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## Status Quo

#### For years the president has used his war powers authority to exclude women from ground forces introduced into hostilities.

Urias. 4 ARNULFO URIAS, J.D. Candidate, University of Southern California Law School, 2005;

Southern California Review of Law and Women's Studies Fall, 2004 14 S. Cal. Rev. L. & Women's Stud. 83

NOTE: THE POLITICS OF BIOLOGY: EVOLUTIONARY BIOLOGY AND THE EXCLUSION OF WOMEN FROM COMBAT \*

[\*89] In 1993, Congress passed the 1994 Defense Authorization Act (DAA) and repealed the final remnants of the exclusion policy in the United States Code, which included the prohibition of women from combat vessels. n46 The DAA eliminated the last two surviving prohibitions from CEL: the ban of women on warships and combat aircrafts. n47 In doing so, however, Congress did not impart complete freedom on women to occupy combat positions; instead, it merely removed the explicit prohibition of women in combat, shifting the authority to exclude onto the services themselves. Furthermore, Congress favored keeping the combat restriction on women -- so much so that it included language in the DAA instructing the Secretary of Defense to inform Congress before any service changed its exclusion policy. n48 In the report accompanying the DAA, Congress stated its plans to "exercise close oversight on these or any other planned changes to the assignment policy for women, particularly if these changes could result in women serving in units whose mission requires routine engagement in direct combat on the ground." n49 Nonetheless, in 1993, Secretary of Defense Les Aspin directed the different military services to open up as many service positions (known as Military Occupational Specialties, or MOSs) as possible to women and to research future opportunities for women in the military. n50 However, he explicitly allowed them to continue prohibiting women from "units engaged in direct combat on the ground, assignments where physical requirements are prohibitive and assignments where the costs of appropriate berthing and privacy arrangements are prohibitive." n51 He also permitted the services to "propose additional exceptions, together with the justification for such exceptions, as they deem appropriate." n52 Because the latter two grounds for excluding women, financial cost and additional exceptions, are matters of judgment, their boundaries are so elastic that they may be broken and even revoked. However, the first permissive [\*90] restriction on women, the prohibition of women from front-line combat, remains a relatively bright-line rule. n53

#### Although the DOD formally repealed the combat exclusion, the maintenance of physical requirements means that women will continue to be excluded from those forces introduced into hostilities.

Peralta 13 EYDER PERALTA, NPR January 23, 2013 Panetta Is Lifting Ban On Women In Combat Roles

http://www.npr.org/blogs/thetwo-way/2013/01/23/170093351/panetta-is-lifting-ban-on-women-in-combat-roles

Secretary of Defense Leon Panetta has decided to lift a ban that prohibited women from serving in combat, a congressional source tells NPR's Tom Bowman. The move opens up thousands of front-line positions. Panetta is expected to announce the decision along with the Chairman of the Joint Chiefs of Staff on Thursday. Citing "senior defense officials," the AP adds: "The groundbreaking move recommended by the Joint Chiefs of Staff overturns a 1994 rule banning women from being assigned to smaller ground combat units. Panetta's decision gives the military services until January 2016 to seek special exceptions if they believe any positions must remain closed to women." Back in November, four servicewomen along with the American Civil Liberties Union . U.S. Army nurses rest on sandbags at Cam Ranh Bay in South Vietnam, July 1965. Women, the lawsuit claimed, were already serving in combat roles, but were not receiving recognition for it. The ACLU said the combat exclusion kept women from more than 200,000 positions. Perhaps a prelude, last year, the military opened 14,500 positions to women and lifted a rule that prohibited women from living with combat units. Citing a "senior defense official," the change won't happen immediately. CNN explains: "The Army and Marine Corps, especially, will be examining physical standards and gender-neutral accommodations within combat units. Every 90 days, the service chiefs will have to report back on their progress. The move will be one of the last significant policy decisions made by Panetta, who is expected to leave in mid-February. It is not clear where former Sen. Chuck Hagel, the nominated replacement, stands, but officials say he has been apprised of Panetta's coming announcement. "'It will take awhile to work out the mechanics in some cases. We expect some jobs to open quickly, by the end of this year. Others, like Special Operations Forces and Infantry, may take longer,' a senior defense official explains. Panetta is setting the goal of January 2016 for all assessments to be complete and women integrated as much as possible." This story is breaking. We'll update this post with reaction and more details, so make sure to refresh this page. Update at 5:20 p.m. ET. 'Fantastic News': Carey Lohrenz, a former Navy Lieutenant and one of the first women to fly F-14s on air craft carriers, tells our Newscast unit that this is "fantastic news," but it's really just catching up with the reality on the ground. "We have women in combat roles right now. We are just not able to promote them," she said. "They're on the ground in Iraq; they're on the ground in Afghanistan. This is strictly formalizing and recognizing what their contributions currently are." Sen. Mazie K. Hirono, a Democratic member of the Armed Services Committee from Hawaii, said the move was a "great step toward equality." "I know that the women who currently serve in the military think they should be treated the same as any other servicemember," Hirono said in a statement. "Women serving in combat roles will strengthen our national security, and as a member of the Armed Services Committee, I will work closely with military and administration officials to see this change through." Update at 4:14 p.m. ET. Infantry Troops: As we alluded to earlier, the implementation of this new policy will be complex. an important caveat saying that while this is the "largest expansion yet of women in combat roles," "defense officials said they don't expect the change to result in women being allowed to serve as infantry troops."

#### A new report to congress confirmed that very few women will be able to meet the current standards.

Washington Times, 13 (Few women will qualify for land combat: report. http://www.washingtontimes.com/news/2013/feb/24/report-few-women-will-qualify-for-land-combat-loop/?page=all)

A new report to Congress predicts that relatively few women will be able to perform land combat tasks on the same level as men, and it says the Pentagon’s pledge to maintain “gender-neutral” physical standards has a loophole. Meanwhile, the Marine Corps, viewed as the service most resistant to opening the infantry to women, will test male and female troops together in strength and endurance to determine how women can perform ground warfare, according to an internal memo obtained by The Washington Times. The congressional report and the Marine Corps memo come as pro-defense conservatives are exploring ways to ensure that the Obama administration does not ease rigorous standards as a way to make sure women qualify for direct combat jobs. When Defense Secretary Leon E. Panetta last month removed the policy prohibiting women from serving in direct combat units — infantry, armor and special operations — he vowed not create two standards, citing the 1993 Gender-Neutral Occupational Performance Standards as the guide.

## Plan Text

#### Plan: The United States federal government should statutorily prohibit the exclusion of women from the Armed Forces introduced into hostilities.

## Patriarchy

#### The military will rely on physical requirements that presume a masculine military and subordinate women to continue the exclusion of women from combat roles.

Goodell 10 (Maia Goodell, Master of Laws from Yale Law School, a J.D. from the UMich, partner at Vladeck, Waldman, Elias & Engelhard, she was a Surface Warfare Officer in the U.S. Navy, serving on the USS Abraham Lincoln and USS Port Royal. She is a member of the Committee on Military Affairs and Justice of the New York City Bar. Seattle University Law Review Fall, 2010 34 Seattle Univ. L. R. 17 ARTICLE: Physical-Strength Rationales for De Jure Exclusion of Women from Military Combat Positions)

Task definition is the clearest indicator that all of the thinking behind physical-strength arguments assumes that a male military member is normal and a female military member must be accommodated with "special" clothing, equipment, and procedures. This section has aimed to show that standards for job performance can remain high despite task redefinition. The failure to explore this possibility indicates that a normative belief, rather than an inexorable reality, is driving the physical-strength rationale for de jure exclusion of women from the military. IV. THE NORMATIVE BASIS FOR DE JURE EXCLUSION A pattern emerges from these four problems. What appears to be a biological truth is actually better understood as a normative belief that the military's job is in some way peculiarly suited to men. It is not that women's bodies do not measure up against an objective standard, but that the standard is defined so women do not fit it. This Part examines the normative claims exposed as underlying the physical-strength arguments. In pre-Rostker cases, rejecting men's equal protection challenges to the draft, courts made the underlying normative rationale quite clear: "If a nation is to survive, men must provide the first line of defense while women keep the home fires burning." n203 Subsequent cases cite this policy as justification for otherwise unsupported claims about "obvious" innate differences in physical strength, rather than providing factual support for actual differences as a justification for the policy. n204 In contrast, a Montana district court actually examined the physical-strength evidence and rejected the "actual differences" defense. The judge found: "There is simply no basis for concluding that all or even a significant number of women are incapable of serving in the military. This statement is true even assuming they would be placed in combat roles." n205 As a society, we still seem to accept the belief that it is the reality [\*48] of women's bodies that limits their participation in the military. As we have seen, however, that belief is deeply flawed--for example, consider again the simple stereotyping analysis that asks why women would be excluded de jure. The exclusion instead relies on an understanding that the kinds of things the military does are, and should be, appropriately within the male realm. But in incorrectly presupposing that men are, literally, strong, and women are, literally, weak, competence is confused with masculinity, and incompetence is confused with femininity. This presupposition has an important corollary: masculinity becomes a mark of power and status--even in all-male settings. n206 It goes beyond stereotyping, however, because in believing men are stronger, we both train them to be stronger, and we create a military designed around their abilities--in other words, we make the belief real. Epistemologist Sally Haslanger has termed this cognitive mechanism "assumed objectivity." n207 Members of a powerful group ascribe characteristics to a weak group in a way that makes the differences real, and in a vicious cycle, the ascribed characteristics help make the weak group weak. n208 For example, slave owners might ascribe a lack of intelligence to slaves, claim that this characteristic is innate, use this professed belief to justify a lack of education, and in this way make real a difference that keeps the slave owners in power. n209 It works the same way for sex. n210 First, observed regularities--women's lower scores on physical-strength tests--are taken to be a consequence of women's weak nature. Second, women's weak nature is argued to constrain decisions around their inclusion in certain military jobs. Haslanger argues that, while there is not necessarily anything wrong with conforming action to the nature of things, in the context of gender, such constraints reinforce a distorted view of reality. n211 This view leads to the third, critical step of assumed objectivity, contributing "the element of illusion--the masking of social/moral facts as natural facts." n212 The starting position that purports to be neutral in fact presupposes the masculinity of the military. n213 [\*49] This distortion is counterproductive for women and for men. Women lose by being defined as incompetent to serve in combat roles just because they are women. The military is a central institution of national and international power. It has a vital role in the international rule of law. The physical-strength argument reveals an underlying normative distinction between combatant and noncombatant that is gendered and hierarchical. Women must shatter this distinction or risk permanent subordination. If women want to invoke state protection from violence, as we should, the institution that provides that protection cannot legally define women as unequal. If the arguments to exclude women from the military are less than empowering to women, they are less than flattering to men: "Our ultimate marching orders," writes Stephanie Gutmann, "come from the imperative to extend our species, and on some very primitive level we 'understand' that eggs are expensive and sperm--that is men's bodies, which throughout history have been treated like so much matchwood--are cheap." n214 Gutmann's willingness to characterize military men, who are disproportionately rural and black, n215 as disposable and oversexed is particularly surprising given her explicit recognition of the class attitudes that lead political liberals to look down on the military. n216 Men lose by being constrained to the role of oversexed aggressors, on pain of losing their identity as men. n217 As bell hooks puts it: "Men are not exploited or oppressed by sexism, but there are ways in which they suffer as a result of it." n218 The United Nations Secretary General found that "[t]here is . . . significant diversity among men, shaped by local context and cultures." n219 Even among men, diversity of ability is an important aspect of military teams, n220 yet it is threatened when a single set of characteristics conforming to beliefs about masculinity are confused with military ability. [\*50] The question becomes not whether equality should be accommodated at the expense of military readiness, but how much military readiness can be sacrificed to adhere to inaccurate views about women's and men's ability. n221 Analyzing the physical-strength rationale for de jure exclusion of women from combat exposes the distorted lens demanding that men be strong and women be weak. This distorted lens compromises the military mission on many levels. It leads to excluding available personnel who not only would be capable of doing the job, but also might do it better. More profoundly, the mission of the military is to protect and defend our democratic society. This mission is compromised if it is achieved through subordination of a segment of that democratic society. n222 To echo President Obama, it is time to repeal another law and regulation "that denies . . . Americans the right to serve the country they love because of who they are": n223 The prohibition on women serving in combat.

