discredit those who employ them than those who are attacked. By bringing the norms of academic discourse into the public sphere, academic scholars could help restore some of the civility that has been lost in recent years. ¶ For all of these reasons, it is highly desirable for university-based scholars to play a significant role in public discourse about key real-world issues and to engage directly with policymakers where appropriate. As I have argued elsewhere, academic research can provide policymakers with relevant factual knowledge, provide typologies and frameworks that help policymakers and citizens make sense of emerging trends, and create and test theories that leaders can use to choose among different policy instruments. Academic theories can also be useful when they help policymakers anticipate events, when they identify recurring tendencies or obstacles to success, and when they facilitate the formulation of policy alternatives and the identification of benchmarks that can guide policy evaluation. Because academic scholars are free from daily responsibility for managing public affairs, they are in an ideal position to develop new concepts and theories to help us understand a complex and changing world.[8] ¶ The picture sketched here is obviously something of an ideal type, and I am not suggesting that that the academic world consistently lives up to these expectations. As noted above, university-based scholars of international affairs—and especially the disciplines of political science and history—have increasingly focused on narrow and arcane topics and are contributing less and less to policy formation or public discourse.[9] And when academics do address topics of obvious policy relevance or public interest, the results are often presented in impenetrable, jargon-ridden prose and disseminated in venues that neither policymakers nor the public are likely to read. Even when scholars have something useful to say, in short, their tendency to “speaking in tongues” diminishes their impact on the public sphere**.** ¶Why Is There a Gap between Academia and the Public Sphere?¶ To some degree, the gap between the ivory tower and the world of policy arises because the two spheres have different agendas and operate under different incentives and constraints. Academics focus on developing generalizations and testing conjectures as rigorously as possible, while policymakers and the public are often preoccupied with individual cases (i.e., whatever is in the headlines or in a policymaker’s in-tray). Thus, scholars are delighted whenever they identify a powerful general tendency, but policymakers may be more interested in figuring out how to overcome that general tendency or worried that the case at hand might be an exception to it. Academics strive to make their work as accurate as possible, even if this takes more time, but policymakers cannot always wait until a complete analysis is possible.[10] To take a recent example, policymakers in the Obama administration had to respond to the 2011 “Arab Spring” long before anyone fully understood what was driving these events or where they might lead. Given these different agendas, it is not surprising that policymakers often find academic scholarship to be of less value than the scholars who produce it might wish.

## DA

#### 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.

#### Closing Gitmo restores credibility – causes resurgence of US international influence

Shattuck, 08, MA International Law Cambridge & CEO of the John F. Kennedy Library Foundation, served as assistant secretary of state for democracy, human rights and labor, and ambassador to the Czech Republic in the Clinton administration,

John, 8/2 “How US can get its groove back,” http://www.boston.com/bostonglobe/editorial\_opinion/oped/articles /2008/08/02/how\_us\_can\_get\_its\_groove\_back/) atw

One of the biggest challenges facing the next president is how to restore US credibility in the world. Despite military assets unparalleled in history, US global standing has hit rock bottom. The United States government is widely perceived today to be a violator of human rights. A poll conducted by the British Broadcasting Corp. last year in 18 countries on all continents revealed that 67 percent disapproved of US detention and interrogation practices in Guantanamo. Another poll in Germany, Great Britain, Poland, and India found that majorities or pluralities condemned the United States for torture and other violations of international law. A third poll by the Chicago Council on Foreign Relations showed that majorities in 13 countries, including traditional allies, believe "the US cannot be trusted to act responsibly in the world." The gap between America's values and its actions has severely eroded US global influence. How does it get it back? First, by obeying the law. The United States was founded on the rule of law. Human rights are defined and protected by the Constitution and international treaties ratified and incorporated into domestic law. By flouting basic rules - such as habeas corpus, the Convention Against Torture, and the Geneva Conventions - the US government has created a series of "law-free zones." In these zones detainees have been abused, thousands held indefinitely without charges, and human rights trampled on. Second, by practicing what we preach. The United States loses credibility when it charges others with human rights violations that it is also committing. The State Department routinely criticizes other countries for engaging in torture, detention without trial, and warrantless electronic surveillance, despite its own recent abysmal record in these areas. Fortunately, history shows that US influence in the world can be restored when its values and policies are brought into alignment. A series of bipartisan human rights initiatives during five recent presidencies - three Republican and two Democratic - enhanced the stature of American foreign policy. President Gerald Ford signed the Helsinki Accords, leading to international recognition of the cause of human rights inside the Soviet bloc. President Jimmy Carter mobilized democratic governments to press for release of political prisoners by repressive regimes. President Ronald Reagan signed the Convention Against Torture and persuaded the Senate to ratify it. President George H.W. Bush joined with other governments in the Organization for Security and Cooperation in Europe to nurture new democracies of the post-Cold War era. And President Bill Clinton worked with NATO and the UN to implement the Genocide Convention and bring an end to the human rights catastrophe in the Balkans. The next president can restore US influence by reconnecting the nation's values and policies on human rights and the rule of law. He should announce three initiatives.

#### 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.

## PIC

#### We advocate abolition except in the case of child molesters.

#### Child molesters are multiple repeat offenders

Victims of Violence 8 Victims of Violence is a Canadian federally registered charitable organization. 2008 PROTECTING CHILDREN FROM SEXUAL ABUSE <http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=379&Itemid=198>

The last step of Mathews cycle of abuse model is False promises. Typically the offender will make false promises to themselves that they will never do this again. These false promises only help the offender deal with their feelings at that particular moment. False promises do not make the offender realize what causes them to molest children. It is important to emphasize that adults who molest children will not and do not stop offending simply because they feel bad. As soon as the offender is placed in another stressful situation or comes in contact with one of their triggers, they are likely to commit another offence.

A study conducted by Carolyn Copps Harley, supports Mathew's findings. Harley found that all of the offenders interviewed in the study described their motives for sexually abusing children as self-serving. These participants were incestuous child molesters and assumed the role of a parental figure to their victims. These offenders were able to set aside their parental duties in order to pursue their own gratification. Examining high recidivism rates of child sexual offenders demonstrates the significance of protecting the victim as well as other potential victims.

#### 2. Imprisonment incapacitates offenders – it removes them, preventing commission of the crime

Hess 9 Kären M. Hess 2009, Introduction to Law Enforcement and Criminal Justice. ninth edition p 520 Google Books

Incapacitation refers to making it impossible for offenders to commit further offenses. Incapacitation can take many forms. One of the earliest forms was banishmnent, also referred to as social death. Some people feel this is the ultimate punishment, more devastating than being executed. In preliterate societies, offenders were often cast out of the village. Most recently England banished its outlaws and undesirables to Australia and then to the United States.

