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#### Restriction on authority must limit presidential discretion

Lobel 8 Professor of Law, University of Pittsburgh Law School Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### Resolved means to enact by law

Words and Phrases 64 Permanent Edition

Definition ofthe word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Vote neg

#### Ground- core links are based off restrictions- skews the topic in favor of the aff.

#### Limits- opens a floodgate of affs that just dissuade presidential power

#### Extra T- cant go for anything not tied to implementation of the plan like discourse- proves resolution insufficient and unpredictable

#### Independently they don’t specify whether the detainees are released or get trials because you say OR---causes moving target by spiking out of trials DA by shifting to the release.

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#### The Executive branch of the United States federal government should issue an executive order to establish a policy to require that people detained indefinitely receive either civilian trials or be released. The order should also require consultation with the Office of Legal Counsel regarding indefinite detention. The Executive Order should also require written publication of opinions in support of the legal framework.

#### Solves signal and is sustainable

Eric Posner and Vermeule 7, The University of Chicago Law School Professor, and Adrian Vermeule, Harvard Law School Professor of Law, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

The Madisonian system of oversight has not totally failed. Sometimes legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative prerogatives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion unchecked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is. It is often assumed that this partial failure of the Madisonian system unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are uncertain and possibly nefarious. The partial failure of Madisonian oversight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off. Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an executive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such. IV. Executive Signaling: Law and Mechanisms We suggest that the executive's credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations. This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by "government" or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by "the people" to bind "themselves" against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations. n72 Whether or not this picture is coherent, n73 it is not the question we examine here, although some of the relevant considerations are similar. n74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. [\*895] Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types. We begin with some relevant law, then examine a set of possible mechanisms -emphasizing both the conditions under which they might succeed and the conditions under which they might not -and conclude by examining the costs of credibility. A. A Preliminary Note on Law and Self-Binding Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding. n75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo. n76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of self-binding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding. n77 However, there may be large political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so, too, the executive's issuance of a self-binding order can trigger reputational costs. In such cases, repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

#### OLC solves

Pillard 5 – JD from Harvard, Faculty Director of Supreme Court Institute at Georgetown University Law Center, former Deputy Assistant Attorney General in the DOJ (February, Cornelia T., Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758, http://scholarship.law.georgetown.edu/facpub/189/)

Just as the SG is the federal government's chief litigator, the head of the Office of Legal Counsel is the executive branch's chief legal advisor. The Attorney General has formally delegated the legal-advice-giving part of his statutory responsibility to OLC.104 OLC has no enforcement or litigation responsibilities, and is devoted exclusively to giving legal advice. OLC's role within the executive branch has evolved over the years, with tasks calling for legal and, especially, constitutional judgment migrating to OLC, while more politicized tasks, like OLC's short involvement in vetting potential judicial nominees, being reassigned elsewhere.105¶ OLC's core work is to provide written and oral legal opinions to others within the executive branch, including the president, the Attorney General, and heads of other departments. In practice, the White House and the Attorney General are by far the most frequent requesters, often asking complex, momentous questions, frequently on short notice. OLC clients may seek opinions on matters such as the sustainability of a claim of executive privilege, or the lawfulness in a particular circumstance of a quarantine, detention, or use of military force. OLC has been consulted when troops have been sent abroad and when international criminals were arrested overseas.106 Much of OLC's work is more quotidian, including topics such as the constitutionality under the Appointments Clause of various boards and commissions, or the scope of an agency's statutory authority to alter a regulation or settle a case in a particular way. Its opinions "involve domestic problems, international issues, pet plans of bureaucrats, the application of the Constitution and the laws to administrative policies and procedures, the powers and jurisdictions of departments and agencies, the advisability of contemplated actions, [and various mundane and] momentous matters." 107¶ OLC traditionally requires that requests for advice come from the head or general counsel of the requesting agency, that advice-seekers submit their own view of the question to OLC, and that independent agencies (not already presumptively bound) agree in advance to abide by the advice - even oral advice - that OLC delivers.108 The agreement to be bound forestalls opportunistic advice-shopping by entities willing to abide only by advice they like, and it preserves the resources and authority of OLC against being treated merely as an extra source of legal research on issues that other lawyers or officials will ultimately resolve for themselves.109¶

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#### Text: The U.S. Supreme Court should require that people detained indefinitely receive either civilian trials or be released.

#### Courts have the authority

Fisher, Congressional Research Service Senior Specialist in Separation of Powers, 2005,

(Louis, “Judicial Review of the War Power”, Presidential Studies Quarterly, Vol. 35, No. 3, September, Pg. 466, PAS) <http://www.constitutionproject.org/pdf/422.pdf> 8-15-13

The terrorist attacks of 9/11, followed by the creation of a military tribunal, treat­¶ ment of detainees, and passage of the USA Patriot Act, brought to the fore again the ¶ question of what role federal courts should play in policing the war power. Contempo­¶ rary legal studies often argue that foreign affairs-and particularly issues of war and ¶ peace-lie beyond the scope of judicial jurisdiction afnd competence. However, the record ¶ over the past two centuries demonstrates that not only have courts decided war power ¶ issues many times, they have curbed presidential military actions in time of war.

#### Politics is a net benefit

Intoccia, practicing attorney specializing in telecommunications, 01

[Gregory Intoccia, practicing attorney specializing in telecommunications, 2001, Reassessing Judicial Capacity to Resolve Complex Questions of Social Policy, 11 USAFA J. Leg. Stud. 127, pg. np]

Elected politicians appear to "pass the buck" to the judiciary when an issue divides the electorate in a manner that is not in keeping with conventional party divisions. As the judiciary is a non-partisan institution that has traditionally resolved specific controversies, the courts offer politicians the opportunity to deflect issues potentially disruptive to partisan debate. For example, judicial policy on abortion suggests that this principle is valid. For at least a decade prior to the Supreme Court's abortion decision in Roe v. Wade, many mainstream politicians generally sought to avoid the abortion issue. In the mid-1960s, the two major parties remained divided over New Deal economic issues, but voters were increasingly interested in other issues such as law and order, race, gender equity and social lifestyles. At that time, the majority Democratic Party was divided between liberals who were attracted to new views of social lifestyles and traditionalists who condemned them. The Republican Party was also divided internally over these issues, but to a lesser degree. While the two parties primarily debated economic issues, many mainstream politicians sought to avoid debate on a number of non-economic social issues. As the debate over such issues as abortion intensified, elected officials increasingly deferred to the judiciary for resolution. In the months prior to the Roe v. Wade decision, many politicians sought to remove themselves from the potential fall-out of a legislative solution to the abortion question, preferring instead that the judiciary decide whether to eliminate abortion restrictions.