#### Isolated physical requirements are not a good measure of actual ability – emphasizing those measures is biased

Goodell 10 Maia Goodell, partner at Vladeck, Waldman, Elias & Engelhard, she was a Surface Warfare Officer in the U.S. Navy, serving on the USS Abraham Lincoln and USS Port Royal. She is a member of the Committee on Military Affairs and Justice of the New York City Bar. Seattle University Law Review Fall, 2010 34 Seattle Univ. L. R. 17 ARTICLE: Physical-Strength Rationales for De Jure Exclusion of Women from Military Combat Positions

Indeed, real life examples show that, despite the lower scores on isolated tasks, women performed well in the jobs for which those same studies were meant to apply. For example, in actual damage control situations, no one has report-ed any problems with women's performance. The Presidential Commission appointed by President George H.W. Bush found that "200 women performed well in an actual firefighting emergency aboard a Navy ship in 1988." n173 The difference between the theoretical [\*43] expectation that women are unable to perform the job (because some women were unable to perform some tasks) and actual results in a real life emergency can probably be explained by the fact that women possess many unmeasured abilities. For instance, isolated studies do not measure the critical endurance that is required for crews to fight fires for days on end.

Women have a number of advantages that are useful in the military context. n174 It is important to realize that generalizations about these advantages, even when intended to benefit women, run the risk of accepting differences as natural--an acceptance, that, as we have seen, is neither empirically supported nor ultimately empowering to women. Studies can only measure women's bodies as they come to be in conditions of today's imperfectly equal society. n175 With this in mind, we can still note findings suggesting that women today have physical characteristics that warrant just as much study as potentially important to various military tasks. Survey respondents in the Navy study reported that restricted space made twenty of fifty tasks very difficult, n176 suggesting that a smaller stature may actually be an ad-vantage. Mitchell admits that women are less susceptible to altitude sickness and cold. n177 Women have a higher speed-to-body-size ratio in sprint events, suggesting that they pack power more efficiently. n178 Women's greater body fat contributes to streamlining and cold resistance, both of which are advantages in swimming. n179

Endurance is another area in which women may have an advantage. Several studies have found that, in submaximal performance, women's muscles have significantly slower fatigue and faster recovery than men's do. n180 A 1999 study concluded this result is likely due to different muscle [\*44] composition. n181 Women also have higher percentages of intramuscular fat and may burn it more efficiently, possibly contributing to their endurance for submaximal (less than the maximum of which an individual is capable) work. n182 Other military forces have taken advantage of women's greater capacity for endurance. n183 For instance, the Vietnamese military put women's greater endurance to practical use when it assigned women to carry supplies because they had greater stamina and complained less of the drudgery. n184 They earned the description of "water buffalo of the Revolution." n185

Physical ability is substantially more complex than a single unified "strength" trait. If physical abilities are to justify selections for job performance, one cannot pick and choose which abilities to measure by sex, not job, correlation. n186 By failing to justify trait selection that advantages men as job-related, critics reveal that they are defining "strength" around men's abilities. They thus attribute large observed differences on selective measures to a natural "physical strength." However, it is the strategic selection of the measures, not the job requirements, that leads to the dramatic gap

#### These tests are attempts to ignore the female experience and difference

Davis 8 (Karen D. Davis, Defence Research and Development Canada/CORA, October 2008, “Gender Neutrality and Sexual Difference: Limits to Cultural Intelligence in the Canadian Forces,” http://www.cso.nato.int/pubs/rdp.asp?RDP=RTO-MP-HFM-158 //nimo)

In many military situations, gender neutral, gender free, or gender blind approaches are often effective as well as necessary in demonstrating that all members of a military team are equally important to the team as well as sharing the load in an equitable manner. However, this approach is frequently adopted to ensure that servicemen are not frustrated by unwarranted attention to their female counterparts, and to assist women in blending in or integrating into the team without undue attention. Neutral perspectives break down when assumptions are made about the extent to which the experiences and perspectives of team members are shared beyond their immediate role on the team. That is, regardless of and because of gender and sex, the experiences that men and women bring to the organization will differ depending upon an endless array of factors, including gender role expectations in their formative years, race, class, religion, ethnicity, sexual orientation, abilities, interests, etc. In addition, there are undeniable physiological differences among women and men and the various abilities that such diversity brings to the team. The challenge then is to address gender through a gender inclusive approach that abandons socially constructed assumptions about diversity (or lack of) among women and men.

#### Ignorance of sexual difference causes physical and mental annihilation of difference and of life itself

**Irigaray 94** (Luce, Belgian feminist, philosopher, linguist, psychoanalyst, sociologist and cultural theorist, “Thinking the difference: for a peaceful revolution,” pg 4-7, 1994)

What does it mean for our entire culture to be threatened with destruction? There are, of course, declared stakes connected with threats of war. According to the types of discourse whose economy is at issue here, such threats are the sole means of maintaining international equilibrium. I shall come back to this point. Huge amounts of capital are allocated to the development of death machines in order to ensure peace, we are told. This warlike method of organizing society is not self-evident. It has its origin in patriarchy. It has a sex. But the age of technology has given weapons of war a power that exceeds the conflicts and risks taken among patriarchs. Women, children, all living things, including elemental matter, are drawn into the maelstorm. And death and destruction cannot be associated solely with war. They are part of the physical and mental aggression to which we are constantly subjected. What we need is an overall cultural transformation, not just a decision about war per se. Patriarchal culture is based on sacrifice, crime and war. It is a culture that makes it men's duty or right to fight in order to feed themselves, to inhabit a place, and to defend their property. From time to time, patriarchy must make decision concerning war, but that is far from what is required to ensure a cultural transformation. Mankind [le peuple des hommes] wages war everywhere all the time with a perfectly clear conscience. Mankind is traditionally carnivorous, sometimes cannibalistic. So men must kill to eat, must increase their domination of nature in order to live or to survive, must seek on the most distant stars what no longer exists here, must defend by any means the small patch of land they are exploiting here or over there. Men always go further, exploit further, seize more, without really knowing where they are going. Men seek what they think they need without considering who they are and how their identity is defined by what they do. To overcome this ignorance, I think that mankind needs those who are persons in their own right to help them understand themselves and find their limits. Only women can play this role. Women are not genuinely responsible subjects in the patriarchal community. That is why it may be possible for them to interpret this culture in which they have less involvement and fewer interests than do men, and of which they are not themselves products to the point where they have been blinded by it. Given their relative exclusive from society, women may, from their outside perspective, reflect back a more objective image of society than can men. Moreover, in theory, women should not be in a hierarchical relationship to men. All other types of minorities potentially are. It is with a thoroughly patriarchal condescension, either unconscious or cynical, that politicians and theoreticians take an interest in them, while exploiting them, with every possible risk of the master-slave relationship being overturned. This dialectic – or absence thereof – is built into father-son relationships, and has been since the inception of patriarchy. It is doomed to failure as a means of liberation and peace because it is based on (1) lines of descent insufficiently counterbalanced by a horizontal relationship between the genders and (2) exclusively male lines of descent making any kind of dialectic between male and female ancestries and masculine and feminine genders impossible. The possibility of sex-specific cultural and political ethics is our best chance today. The world's economic and religious equilibrium is precarious. Moreover, the development of technology is subjecting our bodies to such trials that we are threatened with physical and mental annihilation, that our living conditions leave us no time to rest or think, whatever real leisure time we may have, and that we are continually overwhelmed, forgetful, distracted. Men's science is less concerned with prevention or the present than with curing. For objective reasons of accumulation of property, for reasons of the subjective economy of the male subject, it allows disorder and pollution to grow, while funding various types of curative medicine. Men's science helps destroy, then attempts to fix things up. But a body that has suffered is no longer the same. It bears the traces of physical and moral trauma, despair, desire for revenge, recurrent inertia. The entire male economy demonstrates a forgetting of life, a lack of recognition of debt to the mother, of maternal ancestry, of the women who do the work of producing and maintaining life. Tremendous vital resources are wasted for the sake of money. But what good is money if it is not used for life? Despite policies that encourage the birth rate for economic reasons, or sometimes for religious ones, destroying life seems to be as compulsory as giving life.

#### Annihilation of sexual difference comes before all impacts – aff represents a shift away from militaristic violence

Cuomo 96 (Chris J. Cuomo, “War Is Not Just an Event: Reflections on the Significance of Everyday Violence,” Hypatia, Vol. 11, No. 4, Women and Violence (Autumn, 1996), pp. 30-45, http://www.jstor.org/stable/3810390 //nimo)

In “Gender and ‘Postmodern’ War,” Robin Schott introduces some of the ways in which war is currently best seen not as an event but as a presence (Schott 1995). Schott argues that postmodem understandings of persons, states, and politics, as well as the high-tech nature of much contemporary warfare and the preponderance of civil and nationalist wars, render an event» based conception of war inadequate, especially insofar as gender is taken into account. In this essay, I will expand upon her argument by showing that accounts of war that only focus on events are impoverished in a number of ways, and therefore feminist consideration of the political, ethical, and ontological dimensions of war and the possibilities for resistance demand a much more complicated approach. I take Schott’s characterization of war as presence as a point of departure, though I am not committed to the idea that the constancy of militarism, the fact of its omnipresence in human experience, and the paucity of an event-based account of war are exclusive to contemporary postmodern or postcolonial circumstances] Theory that does not investigate or even notice the omnipresence of militarism cannot represent or address the depth and specificity of the every» day effects of militarism on women, on people living in occupied territories, on members of military institutions, and on the environment. These effects are relevant to feminists in a number of ways because military practices and institutions help construct gendered and national identity, and because they justify the destruction of natural nonhuman entities and communities during peacetime. Lack of attention to these aspects of the business of making or preventing military violence in an extremely technologized world results in theory that cannot accommodate the connections among the constant presence of militarism, declared wars, and other closely related social phenomena, such as nationalistic glorifications of motherhood, media violence, and current ideological gravitations to military solutions for social problems. Ethical approaches that do not attend to the ways in which warfare and military practices are woven into the very fabric of life in twenty-first century technological states lead to crisis»based politics and analyses. For any feminism that aims to resist oppression and create alternative social and political options, crisis»based ethics and politics are problematic because they distract attention from the need for sustained resistance to the enmeshed, omnipresent systems of domination and oppression that so often function as givens in most people’s lives. Neglecting the omnipresence of militarism allows the false belief that the absence of declared armed conflicts is peace, the polar opposite of war. It is particularly easy for those whose lives are shaped by the safety of privilege, and who do not regularly encounter the realities of militarism, to maintain this false belief The belief that militarism is an ethical, political concern only regarding armed conflict, creates forms of resistance to militarism that are merely exercises in crisis control. Antiwar resistance is then mobilized when the “real” violence finally occurs, or when the stability of privilege is directly threatened, and at that point it is difficult not to respond in ways that make resisters drop all other political priorities. Crisis-driven attention to declarations of war might actually keep resisters complacent about and complicitous in the general presence of global militarism. Seeing war as necessarily embedded in constant military presence draws attention to the fact that horrific, state-sponsored violence is happening nearly all over, all of the time, and that it is perpetrated by military institutions and other militaristic agents of the S[8[€. Moving away from crisis-driven politics and ontologies concerning war and military violence also enables consideration of relationships among seemingly disparate phenomena, and therefore can shape more nuanced theoretical and practical forms of resistance. For example, investigating the ways in which war is part of a presence allows consideration of the relationships among the events of war and the following: how militarism is a foundational trope in the social and political imagination; how the pervasive presence and symbolism of soldiers/warriors/patriots shape meanings of gender; the ways in which threats of state-sponsored violence are a sometimes invisible/sometimes bold agent of racism, nationalism, and corporate interests; the fact that vast numbers of communities, cities, and nations are currently in the midst of excruciatingly violent circumstances. lt also provides a lens for considering the relationships among the various kinds of violence that get labeled “war.” Given current American obsessions with nationalism, guns, and militias, and growing hunger for the death penalty, prisons, and a more powerful police state, one cannot underestimate the need for philosophical and political attention to connections among phenomena like the “war on drugs," the “war on crime,” and other state-funded militaristic campaigns. I propose that the constancy of militarism and its effects on social reality be reintroduced as a crucial locus of contemporary feminist attentions, and that feminists emphasize how wars are eruptions and manifestations of omnipresent militarism that is a product and tool of multiply oppressive, corporate, technocratic states? Feminists should be particularly interested in making this shift because it better allows consideration of the effects of war and militarism on women, subjugated peoples, and environments. While giving attention to the constancy of militarism in contemporary life we need not neglect the importance of addressing the specific qualities of direct, large-scale, declared military conflicts. But the dramatic nature of declared, large-scale conflicts should not obfuscate the ways in which military violence pervades most societies in increasingly technologically sophisticated ways and the significance of military institutions and everyday practices in shaping reality. Philosophical discussions that focus only on the ethics of declaring and fighting wars miss these connections, and also miss the ways in which even declared military conflicts are often experienced as omnipresent horrors. These approaches also leave unquestioned tendencies to suspend or distort moral judgement in the face of what appears to be the inevitability of war and militarism.