Other forms of incapacitation make it physically impossible for a criminal act to be repeated. A thief whose hands are cut off will not easily steal again. A castrated male will be unable to rape again. An incarcerated child molester will not be able to abuse children while in prison. And, obviously, a murderer who is executed will kill no more. Currently, the most common method of incapacitation is incarceration. While imprisoned a criminal is no longer a threat to society. The most extreme for of incapacitation is capital punishment.

#### 3. Prison incapacitation is the most effective way to prevent child molestation

Kesler 99 Rebecca Kesler, law studentThe Wayne Law Review Winter, 1999 44 Wayne L. Rev. 1871 NOTE: RUNNING IN CIRCLES: DEFINING MENTAL ILLNESS AND DANGEROUSNESS IN THE WAKE OF KANSAS V. HENDRICKS

The Court also fails to acknowledge the dual functions of deterrence in evaluating whether the Sexually Violent Predator Act has a punitive effect. The Court asserts that the Act is not a deterrent because persons who are unable to control their conduct cannot be deterred by confinement. [n133](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n133) However, the Court errs by failing to make a distinction between general deterrence and specific deterrence. [n134](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n134) Under principles of general deterrence, a defendant is punished to send a message to the general community that the particular conduct in question will not be tolerated. [n135](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n135) Specific deterrence requires that society punish the defendant to prevent future criminal misconduct. [n136](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n136) Specific deterrence can be achieved by incapacitating the offender. [n137](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n137) Clearly, the best way to prevent pedophiles from ever molesting children again is to confine them so that they have no access to children. The memory of the incapacitation also has the effect of discouraging the offender from re-offending in the event that the person is later released. [n138](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.352170.78047471115&target=results_DocumentContent&returnToKey=20_T18682642233&parent=docview&rand=1384997623783&reloadEntirePage=true#n138) Thus, despite the Court's insistence to the contrary, the confinement of sexual predators does involve a level of specific deterrence that is sufficient to support a finding that the Sexually Violent Predator Act is criminal in nature.

#### 4. Each incapacitation protects many children

Bayer 5 Michael Bayer, Branch Chief, Criminal Investigative Liaison, Bureau of Diplomatic Security, U.S. Department of State

The Police Chief, vol. 72, no. 8, August 2005 Operation Global Pursuit: In Pursuit of the World's Most Dangerous Fugitives and Terroriststs <http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=665&issue_id=82005>

In 2004 the bureau was instrumental in locating, capturing, and returning 25 pedophiles who were hiding overseas. According to the Amber Center for Missing and Exploited Children, the average pedophile molests more than 360 children in a career. Assuming that these child molesters were arrested in midcareer, it translates into 4,500 children who will not experience molestation.

#### 5. Suffering of victims warrants their protection

Victims of Violence 8 Victims of Violence is a Canadian federally registered charitable organization. 2008 PROTECTING CHILDREN FROM SEXUAL ABUSE <http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=379&Itemid=198>

As discussed previously, there are a multitude of negative effects suffered by a victim of child sexual assault. Many adults survivors of child sexual abuse develop addiction problems with alcohol and drugs. Some adult victims become interested in sexual behaviour that is harmful to themselves and others or completely loose interest in sex. Other adult victims develop physical illnesses and suffer life-long bouts of depression and mental illness. However, some adults who were abused as children go on to lead happy and productive lives. Protection of children from this harmful crime and its life long negative effects must be a primary goal.

#### 6 We have a moral obligation to protect children

Parisi 10 Joe Parisi , Wisconsin State Representative 2-22-10

Child Victims Act Provides Opportunity for Justice, Healing, and Accountability <http://legis.wisconsin.gov/assembly/asm48/news/Informational%20Columns/2.22.10%20Child%20Victims%20Act.pdf>

One of the most important roles of government is to protect people who are vulnerable to

abuse and mistreatment. For many reasons, children are quite susceptible to sexual,

physical, and emotional abuse, especially at the hands of adults who are in a position of

trust or authority. As an elected official, I believe that I have a duty to both protect

children who have already been abused and do everything in my power to prevent more

children from being abused. This is why I have authored the “Child Victims Act

(CVA),” which gives victims of childhood sexual assault the opportunity to hold

perpetrators accountable in court and will help prevent the further sexual victimization of

children.

#### 7. This commitment opens alternative paths that avoid extinction

Owen 11 Kari Ann Owen, a Ph.D. level scholar in religion, theology and literature, 2011 Sadomasochism: the Individual in Society http://www.kariannowen.com/Sadomasochism.html

Confronting and healing the horrifying wounds of child abuse may be one productive path toward rejecting an “inevitable” fate as nuclear war or global warming casualties, or inevitable victims of a “Christian” fascist state. And we can reclaim our citizenry and alter the course of planetary annihilation.

One way we can do this is to use our power responsibly, in all situations. Needless to say, if parents in the home reject violence and practice limit-setting through non-violent means, they will model responsible citizenry to their children. A child who is treated with affection, who learns not to bully through compassionate adult intervention, who is considered a growing individual with their own talents and dreams will probably not hate themselves enough to have strangers physically assault them with whips and whip-like words in order to bring about an orgasm.

## Case

#### Obama is prioritizing capture over drone strikes now

David Corn 13, Washington Bureau Chief at Mother Jones, 5/23/13, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?,” http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes.¶ The New York Times received the customary pre-speech leak and reported:¶ A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.¶ Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted.¶ These moves may not satisfy civil-liberties-minded critics on sthe right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?)¶ Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis.¶ With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism.

#### 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.

**Prefer consequences – Their moral tunnel vision is complicit with the evil they criticize.**

**Issac 2**

Professor of Political Science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest) SAS

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

**Every life is an end—the only ethical option is to maximize the number saved.**

**Cummisky 96**

(David, professor of philosophy at Bates, Kantian Consequentialism, p. 130-131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one-because dignity cannot be added and summed in this way-this point still does not justify deontological constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I may still save two; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hill’s example of a priceless object: If I can save two of three priceless statues only by destroying one, then I cannot claim that saving two makes up for the loss of the one. But similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, even if dignity cannot be simply summed up, how is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the loss of the one, each is priceless; this, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.