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#### Presidential war powers high

Posner 13 President Ruthless, Eric Posner, professor at the University of Chicago Law School, May 23, 2013, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/05/obama\_s\_speech\_he\_s\_just\_like\_bush\_in\_pushing\_the\_limits\_of\_executive\_power.html

In his speech today about the future of American counterterrorism operations, President Obama said that he will order drone strikes less frequently and redouble efforts to transfer some detainees out of Guantánamo. He suggested a more focused approach to terrorist threats in light of the diminished capacity of al-Qaida. Yet he also maintained the administration’s long-standing legal approach. The speech thus may well confirm the view among Obama’s civil libertarian critics that he is the most lawless executive since, um, George Bush. They are right to see the continuity from one president to the next, but they are wrong to believe that Obama has violated the law.

#### Congressional restrictions undermine the executive

Yoo 6 Yoo, John, an American attorney, law professor, and author. He served as a political appointee, the Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice (OLC), during the George W. Bush administration, "Exercising wartime powers: the need for a strong executive." Harvard International Review 28.1 (2006): 22+. Opposing Viewpoints In Context.

The Iraq is beginning to look like a rerun of the Vietnam War, and not just because critics are crying out that the United States has again fallen into a quagmire. War opponents argue that a wartime president has overstepped his constitutional bounds and that if Congress' constitutional role in deciding on war had been respected, the United States could have avoided trouble or at least have entered the war with broader popular support. According to Democratic Senator Edward Kennedy, the White House is improperly "abusing power, is excusing and authorizing torture, and is spying on American citizens." The terrorists would never have been harshly interrogated and intelligence surveillance never domestically expanded if only President George W. Bush had looked to Congress.¶ These war critics misread the Constitution's allocation of warmaking powers between the executive and legislative branches. Their interpretation is weakest where their case should be its strongest: who gets to decide whether to start a war. For much of the history of the nation, presidents and congresses have understood that the executive branch's constitutional authority includes the power to begin military hostilities abroad.¶ Energy in the Executive¶ During the last two centuries, neither the president nor Congress has ever acted under the belief that the Constitution requires a declaration of war before engaging in military hostilities abroad. Although the United States has used force abroad more than 100 times, it has declared war only five times: the War of 1812, the Mexican-American and Spanish-American wars, and World War I and II. Without declarations of war or any other congressional authorization, presidents have sent troops to oppose the Russian Revolution, intervene in Mexico, fight Chinese Communists in Korea, remove Manuel Noriega from power in Panama, and prevent human rights disasters in the Balkans. Other conflicts, such as both Persian Gulf Wars, received "authorization" from Congress but not declarations of war.¶ Critics of these conflicts want to upend long practice by appealing to an "original understanding" of the Constitution. But the text and structure of the Constitution, as well as its application over the last two centuries, confirm that the president can begin military hostilities without the approval of Congress. The Constitution does not establish a strict warmaking process because the Framers understood that war would require the speed, decisiveness, and secrecy that only the presidency could bring. "Energy in the executive," Alexander Hamilton argued in the Federalist Papers, "... is essential to the protection of the community against foreign attacks." He continued, "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."¶ Rather than imposing a fixed, step-by-step method for going to war, the Constitution allows the executive and legislative branches substantial flexibility in shaping the decision-making process for engaging in military hostilities. Given the increasing ability of rogue states to procure weapons of mass destruction (WMDs) and the rise of international terrorism, maintaining this flexibility is critical to preserving US national security.

#### Agility solves extinction

Berkowitz 8 - research fellow at the Hoover Institution at Stanford University and a senior analyst at RAND. He is currently a consultant to the Defense Department and the intelligence community (Bruce, STRATEGIC ADVANTAGE: CHALLENGERS, COMPETITORS, AND THREATS TO AMERICA’S FUTURE, p. 1-4)

THIS BOOK is intended to help readers better understand the national security issues facing the United States today and offer the general outline of a strategy for dealing with them. National security policy—both making it and debating it — is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice. Yesterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers. Threats are also more likely to be intertwined—proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers. Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat — the Soviet Union — was brittle, most of the potential adversaries and challengers America now faces are resilient. In at least one dimension where the Soviets were weak (economic efficiency, public morale, or leadership), the new threats are strong. They are going to be with us for a long time. As a result, we need to reconsider how we think about national security. The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events.1 When you hold the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not. As national goals go, “keeping the strategic advantage” may not have the idealistic ring of “making the world safe for democracy” and does not sound as decisively macho as “maintaining American hegemony.” But keeping the strategic advantage is critical, because it is essential for just about everything else America hopes to achieve — promoting freedom, protecting the homeland, defending its values, preserving peace, and so on. The Changing Threat If one needs proof of this new, dynamic environment, consider the recent record. A search of the media during the past fifteen years suggests that there were at least a dozen or so events that were considered at one time or another the most pressing national security problem facing the United States — and thus the organizing concept for U.S. national security. What is most interesting is how varied and different the issues were, and how many different sets of players they involved — and how each was replaced in turn by a different issue and a cast of characters that seemed, at least for the moment, even more pressing. They included, roughly in chronological order, • regional conflicts — like Desert Storm — involving the threat of war between conventional armies; • stabilizing “failed states” like Somalia, where government broke down in toto; • staying economically competitive with Japan; • integrating Russia into the international community after the fall of communism and controlling the nuclear weapons it inherited from the Soviet Union; • dealing with “rogue states,” unruly nations like North Korea that engage in trafficking and proliferation as a matter of national policy; • combating international crime, like the scandal involving the Bank of Credit and Commerce International, or imports of illegal drugs; • strengthening international institutions for trade as countries in Asia, Eastern Europe, and Latin America adopted market economies; • responding to ethnic conflicts and civil wars triggered by the reemergence of culture as a political force in the “clash of civilizations”; • providing relief to millions of people affected by natural catastrophes like earthquakes, tsunamis, typhoons, droughts, and the spread of HIV/AIDS and malaria; • combating terrorism driven by sectarian or religious extremism; • grassroots activism on a global scale, ranging from the campaign to ban land mines to antiglobalization hoodlums and environmentalist crazies; • border security and illegal immigration; • the worldwide ripple effects of currency fluctuations and the collapse of confidence in complex financial securities; and • for at least one fleeting moment, the safety of toys imported from China. There is some overlap in this list, and one might want to group some of the events differently or add others. The important point, however, is that when you look at these problems and how they evolved during the past fifteen years, you do not see a single lesson or organizing principle on which to base U.S. strategy. Another way to see the dynamic nature of today's national security challenges is to consider the annual threat briefing the U.S. intelligence community has given Congress during the past decade. These briefings are essentially a snapshot of what U.S. officials worry most about. If one briefing is a snapshot, then several put together back to back provide a movie, showing how views have evolved.2 Figure 1 summarizes these assessments for every other year between 1996 and 2006. It shows when a particular threat first appeared, its rise and fall in the rankings, and in some cases how it fell off the chart completely. So, in 1995, when the public briefing first became a regular affair, the threat at the very top of the list was North Korea. This likely reflected the crisis that had occurred the preceding year, when Pyongyang seemed determined to develop nuclear weapons, Bill Clinton's administration seemed ready to use military action to prevent this, and the affair was defused by an agreement brokered by Jimmy Carter. Russia and China ranked high as threats in the early years, but by the end of the decade they sometimes did not even make the list. Proliferation has always been high in the listings, although the particular countries of greatest concern have varied. Terrorism made its first appearance in 1998, rose to first place after the September 11, 2001, terrorist attacks, and remains there today. The Balkans appeared and disappeared in the middle to late 1990s. A few of the entries today seem quaint and overstated. Catastrophic threats to information systems like an “electronic Pearl Harbor” and the “Y2K problem” entered the list in 1998 but disappeared after 2001. (Apparently, after people saw an airliner crash into a Manhattan skyscraper, the possible loss of their Quicken files seemed a lot less urgent.) Iraq first appeared in the briefing as a regional threat in 1997 and was still high on the list a decade later—though, of course, the Iraqi problem in the early years (suspected weapons of mass destruction) was very different from the later one (an insurgency and internationalized civil war). All this is why the United States needs agility. It not only must be able to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources.