#### Exclusion of women constructs female subordination

Vojdik 5 Valorie K. Vojdik , Associate Professor of Law, West Virginia University College of Law. Alabama Law Review Winter, 2005 57 Ala. L. Rev. 303 ARTICLE: Beyond Stereotyping in Equal Protection Doctrine: Reframing the Exclusion of Women from Combat

By moving beyond stereotyping, the argument against judicial deference to the military's discriminatory policy becomes substantially stronger. As Judge Fletcher observed in Philips v. Perry, judicial deference to a military policy that is based upon hatred of, and prejudice toward, an excluded class of people is unjustified. n404 As Kenneth Karst has argued, the institutional opposition to women in direct ground combat is no different than the military's former policy of excluding African-Americans or homosexuals. n405 [\*348] While each involves a classificatory scheme, each enforces a status hierarchy that preserves the military for white, heterosexual males. n406

The harassment and violence toward military women illustrates the persistent hostility and denigration of female troops. By shifting the focus from gender stereotyping to the institutional practices within the military that construct warriors as male and masculine, the direct ground combat exclusion appears less like a mistake in classification and more like a fundamental means of enforcing the status of military women as second-class citizens. The military's discriminatory policy, like the use of gender-based peremptory challenges in J.E.B. v. Alabama, perpetuates the historical exclusion of women from the military and stigmatizes women as different and inferior, unworthy of the role of warrior. n407

The combat exclusion constructs and preserves a gendered system of labor that reflects and perpetuates male supremacy and female subordination. In this sense, the combat exclusion functions in the same way as the anti-miscegenation laws struck down by the Supreme Court in Loving v. Virginia. In Loving, the Supreme Court relied on its anti-subordination doctrine to strike down Virginia's anti-miscegenation law as violating the right to equal protection. n408 The Court rejected the notion of formal equality advanced by the state defendant that the law prohibited interracial marriages by both blacks and whites and therefore was racially neutral because it treated all persons equally without regard to their race. n409 Prohibitions against interracial marriage, the Court held, were part and parcel of maintaining a system of racial distinction that perpetuated the subordination of blacks under the law. n410 Like the anti-miscegenation statute in Loving, the categorical exclusion of women from direct ground combat demeans and stigmatizes women as different and inferior.

A legal challenge to the combat exclusion, as illustrated above, does not merely vindicate the goals of formal equality. The constitutional wrong is not simply that the military has mistakenly concluded that no woman is capable of engaging in combat (although the exclusion clearly reflects overly broad gender stereotypes), but that the military, through a range of institutional practices, constructs and preserves a gendered caste system. By [\*349] making the military as an institution visible, the hostility toward women as a group becomes plain to see. Rather than accept the military's gender norms, opening the doors to women in combat fundamentally challenges the myth of masculinity inside one of the most powerful institutions that continue to deny women equal citizenship status.

#### The full integration of women in the military prevents sexual assault – it is the only way to solve the cause of the problem

Haring, 13 (Army Col. Ellen Haring is on the staff of the Army War College. To stop sexual assault against women in the US military, add more women. http://www.csmonitor.com/Commentary/Opinion/2013/0624/To-stop-sexual-assault-against-women-in-the-US-military-add-more-women)

Last week, the US military services announced their plans to integrate women in combat specialties. Although it may sound counterintuitive, the full integration of women in the armed forces – in all roles, at all levels, and in far greater numbers – will do more to stop sexual assault against them than any other measure. It will help more, for instance, than creating a new cadre of lawyers (called “special victims counsels”) to assist service members who say they are victims of sexual assault – a program now underway in the Air Force. It will help more than reforming the prosecution of sexual misconduct cases so that victims do not fear reprisal from commanders – an issue the Senate Armed Services Committee has grappled with. Both of these efforts are worthwhile, but they address the effects of the scourge. They do not get to its cause, which is the hyper-masculine, male-dominant culture of the military. To do that, the military must create a far more welcoming atmosphere for women, who make up only 15 percent of the armed services. It must welcome and value them as equal partners, and it must greatly increase their numbers. As Joint Chiefs of Staff Chairman Gen. Martin Dempsey commented in January, when the Defense Department lifted the ban on women in combat, having “separate classes” of male “warriors” and everyone else creates an environment ripe for sexual assault and harassment. The more that the Pentagon “can treat people equally, the more likely they are to treat each other equally.” In May, the Pentagon said that the number of sexual assaults reported by service members increased to 2,949 last year, more than double those reported in 2004 – perhaps reflecting more willingness to report under the Pentagon’s sex-assault prevention and response program, which began in 2005. Many more incidents go unreported. According to a Pentagon survey, last year about 26,000 service members (6.1 percent of females and 1.2 percent of males) said they experienced unwanted sexual contact – which may range from rape to abusive sexual contact. And yet, we are stunned by the leadership’s continued misapprehension of how a “culture change” could happen. Too many generals seem to think the solution starts with the rank and file, when it must start at the top – with them. In a recent Washington Post commentary on the need to reform military culture, Army Maj. Gen. Robert Scales concluded that “so long as the culture of the rank and file rejects the presence of women as their professional partners, nothing will change.” Similarly, it was disturbing last week to see Maj. Gen. Bennet Sacolick, of Special Operations Command, haltingly discuss the integration of women into elite services such as the Navy SEALs and Army Rangers. Full combat integration is now required across the services by 2016, with exceptions having to be approved by the secretary of Defense. Yet Major General Sacolick was not able to commit to any integration in the elite forces. He wants first to survey the rank and file on “social implications,” and “behavioral and cultural” aspects of integration. The only reason to hold back women soldiers – whom Sacolick at one point called “young girls” – is a specific finding that they cannot do the job. Resistance from the rank and file has no place in a decision to keep an occupation or unit closed to women. It is much easier to look for external sources of a problem than to examine ourselves. Today’s military generals helped shape and lead an institution that enables sexually abusive men, that glorifies a culture of male dominance, and that has only allowed women in at the margins and in support roles. Numbering only 200,000, compared to 1.2 million men, women in the armed services face exclusionary practices by the dominant group. Those practices range from name calling, to misogynistic jokes, to more extreme behaviors such as harassment and assault. Token groups move away from this condition when they reach a “critical mass” – 33 percent of the total population, according to experts. Prof. Robin J. Ely, at the Harvard Business School, says that when women reach this level, the organization stops seeing them as women and begins to evaluate them on the basis of their capabilities. She finds that critical mass must also be achieved at the top level for its benefits to be realized – a point that the military’s top brass must understand and act on. Leadership must move swiftly to fully open up the service academies that train officers. While women outnumber men at almost all colleges and universities in the United States – as of 2011, women received 56 percent of all bachelor’s degrees – the number of women with bachelor’s degrees from the four military taxpayer-funded academies is remarkably low – because admission rates are low. Only the Coast Guard Academy breaks the “critical mass” barrier, with women accounting for 36 percent of its admissions last year. Female admissions for the other academies has changed little from the first integrated classes: 24 percent at the Naval Academy, 23 percent at the Air Force Academy, and 16 percent at the Military Academy at West Point. West Point officials have been saying that their classes must mirror the Army’s population, which is comprised of roughly 15 percent women. But this is no way to lead the necessary cultural shift. For guidance on how to make an improvement, West Point need only look at the Army ROTC program, where 21 percent of the cadets in 2011 were women. In high schools, about 45 percent of the JROTC program is female. If the military truly hopes to solve the problem of sexual assault, then the leadership must genuinely and publicly accept women as fully capable and must actively seek to increase the number of qualified women in the services. Women’s full integration in combat and greater recruitment are not problems to be solved, but an opportunity to be celebrated. Only then will the military culture change to one in which all servicemembers are valued team players.

#### Women in Combat challenges gender stereotypes used to keep women subordinate

Vojdoik 5 Valorie K. Vojdik , Associate Professor of Law, West Virginia University College of Law. Alabama Law Review Winter, 2005 57 Ala. L. Rev. 303 ARTICLE: Beyond Stereotyping in Equal Protection Doctrine: Reframing the Exclusion of Women from Combat

Litigation strategies that illuminate the particular practices within social institutions that subordinate women are well-suited to enrich the courts' understanding of discrimination. A legal challenge to the continued exclusion of women from direct ground combat is one example of this strategy. While the combat exclusion can easily be challenged as improper gender stereotyping, it is better framed as an institutional practice that constructs warriors as male and masculine while demeaning women. Challenging the combat exclusion, I argue, shifts judicial attention from stereotyping to concrete practices of subordination.¶ My argument proceeds in three parts. Part I analyzes the Court's gender equality jurisprudence in Virginia and other recent decisions to examine the extent to which the Court has considered anti-subordination concerns and values within its anti-classification framework.¶ Part II addresses the question of how to enrich the Court's understanding of gender discrimination beyond stereo-typing. In this section, I draw upon sociological theories of gender that focus on the social practices within institutions that construct and reinforce gender inequality. Several legal scholars have relied upon this literature to enrich the courts' understanding of the mechanism and harm of sexual harassment in the workplace. n16 This scholarship offers a particu-larized account of sexual harassment as a means of devaluing and subordinating women in the workplace, dissolving the dichotomy between anti-classification and anti-subordination concerns.¶ In Part III, I illustrate how this approach could be used to frame a legal challenge to the exclusion of women from direct ground combat and shift the attention of courts from gender stereotyping to the institutional subordination of women in the military. The Department of Defense (DOD) continues to exclude women from direct ground combat, n17 denying women access to 15% of total available positions in the armed forces, regardless of whether or not they are qualified. n18 To justify its categorical exclusion, the [\*306] military relies on gender stereotypes: women lack the physical and emotional strength to fight and kill; their presence will impair male bonding and unit cohesion; their inte-gration will reduce "military effectiveness." n19¶ Although the direct ground combat exclusion can be easily framed as a case of impermissible stereotyping, a legal challenge should focus on the institutional practices within the military that construct warriors as male and masculine, and simultaneously denigrate women and femininity. n20 The ground combat exclusion is not merely a product of mistaken gender stereotypes; it rests upon the military's desire to define and preserve the identity of the warrior as male and masculine. n21 As General Robert H. Barrow, a former commandant of the Marine Corps, explained: "War is a man's work. . . . When you get right down to it, you have to protect the manliness of war." n22¶ A legal challenge to the direct ground combat exclusion does not merely vindicate formal equality or anti-classification principles. By looking closely at the practices inside the military as an institution, the exclusion of women from direct ground combat can be seen as a means of subordination rather than a classificatory error. Like the military's now-discredited policy of racial segregation, the exclusion rationalizes the inequality and subordination of women -- not only in the military, but within American society as well. This type of analysis of institutional practices that denigrate and subordinate women can be used to enrich judicial understanding of gender discrimination as not merely an error in classification, but also as part of a system of subordination that reflects hostility toward treating women as equals.