#### Nuclear war 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].

#### War turns structural violence

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

#### Nuclear war causes exploitation of marginalized groups

Martin 82. [Brian, Professor of Social Sciences at the University of Wollongong, Australia, 1982, “How the Peace Movement Should be Preparing for Nuclear War” Published in Bulletin of Peace Proposals, Vol. 13, No. 2, 1982, pp. 149-159, http://www.uow.edu.au/~bmartin/pubs/82bpp.html

There are very strong links between militarism and repression[18]: hierarchical, centralised bureaucratic structures underlie and thrive on each of them. Any fundamental challenge to war must challenge these structures as well. A nuclear emergency would greatly intensify the pressures both for military intervention in civil affairs and for state-sponsored repression. This points to the need to build very strong links between peace activists and those who are struggling against state power, such as groups opposing political police, civil liberties groups, groups defending the rights of racial minorities, women, homosexuals and prisoners, and groups supporting freedom of information and other checks on bureaucracies. Also important are strong links - as already exist in many cases - between peace groups and Third World groups struggling for justice and equality. Exploitation of people, especially in poor countries, is as major feature of the institutions which spawn the threat of nuclear war. Third World justice struggles are a continuing threat to these institutions. In a nuclear crisis or nuclear war, there would be strong pressures from exploiting groups to continue or expand repression and exploitation, for example to provide for recovery from nuclear attack. If opposition groups in exploited countries were prepared to push their claims harder and oppose repression in a nuclear crisis, this could both reduce the risk of nuclear war and lay the basis for ever stronger challenges to the institutions underpinning war. This will be especially effective if opposition groups in both power blocs - for example both eastern Europe and Latin America - increase their efforts in tandem.

# 2NC

## China

### 2NC Link Wall

#### Obama won’t pressure China until he closes Guantanamo

Kessler 10

Glenn Kessler, chief State Department reporter for nine years, traveling around the world with three different Secretaries of State, veteran diplomatic correspondent, Washington Post, 7/22/10, “Clinton, Gates offer distinct messages on human rights in Asia,” http://voices.washingtonpost.com/checkpoint-washington/2010/07/perhaps\_it\_is\_a\_coincidence.html atw

Clinton, on her first overseas trip, caused waves when she said promotion of human rights in China would have to take a back seat issues such as climate change and the financial crisis. Administration officials at the time said the White House was taking a more subtle approach on human rights, first seeking to **reestablish U.S. credibility by pledging to close the detention center at Guantanamo Bay,** Cuba, and then working behind the scenes to advance change overseas.

#### 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.'

## HR Kills Relations

#### Ideology – Feldman

#### China perceives human rights pressure as a violation of its sovereignty and U.S. hegemonic expansion

Zhou 05

Qi Zhou, Professor and Director of the American Politics Section of the Institute of American Studies at the Chinese Academy of Social Sciences in Beijing, studying in the Ph.D. program of The Johns Hopkins School of Advanced International Studies, Human Rights Quarterly 27 (2005) 105-124 //jchen

VI. THE SUPREMACYOF SOVEREIGNTYTO HUMAN RIGHTS

With regard to the issue of national sovereignty and its relation to human rights, both the Chinese government and the people believe that human rights are within China's own jurisdiction of sovereignty and that other countries have no right to interfere. China has always condemned the US government for intervening in its internal affairs and for ignoring its national sovereignty when the latter has pressured the former to improve its human rights record. Though most Chinese citizens believe there is much to be done to improve their country's human rights, they also agree that it is not the business of the United States or other Western countries to interfere. There is evidence that anyone in China who appeals to Western countries for aid to go toward democratization efforts or the advancement of human rights will be treated with disdain by his fellow Chinese citizens.

Here, then, is another relevant question: Do the Chinese have a stronger conception of sovereignty than Westerners? And if so, why? The issue of whether human rights or sovereignty is supreme is a heated topic of debate in the international forum. This is especially true in the post Cold War era because of the frequent humanitarian interventions sponsored by the United Nations or other international organizations. However, the idea that human rights are supreme to national sovereignty is rarely heard in China. Only on exceptional occasions do real discussions regarding this subject occur. For example, a young scholar argues, "the western model of human rights is not the universal standard. But the differences between the East and the West should not obstruct the formation of a common ideal of human rights among different peoples."58 Nevertheless, this kind of statement by no means reflects the mainstream opinion regarding the relation ship between human rights and sovereignty in China. The Chinese maintain a steadfast belief in sovereignty.

Ina paper presented to an academic conference in China in 2000, one young author strongly argued that sovereignty is supreme over human rights. The argument insists that sovereignty is sacred and inviolable and absolutely supreme to human rights. She asserts that some Western scholars assume that "in the contemporary world, the concept of sovereignty has changed in nature, but this assumption is wrong." She continues, The notion of supremacy of sovereignty to human rights is a new instrument used by the US in the battle of western countries, with the US in the lead, against the socialist and developing countries…Under the banner of human rights, what the US is actually doing is to intervene in the domestic affairs of other countries, in order to maintain and expand its hegemony.

#### 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.

### Human Rights – Crackdown

#### 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

### Human rights

#### Impact

Bloxham 10

“China and human rights: the biggest issues”, http://www.telegraph.co.uk/news/worldnews/asia/china/8120117/China-and-human-rights-the-biggest-issues.html //jchen

The death penalty

China executes more people each year than any other country and while official statistics remain secret, Amnesty’s figures show that China executed at least 1,718 people in 2008, nearly three-quarters (72%) of the world’s executions. Earlier this year, the number of offences that carry a capital punishment was cut from 68 to 55 – although the reality is that this will have little impact on the net number of executions.

"Re-education Through Labour"

People are detained in "Re-education Through Labour" camps for up to four years without any trial, often with harsh conditions. It is frequently used against petty criminals, critics of the government or followers of banned beliefs.

Harassment of people who stand up for human rights

People who speak out on politically-sensitive topics are frequently put under house arrest or imprisoned. They include defence lawyers, journalists, workers’ rights activists, villagers protesting against land seizures and relatives of people killed in Tiananmen Square.

Internet repression and media freedom - \*worsening\*

Hundreds of websites are blocked or banned in China. Search results are filtered, and websites censored, including those using words like "freedom", "human rights" and "Amnesty International". With around 30 journalists and 50 Internet users known to be behind bars, China has been described as "the world’s leading jailer of journalists".

Unfair trials

China’s judicial system falls way short of international standards. Failings include lack of access to a lawyers, extracting confessions through torture and political interference in the judiciary.

Persecution of people for their beliefs

Members of unofficial Catholic churches or underground Protestant "house churches" are frequently detained in violation of their rights. Muslims in Xinjiang are persecuted as well: some books are banned and mosques have been closed. Tens of thousands of members of the banned Falun Gong movement have been detained labour camps, prisons and psychiatric hospitals.

Torture

Torture and ill-treatment is widespread and methods include electric shocks, suspension by the arms, kicking, beating and food- and sleep-deprivation. Those detained for their political views, human rights activities or religious and spiritual beliefs are at high risk of torture in custody, particularly if they refuse to recant or renounce their beliefs.