## DA 2

#### Budget agreement will pass---PC is key

Calmes & Parker 10/10 Jackie Calmes and Ashley Parker are NYT Staff Reporters, “No Quick Deal, but Offer by G.O.P. on Debt Shifts the Tone,” 10-10-13, <http://www.nytimes.com/2013/10/11/us/politics/debt-limit-debate.html?_r=0>, DOA: 10-10-13, y2k

In statements afterward that struck the most positive tone in weeks of acrimony, House Republicans described their hour-and-a-half-long meeting with Mr. Obama as “a useful and productive conversation,” while the White House described “a good meeting,” though “no specific determination was made” about the Republicans’ offer. Both agreed to continue talks through the night. People familiar with the meeting said that Mr. Obama pressed Republicans to reopen the government, and that Republicans raised the possibility that financing could be restored by early next week if terms for broad budget negotiations could be reached. Twenty Republicans, led by Speaker John A. Boehner, went to the White House at Mr. Obama’s invitation after a day of fine-tuning their proposal to increase the Treasury Department’s authority to borrow money to pay existing obligations through Nov. 22. The government is expected to reach its borrowing limit next week. In exchange, they sought a commitment by the president to negotiate a deal for long-term deficit reduction and a tax overhaul. The president “didn’t say yes, didn’t say no,” said Representative Paul D. Ryan, Republican of Wisconsin and chairman of the House Budget Committee. He added, “We agreed to continue talking and continue negotiating.” An initial report that Mr. Obama had rejected the Republicans’ offer was too definitive and came before Republican leaders or the White House had made it clear to reporters that the negotiations would continue. Still, the House Republican offer represented a potentially significant breakthrough. Even if Democrats found fault with the Republicans’ immediate proposal — for example, it would prevent a Treasury secretary from engaging in accounting maneuvers to stave off potential default — it was seen as an opening gambit in the legislative dance toward some resolution before the government is expected to breach its debt limit on Thursday. Even before the meeting, the White House and its Democratic allies in Congress were all but declaring victory at the evidence that Republicans — suffering the most in polls, and pressured by business allies and donors not to provoke a government default — were seeking a way out of the impasse. After some fretful weeks, the Democrats believe, Mr. Obama was seeing some payoff for his big gamble this year. Burned by his experience with House Republicans in mid-2011, when brinkmanship over the debt limit hobbled the already weak economy, Mr. Obama began his second term vowing never again to negotiate over raising the ceiling or to give any concessions to Republicans for performing an act that is their constitutional responsibility. “The good news is that Republicans have accepted the principle that they’re not going to attach conditions to the debt ceiling,” said Representative Chris Van Hollen of Maryland, the senior Democrat on the House Budget Committee. “The bad news is they’ve only extended the debt ceiling for six weeks, which will continue to generate huge amounts of destructive uncertainty in the economy. And, of course, they also continue to keep the government shut down.” For House Republicans, the maneuvers represented a near complete reversal of their original strategy in September of going to the mat over the debt limit but not shutting down the government. Now, under pressure from falling poll numbers and angry business supporters, they are seeking a compromise on the debt ceiling. Yet for now, they are still refusing to finance and reopen the government without some concessions. Mr. Boehner and his colleagues left the White House without speaking to waiting reporters, and quickly gathered in his Capitol suite for further discussion. Their debt limit proposal could come to a vote as soon as Friday. Before the White House meeting, administration and Congressional Democrats said they were skeptical that House Republican leaders could pass the proposal. A large faction of Tea Party conservatives campaigned on promises never to vote to increase the nation’s debt limit, and they say they do not believe the warnings that failing to act could provoke a default and economic chaos globally. And Congressional Democrats vowed to oppose any proposal that did not also fully finance a government now shuttered since the fiscal year began Oct. 1. “We’ll see what they’re able to pass,” said Mr. Obama’s press secretary, Jay Carney. Senate Democrats had their own White House meeting with Mr. Obama and Vice President Joseph R. Biden Jr. three hours before the House Republicans arrived, and the majority leader, Senator Harry Reid of Nevada, declined to embrace the Republicans’ debt limit proposal until he saw it. He told reporters that Democrats would not negotiate on further deficit reductions until House Republicans agreed to the measure passed by the Senate to finance and open the government through mid-November. “Not going to happen,” Mr. Reid said. “Open the government,” he added. “There is so much pain and suffering out there. It is really tear-jerking, to say the least.” Mr. Ryan said before the White House meeting that Republicans were now willing to formally negotiate with Senate Democrats over a long-term, comprehensive budget framework. The Republicans have resisted such a move since April, fearing that it would require compromises, like raising additional tax revenues, that would enrage the party’s conservative base heading into the 2014 midterm elections. Many House Republicans, leaving a closed-door party caucus earlier Thursday that at times grew contentious, said they would support their leadership’s short-term debt limit proposal. But they said they would do so only if Mr. Obama agreed to negotiate a broader deficit reduction deal, with big savings from entitlement programs. But the president has insisted he will not agree to significant reductions in projected Medicare and Medicaid spending — even his own tentative proposals — unless Republicans agree to raise revenues by curbing tax breaks for corporations and wealthy individuals. And Mr. Boehner in recent days reaffirmed the party’s anti-tax stance, suggesting future talks could founder on the same tax-and-entitlement spending divide that caused past negotiations to collapse. Economists across a broad spectrum agree that breaching the debt limit would damage the economy and could be calamitous if it is prolonged. The new Republican proposal could temporarily remove that threat.