#### Plan key to women promotion in the military

Reed, 99 (Brian J. Gender Integrated Basic Training: A Theoretical Analysis of the Continuing Debate. . Minerva 17.2 (Jun 30, 1999): 18. )

The history of women in the military shows their participation to be both limited and auxiliary. Although many women were recruited in World War II, their service was primarily restricted to traditional female roles and positions behind the lines that freed men for combat (DeFleur 1985). However, immediately before and after male conscription was abolished, a number of important gender barriers within the military were removed. Women entered the Reserve Officer Training Corps on civilian college campuses in 1972; the first female cadets were admitted to the service academies in 1976 (Moskos 1993). In 1978, Congress abolished the separate Women's Auxiliary Corps (WAC), and virtually all assignments except direct combat roles were opened to women. Women were still prohibited from serving in combat arms units (infantry, armor, field artillery) and in warships, bombers, and fighter planes. Combat-linked roles are the primary avenue for advancement in the military. Accordingly, limiting women's participation in these roles restricts their chances to move ahead. In the wake of the Gulf War, the combat exclusion policy came under increased political pressure for reevaluation. Congress lifted the ban on women in combat planes, and women are now eligible to fly all types of combat aircraft, both fixed-and rotary-wing (Moskos 1993). Further policy changes have allowed the assignment of women to maneuver (in particular, infantry and armor) brigade headquarters.

#### The positions women hold in the military affects the perception of their role in broader society – only ending combat exclusion solves

Reed, 99 (Brian J. Gender Integrated Basic Training: A Theoretical Analysis of the Continuing Debate. . Minerva 17.2 (Jun 30, 1999): 18. )

In the military, social definition pertains to the structural ways in women are permitted to serve only in certain jobs and units. As a result, the perception is created that women are part of a special protected subclass who are exempt from direct combat roles and, therefore, are not sharing the same risks as men (Devilbiss 1985). However, as the military opens up more jobs for women in nontraditional roles, the effect of women's social visibility in these jobs and the social impact of their performance (determined by how well they do) become more critical in shaping military ideology. In a previously all-male environment, a woman's social visibility is very high. The introduction of women into the male-dominated "fraternity" of fighter pilots provides a good example. The social impact of gender consciousness is related to the social visibility women experience in this environment (Devilbiss 1985). The presence of women in this setting is seen as abnormal and therefore stands out. Gender becomes important not only because of its high social visibility, but also because it is seen as a challenge or reinforcement to existing beliefs.

Failure to engage gender discrimination ensures a terminally dysfunctional social order. The end result is extinction

Warren and Cady, 96

(Karen Warren and Duane Cady, Professors at Macalester and Hamline, Bringing peace home: feminism, violence, and nature, 1996, p. 12-13)

Operationalized, the evidence of patriarchy as a dysfunctional system is found in the behaviors to which it gives rise, (c) the unmanageability, (d) which results. For example, in the United States, current estimates are that one out of every three or four women will be raped by someone she knows; globally, rape, sexual harassment, spouse-beating, and sado-massochistic pornography are examples of behaviors practiced, sanctioned, or tolerated within patriarchy. In the realm of environmentally destructive behaviors, strip-mining, factory farming, and pollution of the air, water, and soil are instances of behaviors maintained and sanctioned within patriarchy. They, too, rest on the faulty beliefs that it is okay to “rape the earth,” that it is “man’s God-given right” to have dominion (that is domination) over the earth, that nature has only instrumental value that environmental destruction is the acceptable price we pay for “progress.” And the presumption of warism, that war is a natural, righteous, and ordinary way to impose dominion on a people or nation, goes hand in hand with patriarchy and leads to dysfunctional behaviors of nations and ultimately to international unmanageability. Much of the current “unmanageability” of contemporary life in patriarchal societies, (d) is then viewed as a consequence of a patriarchal preoccupation with activities, events, and experiences that reflect historically male-gender-identified beliefs, values, attitudes, and assumptions. Included among these real-life consequences are precisely those concerns with nuclear proliferation, war, and environmental destruction, and violence towards women, which many feminists see as the logical outgrowth of patriarchal thinking. In fact, it is often only through observing these dysfunctional behaviors—the symptoms of dysfunctionality—that one can truly see that and how patriarchy serves to maintain and perpetuate them. When patriarchy is understood as a dysfunctional system, this “unmanageability” can be seen for what it is—as a predictable and thus logical consequence of patriarchy. The theme that global environmental crises, war, and violence generally are predictable and logical consequences of sexism and patriarchal culture is pervasive in ecofeminist literature. Ecofeminist Charlene Spretnak, for instance, argues that “a militarism and warfare are continual features of a patriarchal society because they reflect and instill patriarchal values and fulfill needs of such a system. Acknowledging the context of patriarchal conceptualizations that feed militarism is a first step toward reducing their impact and preserving life on Earth.” Stated in terms of the foregoing model of patriarchy as a dysfunctional social system, the claims by Spretnak and other feminists take on a clearer meaning: Patriarchal conceptual frameworks legitimate impaired thinking (about women, national and regional conflict, the environment) which is manifested in behaviors which, if continued, will make life on earth difficult, if not impossible. It is a stark message, but it is plausible. Its plausibility lies in understanding the conceptual roots of various woman-nature-peace connections in regional, national, and global contexts.

## Solvency

#### The plan challenges patriarchy at its most fundamental level.

Skaine,94 (Rosemarie, Activist, Author. Gender Issues of Americans in Combat, 140-141)

Family roles remain at the heart of the controversy over whether women should serve in combat. One military man told me that a woman can serve in combat but she cannot be the primary shooter. Part of the reason some men believe this “primary shooter” mentality is that for whatever reason, religious, macho, or acculturation, the end result is the same. Women are mothers, and therefore, according to Linda Grant De Pauw, the prospect of women at war is faced by some with unease. In an interview, De Pauw was even more blunt in contradicting the conventional wisdom: Women and children are killed in vastly greater numbers as civilians than are soliders in war. But society accepts that because it does not contradict the image of women as victims… The horror of women in body bags in not a horror of a dead woman. It’s a that the woman was a warrior, that she is not a victim. American culture does not want to accept that women can be both warriors and mothers, but conjures for itself an ultimate horror – the murdering mother. To accept women as warriors means a challenge to patriarchy at its most fundamental level. Mady Segal points out that cultures sometimes see the mothering role as being diametrically opposed to the warrior role because giving life in childbirth is the opposite of taking a life in a war. Segal says that the more movement that occurs away from traditional family norms, especially from the nuclear family, the greater the representation of women in the military. “this does not mean,” she says, “the demise of family values.” Structural support such as a parental leaves or community-supported child care can be provided. Women will have more opportunity in the military as society supports diverse family forms. Francine D’Amico agrees that “War has been perceived as men’s domain, a masculine endeavor for which women may serve as victims, spectator or prize. Women are denied agency, made present but silenced.” The antifeminists, however, believe that the woman-warrior image destroys the family and fab- ric of our society and decreases military readiness. They believe the genders are “naturally” diflerent. D’Amico thinks, however, that women’s participation in the Gulf War did not challenge traditional gender roles and constraints. She reminds her readers of the “many unidentified women who were among the ‘collateral damage’ of the precision bombing and Iraqi occupation.”

#### Including more women in combat independently transforms the international system.

Statchowistch, 12 (Saskia, Prof@ University of Bristol,Military gender integration and foreign policy in the United States: A feminist international relations perspective Security Dialogue August 2012 vol. 43 no. 4 305-321.)

This analysis highlights the multiple ways in which military gender issues and foreign policy interact. At the policy level, there is often an explicit link between foreign policy doctrines, military reforms and gender policies. This concerns the inner-military gender order as well as the role of global gender equality as a goal in international politics. Negotiations on gender issues are thus frequently a crucial element in power struggles between military and political elites over the course of foreign policy. At the discursive level, foreign policy concepts and debates utilize gendered terminologies and images, as different groups of political and military actors argue for or against a particular course. Gender-based inclusions and exclusions in military institutions are thus linked to the gendering of foreign policy discourses. Consequently, foreign policy debates are to be read as contributions to gender debates and vice versa. Analysis of the time period between 1990 and 2011 shows that foreign policy concepts that emphasize multilateralism, diplomacy, human rights and peacekeeping were tied to the most comprehensive gender equality and integration measures. Clinton’s first term serves as an example for a time period when recruitment conditions, domestic politics and foreign policy concepts all favoured integration and equality in the services was significantly advanced. His second term, which introduced a more risk-averse isolationism, was characterized by stagnation in military gender matters. Integration was under constant attack by the Republican majority in Congress, military commanders, think-tanks and the media. Discourses on the ‘feminization’ of the armed forces and foreign policy successfully challenged the administration by associating some of its strategies – cooperation, compromise and ‘soft skills’ – with femininity. In the context of this mounting conservative pressure, the administration largely abandoned gender equality in the military as a political goal. In the context of the expansionist, unilateral and threat-based foreign policy of George W. Bush, the far right was able to gain considerable influence in domestic and international gender matters. At the same time, the military implementation of Bush’s global vision depended on women’s military participation and the integrated military represented an important asset in the war narrative of ‘liberating Muslim women’. Foreign policy doctrines emphasized the superiority of US values and the necessity to impose them on other societies, even by preventive military interventions. In the context of this doctrine, gender equality served as a symbol of the USA’s moral superiority and at the same time women’s military participation was dissociated from equality and civil rights issues. Under these conditions, the favourable recruitment environment did not translate into more equality for women in the services and some impediments to women’s status were even introduced. But, despite frequent demands by conservative interest groups, integration was not reversed. Foreign policy imperatives thus ultimately triumphed over the conservative, anti-feminist agenda in domestic politics. The Obama administration has redefined the objectives of US foreign policy. In this context, gender equality was reframed as a security issue in its own right rather than a justification for the use of military force. The empowerment of women became a concrete objective, pursued by concrete foreign and domestic measures. Initiatives since Obama’s inauguration suggest that this emphasis on gender equality in the global context is also paralleled by measures to enhance the rights and status of women and sexual minorities in the armed forces. New approaches in the peacebuilding process have also led to a revaluation of female service members in the war zone. However, trends towards the privatization of military tasks and power gains for the far right within the Republican Party could countervail these trends towards more equality. Foreign policy concepts and practice are inherently gendered, make use of gendered discourses and ideologies, and mirror the gendered assumptions that an administration holds on the international order, the nation’s role within it, sources of conflict, and acceptable and efficient ways to solve them. As such, foreign policy not only reflects but also influences gender relations at home and abroad. By defining what US global power means and how it is to be pursued, it identifies the function of the armed forces and the role that women are supposed to play within them. While personnel shortages account for increased female participation in the military, foreign policy rationales and the relevance of military force within them have made a difference to women’s concrete status and function in the armed forces. While war has generally led to more integration, women’s participation differed according to how a specific intervention was conceptualized and in what foreign policy concepts it was embedded. Women’s status and gender equality in the armed forces are thus not only an outcome of recruitment conditions or domestic power relations, but also linked to a nation’s position in the global order and its interpretations of that position. Military gender relations are closely connected to the gendered notions of national identity constructed in and through foreign policy. Feminist international relations enables this broader understanding of military gender integration as interrelated with both the gendered dynamics of global politics and domestic power relations. It advocates engagement with the connections between gendered discourses, social power relations, and women’s status in national and international institutions. This study contributes to understanding how women’s equality and gender-specific inclusions and exclusions at the state level are interrelated with the gendered structures and discourses of international politics. As the analysis shows, gender-critical inquiry into state institutions helps account for state behaviour in the global arena. Vice versa, examining the gendered dynamics in international politics contributes to the understanding of inner-state gender relations. The study also highlights some of the processes through which both are connected: the inclusion/exclusion of gender issues in/from foreign policy doctrines, the gendering of foreign policy discourses, and the instrumentalization of gender equality as a justification for foreign intervention. Through scrutiny of these different levels of interaction, comparative research on the relationship between national and international gender regimes can be conducted beyond the study period and the US case.