#### Strategic distrust will undermine cooperation. Lack of dialogue guarantees nuclear escalation

Kulacki 12

Gregory Kulacki, senior analyst and China project manager in the Global Security Program at the Union of Concerned Scientists (UCS). He is a respected expert on international educational exchanges with the People's Republic of China. Dr. Kulacki lived and worked in China for more than twelve years developing and administering a wide variety of exchange programs between China and the United States. Prior to joining UCS in 2002 he served as the director of Academic Programs in China for the Council on International Educational Exchange, as an associate professor and the director of the Sino-American Center for Environmental Education at Green Mountain College, and most recently as the director of External Studies for Pitzer College, where he established a ground-breaking program in Chinese Media Studies in cooperation with Peking University, China project manager and Senior Analyst, Union of Concerned Scientists, Huffington Post, “The Risk of Nuclear War with China”, http://www.huffingtonpost.com/gregory-kulacki/the-risk-of-nuclear-war-w\_b\_1903336.html //jchen

It is disturbing, therefore, that both the United States and China have failed to find a productive way to discuss the risks of nuclear war, much less begin to take steps to mitigate those risks. The Chinese government appears trapped in a psychology of political and military insecurity that fosters a strategic dependency on secrecy and deception as its "trump card" in a potential conflict with the United States. The U.S. government, as Jeffrey Lewis points out in a recent essay in Foreign Policy, is held captive by "the illusion of the winning move" that "holds out the prospect of fighting and winning a nuclear war against China." U.S. unwillingness to admit it is vulnerable to a Chinese nuclear attack is driving a slow motion arms race, reminiscent of the Cold War, where each new U.S. effort to find the winning move is checked by the latest Chinese advance in military technology.

On the edges of the official competition, misanthropes in both nations spread sensational and frightening disinformation that poisons public discussion, making steps towards dialog and cooperation more difficult for political leaders to take. In the face of growing strategic distrust, neither government seems willing to accept the risks for peace that are necessary to minimize the risks of war, which, while still small, continue to grow.

### Xtn – Isaacs

#### 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.

### Extinction First – Ontology

#### Extinction first—prerequisite to ontology.

Brent Dean Robbins, doctoral student in clinical psychology at Duquesne University, ’99 (Medard Boss, <http://mythosandlogos.com/Boss.html>)

"Death is an unsurpassable limit of human existence," writes Boss (119). Primarily, however, human beings flee from death and the awareness of our mortality. But in our confrontation with death and our morality, we discover the "relationship" which "is the basis for all feelings of reverance, fear, awe, wonder, sorrow, and deference in the face of something greater and more powerful." (120). Boss even suggests that "the most dignified human relationship to death" involves keeping it--as a possibility rather than an actuality--constantly in awareness without fleeing from it. As Boss writes: "Only such a being-unto-death can guarantee the precondition that the Dasein be able to free itself from its absorption in, its submission and surrender of itself to the things and relationships of everyday livingn and to return to itself." (121) Such a recognition brings the human being back to his responsibility for his existence. This is not simply a inward withdrawal from the world--far from it. Rather, this responsible awareness of death as the ultimate possibility for human existence frees the human being to be with others in a genuine way. From this foundation--based on the existentials described above--Boss is able to articulate an understanding of medicine and psychology which gives priority to the freedom of the human being to be itself. By freedom, Boss does not mean a freedom to have all the possibilites, for we are finite and limited by our factical history and death. Yet within these finite possibilities, we are free to be who we are and to take responsibility for who we are in the world with others and alongside things that matter. Psychotherapy comes into play in cases in which people suffer from "pathological deficiencies of freedom," who, while constricted, still retain a degree of freedom, but a freedom which includes a suffering from constrictedness. The therapist, in this regard, provides the client with a space to free up this constricted existence in order to discover previously foreclosed possibilities of being in the world.

#### 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.

#### Enemyship is an inevitable psychological response – most recent and comprehensive studies.

Sullivan et al. 10 [Daniel Sullivan1, Mark J. Landau1, Zachary K. Rothschild1, 1Department of Psychology, University of Kansas, An Existential Function of Enemyship: Evidence That People Attribute Influence to Personal and Political Enemies to Compensate for Threats to Control, Journal of Personality and Social Psychology, March 2010, Vol. 98, No. 3, p 434-449]

General Discussion On the basis of Becker’s (1969) existential theorizing, we have proposed that perceiving the self as having powerful enemies serves a psychological function for the individual by compensating for threatened perceptions of control over one’s environment. Specifically, enemies serve as psychological focal points for what are otherwise diffuse threats to one’s life and well-being that are impossible to fully anticipate or control. This analysis suggests that people will imbue enemy figures with exaggerated influence and power when feelings of control are threatened and that perceiving powerful enemies capable of perpetrating diffuse misdeeds will bolster feelings of personal control by reducing perceptions of chaotic risks in one’s environment. The **current studies provide the first empirical tests of these claims.** Study 1 showed that when people were reminded of the prevalence of chaotic hazard in their environment, those individuals characterized by dispositionally low feelings of personal control were more likely to view a personal enemy as having influence over their lives, but this effect did not extend to perceptions of a generically aversive other. Study 2 provided a conceptual replication of this effect on perceptions of a political enemy in a more ecologically valid context, with an experimental manipulation of perceived control over chaotic hazards. In accord with predictions, situationally reduced feelings of personal control increased participants’ belief that a public enemy figure—the opponent of their chosen candidate in the 2008 U.S. presidential election—was wielding power to surreptitiously manipulate the election. This study furthermore showed that the hypothesized effect was not simply due to an increase in generalized suspiciousness, concern with unwanted election outcomes, or generally negative evaluations of the enemy candidate. Supplementing Becker’s (1969) analysis with M. Douglas’s (1966) account of cultural differences in enemyship, we hypothesized that enemyship will be an **especially attractive means** of compensating for control threats when the broader social system is perceived as disordered and incapable of providing protection from harm, whereas bolstering the perceived strength of the system will be the preferred response when the system appears ordered and secure. The results of Study 3 supported this hypothesis: Participants led to view the prevailing system as disordered responded to a control threat by viewing a personal enemy as responsible for negative occurrences in their lives and by denying the influence of random forces on negative occurrences. However, these participants were no more likely to attribute positive life events to a friend’s influence. In contrast, and in line with Kay et al.’s (2008) findings, participants led to view the system as ordered responded to control threats by bolstering their belief in the system’s order and strength. Study 4 tested whether perceiving an enemy capable of causing diffuse harms would actually decrease perceived risk in the world and thereby bolster feelings of personal control. As predicted, control-threatened participants who were exposed to an ambiguously powerful enemy (but not one whose powers were explicitly known or who was weak) showed reduced perceptions of chaotic risk, which in turn bolstered perceptions of personal control. Taken together, the current studies are the **first** to systematically examine the psychological function served by perceiving powerful enemies in the world, while additionally providing evidence of the psychological process by which enemies serve a control-restorative function, and the situational conditions under which people are more likely to exaggerate an enemy’s power and influence as a means of compensating for personal control concerns.