#### Detention policy sparks backlash – Republicans want to keep the issue alive

Kuhn, Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Human Rights Minority Chief Counsel, 2012,

(Walter E., "The Terrorist Detention Review Reform Act: Detention Policy and Political Reality", Seton Hall Legislative Journal, Vol. 35, Iss. 2, 2-17, Pg. 2-4, PAS) erepository.law.shu.edu/cgi/viewcontent.cgi?article=1007&context=shlj

With terrorism policy often dominating the headlines and political ¶ discussion in Washington, the premise that Congress and the Executive ¶ have abdicated the issue to the courts may seem farfetched. Indeed, it ¶ seems there are daily newspaper articles and congressional discussions ¶ about the best way to detain, interrogate, and try terrorism suspects. ¶ Unfortunately, though, all of this talk and coverage increasingly leads to ¶ partisans retreating to their respective corners to score political points ¶ off of heated national security and civil-liberties rhetoric. While ¶ Congress and the President argue back and forth about the particular ¶ terrorism case of the day, unelected federal judges are left the ¶ unenviable, and to some judges, unwanted, task of de facto legislating ¶ lasting detention policy. ¶ If one accepts the premise that all the talk in the halls of Congress ¶ regarding detention policy is just that — talk — the question becomes, given the clear congressional interest in the issue, why the inertia on ¶ legislative progress? The transfer of power from President Bush to ¶ President Obama in 2009 gave many Obama supporters the hope that he ¶ would dramatically alter detention policy and move to a law ¶ enforcement model where all suspects would be tried or released.6¶ Much ¶ to their disappointment, President Obama has found it prudent to ¶ continue many of the detention policies of his predecessor, including ¶ indefinite detention without trial.7¶ At least with respect to the policies ¶ that President Obama has chosen to continue, there appears to be some ¶ degree of broad agreement in Congress. Congressional proponents of a ¶ “try or release” policy, for example, are now few and far between.8¶ With ¶ the universe of disagreement shrinking and federal judges asking for ¶ legislative guidance,9¶ it must be asked why there has been no action on¶ the part of Congress? ¶ Undoubtedly, for some in Congress, detention policy is worth more ¶ as a political issue than as a potential policy accomplishment. That is, ¶ even if one could wave a magic wand and instantly create a policy ¶ compromise that left all parties satisfied, some in Congress might ¶ decline in order to keep the political issue alive. While the specter of ¶ our legislative representatives playing politics with war policy is cynical ¶ and depressing, that motivation cannot be discounted. Similarly, ¶ detention issues may reemerge in the news with each foiled attack and ¶ judicial order of release, giving politicians an opportunity to demagogue ¶ and attack the other side while avoiding any responsibility for the ¶ consequences of policy decisions. In sum, by allowing the judiciary to ¶ take the lead on detention policy, Congress avoids the tough decisions ¶ and responsibility that comes therewith, while keeping a potent political ¶ issue alive.¶

#### Debt ceiling kills economy

Kurtzleben 10/2 How Each New Fiscal Crisis Makes the Economy a Little Shakier, DANIELLE KURTZLEBEN, business and economics reporter for U.S. News & World Report, October 2, 2013, http://www.usnews.com/news/articles/2013/10/02/how-each-new-fiscal-crisis-makes-the-economy-a-little-shakier

That prospect is made exponentially more scary with a debt ceiling deadline fast-approaching as soon as Oct. 17.¶ "The problem this time is markets are used to people in Washington screaming, 'Oh my goodness, we're going off the cliff,'" says Justin Wolfers, professor of public policy and economics at the University of Michigan. "They've stopped paying attention to that. As a result we're not yet seeing financial markets substantially enough concerned about the debt ceiling. And that raises the possibility of Congress doing something reckless, because markets aren't giving them the wake-up call they've given them in the past."¶ [ALSO: Wall Street CEOs Meet at White House for Shutdown Talks]¶ "Reckless" action, like not raising the debt limit, could have effects that are, quite literally, unimaginable. The nation has never defaulted before, and if that should happen this time around, there's no telling exactly how it would play out. It could mean a spike in interest rates, making borrowing for businesses and homebuyers – not to mention the U.S. government – much harder, and potentially dragging the nation into recession. Even tiptoeing over the limit could shake confidence in the U.S. economy.¶ "Even if [lawmakers] decide they're going to raise the debt limit on the 18th or 19th or 20th of October, they will have done significant damage, and that will show up in the economic data," Zandi said.¶ Similarly, individual investors have remained calm in comparison with 2011.¶ "So far, the market reaction has been muted, especially when compared to the debt ceiling debate in 2011," says a Wednesday note from investment banking firm Keefe, Bruyette, & Woods.¶ In the weeks leading up to and following the 2011 debt ceiling debacle, the Dow fell by 14 percent. Stocks have slipped slightly in the past week, but it is uncertain how they will fare ahead of a debt limit crisis.¶ True, there are a few reasons why investors may be less shaky than in 2011. The U.S. and global economies alike have healed since then, and European debt crises in particular are not the threat they once were. In addition, rating agencies do not appear to be ready to downgrade the U.S. credit rating, as they were in 2011.¶ Still, whether the economy is in sorry shape or slowly recovering (as it is now), the possibility of hitting the debt ceiling could be disastrous. And analysts at Keefe, Bruyette, & Woods believe volatility in the stock market will pick up as Oct. 17 approaches.

#### Debt freeze shatters the U.S. and global economies and causes food price spikes

Min 10 (David, Associate Director for Financial Markets Policy – Center for American Progress, “The Big Freeze”, 10-28, http://www.americanprogress.org/issues/2010/10/big\_freeze.html)