#### Legislative action key to social change – debate is the only way to generate public perception

Stoddard 97Thomas B. Stoddard, attorney and adjunct professor at the New York University School of Law

New York University Law Review November, 1997 72 N.Y.U.L. Rev. 967 ESSAY: BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE

"Rule-shifting" cannot possibly become "culture-shifting" without public awareness both that a change has taken place, and that that change will affect daily life. Ordinary citizens must know that a shift has taken place for that shift to have cultural resonance. Most lawmaking - legislative, judicial, or administrative - takes place quietly, influencing a limited universe of the interested and connected. In order for "rule-shifting" to become "culture-shifting," however, a change must be generally discerned and then absorbed by the society as a whole.¶ Even many obviously important changes in law lack this element of public knowledge. In 1983 the New York State Board of Regents, which has legislative power over all the schools, public and private, in the state, promulgated a new regulation forbidding corporal punishment in schools. The change had potential for "culture-shifting." It made a fundamental - indeed, daring - change in rules that affected (at least hypothetically) all families in the state with children of school age, and it dealt with a subject of universal concern - whether children should be disciplined by bodily force, or not. Yet the new regulation received little attention, perhaps because it came through the speedy and quiet deliberations of a body that is itself little known or understood. A measure with "culture-shifting" potential became a mere shift in rules. Teachers and administrators took note of it, as did some interested parents, but the public by and large overlooked the change. What might have been the occasion for a statewide discussion of child-rearing was lost.¶ Changes that occur through legislative deliberation generally entail greater public awareness than judicial or administrative changes do. Public awareness is, indeed, a natural concomitant of the legislative process. A legislature - any legislature - purports to be a representative collection of public delegates engaged in the people's business; its work has inherent public significance. Judicial and administrative proceedings, by contrast, involve private actors in private disputes. Those disputes may or may not have implications for others, and they are often subject to the principle of stare decisis, but they are not public by their very nature. (Administrative rulemaking is a diff- **[\*981]** erent animal, akin - at least in theory - to legislative activity, but it is still typically accorded less attention than the business of legislatures.)¶ Legislative lawmaking is, by its nature, open, tumultuous, and prolonged. It encourages scrutiny and evaluation. Thus, it is much more likely than other forms of lawmaking to promote public discussion and knowledge. For that reason alone, such lawmaking possesses a special power beyond that of mere rulemaking. Indeed, the real significance of some forms of legislative lawmaking lies in the debate they engender rather than the formal consequences of their enactment.

#### Political action is key to feminist actualization – discourse and epistemology are insufficient

Zerilli 8 Linda Zerilli, professor of political science @ University of Chicago, 2008, Judith Butler’s Precarious Politics, ed. Terrell Carver and Samuel A. Chambers, p.43-44.

Castoriadis’s account of radical imagination and Wittgenstein’s critique of rule-following are valuable resources for developing a freedom-centred feminism that would take leave of the false security of epistemology and venture out into the world of action, where we simply cannot know what we do, at least not in the ways required by a means-end conception of politics. Such feminism would be based on the faculty of presentation (imagination) and the creation of figures of the newly thinkable rather than the faculty of concepts (understanding) and the ability to subsume particulars under rules. Most important, such feminism would emerge as a historically situated and collective exercise of freedom, an exercise through which we change the conditions under which things are given to us; alter, that is, the relationship of the necessary and the contingent. ¶ This alteration neither involves nor requires attaining an external standpoint from which everything might seem non-necessary, contingent. Rather, it rests on the factical character of human freedom, the capacity to wrest something new from an objective state of affairs without being compelled to do so by a norm or rule. Changes in the meaning of gender, in other words, emerge not through the skeptical insight that gender as such is contingent and can therefore be changed (for example, we have the theory, now we can act), but through the projection of word like women into a new context, where it is taken up by others in ways we can neither predict nor control. It is this act, and not any intrinsic stability (realism) or instability (deconstruction) in language itself, which has the potential power to change every political, worldly constellation. ¶ As important as it is to dismantle the political pretensions of epistemology that have a way of creeping back into our thinking after the linguistic turn, then, a freedom-centered feminism needs more than that. It needs also to affirm the transformative character of human practice in the absence of any external guarantees. To yield the armour of epistemology to the uncertainties of action, Arendt might say, is to find oneself face to face with the abyss of freedom. There is no objectively correct way of acting politically – say, speaking in the name of women any more than there is of following a rule. There are no ‘rules laid out to infinity,’ no ‘line in space’ and no theory that could trace it, which, if only we would follow them, lead from the oppression of the past to the liberation of the present and into the freedom of the future. Terms of political discourse like women are not fixed by something that transcends their use in actual contexts, as the gender realist would have it, but neither are they intrinsically uncertain by virtue of the ever-present possibility of failure that supposedly inheres in language as the very condition of language itself, as Butler suggests. Rather, they are created as meaningful (or not) in and through political action – that is, what we hold, we say*.* This insight suggests a less speculative and skeptical approach to feminist politics and a rather different way of thinking about claims to women as an irreducible element in such a politics. A freedom-centred feminism, after all, is concerned not with knowing (that there are women) as such, but with doing – with world-building, beginning anew.

### 2AC Case

#### Despite elimination of rule, executive can choose to exclude women

Barry 13 (Ben Barry, Senior Fellow for Land Warfare at the IISS, 03 Apr 2013, “Women in Combat,” Survival vol. 55 no. 2 April–May 2013 pp. 19, summon //nimo)

On 14 January US Secretary of Defense Leon Panetta and Chairman of¶ the Joint Chiefs of Staff General Martin Dempsey announced that ‘we are¶ eliminating the direct ground combat exclusion rule for women and we¶ are moving forward with a plan to eliminate all unnecessary gender-based¶ barriers to service’.‘ This triggered media speculation that all barriers to¶ women serving in the US military would quickly be lifted. But much of the¶ reporting on the policy shift was over-simplistic. Panetta and Dempsey's¶ announcement is more conditional and nuanced than is often described.¶ And it allows the Pentagon to decide to continue to exclude women from¶ some combat roles. There is a real possibility that this may happen — espe-¶ cially for US Army and Marine Corps infantry.

#### Women are functionally excluded by the male-oriented testing

Szoldra 13 (Paul Szoldra, 4 April 2013, “Every Female Officer Who Tried To Join Marine Combat Units Has Dropped Out Of Training,” http://www.businessinsider.com.au/integrating-women-in-marine-infantry-combat-units-is-marked-with-failure-2013-4 //nimo)

Even before former Secretary of defence Leon Panetta lifted the ban on women serving in combat roles on Jan. 24, the Marine Corps had been experimenting with the move by letting women officers try out Marine infantry training.¶ So far, however, no female Marines have even come close.¶ Last fall, the first two female volunteers dropped out from training at the challenging Infantry Officer Course, the schoolhouse that turns basic Marine officers into future combat leaders. One survived for two weeks before succumbing to an injury, and the other left after being unable to complete the endurance test on day one (along with 26 men).¶ Now, two more women have dropped out of the course on the first day of training (along with 12 men), according to Dan Lamothe at Marine Times. In a statement, the Marine Corps said that 96 officers had passed the first-day screening.

#### Engrained sexism is the root of female exclusion – future inclusion *reverses* this psychology

Young and Nauta 13 (Young, Lauren M.; Nauta, Margaret M. Department of Psychology, Illinois State University, 2013, “Sexism as a predictor of attitudes toward women in the military and in combat.” Military Psychology, 25.2 (Mar 2013): 166-171 //nimo)

Finally, in our sample, sexism mediated the relation between military-affiliation status and attitudes toward women in combat. In other words, sexism appears almost fully to account for the more negative attitudes toward women in combat that are held by military-affiliated students. This finding extends the research of Matthews et al. (2009) by suggesting a possible reason why those with military affiliation hold more negative attitudes toward women in combat roles. At least two explanations are plausible. One is that those who hold more sexist beliefs are drawn to the military in greater proportions. This would be consistent with previous findings that military-affiliated students hold more traditional gender role attitudes in general (Robinson Kurpius & Lucart, 2000). Another possibility is that military experience serves to increase sexist beliefs, which, in turn, leads to lower levels of approval for women in combat roles. The military’s historic exclusion of women in official combat roles may inadvertently have served to reinforce sexist beliefs (e.g., that women are weak) that lead to negative attitudes toward women in combat.¶ ¶ Implications for Theory and Research¶ Our finding that military-affiliated students’ more negative attitudes toward women in the military are limited to their involvement in combat roles highlights the importance of assessing the two types of attitudes independently. Research (e.g., Hurrell & Lukens, 1994; Ivarsson et al., 2005) using measures of attitudes toward women in the military in general will not necessarily facilitate an understanding of people’s attitudes toward women in combat. The two attitudes have differential associations with military-affiliation status and with benevolent sexism scores.¶ Our findings support the theory (Glick & Fiske, 2001) that negative attitudes are largely a function of sexist beliefs, but our cross-sectional data do not permit us to know whether students with greater levels of sexist beliefs are drawn to the military or whether the military affiliation somehow intensifies students’ sexist beliefs. Future research using a longitudinal design to assess the relations between sexism and attitudes toward women in combat is needed.¶ Although our findings of associations between sexist beliefs and attitudes toward women in the military and in combat are consistent with those obtained from Swedish military personnel (Ivarsson et al., 2005), additional research confirming this finding with broader samples, both student and nonstudent, would clearly be desirable.¶ ¶ Implications for Practice¶ It is possible that the lifting of combat restrictions for women itself will reduce negative attitudes toward women in combat held by military-affiliated individuals. A meta-analysis (Pettigrew & Tropp, 2011) has documented a tendency for intergroup contact (e.g., between men and women) to be associated with reduced prejudice. If the opening of combat roles to women results in women’s participation in all facets of the military in greater numbers, it would be reasonable to expect military-affiliated men’s attitudes toward them to become more favorable.