Policy reforms are making progress on prison inequalities

Baltimore Sun, 3/4/’13

(“Shifting prison populations”)

But revisions in federal and state sentencing laws in recent years have narrowed the sentencing gap between crack and powder cocaine. At the same time, the violence associated with crack has become less of an issue as use of the drug has declined. That, combined with the fact that many inmates given long sentences for drug offenses are now emerging from prison, has produced a disproportionate exodus of black inmates that is reflected in lower rates of incarceration for African-Americans as a whole. The Sentencing Project report suggests that many states, including Maryland, have made significant progress toward reducing racial disparities in their prison populations but that the proportion of blacks who are incarcerated clearly **remains far too high**. In Maryland, blacks make up 30 percent of the state's population but still represent nearly three-quarters of the inmate population. The revision of federal and state drug laws represented the beginning of reform, but much work remains to be done to eliminate the continuing racial disparities in the state's prisons.

# 1NR

#### There is no agreement on the nature of pedophilia

Lithwick 4 Dahlia Lithwick writes about the courts and the law for Slate Jan. 7 2004 Slate Vile, Vile Pedophile Is child molesting a sickness or a crime? http://www.slate.com/articles/news\_and\_politics/jurisprudence/2004/01/vile\_vile\_pedophile.html

What science has revealed about the moral/medical roots of pedophiles is, of course, ambiguous. What is clear is that the binary choice laid out above is an oversimplification. The medical community, which started to view pedophilia as a disease rather than a crime in the 19th century, has amassed evidence that at least some violent and antisocial behaviors have genetic links and signposts. But researchers have been unable to isolate a biological cause for pedophilia, or even to agree on a personality profile. Not to mention the terrific confusion within the medical community in defining what this "disease" really involves. Until a few years ago, for example, the DSM-IV—the Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders—defined pedophilia as a disease only if the sufferer's "fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning." In other words, a non-impaired, remorseless pedophile was apparently perfectly healthy.

#### Consensus of studies proves treatment fails

Langevin et al 6 Ron.Langevin, Suzanne Curnoe,. Paul.Fedoroff, Canadian Journal of Criminology and Criminal Justice,

Volume 48, Number 1, January 2006, pp. 107-117 Reply to Webster, Gartner, and Doob Project Muse

Interestingly, they quote work by R. Karl Hanson, Ian Broom, and Marylee Stephenson (2004) later in

their critique but do not mention here that these authors reported a difference of less than 1% in recidivism

rates for treated and untreated sex offenders in a 12-year follow-up study, a statistically non-significant finding.

Relapse prevention therapy is the most commonly used treatment today; its major premise is that sexual offending

can be managed, but there are no promises of cure. The work of Janice Marques, Mark Wiederanders, David M.

Day, Craig Nelson, and Alice van Ommeren (2005), who conducted one of the longest follow-up treatment

studies to date using a randomized design, is not mentioned; their conclusions indicate that current treatment is ineffective. Results of all treatment efforts with sex offenders over the past 40 years appear to suggest that sexual offending is a persistent problem. Our sample indicated that the problem persisted, on average, for almost two decades. It does not help offenders to promote the belief that their problem of sex offending will go away in short order.

#### Maybe effective in the short term, but never in the long term

Victims of Violence 8 Victims of Violence is a Canadian federally registered charitable organization. 2008 PROTECTING CHILDREN FROM SEXUAL ABUSE <http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=379&Itemid=198>

This study highlights the need for long-term supervision for evaluating treatment outcomes for child molesters. In conclusion, although treatment was associated with clinically significant improvements, only the short-term results of the treatment program were found to be promising (Steffy & Gauthier). The long-term follow up on these offenders demonstrated no significant differences between the treated child molesters and the untreated comparison groups. This suggest the scepticism that must be taken when releasing a child sex offender and what restrictions and supervision should be placed on them to protect children.

Incarceration is key to make treatment effective

Parish 4 Ken Parish, legal academic at Charles Darwin University, with research areas in public law (constitutional and administrative law) and teaching & learning theory and practice. [March 23, 2004](http://clubtroppo.com.au/2004/03/23/vile-vile-pedophile/) Vile, vile, pedophile

<http://clubtroppo.com.au/2004/03/23/vile-vile-pedophile/>

The third element involves ongoing monitoring, chemical treatments (sometimes called “chemical castration”) and counselling after release from prison. [The Slate article](http://slate.msn.com/id/2093582/) essentially plumps for this as the author’s preferred option. But it isn’t that easy. [Research](http://dir.salon.com/health/feature/2000/03/01/castration/index.html) [studies](http://www.heretical.com/money/soffence.html) [show](http://members.tripod.com/%7Edazc/sexdrugs.htm) that chemical castration (using drugs like depo provera) is only effective when used in conjunction with counselling, and that both are effective only for offenders who willingly co-operate with the treatment regime. Mandatory depo provera/counselling orders imposed on unco-operative offenders simply won’t work, so basing a sentencing regime wholly or even primarily on those measures is impractical. Nevertheless, a regime involving significant custodial sentences as a matter of course is likely to increase the number of offenders willing to submit to depo provera/counselling orders as a way to shorten prison time.

Even then, judges and magistrates need to know that these types of orders must involve submission to ongoing treatment over [a very long period of time](http://members.tripod.com/%7Edazc/sexdrugs.htm) (until old age), and be given the power to impose such orders:

#### There is no scientific support for chemical castration

Seto 9 Michael C. Seto, Royal Ottawa Health Care Group and University of Toronto "Pedophilia," Annual Review of Clinical Psychology (2009): Vol. 5, pp. 391–407. <http://www.annualreviews.org/doi/full/10.1146/annurev.clinpsy.032408.153618>

Intervention

In my opinion, the effectiveness of psychological treatments to reduce sex offender recidivism has not been scientifically demonstrated. There is support for the use of aversive conditioning techniques in decreasing sexual arousal to children, but the long-term maintenance of such changes is unknown. Offenders can learn to voluntarily control their sexual arousal, but the underlying sexual preference for prepubescent children may remain unchanged. Nonetheless, learning to control their sexual arousal to children may help motivated individuals to refrain from sexually offending.

Despite the intuitive appeal of antiandrogen treatment or surgical castration to reduce sexual drive—and thus to reduce the likelihood of sexual contacts with children by pedophilic sex offenders—the empirical support for the efficacy of such interventions in reducing sexual recidivism is not strong. Compliance can be a major problem in antiandrogen treatment, with high refusal and noncompliance rates. Some men who undergo surgical castration retain the ability to have erections and engage in intercourse, and many sexual offenses do not involve the penis; the majority of sexual offenses against children involve fondling, masturbation of the child, or oral sex performed on the child. Sex drive reduction might not affect men who are romantically attracted to children and who fulfill their relationship needs by engaging in ongoing contacts with children.