A freeze on the debt ceiling could erode confidence in U.S. Treasury bonds in a number of ways, creating further and wider panic in financial markets. First, [by causing a disruption in the issuance of Treasury debt, as happened in 1995-96](http://www.gao.gov/archive/1996/ai96130.pdf), a freeze would cause investors to seek alternative financial investments, even perhaps causing a run on Treasurys. Such a run would cause the cost of U.S. debt to soar, putting even more stress on our budget, and the resulting enormous capital flows would likely be highly destabilizing to global financial markets, potentially creating more asset bubbles and busts throughout the world.¶ Second, the massive withdrawal of public spending that would occur would cause significant concern among institutional investors worldwide that the U.S. would swiftly enter a second, very deep, recession, raising concerns about the ability of the United States to repay its debt. Finally, the sheer recklessness of a debt freeze during these tenuous times would signal to already nervous investors that there was a significant amount of political risk, which could cause them to shy away from investing in the United States generally.¶ Taken together, these factors would almost certainly result in a significant increase in the interest rates we currently pay on our national debt, currently just above 2.5 percent for a 10-year Treasury note. If in the near term these rates moved even to 5.9 percent, the long-term rate predicted by the Congressional Budget Office, then our interest payments would increase by more than double, to nearly $600 billion a year. These rates could climb even higher, if investors began to price in a “default risk” into Treasurys—something that reckless actions by Congress could potentially spark—thus greatly exacerbating our budget problems.¶ The U.S. dollar, of course, is the world’s reserve currency in large part because of the depth and liquidity of the U.S. Treasury bond market. If this market is severely disrupted, and investors lost confidence in U.S. Treasurys, then it is unclear where nervous investors might go next. A sharp and swift move by investors out of U.S. Treasury bonds could be highly destabilizing, straining the already delicate global economy.¶ Imagine, for example, if investors moved from sovereign debt into commodities, most of which are priced and traded in dollars. This could have the catastrophic impact of weakening the world’s largest economies while also raising the prices of the basic inputs (such as metals or food) that are necessary for economic growth.¶ In short, a freeze on the debt ceiling would cause our interest payments to spike, making our budget situation even more problematic, while potentially triggering greater global instability—perhaps even a global economic depression.