### 2AC

#### 1. We reduce the president’s authority – he currently has the power to exclude women from *any* combat position he chooses – the aff ends that power

#### 2. Presidential authority stems from the constitution or statutory delegation.

Gaziano, 2001 (Todd, senior fellow in Legal Studies and Director of the Center for Legal Judicial Studies at the Heritage Foundation, 5 Texas Review of Law & Politics 267, Spring, lexis)

Although President Washington's Thanksgiving Proclamation was hortatory, other proclamations or orders that communicate presidential decisions may be legally binding. n31 Ultimately the authority for all presidential orders or directives must come from either the Constitution or from statutory delegations. n32 The source of authority (constitutional versus statutory) carries important implications for the extent to which that authority may be legitimately exercised or circumscribed. Regardless of the source of substantive power, however, the authority to use written directives in the exercise of that power need not be set forth in express terms in the Constitution or federal statutes. As is explained further below, the authority to issue directives may be express, implied, or inherent in the substantive power granted to the President. n33 The Constitution expressly mentions certain functions that are to be performed by the President. Congress has augmented the President's power by delegating additional authority within these areas of responsibility. The following are among the more important grants of authority under which the President may issue at least some directives in the exercise of his constitutional and statutorily delegated powers: Commander in Chief, Head of State, Chief Law Enforcement Officer, and Head of the Executive Branch.

#### Introduction of US Armed Forces is the assignment of forces to participate or engage in hostilities

War Powers Resolution 73 [50 USC Chapter 33 - WAR POWERS RESOLUTION, § 1547 - Interpretation of joint resolution, http://www.law.cornell.edu/uscode/text/50/1541]

(c) Introduction of United States Armed Forces¶ For purposes of this chapter, the term “introduction of United States Armed Forces” includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

#### Restrict means to restrain.

Words and Phrases 04 (Volume 37A, p. 406)

Miss. 1927. To “restrict” is to restrain within bounds; to limit; to confine; and does not mean to destroy or prohibit**.** Dart v. City of Gulfport, 113 So. 441, 147 Miss. 534.

#### **3.** Executive has authority to exclude women

Barry 13 (Ben Barry, Senior Fellow for Land Warfare at the IISS, 03 Apr 2013, “Women in Combat,” Survival vol. 55 no. 2 April–May 2013 pp. 19, summon //nimo)

On 14 January US Secretary of Defense Leon Panetta and Chairman of¶ the Joint Chiefs of Staff General Martin Dempsey announced that ‘we are¶ eliminating the direct ground combat exclusion rule for women and we¶ are moving forward with a plan to eliminate all unnecessary gender-based¶ barriers to service’.‘ This triggered media speculation that all barriers to¶ women serving in the US military would quickly be lifted. But much of the¶ reporting on the policy shift was over-simplistic. Panetta and Dempsey's¶ announcement is more conditional and nuanced than is often described.¶ And it allows the Pentagon to decide to continue to exclude women from¶ some combat roles. There is a real possibility that this may happen — espe-¶ cially for US Army and Marine Corps infantry.

#### 4. Limits – including delegated powers is key to congress affs because only the supreme court can reinterpret the president’s constitutional powers.

#### 5. Force composition is key aff ground --- every time an authorization of force is passed, it involves discussions of what sort of limits should be placed on that intervention.

#### 6. Aff Ground – they only allow 6 affs because they prevent the aff specifying what forms of war powers authority they limit.

#### 7. Reasonability – competing interpretations is a race to the bottom, crowds out substantive debate & forces intervention

### 2AC CP Ban Mil

#### Conditionality is a voting issue: spreads out the 2AC and skews the strategy; not real world because policymakers don’t advocate 4 bills at once; not reciprocal – justifies aff condtionality

#### 1. Perm do both – can restructure gendered military policy as part of ending the military to set legal precedent

#### **2. Gender integration in the military and militarism are opposing forces – support for one does not indicate a support for the other**

Herbert 94 (Melissa S. Herbert, Assistant Professor of Sociology at Hamline University, “Feminism, Militarism, and Attitudes Toward the Role of Women in the Military,” Feminist Issues/Fall 1994 //nimo)

Simply put, the clear findings are that those with a feminist ideology are likely ¶ to support the right of women to equal participation in the military. In contrast, militarism indicates a slight likelihood of lack of support. The critical point is that ¶ while these relationships are both correlated in the expected direction, support for ¶ feminist goals is the much larger force shaping our attitudes toward the role of women ¶ in the military. That is, people's views on women's rights are much more important ¶ than are their views on national defense. Oender integration as an issue of public ¶ policy rests far more in the domain of women's equality than it does in the national ¶ defense. My f'mdings are similar to those presented by Clyde Wilcox (1992) in his ¶ recently published work examining support for women in the military. He believes ¶ that "the data suggest that the public sees this issue more as one of gender equality ¶ than of military policy" (1992, 319). In sum, while the relationship between femi- ¶ nism and militarism is inverse, and the relationship between militarism and support ¶ for gender integration inverse as well, support for the goals of feminism is clearly ¶ the driving force behind what one perceives as the rights of equal access for women ¶ to the military.

#### **3. Perm do the aff then the CP**

#### **4. Military is good for peace – aff isn’t support of military**

Decew, 95 (Judith Wagner DeCew is Professor of Philosophy and Department Chair at Clark University, where she is also former Associate Dean of the College. The Combat Exclusion and the Role of Women in the Military. Special Issue: Feminist Ethics and Social Policy, Part 1 Volume 10, Issue 1, pages 56–73, February 1995)

Feminists may believe that a right to serve in combat in the military exists but that it should take low priority for feminist thinkers, given the many rights denied women around the world. Or, more strongly, they may reject any female participation in U.S. interventionist and military endeavors, particularly under male orders. They may believe an equal right to carry out U.S. military orders, which they find both morally outrageous and internationally illegal, is a right they would prefer not to have. By arguing against the combat exclusion, however, I am not thereby endorsing current military activities. I believe we can and must discuss the egalitarian concerns raised by the exclusion independently of assessments of general military policies, procedures, and objectives. There are, furthermore, two considerations that make the inequality of the combat exclusion relevant for a wide range of feminists. First, we can idealize the military in such a way that we see it as the kind of institution that will be needed even in a largely peaceful and demilitarized world, to deal with the kinds of peacekeeping efforts that will continue to be necessary in a world without the military institutions and activities with which we are currently familiar. Second, we must realize how nonideal this world is and can be expected to remain. It is arguable that military establishments and military efforts are necessary and even justifiable, when, for example, they are used to prevent atrocities and violations of human rights such as those we have seen in such places as Bosnia and to provide aid in crises like that in Rwanda.5 If this is correct, there is good reason for feminists to be concerned about the combat exclusion, the importance of women gaining equal treatment in the military, and their ability to be promoted to positions where they can transform military practices. Although my argument provides just one liberal feminist approach, it is, I believe, a compelling one.

#### 5. US military power is objectively and empirically good – prevents war, extinction

Barnett 11 (Thomas P.M. Barnett, Former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department, Center for Naval Warfare Studies, U.S. Naval War College American military geostrategist and Chief Analyst at Wikistrat., worked as the Assistant for Strategic Futures in the Office of Force Transformation in the Department of Defense, “The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads,” March 7 <http://www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads>,

It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: As the guardian of globalization, the U.S. military has been the greatest force for peace the world has ever known. Had America been removed from the global dynamics that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation. But the world did not keep sliding down that path of perpetual war. Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace. We introduced the international liberal trade order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding. As a result, the vector of structure-building connectivity shifted from trans-Atlantic to trans-Pacific. But if the connectivity push of the past several decades has been from West to East, with little connectivity extended to the South outside of the narrow trade of energy and raw materials, the current connectivity dynamic is dramatically different. Now, the dominant trends are: first, the East cross-connecting back to the West via financial and investment flows as well as Asian companies "going global"; and second, the East creating vast new connectivity networks with the South through South-South trade and investment. The challenge here is how to adjust great-power politics to these profound forces of structural change. Because of the West's connectivity to the East, we are by extension becoming more deeply connected to the unstable South, with China as the primary conduit. Meanwhile, America's self-exhausting post-Sept. 11 unilateralist bender triggered the illusion -- all the rage these days -- of a G-Zero, post-American world. The result, predictably enough for manic-depressive America, is that we've sworn off any overall responsibility for the South, even as we retain the right to go anywhere and kill any individuals -- preferably with flying robots -- that we deem immediately threatening to our narrowly defined national security interests. The problem with this approach is that China has neither the intention nor the ability to step up and play anything resembling a responsible Leviathan over the restive South, where globalization's advance -- again, with a Chinese face -- produces a lot of near-term instability even as it builds the basis for longer-term stability.

#### 6. Removing US military results in net increase in global militarism and great power war – theoretical and empirical evidence

Brooks, Ikenberry, and Wohlforth ’13, Stephen Brooks, associate professor of Government at Dartmouth College, John Ikenberry, Albert G. Milbank professor of Politics and International Affairs at Princeton University, and William Wohlforth, Daniel Webster professor of government and Dartmouth College, Winter, “Don’t Come Home America,” <http://live.belfercenter.org/files/IS3703_Brooks%20Wohlforth%20Ikenberry.pdf>, subject to peer review, international security, p. 33-40

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72¶ How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. ¶ The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73¶ Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers.¶ What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75¶ The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices.¶ To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war).¶ Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States.¶ Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome.¶ The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century.¶ The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83¶ In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difficult.¶ Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused en mity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85¶ In the end, therefore, deep engagement reduces security competition and does so in a way that slows the diffusion of power away from the United States. This in turn makes it easier to sustain the policy over the long term.

#### 7. Endorsing equity in combat does not necessitate militarism – inclusion doesn’t have to be “good” for it to be right

Stachowitsch 13 (Saskia Stachowitsch, post-doctoral research fellow and lecturer at the Department of Political Science at the University of Vienna, February 19, 2013, “Feminism and the Current Debates on Women in Combat,” e-International Relations, http://www.e-ir.info/2013/02/19/feminism-and-the-current-debates-on-women-in-combat/ //nimo)

Feminist disagreements over these issues will go on and likely never be settled. Meanwhile, a rights-based approach might still be the safest bet for those wishing to make a non-militaristic point for military gender integration. While some may not perceive the ‘right’ to fight, kill, and die as a desirable objective, focusing on equal access to important state institutions is preferable to arguments that women can fulfil placatory functions in the military or provide the social skills that men lack. Women should not be required to prove that they can do anything ‘better’ than men or bring any specific qualities to military and other institutions to be allowed to participate.¶ In conclusion, there is no easy, straightforward answer to journalists’ questions about the normative evaluation of women’s integration into ground-combat. In the light of feminist research in the areas of military, war, security, foreign policy, and international institutions, we can only conclude that full integration does not need to be ‘good’ for it to be right.