Cognitive-behavioral techniques to teach self-regulation skills have not been shown to be effective. The impact of psychological treatments is likely to depend on the motivation of individuals to refrain from acting upon their sexual interest in children. Thus, a motivational enhancement component may be an important adjunct for pedophilic individuals who are not sufficiently motivated. There is some research to suggest that motivational enhancement efforts can increase treatment retention and participation ([Miller & Rollnick 2002](javascript:void(0);)).

#### Studies show chemical castration doesn’t work

Hall 7 [Ryan C. W. Hall](http://www.mayoclinicproceedings.com/search?author1=Ryan+C.+W.+Hall&sortspec=date&submit=Submit), MD and [Richard C. W. Hall](http://www.mayoclinicproceedings.com/search?author1=Richard+C.+W.+Hall&sortspec=date&submit=Submit), MD, PA Department of Psychiatry and Behavioral Sciences, The Johns Hopkins Hospital, Mayo Clinic Procedings doi: 10.4065/​82.4.457 Mayo Clinic Proceedings April 2007 vol. 82 no. 4 457-471

A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues

<http://www.mayoclinicproceedings.com/content/82/4/457.full>

TREATMENT OF SEXUAL OFFENDERS

No treatment for pedophilia is effective unless the pedophile is willing to engage in the treatment. Individuals can offend again while in active psychotherapy, while receiving pharmacologic treatment, and even after castration.[17](http://www.mayoclinicproceedings.com/content/82/4/457.full#ref-17) Currently, much of the focus of pedophilic treatment is on stopping further offenses against children rather than altering the pedophile's sexual orientation toward children. Schober et al[34](http://www.mayoclinicproceedings.com/content/82/4/457.full#ref-34) found that individuals still showed sexual interest in children, as measured by the AASI, even after a year of combined psychotherapy and pharmacotherapy, whereas the pedophiles' self-reported frequency of urges and masturbation had decreased. These findings indicate that the urges can be managed, but the core attraction does not change.[34](http://www.mayoclinicproceedings.com/content/82/4/457.full#ref-34),[64](http://www.mayoclinicproceedings.com/content/82/4/457.full" \l "ref-64) Other interventions designed to manage these pedophilic urges include careful forensic and therapeutic monitoring and reporting, use of testosterone-lowering medications, use of SSRIs, and surgical castration.[34](http://www.mayoclinicproceedings.com/content/82/4/457.full#ref-34),[64](http://www.mayoclinicproceedings.com/content/82/4/457.full" \l "ref-64)

#### Without tough sentencing of child molesters vigilantism will increase

Cordle 98 Jennifer L. Cordle, law student 1998 Capital University Law Review 27 Cap. U.L. Rev. 135 NOTE: STATE V. WILSON: SOCIAL DISCONTENT, RETRIBUTION, AND THE CONSTITUTIONALITY OF CAPITAL PUNISHMENT FOR RAPING A CHILD.

The attitude of society in regard to the crime of child abuse and molesters likely played a large role, not only in the 1995 amendment to [Louisiana Revised Statute, section 14:42(C)](http://www.lexisnexis.com/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T18682673939&homeCsi=151888&A=0.49431443546049947&urlEnc=ISO-8859-1&&citeString=LACODE%2014:42&countryCode=USA&_md5=00000000000000000000000000000000), [n57](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n57) but also in the Wilson Court's decision concerning the constitutionality of the statute. Society's tolerance of child molesters has plummeted in the last two decades, [n58](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n58) and the people have demanded more stringent laws and punishments for child abusers. [n59](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n59) Unfortunately, the legal system has not adjusted quickly enough to satisfy society's thirst for justice (or vengeance). Consequently, many are frustrated with the legal system because they believe that child abusers are getting away with lax punishments. [n60](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n60) This belief is  [\*143]  demonstrated by the existence of the term "revolving door justice," which reveals that widespread recidivism has resulted in society's doubting that our justice system is able "to deter, reform or incapacitate those who most urgently require treatment." [n61](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n61)

The rash of laws requiring child molesters and rapists to report their whereabouts to local police departments upon release from prison is one facet of this social discontent. The 1994 rape and murder of Megan Kanka, a 7-year-old New Jersey girl, focused national attention on the issue of child molestation. [n62](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n62) Since then, 49 states have adopted sex offender registration laws, and 32 states maintain some form of community notification laws, [n63](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n63) all of which are collectively referred to as Megan's Law. [n64](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n64) Such acts "often emerge from a sense of public outrage and reaction to a series of repeat offenses by recently released sex offenders." [n65](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n65) They are a response to society's growing frustration with the legal system, [n66](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n66) and also to a growing tide of vigilante behavior in communities upset at what they view as lenient treatment of the most despicable offenders. [n67](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n67)

Frustration with the legal system and its failures is demonstrated by individual acts of vigilantism against known or suspected child molesters, and the reaction of the public to these vigilantes and their deeds. The attacks on child abusers have been numerous and varied in nature, [n68](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n68)  [\*144]  ranging from the throwing of rocks through a molester's window to the assassination of the alleged molester. These behaviors, particularly the killings of accused child molesters, captured the hearts and minds of the American people. For many, each new murder was the feel good story of the year: the killers were heralded as the saviors of the children, [n69](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n69) heroes in a world where the legal system is either unable or unwilling to protect the nation's innocents or to dispense justice. [n70](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n70) The aftermath of the most serious vigilante acts revealed the darker side of American morality-there was a carnival atmosphere surrounding the deaths of the child abusers. [n71](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true#n71)

#### Long imprisonment reduces vigilantism

Cordle 98 Jennifer L. Cordle, law student 1998 Capital University Law Review 27 Cap. U.L. Rev. 135 NOTE: STATE V. WILSON: SOCIAL DISCONTENT, RETRIBUTION, AND THE CONSTITUTIONALITY OF CAPITAL PUNISHMENT FOR RAPING A CHILD.

The majority's reliance upon the goals of punishment could have been bolstered by discussing recent examples of vigilantism [n162](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n162) - the very problem which criminal sanctions were developed to prevent. [n163](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n163) The fact that family members of sexually abused children have resorted to such extreme measures (i.e. killing the abusers), and that an overwhelming segment of society viewed such behavior as a heroic feat, [n164](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n164) is an indication that the people are not only frustrated with the justice system, but that some have determined that they have a better idea of how to exercise the long arm of the law.