**Food shortages cause extinction**

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Despite the global food crisis of 2007–8, the coming famine hasn’t happened yet. It is a looming planetary emergency whose interlocked causes and deeper ramifications the world has barely begun to absorb, let alone come to grips with. Experts predict that the crisis will peak by the middle of the twenty-first century; it is arriving even faster than climate change. Yet there is still time to forestall catastrophe. The first foreshocks were discernible soon after the turn of the millennium. In the years from 2001 to 2008 the world steadily consumed more grain that it produced, triggering rising prices, growing shortages, and even rationing and famine in poorer countries. The global stockpile of grain shrank from more than a hundred days’ supply of food to less than fifty days’. It was the difference between a comfortable surplus and alarming shortages in some countries; it was accompanied by soaring prices — and the resulting fury of ordinary citizens. It was mainly this simple fact of each year consuming slightly more than we grew that panicked the long-quiescent grain markets, triggering a cycle of price increases that sent shockwaves through consumers in all countries, governments, and global institutions such as the United Nations, its FAO, and the World Bank. All of a sudden food security, having been off the po liti cal menu for de cades, was heading the bill of fare — not even to be entirely eclipsed by the spectacular crash of the world’s financial markets that followed soon afterward. That the world was suddenly short of food — after almost a half century of abundance, extravagant variety, year-round availability, and the cheapest real food prices enjoyed by many consumers in the whole of human history — seemed unimaginable. On tele vi sion celebrity chefs extolled the virtue of devouring animals and plants increasingly rare in the wild; magazines larded their pages with mouth-watering recipes to tempt their overfed readers’ jaded appetites; food corporations churned out novel concoctions of salt, sugar, fat, emulsifier, extender, and dye; fast-food outlets disgorged floods of dubious nutrition to fatten an already overweight 1.4 billion people. And, in the third world, nearly fifteen thousand children continued to die quietly and painfully each day from hunger-related disease. “A brutal convergence of events has hit an unprepared global market, and grain prices are sky high. The world’s poor suffer most,” stated the Washington Post. “The food price shock now roiling world markets is destabilizing governments, igniting street riots and threatening to send a new wave of hunger rippling through the world’s poorest nations. It is outpacing even the Soviet grain emergency of 1972–75, when world food prices rose 78 percent.” Between 2005 and 2008 food prices rose on average by 80 percent, according to the FAO. “Rocketing food prices — some of which have more than doubled in two years — have sparked riots in numerous countries recently,” Time magazine reported. “Millions are reeling . . . and governments are scrambling to staunch a fast-moving crisis before it spins out of control. From Mexico to Pakistan, protests have turned violent.” Time attributed events to booming demand from newly affluent Chinese and Indian consumers, freak weather events that had reduced harvests, the spike in oil prices, and growth in the production of farm biofuels. In early 2007, thousands of Mexicans turned out on the streets in protest over the “tortilla crisis” — savage increases in the cost of maize flour. Over the ensuing months food riots or public unrest over food prices were reported by media in Haiti, Malaysia, Indonesia, the Philippines, Bangladesh, India, Burkina Faso, Senegal, Cameroon, Morocco, Mauritania, Somalia, Ethiopia, Madagascar, Kenya, Egypt, Ivory Coast, Yemen, the United Arab Emirates, Mexico, and Zimbabwe. In Haiti riots forced the resignation of the prime minister and obliged the United Nations World Food Programme to provide emergency aid to 2.3 million people. The new government of Nepal tottered. Mexico announced plans to freeze the prices of 150 staple foods. The U.K. Guardian reported riots in fifteen countries; the New York Times and the World Bank both said thirty. The FAO declared that thirty-seven countries faced food crises due to conflict or disaster at the start of 2008, adding that 1.5 billion people living in degraded lands were at risk of starvation. The Economist magazine succinctly labeled it a “silent tsunami.” The rhetoric reflected the sudden, adventitious nature of the crisis. “It is an apocalyptic warning,” pronounced Tim Costello, the Australian head of the aid agency World Vision. “Until recently we had plenty of food: the question was distribution. The truth is because of rising oil prices, global warming and the loss of arable land, all countries that can produce food now desperately need to produce more.” “What we are witnessing is not a natural disaster — a silent tsunami or a perfect storm. It is a man-made catastrophe,” the World Bank group president Robert Zoellick advised the G8 leaders feasting in Japan. Major rice-growing countries, including India, Vietnam, China, and Cambodia, imposed export restrictions to curb rice price inflation at home. Malaysia, Singapore, Sri Lanka, and the Philippines began stockpiling grain while Pakistan and Rus sia raised wheat export taxes and Brazil, Indonesia, and Argentina imposed export restrictions. Guinea banned all food exports. The panic reached a peak in Asia, where rice prices soared by almost 150 percent in barely a year. “Nobody has ever seen such a jump in the price of rice,” said sixty-eight-year-old Kwanchai Gomez, the executive director of the Thai Rice Foundation. Filipino fast-food outlets voluntarily reduced customer portions by half. In Thailand, thieves secretly stripped rice paddies by night to make a fast profit. India banned the export of all non-basmati rice, and Vietnam embargoed rice exports, period, sending Thai rice prices spiraling upward by 30 percent. The giant U.S. retailer Wal-Mart rationed rice sales to customers of its Sam’s Club chain, as did some British retailers. Such mea sures did little to quell the panic, which was originally touched off by a 50 percent drop in surplus rice stocks over the previous seven years. The International Rice Research Institute attributed the crisis to loss of land to industrialization and city sprawl, the growing demand for meat in China and India, and floods or bad weather in Indonesia, Bangladesh, Vietnam, China, and Burma. By mid-2009, accelerated by the worldwide financial crash, thirtythree countries around the world were facing either “alarming” or “extremely alarming” food shortages, a billion people were eating less each day — and most of Earth’s citizens were feeling the pinch. Though food prices fell, alongside prices of stocks and most other commodities, in the subsequent months, they fell only a little — and then began to rise again. What happened in 2008 wasn’t the coming famine of the twenty-first century, merely a premonition of what lies ahead. This will not be a single event, affecting all nations and peoples equally at all times, but in one way or another it will leave no person in the world untouched. The reemergence of food scarcity occurs after de cades of plenty, accompanied by the lowest real food prices for consumers in history. These bounteous years were the consequence of a food production miracle achieved by the world’s farmers and agricultural scientists from the 1960s on — a miracle of which the urbanized world of today seems largely oblivious and which we have forgotten to renew. By the early twenty-first century, signs of complacency were in evidence. In 2003, a conference of the Consultative Group on International Agricultural Research in Nairobi was told, “According to the Food and Agriculture Or ga ni za tion of the United Nations, the number of foodinsecure people in developing countries fell from 920 million in 1980 to 799 million in 1999.” Even in the immediate aftermath of the 2008 food price spike, the FAO itself, along with the Or ga ni za tion for Economic Cooperation and Development, remarked, “the underlying forces that drive agricultural product supply (by and large productivity gains) will eventually outweigh the forces that determine stronger demand, both for food and feed as well as for industrial demand, most notably for biofuel production. Consequently, prices will resume their decline in real terms, though possibly not by quite as much as in the past.” For some years, reassuring statements such as these had been repeatedly aired in the food policy, overseas aid, and research worlds. Unintentionally, food scientists and policy makers were sending a signal to governments and aid donors around the world that implied, “Relax. It’s under control. We’ve fixed the problem. Food is no longer critical.” Not surprisingly, aid donors rechanneled scarce funds to other urgent priorities — and growth in crop yields sagged as the world’s foot came off the scientific accelerator. Many found the new crisis all the more mysterious for its apparent lack of an obvious trigger. Various culprits were pilloried by blameseeking politicians and media. Biofuels, after being talked up as one of the great hopes for combating climate change, quickly became a villain accused of “burning the food of the poor” and, from China to Britain, countries slammed the brakes on policies intended to encourage farmers to grow more “green fuel” from grain. According to the World Bank, biofuels could have caused as much as three-quarters of the hike in food prices. Equally to blame, according to other commentators, were oil prices, which had soared sixfold in the five years from mid-2003 to mid-2008 (although they fell again sharply as the global recession bit deep) with severe consequences for the cost of producing food, through their impact on farmer’s fuel, fertilizer, pesticide, and transportation costs. In developed countries the financial pain was high, but in developing nations it was agony: farmers simply could not afford to buy fertilizer and crop yields began to slip. In Thailand rice farmers quietly parked their new but unaffordable tractors in their sheds and went back to plowing with buffalo; buffalo breeders experienced a bonanza. “Energy and agricultural prices have become increasingly intertwined,” commented Joachim von Braun, the head of the International Food Policy Research Institute. “High energy prices have made agricultural production more expensive by raising the cost of cultivation, inputs — especially fertilizers and irrigation — and transportation of inputs and outputs. In poor countries, this hinders production response to high output prices. The main new link between energy and agricultural prices, however, is the competition of grain and oilseed land for feed and food, versus their use for bio energy.” Speculators, fleeing crumbling financial markets and discovering an unlikely haven in booming agricultural commodities, were a favorite target of media ire: “Food was becoming the new gold. Investors fleeing Wall Street’s mortgage-related strife plowed hundreds of millions of dollars into grain futures, driving prices up even more. By Christmas (2007), a global panic was building,” reported the Washington Post. In developing nations, traders and grain dealers were accused of buying up surplus stocks and hoarding them to drive the prices higher still. In the Philippines the government threatened hoarders with charges of economic sabotage and sent armed soldiers to supervise the distribution of subsidized grain. Retirement and hedge funds, casting about for something to invest in that wasn’t going to hell in a handbasket, also jumped on farm commodities and even agribusiness enterprises — areas such investors traditionally shun. Many saw the crisis as simply a result of the growth of human population, the inexorable climb from 3 billion people in 1960 to 6.8 billion by 2008 — the hundred million more mouths we have to feed in each succeeding year. Others ascribed it chiefly to burgeoning appetites in China and India, which had in a matter of five years or so together added the consumer equivalent of Eu rope to global demand for food as their emergent middle classes indulged in the delights of diets containing far more meat, poultry, dairy, and fish than ever before. In China, meat consumption trebled in less than fifteen years, requiring a tenfold increase in the grain needed to feed the animals and fish. One way to visualize the issue is that growth in global food production of 1–1.5 percent a year has more or less kept pace with growth in population — but has fallen short of meeting the growth in demand. One explanation for this is that farmers around the world have not responded by increasing the area of land they plant and harvest or raising their crop yields so rapidly as in the past. The big question is: why? Some blamed the weather. Portentously, many were quick to discern the looming shadow of climate change in the run of droughts, floods, and other natural mishaps that had disrupted global farm production across most continents in recent years. In eastern Australia a ten-year drought slashed grain production and all but obliterated the rice industry; the unpre ce dented draining of Australia’s food bowl, the Murray-Darling Basin, threatened to eliminate fruit, vegetable, and livestock industries reliant on irrigation. Similar hardship faced producers across sub-Sahelian Africa. Floods in