#### **The plan is not an embrace of status quo American militarism – we can criticize military policy without endorsing militarism AND the military can be good for peace – it’s a question of how we engage**

Decew, 95 (Judith Wagner DeCew is Professor of Philosophy and Department Chair at Clark University, where she is also former Associate Dean of the College. The Combat Exclusion and the Role of Women in the Military. Special Issue: Feminist Ethics and Social Policy, Part 1 Volume 10, Issue 1, pages 56–73, February 1995)

Feminists may believe that a right to serve in combat in the military exists but that it should take low priority for feminist thinkers, given the many rights denied women around the world. Or, more strongly, they may reject any female participation in U.S. interventionist and military endeavors, particularly under male orders. They may believe an equal right to carry out U.S. military orders, which they find both morally outrageous and internationally illegal, is a right they would prefer not to have. By arguing against the combat exclusion, however, I am not thereby endorsing current military activities. I believe we can and must discuss the egalitarian concerns raised by the exclusion independently of assessments of general military policies, procedures, and objectives. There are, furthermore, two considerations that make the inequality of the combat exclusion relevant for a wide range of feminists. First, we can idealize the military in such a way that we see it as the kind of institution that will be needed even in a largely peaceful and demilitarized world, to deal with the kinds of peacekeeping efforts that will continue to be necessary in a world without the military institutions and activities with which we are currently familiar. Second, we must realize how nonideal this world is and can be expected to remain. It is arguable that military establishments and military efforts are necessary and even justifiable, when, for example, they are used to prevent atrocities and violations of human rights such as those we have seen in such places as Bosnia and to provide aid in crises like that in Rwanda.5 If this is correct, there is good reason for feminists to be concerned about the combat exclusion, the importance of women gaining equal treatment in the military, and their ability to be promoted to positions where they can transform military practices. Although my argument provides just one liberal feminist approach, it is, I believe, a compelling one.

#### Links to net benefit

### 2AC CP Gender Specific Standards

#### 1. Part of the aff – resolution of war powers restricts ability to use strength requirements

#### 2. Insufficient – exec will find other ways to exclude women, like through limited promotions

#### 3. Perm do both – shields NB

#### 4. **No cause of action – statutes are necessary to provide grounds to sue. Without lawsuits there will be no mechanism for enforcement.**

Konnoth 11 CRAIG KONNOTH, The Yale Law Journal March, 2011 120 Yale L.J. 1263 COMMENT: Section 5 Constraints on Congress Through the Lens of Article III and the Constitutionality of the Employment Non-Discrimination Act

ENDA raises exactly these concerns, as the remedies that states currently provide are anemic, and indeed, are subject to repeal. The Williams Institute notes that of the few cities and counties that responded to its survey, two incorrectly referred employee complaints regarding discrimination to the  [\*1275]  EEOC (which has no federal mandate to address them). [n60](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true#n60) One respondent was unaware of its own antidiscrimination provisions, another did not know what enforcement mechanisms were in place, and several lacked the resources to provide data or handle complaints. [n61](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true#n61) Similarly, local provisions often have lower caps on damages, lack compensation for attorney's fees, or fail to protect discrimination based on perceived orientation. [n62](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true#n62) Executive orders prohibiting discrimination fail to create a private cause of action and are not always backed up by investigative mechanisms. [n63](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true#n63) Courts have also found that some localities' provisions are preempted by federal law. [n64](http://www.lexisnexis.com/lnacui2api/frame.do?tokenKey=rsh-20.834391.4260498759&target=results_DocumentContent&returnToKey=20_T18281063812&parent=docview&rand=1380689849090&reloadEntirePage=true#n64) Thus, only Congress can pass a bill that would definitively prevent localities' discrimination.

#### 5. Specific law must be in place for enforcement to take place – that’s Stoddard

#### 6. Link to net beneft

#### 7. Doesn’t allow for advancement of women – key to ending sexual assault and vision of the female warrior

#### 8. Links to net benefit

### 2AC – Immigration [Ag]

#### 1. Immigration reform doesn’t solve food – shrinking labor pool

Plumer 13 [Brad, reporter specializing in domestic policy, particularly energy and environmental issues, Washington Post; “We’re running out of farm workers. Immigration reform won’t help.” Washington Post; January 29, 2013; http://www.washingtonpost.com/blogs/wonkblog/wp/2013/01/29/the-u-s-is-running-out-of-farm-workers-immigration-reform-may-not-help/]

For years, one of the groups pushing hardest for immigration reform has been the U.S. food industry. Farmers have long grumbled about a shortage of labor, and they’ve asked for policies that make it easier to hire foreign workers from places like Mexico. Getting harder and harder to find. (John Moore – Getty Images) But looser immigration laws may not be able to keep our food cheap forever. A recent study suggests that U.S. farms could well face a shortage of low-cost labor in the years ahead **no matter what Congress does on immigration.** That’s because Mexico is getting richer and can no longer supply as many rural farm workers to the United States. And it won’t be nearly as easy to import low-wage agricultural workers from elsewhere. For decades, farms in the United States have relied heavily on low-wage foreign workers — mainly from Mexico — to work their fields. In 2006, 77 percent of all agricultural workers in the United States were foreign-born. (And half of those foreign workers were undocumented immigrants.) All that cheap labor has helped keep down U.S. food prices, particularly for labor-intensive fruits and vegetables. But that labor pool is now drying up. In recent years, we’ve seen a spate of headlines like this from CNBC: “California Farm Labor Shortage ‘Worst It’s Been, Ever’.” Typically, these stories blame drug-related violence on the Mexican border or tougher border enforcement for the decline. Hence the call for new guest-worker programs. But a new paper from U.C. Davis offers up a simpler explanation for the labor shortage. Mexico is getting richer. And, when a country gets richer, its pool of rural agricultural labor shrinks. Not only are Mexican workers shifting into other sectors like construction, but Mexico’s own farms are increasing wages. That means U.S. farms will have to pay higher and higher wages to attract a dwindling pool of available Mexican farm workers. “It’s a simple story,” says Edward Taylor, an agricultural economist at U.C. Davis and one of the study’s authors. ”By the mid-twentieth century, Americans stopped doing farm work. And we were only able to avoid a farm-labor crisis by bringing in workers from a nearby country that was at an earlier stage of development. Now that era is coming to an end.” Taylor and his co-authors argue that the United States could face a sharp adjustment period as a result. Americans appear unwilling to do the sort of low-wage farm work that we have long relied on immigrants to do. And, the paper notes, it may be difficult to find an abundance of cheap farm labor anywhere else — potential targets such as Guatemala and El Salvador are either too small or are urbanizing too rapidly. So the labor shortages will keep getting worse. And that leaves several choices. American farmers could simply stop growing crops that need a lot of workers to harvest, such as fruits and vegetables. Given the demand for fresh produce, that seems unlikely. Alternatively, U.S. farms could continue to invest in new labor-saving technologies, such as “shake-and-catch” machines to harvest fruits and nuts. “Under this option,” the authors write, “capital improvements in farm production would increase the marginal product of farm labor; U.S. farms would hire fewer workers and pay higher wages.” That could be a boon to domestic workers — studies have found that 23 percent of U.S. farm worker families are below the poverty line. In the meantime, however, farm groups are hoping they can fend off that day of reckoning by revamping the nation’s immigration laws. The bipartisan immigration-reform proposal unveiled in the Senate on Monday contained several provisions aimed at boosting the supply of farm workers, including the promise of an easier path to citizenship. Taylor, however, is not convinced that this is a viable long-term strategy. “The idea that you can design a guest-worker program or any other immigration policy to solve this farm labor problem isn’t realistic,” he says. “It assumes that there’s a willingness to keep doing farm work on the other side of the border. And that’s already dropping off.”

#### 2. Healthcare hearings sap political energy.

Sargent 10/24 [Greg, The Plum Line, The Morning Plum: House GOP pivots from Obamacare to Obamacare BY GREG SARGENT October 24 at 9:00 am]

Multiple reports this morning tell us that House Republicans – chastened from their political drubbing during the last crisis, which was all about Obamacare – are now hoping to put that behind them by launching a series of coordinated, seemingly serious House investigations into what has gone wrong with Obamacare. Interestingly, Republicans believe the new push will get the public to forget GOP excesses during the last battle — even though both revolve around the party’s central organizing point, i.e., the drive to destroy the Affordable Care Act before it’s too late. As the Washington Examiner’s David Drucker put it: “House GOP leaders are looking to revive their majority’s political strength by focusing on the nuts and bolts of legislating, a policy agenda centered on jobs and economic growth — and concerted oversight of Obamacare, a law still unpopular with many Americans.” And so, with Obamacare’s problems likely to continue, we’re headed for a **protracted political struggle** over them, with potentially high political stakes for 2014 and for the success of the most important domestic initiative of the Obama presidency.

#### 3. Removal of restriction on WIC thumps link – 1AC Wash Times evidence

#### 4. Immigration is dead

Chotiner 10/25 [Isaac, New Republic, Immigration Reform is Doomed. At Least For Now. http://www.newrepublic.com/article/115348/immigration-reform-cannot-pass-midterm-elections]

The New Republic's Alec MacGillis offers up various reasons why immigration reform has a better chance of passing in the next year than conventional wisdom currently holds. I appreciate his optimism, but immigration is doomed—at least until after the midterm elections. Alec is probably right that a few things have improved the prospects for a bill. House Speaker John Boehner, who clearly wants one, is in a stronger position with his caucus than he was even several months ago. Immigration reform has several rich backers. President Obama is desperate for a bill. And Congress, after the shutdown debacle, may feel the need to make it appear as if something, anything can come out of Washington. Unfortunately, all of these things pale in comparison to the larger question of whether the bill is in the interest of House Republicans, and the party more generally. Here is Alec's take: It’s in the Republicans’ interest. Why would the cautious, conflict-averse Boehner want to put himself through the hassle, even if he does have a path forward? Because, of course, he and so many other leaders of his party and the conservative movement—Paul Ryan, Karl Rove, Grover Norquist—grasp that the party cannot continue be seen as obstructing immigration reform by the country’s growing legions of Hispanic and Asian-American voters. Yes, many of the same leaders were warning the hard-liners in the House and Senate off of the defund-Obamacare government-shutdown path to no avail, but those warnings were highly ambivalent, a matter of tactical disagreement after years in which the leaders had been banging the same anti-Obamacare drum. Whereas in this case the leaders are truly in favor of immigration reform, even if just for reasons of self-preservation. This may be true, but it suggests—in the best case scenario—that Congress passes a bill after the midterms, rather than before them. Pretend you are a House Republican, and thus in almost all cases are from a very conservative district. What is your incentive to pass an immigration bill before November 2014? Not only would it make you vulnerable to a primary challenge, but it isn't even obvious that it would strengthen your position in the general election, especially considering the way House districts are drawn, and that non-presidential election years tend to have older and whiter electorates. Alec is right that eventually Republicans need to stop bleeding minority votes. But that is part of a long, long, long-term project. Politics is a zero-sum game, and if Obama signs an immigration bill, the Democrats are going to get most of the credit. Ideally, then, Republicans could win the 2016 election without supporting immigration reform and have a Republican president sign the bill. (They blew their chance in 2007.) But it may be hard to win the next election without doing so. Still, even in 2016, with a bigger electorate, it still isn't necessarily in the interests of Republican congressmen to support a bill. Immigration reform is going to be, at best, a tough sell in 2015. Before the next congressional election, it's a nearly impossible dream.

#### 5. Plan has bipart support

NYT, 13 (Pentagon Is Set to Lift Combat Ban for¶ Women. http://lebloglibredemonquartier.midiblogs.com/media/01/01/1176410493.pdf)

Although in the past some Republican members of the House have balked at allowing women in¶ combat, on Wednesday there appeared to be bipartisan endorsement for the decision, which was first¶ reported by The Associated Press and CNN in midafternoon.¶ “It reflects the reality of 21st century military operations,” Senator Carl Levin, Democrat of Michigan¶ and chairman of the Senate Armed Services Committee, said in a statement.Senator Patty Murray, Democrat of Washington and the chairwoman of the Senate Veterans Affairs¶ Committee, called it a “historic step for recognizing the role women have, and will continue to play, in the defense of our nation.”¶ Senator Kelly Ayotte, a New Hampshire Republican and a member of the Armed Services Committee,¶ said in a statement that she was pleased by the decision and said that it “reflects the increasing role¶ that female service members play in securing our country.”¶ Representative Loretta Sanchez, the California Democrat who has long pressed to have women’s role¶ in combat recognized, said that she was pleased that Mr. Panetta was removing what she called “the¶ archaic combat exclusion policy.”¶ Senator Kirsten E. Gillibrand, a New York Democrat who has pushed for lifting the ban, called it “a¶ proud day for our country” and an important step in recognizing “the brave women who are already¶ fighting and dying.”