Though the Supreme Court of Louisiana's reliance upon the goals of retribution and deterrence was a logical decision, the court should have set out this argument in the beginning of its opinion, rather than at the close. Placing this discussion at the end of the opinion was an unwise choice. The argument reflected back upon the court's previous arguments in favor of the statute's constitutionality, and had it been presented in the beginning of the opinion, the court could have bolstered those conclusions with more substance. For instance, when the court discussed the "evolving standards of society," it could have referenced the rash of vigilante acts committed against convicted or accused child molesters, and used it as evidence that society is not satisfied with the punishment that these criminals receive. The court could have explained that modern society is not more lenient or undiscriminating than earlier societies, but that its moral sense in relation to this crime is not "properly reflected in our present-day penal system." [n165](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n165) It could have pointed out that the death penalty for this heinous crime would provide the retribution for which society seems to be crying out.

If the majority had placed the retribution argument at the beginning of its opinion, it also could have supported the conclusion that the evolving  [\*159]  standards of society allow for capital punishment in regard to the rape of a child under age 12 by explaining that society views those sentenced to death as "less than human." [n166](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n166) These convicts have committed despicable acts for which there is "no forgiveness," [n167](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n167) and they deserve society's righteous indignation. [n168](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n168) The crime of child molestation or rape certainly appears to fulfill these criteria, for society would like to see that "all the tortures of hell be visited upon those who violate little kids," [n169](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.665563.0037061549&target=results_DocumentContent&returnToKey=20_T18682679209&parent=docview&rand=1384998027990&reloadEntirePage=true" \l "n169) and the advent of registration laws is merely a refined version of the scarlet letter - a reminder so that we never forget the sin.

#### Incapacitation reduces crime empirically

Totten 6 Gregory D. Totten, District Attorney, County of Ventura, State of California, Testimony on Sentencing Reform California State Capitol June 22, 2006 http://www.lhc.ca.gov/lhc/sentencing/TottenJune06.pdf

The problem of sex offenders represents another broad area that begs for improvement. In recent years, there have been numerous legislative efforts to improve both the penalty and treatment provisions geared towards these offenders. But the piecemeal approach typical of the legislative process has left gaps and inconsistencies that frustrate our attempts to apply the law evenhandedly. Jessica’s Law goes before the voters in November. 28 This ballot initiative takes a different approach. It proposes comprehens ive legislati on that provides uniformity and predictability in sex - offender sentencing. Jessica’s Law will enable prosecutors to remove the most dangerous of sexual predators from our communities without the requirement of a second victim. Offenders who are amenable to treatment and rehabilitation will be released, safely, into our communities. To increase public safety upon release of these offenders, Jessica’s Law tolls the inmates’ parole period until the day they are released from custody or a treatm ent facility. This tolling permits state authorities to closely monitor these offenders while they reincorporate into society. Their safe release will be enhanced by the use of global positioning monitoring for the life of the offender.

Jessica’s Law is supported by a long list of law enforcement agencies, victims’ rights groups, and government entities. I urge this Commission to join them and CDAA in support of Jessica’s Law. 29

The devastation caused by crime is enormous.

I have sat with grieving family members in my office, trying to explain how the justice system might provide some closure. I have watched victims in court react to guilty verdicts and death sentences. I have learned closure is often a hollow goal.

My job is to do justice for the victims and the offenders. For both, justice demands fair, predictable, and appropriate sentencing, increased efforts a t rehabilitation, and constant vigilance . Justice demands more than closure, justice demands prevention. 9

Our history has proven we can prevent crime through sentencing. By incapacitating thousands of our most dangerous offenders, we have cut our violent crime rate almost in half.

Solvency for incapacitation is beyond doubt

Parish 4 Ken Parish, legal academic at Charles Darwin University, with research areas in public law (constitutional and administrative law) and teaching & learning theory and practice. [March 23, 2004](http://clubtroppo.com.au/2004/03/23/vile-vile-pedophile/) Vile, vile, pedophile

<http://clubtroppo.com.au/2004/03/23/vile-vile-pedophile/>

My own answer is fairly straightforward. This behaviour has elements of choice and calculation in a least a fair percentage of cases. Hence crime rates for such offences are likely to be susceptible to a deterrent effect if the likelihood of detection and significant punishment is substantially increased. That deterrent effect is hardly likely to be assisted by sentences of 4 and 7 months being imposed on significant serial offenders.

The second element of an effective regime includes incapacitation. There’s simply no doubt that long-term incarceration of these offenders ensures that they don’t molest children while in prison; as such it’s a highly effective crime reduction strategy. Although it may well be prohibitively expensive to lock up all child sexual offenders and throw away the key, it certainly needs to be seriously considered in the case of persistent long-term offenders. Paul Thompson (the first offender mentioned above) fairly clearly falls into that category, despite the magistrate’s bizarre and inexplicable observation that he “*was a changed person who had “done it tough*“”.

Doubts about imprisonment don't apply to incapacitation

Kopel 94 David B. Kopel is research director of the Independence Institute in Golden, Colorado, and an associate policy analyst of the Cato Institute, and former assistant attorney general of Colorado Cato Policy Analysis No. 208 May 17, 1994 Policy Analysis, Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety,<http://www.cato.org/pubs/pas/pa-208.html>

Although there has long been scholarly debate about the extent, if any, to which prisons deter crime or rehabilitate criminals, there is no denying that prisons incapacitate criminals. As long as a violent criminal is in prison, he will not endanger anyone except other prisoners and the prison guards. Imprison one armed robber, and there is one fewer armed robber on the street. Imprison half the armed robbers, and the armed robbery rate will decline about 50 percent. The same analysis applies to child abusers, burglars, and most other criminals who repeatedly attack innocent people. The more of them are imprisoned, the less crime will occur while they are imprisoned. As New York assemblyman Daniel Feldman observes, "Incarcerating a sex offender does not create a job vacancy to be filled by another sex offender."(119)

#### Preventing contact with children avoids the triggers for molestation

Victims of Violence 8 Victims of Violence is a Canadian federally registered charitable organization. 2008 PROTECTING CHILDREN FROM SEXUAL ABUSE <http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=379&Itemid=198>

TRIGGERS

The majority of therapists and researchers believe that the tendency to sexually assault children begins with a predictable circumstance or pattern of behaviour called a "trigger." There can be one or more triggers for adults who molest children. Children of a particular sex, age, or stage of development can be "triggers" for child molesters. Certain situations can trigger the perpetrators pattern of molesting. The crime may take place in circumstances where the perpetrator knows they will have uninterrupted access to a child. "Triggers" are predictable patterns signalling when the perpetrator is most likely to offend. In order to prevent harm, it is important for the offender to define their personal trigger (or triggers) accurately and stop any harmful action that could ensue. For the best interest of the child, these triggers must be assessed and a cautious approach taken when allowing these offenders to be in the presence of children.

There is consensus that the offender must seek treatment in order to attempt to understand the perceptions of their motives for molesting children (Hall & Hirschman, 1992; Ward, Hudson, & Johnston, 1997). This is an important step the perpetrator must take in order to understand their offending behaviour. Understanding the personal motives of why they molest children may help them to prevent their harmful behaviour. However, understanding is not enough, the behaviour must be prevented due to the horrible effects these actions have on innocent children. The best method of prevention is for the offender to abstain from contact with children until treatment is initiated and a clinical risk assessment is made.