China and along the Mississippi River wreaked local havoc with grain production. In Burma, Cyclone Nargis flattened the Irawaddy Delta rice crop, propelling Asian prices into a fresh spiral. Heat waves in California and torrential rains in India added to perceptions — heightened by media reportage — that the climate was running amok. Other commentators sought villains among the world’s governments, blaming protectionism and hidden trade barriers, farm subsidies, food price controls or taxes, environmental and health restrictions, the ensnaring of farmers in snarls of red tape, along with the perennial failure of trade negotiators to open up global trade in agricultural products. Supermarkets and globalization of the food trade came in for flak, especially from the po liti cal left and from farmers themselves, for driving down farm commodity prices and thus discouraging growers from increasing production. Economic observers read the crisis as primarily due to weaker growth in food production at a time of strong growth in consumer demand, especially in China and India and among affluent populations worldwide. The Green Revolution, whose technologies had delivered the last great surge in global food production in the 1970s and 1980s seemed to be fizzling out, a view supported by the disturbing slide in crop yield advances. Yields of the major crops of wheat, maize, and rice had once increased by as much as 5 and even 10 percent a year — now they were increasing by 1 percent or nothing at all. In the overheated economy of the early twenty-first century, farm costs had soared along with oil prices, hindering farmers from adopting newer, but costlier and more energyintensive, technologies. In advanced countries, some scientists whispered, we might actually be approaching the physical limits of the ability of plants to turn sunlight into edible food. In the general hunt for someone to blame for the short-term food crisis, a more profound truth was being obscured — that the challenge is far deeper, longer-term, and more intractable than most people, and certainly most governments, understand. It stems from the magnifying and interacting constraints on food production generated as civilization presses harder against the finite bounds of the planet’s natural resources, combined with human appetites that seem to know no bounds. This challenge is more pressing even than climate change. A climate crisis may emerge over de cades. A food crisis can explode within weeks — and kill within days. But the two are also interlocked. “If the world were to experience a year of bad weather similar to that experienced in 1972, the current ‘food crisis’ would pale in comparison to the crisis that would arise as a result. This should be taken as a warning that advance planning ought to be done if total chaos is to be avoided,” observes the resource analyst Bruce Sundquist. The character of human conflict has also changed: since the early 1990s, more wars have been triggered by disputes over food, land, and water than over mere political or ethnic differences. This should not surprise us: people have fought over the means of survival for most of history. But in the abbreviated reports on the nightly media, and even in the rarefied realms of government policy, the focus is almost invariably on the players — the warring national, ethnic, or religious factions — rather than on the play, the deeper subplots building the tensions that ignite conflict. Caught up in these are groups of ordinary, desperate people fearful that there is no longer sufficient food, land, and water to feed their children — and believing that they must fight “the others” to secure them. At the same time, the number of refugees in the world doubled, many of them escaping from conflicts and famines precipitated by food and resource shortages. Governments in troubled regions tottered and fell. The coming famine is planetary because it involves both the immediate effects of hunger on directly affected populations in heavily populated regions of the world in the next forty years — and also the impacts of war, government failure, refugee crises, shortages, and food price spikes that will affect all human beings, no matter who they are or where they live. It is an emergency because unless it is solved, billions will experience great hardship, and not only in the poorer regions. Mike Murphy, one of the world’s most progressive dairy farmers, with operations in Ireland, New Zealand, and North and South America, succinctly summed it all up: “Global warming gets all the publicity but the real imminent threat to the human race is starvation on a massive scale. Taking a 10–30 year view, I believe that food shortages, famine and huge social unrest are probably the greatest threat the human race has ever faced. I believe future food shortages are a far bigger world threat than global warming.” The coming famine is also complex, because it is driven not by one or two, or even a half dozen, factors but rather by the confluence of many large and profoundly intractable causes that tend to amplify one another. This means that it cannot easily be remedied by “silver bullets” in the form of technology, subsidies, or single-country policy changes, because of the synergetic character of the things that power it. To see where the answers may lie, we need to explore each of the main drivers. On the demand side the chief drivers are: Population. Although the rate of growth in human numbers is slowing, the present upward trend of 1.5 percent (one hundred million more people) per year points to a population of around 9.2 billion in 2050 — 3 billion more than in 2000. Most of this expansion will take place in poorer countries and in tropical/subtropical regions. In countries where birth rates are falling, governments are bribing their citizens with subsidies to have more babies in an effort to address the age imbalance. Consumer demand. The first thing people do as they climb out of poverty is to improve their diet. Demand for protein foods such as meat, milk, fish, and eggs from consumers with better incomes, mainly in India and China but also in Southeast Asia and Latin America, is rising rapidly. This in turn requires vastly more grain to feed the animals and fish. Overfed rich societies continue to gain weight. The average citizen of Planet Earth eats one-fifth more calories than he or she did in the 1960s — a “food footprint” growing larger by the day. Population and demand. This combination of population growth with expansion in consumer demand indicates a global requirement for food by 2050 that will be around 70–100 percent larger than it is today. Population and demand are together rising at about 2 percent a year, whereas food output is now increasing at only about 1 percent a year. These demand-side factors could probably be satisfied by the world adopting tactics similar to those of the 1960s, when the Green Revolution in farming technology was launched, were it not for the many constraints on the supply side that are now emerging to hinder or prevent such a solution: Water crisis. Put simply, civilization is running out of freshwater. Farmers presently use about 70 percent of the world’s readily available freshwater to grow food. However, increasingly megacities, with their huge thirst for water for use in homes, industry, and waste disposal, are competing with farmers for this finite resource and, by 2050, these uses could swallow half or more of the world’s available freshwater at a time when many rivers, lakes, and aquifers will be drying up. Unless major new sources or savings are found, farmers will have about half of the world’s currently available freshwater with which to grow twice the food. Land scarcity. The world is running out of good farmland. A quarter of all land is now so degraded that it is scarcely capable of yielding food. At the same time, cities are sprawling, smothering the world’s most fertile soil in concrete and asphalt, while their occupants fan out in search of cheap land for recreation that diverts the best food-producing areas from agriculture. A third category of land is poisoned by toxic industrial pollution. Much former urban food production has now ceased. The emerging global dearth of good farmland represents another severe limit on increasing food production. Nutrient losses. Civilization is hemorrhaging nutrients — substances essential to all life. Annual losses in soil erosion alone probably exceed all the nutrients applied as fertilizer worldwide. The world’s finite nutrient supplies may already have peaked. Half the fertilizer being used is wasted. In most societies, up to half the food produced is trashed or lost; so too are most of the nutrients in urban waste streams. The global nutrient cycle, which has sustained humanity throughout our history, has broken down. Energy dilemma. Advanced farming depends entirely on fossil fuels, which are likely to become very scarce and costly within a generation. At present farmers have few alternative means of producing food other than to grow fuel on their farms — which will reduce food output by 10–20 percent. Many farmers respond to higher costs simply by using less fertilizer or fuel — and so cutting yields. Driven by high energy prices and concerns about climate change, the world is likely to burn around 400 million tonnes (441 million U.S. tons) of grain as biofuels by 2020 — the equivalent of the entire global rice harvest. Oceans. Marine scientists have warned that ocean fish catches could collapse by the 2040s due to overexploitation of wild stocks. Coral reefs — whose fish help feed about five hundred million people — face decimation under global warming. The world’s oceans are slowly acidifying as carbon dioxide from the burning of fossil fuels dissolves out of the atmosphere, threatening ocean food chains. Fish farms are struggling with pollution and sediment runoff from the land. The inability of the fish sector to meet its share of a doubling in world food demand will throw a heavier burden onto land-based meat industries. Technology. For three de cades the main engine of the modern food miracle, the international scientific research that boosted crop yields, has been neglected, leading to a decline in productivity gains. Farmers worldwide are heading into a major technology pothole, with less new knowledge available in the medium run to help them to increase output. Climate. The climate is changing: up to half the planet may face regular drought by the end of the century. “Unnatural disasters” — storms, floods, droughts, and sea-level rise — are predicted to become more frequent and intense, with adventitious impacts on food security, refugee waves, and conflict. Economics, politics, and trade. Trade barriers and farm subsidies continue to distort world markets, sending the wrong price signals to farmers and discouraging investment in agriculture and its science. The globalization of food has helped drive down prices received by farmers. Speculators have destabilized commodity markets, making it riskier for farmers to make production decisions. Some countries discourage or ban food exports and others tax them, adding to food insecurity. Others pay their farmers to grow fuel instead of food. A sprawling web of health, labor, and environmental regulation is limiting farmers’ freedom to farm. The collapse in world economic conditions in late 2008 and 2009 has changed the prices of many things, including land, food, fuel, and fertilizer — but has not altered the fact that demand for food continues to grow while limits on its production multiply. Indeed, the economic crash exacerbated hunger among the world’s poor, and has not altered the fundamentals of climate change, water scarcity, population growth, land degradation, or nutrient or oil depletion. In early 2009 a report by Chatham House, a think tank focused on international affairs, observed that a lower food price “does not mean that policy-makers around the world can start to breathe a sigh of relief. . . . [E]ven at their somewhat diminished levels current prices remain acutely problematic for low-income import-dependent countries and for poor people all over the world. The World Bank estimates that higher food prices have increased the number of undernourished people by as much as 100 million from its pre-price-spike level of 850 million.” In the medium and longer term, the report warned, food prices were poised to rise again. “Although many policy-makers have taken a degree of comfort from a recent OECD-FAO report on the world’s agricultural outlook to 2017 . . . the report largely overlooked the potential impact of long-term resource scarcity trends, notably climate change, energy security and falling water availability.” To sum it all up, the challenge facing the world’s 1.8 billion women and men who grow our food is to double their output of food — using far less water, less land, less energy, and less fertilizer. They must accomplish this on low and uncertain returns, with less new technology available, amid more red tape, economic disincentives, and corrupted markets, and in the teeth of spreading drought. Achieving this will require something not far short of a miracle. Yet humans have done it before and, resilient species that we are, we can do it again. This time, however, it won’t just be a problem for farmers, scientists, and policy makers. It will be a challenge involving every single one of us, in our daily lives, our habits, and our influence at the ballot box and at the supermarket. It will be the greatest test of our global humanity and our wisdom we have yet faced