#### 6. Not mutually exclusive – policy maker can do both

#### 7. No links, only turns, no one opposes the plan

Baldor 13 LOLITA C. BALDOR, Associated Press 01/24/13 Huffington Post Women In Combat Will Strengthen U.S. Military, Leon Panetta Says <http://www.huffingtonpost.com/2013/01/24/women-in-combat_n_2543276.html>

There long has been opposition to putting women in combat, based on questions of whether they have the necessary strength and stamina for certain jobs, or whether their presence might hurt unit cohesion. But the Pentagon's announcement was largely hailed by lawmakers and military groups. There were only a few offering dissenting views.

#### 8. The negative’s idea of political capital is a lie and makes oppressive politics inevitable

Ruby-Sachs, J.D. from the University of Toronto and practices civil litigation, 2008

(Emma, 11/24, “[Ranking the Issues: Gay Rights in an Economic Crisis](http://www.huffingtonpost.com/emma-rubysachs/ranking-the-issues-gay-ri_b_146023.html)”, <http://www.huffingtonpost.com/emma-rubysachs/ranking-the-issues-gay-ri_b_146023.html>, Accessed: 7/7/2009)

On Friday, [the Washington Times reported](http://www.washingtontimes.com/news/2008/nov/21/obama-to-delay-repeal-of-dont-ask-dont-tell/) that Barack Obama will be waiting until 2010 to push for the end of Don't Ask Don't Tell. Obama staffers say the delay is necessary to allow for consensus building. The move raises a number of questions and concerns. At first brush it seems like smart politics: avoid a Clintonesque botch and give yourself some time to get support before taking on the gay issues. In fact, as a person as well as a lesbian, I find myself worrying more about health care and the economy than the ability of LGBT people to serve openly in the military. But just how should we be ranking identity politics in this grab bag moment of crisis and transition**? The classic approach to politics is to rank priorities and measure the finite bowl of political capital. If Obama pushes hard** on a [green new deal](http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=548&ArticleID=5957&l=en), he **likely won't have much left for universal health care. If he backs off of serious economic regulation, then he might get more support for social programs from Republicans. Because gay civil rights struggles affect fewer individuals and relate to less quantifiable harms, it's hard to justify putting them at the top of the list. The alternative is to reject the ranked priorities political model altogether. There is little evidence that sway and support is finite in the American political system. Political capital relates to the actions of the leader, yes, but can be infinitely large or non-existent at any point in time. In some ways, the more you get done, the more the bowl of capital swells. Ranking America's problems to conserve political influence is a narrow minded approach** to solving this crisis. Putting banks at the top of the list avoids the plight of large employers (like car companies - as much as we love to hate their executives). Sending health care and other social programs to second or third place, leaves those immediately affected by the crisis with nothing to fall back on. Finall**y, ignoring the disenfranchisement of a segment of the population breeds discontent, encourages protest, boycotts (a definite harm in this economy) and violence. It divides families (especially those who are still unable to sponsor their partner into the United States), imposes higher tax burdens on gay couples, denies benefits to gay spouses in many employment situations and polarizes social conservatives and social liberals in a time when consensus is essential. The first years of the Obama presidency cannot be about determining who and what matters and who and what doesn't. There should be no ranking of political promises and political objectives. As President of the United States, we expect Obama to be able to multitask. As LGBT people, we should** not stop fighting for the end of DADT, but also the repeal of the Defense of Marriage Act and the implementation of hate crime legislation that recognizes LGBT victims. **Identity politics do not need to fall to the back burner just because times are tough. Working towards full LGBT rights should, and hopefully will, remain a priority for all of us.**

#### 9. Fiat solves the link – question of should not would

#### 10. Winners win

Milbank 10/22 [Dana, The Herald-Sun (Durham, N.C.) October 22, 2013 Tuesday Time for Obama to step from behind and lead]

Obama got out in front of the shutdown and debt-ceiling standoff. He took a firm position - no negotiating - and he made his case to the country vigorously and repeatedly. Republicans miscalculated, assuming Obama would once again give in. The result was the sort of decisive victory rarely seen in Washington skirmishes. On Wednesday, Republicans surrendered. They opened the government and extended the debt limit with virtually no conditions. On Thursday, Obama rubbed their noses in it. "You don't like a particular policy or a particular president? Then argue for your position. Go out there and win an election," Obama taunted them from the State Dining Room. "Push to change it, but don't break it. Don't break what our predecessors spent over two centuries building." Obama said "there are no winners" after the two-week standoff, but his opponents, particularly his tea-party foes, clearly lost the most; seven in 10 Americans thought Republicans put party ahead of country. These "extremes" who "don't like the word 'compromise'" were the obvious target of Obama's demand that we all "stop focusing on the lobbyists and the bloggers and the talking heads on radio and the professional activists who profit from conflict." (He did not mention newspaper columnists, so you are free to continue reading.) The gloating was a bit unseemly, but the president is entitled to savor a victory lap. The more important thing is that Obama maintain the forceful leadership that won him the budget and debt fights. In that sense, the rest of Obama's speech had some worrisome indications he was returning to his familiar position in the rear. The agreement ending the shutdown requires Congress to come up with a budget by Dec. 13. It's a chance - perhaps Obama's last chance - to tackle big issues such as tax reform and restructuring Medicare. The relative strength he gained over congressional Republicans during the shutdown left him in a dominant negotiating position. If he doesn't use his power now to push through more of his agenda, he'll lose his advantage. George W. Bush adviser Karl Rove called it the "perishability" of political capital. But instead of being forceful, Obama was vague. He spoke abstractly about "the long-term obligations that we have around things like Medicare and Social Security." He was similarly elliptical in saying he wants "a budget that cuts out the things that we don't need, closes corporate tax loopholes that don't help create jobs, and frees up resources for the things that do help us grow, like education and infrastructure and research." Laudable ideas all - but timidity and ambiguity in the past have not worked for Obama. The way to break down a wall of Republican opposition is to do what he did the last two weeks: stake out a clear position and stick to it. A plan for a tax-code overhaul? A Democratic solution to Medicare's woes? As in the budget and debt fights, the policy is less important than the president's ability to frame a simple message and repeat it with mind-numbing regularity. If there's going to be a big budget deal, the president eventually will have to compromise, perhaps even allowing some changes to his beloved Obamacare, which he didn't mention while on his victory lap Thursday. Even then, forceful leadership may not be enough to prevail. But he has a much better chance if he remains out in front. Otherwise, he'll soon be knocked back on his behind.

#### 10. Food shocks inevitable – too many alt causes.

Tipson 12 [Frederick, special advisor to the Center for Science,Technology and Peacebuilding at the U.S. Institute of Peace, where hewas a 2011-12 Jennings Randolph Senior Fellow. He worked previously for the UN Development Programme, Microsoft, the MarkleFoundation, the Council on Foreign Relations, Hongkong Telecom,AT&T, the Senate Foreign Relations Committee, and the University ofVirginia School of Law. Global Food Insecurity and "Political Malnutrition," June 2012, Number 7, German Marshall Fund Connections, http://www.gmfus.org/wp-content/blogs.dir/1/files\_mf/1339595984Tipson\_GlobalFoodInsecurity\_Jun12.pdf]

Meanwhile, the political dimensions of “food insecurity” go well beyond our compassion for people in the poorest countries who are most vulnerable to famine and malnutrition. Even during the remainder of this decade, we face a transition from localized food shortages and insecurities toward a more pervasive environment of global “food shocks” that have serious political consequences even for the richer world. 3 The combined effects of population trends, climate changes, water shortages, soil erosion or contamination, increased meat consumption, fisheries depletion, major livestock epidemics, or serious crop failures in overlapping and cascading ripple effects will strain already-vulnerable economies and political systems. Sudden price increases or shortages could prompt volatile popular reactions, especially if citizens even in “well-fed” locations lose trust in markets and governments to assure their access to adequate food supplies.

#### 11. Political capital is irrelevant

Dickinson, ’09,– professor of political science at Middlebury College and taught previously at Harvard University where he worked under the supervision of presidential scholar Richard Neustadt (5/26/09, Matthew, Presidential Power: A NonPartisan Analysis of Presidential Politics, “Sotomayor, Obama and Presidential Power,” <http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/>)

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee. If we want to measure Obama’s “power”, then, we need to know what his real preference was and why he chose Sotomayor. My guess – and it is only a guess – is that after conferring with leading Democrats and Republicans, he recognized the overriding practical political advantages accruing from choosing an Hispanic woman, with left-leaning credentials. We cannot know if this would have been his ideal choice based on judicial philosophy alone, but presidents are never free to act on their ideal preferences. Politics is the art of the possible. Whether Sotomayer is his first choice or not, however, her nomination is a reminder that the power of the presidency often resides in the president’s ability to dictate the alternatives from which Congress (or in this case the Senate) must choose. Although Republicans will undoubtedly attack Sotomayor for her judicial “activism” (citing in particular her decisions regarding promotion and affirmative action), her comments regarding the importance of gender and ethnicity in influencing her decisions, and her views regarding whether appellate courts “make” policy, they run the risk of alienating Hispanic voters – an increasingly influential voting bloc (to the extent that one can view Hispanics as a voting bloc!) I find it very hard to believe she will not be easily confirmed. In structuring the alternative before the Senate in this manner, then, Obama reveals an important aspect of presidential power that cannot be measured through legislative boxscores.

#### 12. Immigration won’t pass, and push comes after fiscal issues.

Nowicki 10/20 [Dan Nowicki, The Arizona Republic, U.S. HOPES DIM FOR IMMIGRATION REFORM http://www.codewit.com/north-america/13241-u-s-hopes-dim-for-immigration-reform]

PHOENIX -- Immigration reform, the centerpiece of President Barack Obama's second-term domestic agenda, lost momentum amid the partisan brinkmanship that led to the government shutdown. Some reform opponents believe the profound lack of trust between House Republicans and the White House all but ensures the issue won't proceed this year. Obama, however, last week signaled that he is not surrendering on one of the issues he ran on when he was first elected president in 2008. In an interview with Univision's Los Angeles affiliate, Obama indicated he will press forward on immigration reform immediately **after the dust settles from the fiscal fight** and demand that House Speaker John Boehner, R-Ohio, and other Republican leaders allow a vote on a Senate-passed comprehensive bill.

## 1AR

Your impact evidence doesn’t assume watered down bill.

Kohn 13 [Sally, Salon, THURSDAY, APR 18, 2013 11:12 AM EDT Immigration: The latest watered-down compromise GOP hates anyway New proposal will do little to fix our broken system, and passing it will cost Obama real capital. Sound familiar? BY SALLY KOHN http://www.salon.com/2013/04/18/will\_immigration\_bill\_be\_a\_replay\_of\_guns/]

In their desire to find a compromise acceptable to the chronically short-sighted and self-destructive Republican Party, Democrats have crafted an immigration bill that is for the most part as unobjectionable as it is uninspired. The bill cobbles together a series of pragmatic concessions that, while perhaps sufficient to overcome conservative objections, will likely prove wholly insufficient at actually addressing the problem it was designed to solve — that is, fixing our broken immigration system. The tangle of hurdles and exclusions, loopholes for businesses and pitfalls for immigrants, is precisely the mess we should be cleaning up, not making worse.