#### Too violent against the child, reintrenches heteronormativy

Hardie 2006 (Melissa Hardie, Professor of English University of Sydney, “Lee Edelman’s No Future: Queer Theory and the Death Drive,” September 3rd 2006, <http://blogs.usyd.edu.au/theorycluster/2006/09/lee_edelmans_no_future_queer_t.html>)

Many queer people want to breed – and this isn't simply because of their indoctrination into an existing political order. In fact, I would say that queer men have a particular proclivity to parenthood, just because they often (though by no means always) possess certain effeminate traits which enable those maternal qualities which, in the heterosexual world are often (though by no means always) stronger, or at least more primal, than paternal ones. This explains why an inordinate number of queer men end up in positions such as teaching, nursing etc. However, leaving aside the personal/political problem, and addressing Edelman's text on a purely political level (or, alternatively, his central connection between queer people and anti-reproductivity as a purely figurative image), problems remain. There is a fine line between renouncing children and destroying children – and Edelman chooses texts which blur this line, most notably Alfred Hitchcock's The Birds. Read in the wrong way – or even read in a manner slightly different from that which Edelman has intended (in a word, read with the same provisional disregard for established authorial intention that he shows for the texts he critiques) – Edelman figuratively equates queerness with the destruction of children. This is extremely unfortunate, given the popular equation of queerness and paedophilia. It seems to me that Edelman's use of his queerness to articulate a space diametrically opposed to the current political status quo is mirrored, fictionally, in the novels of Dennis Cooper – and I wouldn't want Cooper's novels invested with the same political momentum – or at least the same queer-oriented political momentum – as Edelman's theory. The comparison is doubly instructive because I feel that, in both cases, political subversiveness (ironically) doesn't spring from any convincingly articulated political statement, but from an inordinate prioritisation of the aesthetic above the political (which I take as a cipher for the ethical, the philosophical etc). I am aware that Cooper's dead teenagers are often connected, figuratively, to the marketed, mannequinised postmodern bodies we are all trying to escape. However, I feel that trying to find a "moral" per se in Cooper is just as erroneous as trying to find a "moral" in de Sade – and perhaps just as erroneous as trying to find any practical (or convincing) "moral" in Edelman.

#### **The present is still unwritten—rather than rejecting the future, we can use the queer indeterminacy of the present to both affirm new futures and the contemporary child**

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(Leopold, Utopian Contemporaries: Queer Temporality and America, thesis, November. [PDF Online @] othes.univie.ac.at/2818/1/2008-11-26\_0303723.pdf) Accessed Accessed 07.02.11 jfs

Halfway through this chapter, an intellectual endeavor to theorize utopian contemporaries, I have introduced the contemporary as a critical temporality that resists reproductive time lines and that, revealing its amorphous indeterminacy, actively queers the dramatic futurism which constitutes the American imagined community. According to the antisocial thesis, however, the contemporary is not at all utopian: on the contrary, it is invested with the dystopian powers to undo identities, to destroy the social, and to tirelessly poison any future with negativity. This ingenious correlation between the contemporary and queer negativity leads me to further interrogation, invoking the following questions: May not the contemporary, despite the queer demand that the future stop here, also function as a critical temporal domain to originate new, other futures? Is not the contemporary, precisely because of its queer indeterminacy, an ideal testing ground for alternative futurities, or for a reconfiguration of temporality on the whole? And might not a queer social that prefers the contemporary to the future child be a truly utopian prospect? In the remainder of this chapter, I want to investigate these issues and try to answer the above questions in the affirmative. It is my ambitious aim to illustrate that, following David Román, “the power of the contemporary [lies] precisely in its nowness” (America, 15), and that its indecisive temporal existence furthers the profuse origination of other, and better futures. As this study will show, the contemporary is not necessarily socially negative: it may also extend the buoyant positivity of utopia.

#### **Edelman’s metaphysic is grounded in Lacanian non-sense, there is no way to enact the alt**

Bateman 2006 (R Benjamin Bateman, doctoral candidate in English at the University of Virginia, Spring 2006, The Minnesota Review, online: <http://www.theminnesotareview.org/journal/ns6566/bateman_r_benjamin_ns6566_stf1.shtml>) Blue=reader’s digest version of Edelman

But his book falters as it comes increasingly to rely upon arcane appeals to Lacanian psychoanalysis (conspicuously absent from this book is a single reference to Foucault). Edelman's argument runs something like this: a stubborn kernel of non-meaning resides at the core of language, forcing each signifier to find its meaning in the next ad infinitum, thus preventing signification from ever completing itself or establishing meaning once and for all. This internal limit subtends and makes possible all meaning-making while simultaneously disrupting it. An unbridgeable gap, it marks the place of a recalcitrant, functionless, and socially corrosive jouissance—an excessive enjoyment over which language, society, and the future stumble. Heterosexual culture, anxious to name and contain this minatory abyss, casts homosexuals as it and into it. They are "…the violent undoing of meaning, the loss of identity and coherence, the unnatural access to jouissance…"(132).

One might fault Edelman, as John Brenkman has, for transposing a rule of language onto the order of being. But even if one takes his equation seriously, one must ask what is gained by actively occupying a structurally necessary role. In other words, if the Real must exist for the Symbolic to function, then the abyss will remain whether homosexuals agree to inhabit it or not. Edelman acknowledges this reality but argues that if homosexuals exit the abyss a new subaltern will be compelled to enter it. Better, then, to remain inside and mirror back to heterosexuality what troubles it most—meaninglessness, death and antisocial desire. Unfortunately, Edelman provides few details as to how we might accomplish this task, and his insistence elsewhere that the powers-that-be will clamp down with unmitigated force to repress and disavow the encroaching Real renders such a strategy less than appealing. At one point he encourages queers to pursue a more traditional politics alongside his radical recommendation (29), but he fails to acknowledge that if the former succeeds—and the dominant culture brings queers and/or their practices into its fold—then the latter's intended audience will no longer be listening.

# 2NR

### ASPE 2003 S*tatutory Rape: A Guide to State Laws and Reporting Requirements*

Summary of Current State Laws http://aspe.hhs.gov/hsp/08/sr/statelaws/summary.shtml

More often though, all of the acts will be illegal (with the same age requirements), but the severity of the punishment will differ based on the type of sexual activity. In Kentucky for example, sexual activities with children under 12 years of age are illegal regardless of the age of the defendant. If the activities amount to sexual contact, the defendant is guilty of first degree *sexual abuse* (a Class D felony); if they amount to *sexual intercourse*, the defendant is guilty of first degree *rape* (a Class A felony).