#### Decline goes nuclear

Royal 10 director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010¶ Jedediah, Economics of War and Peace: Economic, Legal, and Political Perspectives, pg 213-215

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson’s (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin, 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflicts as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remains unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggest that “future expectation of trade” is a significant variable in understanding economic conditions and security behavior of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace item such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg and Hess, 2002, p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess and Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory” suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a “rally around the flag” effect. Wang (1996), DeRouen (1995) and Blomberg, Hess and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states due to the fact the democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. De DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States and thus weak Presidential popularity are statically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crises and armed conflict has not featured prominently in economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider

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

Corn 13

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

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

But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

#### Detention closure increases drones use

Goldsmith 12 Proxy Detention in Somalia, and the Detention-Drone Tradeoff, Jack Goldsmith, Henry L. Shattuck Professor at Harvard Law School, served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003, member of the Hoover Institution Task Force on National Security and Law, June 29, 2012, http://www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation:¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.

#### Causes great power war and hotspot escalation

Dowd 13 (Alan W. Dowd, widely published writer on national defense, foreign policy, and international security including contributions to Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, <http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring_2013/1_Article_Dowd.pdf>)

If these geo-political consequences of remote-control war do not get ¶ our attention, then the looming geo-strategic consequences should. If ¶ we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the ¶ case, the unintended consequences could be dramatic.¶ First, if the battlespace is the entire earth, the enemy would seem to ¶ have the right to wage war on those places where UCAV operators are based. ¶ That’s a sobering thought, one few policymakers have contemplated.¶ Second, power-projecting nations are following America’s lead and ¶ developing their own drones to target their distant enemies by remote. ¶ An estimated 75 countries have drone programs underway.45 Many of ¶ these nations are less discriminating in employing military force than ¶ the United States—and less skillful. Indeed, drones may usher in a new ¶ age of accidental wars. If the best drones deployed by the best military ¶ crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then ¶ imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland ¶ or Georgia; China and any number of its wary neighbors.¶ China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases ¶ in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs ¶ and UCAVs . . . for long-range reconnaissance and strike”; development ¶ of UCAVs to enable “a greater capacity for military preemption”; and ¶ interest in “converting retired fighter aircraft into unmanned combat ¶ aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US ¶ aircraft carrier near Taiwan and relaying targeting information.48¶ Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ¶ ranks of power-projecting nations. Drones are a cheap alternative to ¶ long-range, long-endurance warplanes. Yet despite their low cost, drones ¶ can pack a punch. And owing to their size and range, they can conceal ¶ their home address far more effectively than the typical, nonstealthy ¶ manned warplane. Recall that the possibility of surprise attack by drones ¶ was cited to justify the war against Saddam Hussein’s Iraq.49¶ Of course, cutting-edge UCAVs have not fallen into undeterrable ¶ hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the ¶ United States in a direct way, it is unlikely that opposing swarms of ¶ semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes ¶ simply failing to respond to their remote-control pilots will do much to ¶ promote a liberal global order.¶ It would be ironic if the promise of risk-free warpresented by drones ¶ spawned a new era of danger for the United States and its allies.

## Ch 1

#### The plan results in catastrophic terrorism---releases vital leaders and kills intelligence gathering

Jack Goldsmith 09, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Terrorism studies are epistemologically and methodologically valid---our authors are self-reflexive

Michael J. Boyle '8, School of International Relations, University of St. Andrews, and John Horgan, International Center for the Study of Terrorism, Department of Psychology, Pennsylvania State University, April 2008, “A Case Against Critical Terrorism Studies,” Critical Studies On Terrorism, Vol. 1, No. 1, p. 51-64

Jackson (2007c) calls for the development of an explicitly CTS on the basis of what he argues preceded it, dubbed ‘Orthodox Terrorism Studies’. The latter, he suggests, is characterized by: (1) its poor methods and theories, (2) its state centricity, (3) its problemsolving orientation, and (4) its institutional and intellectual links to state security projects. Jackson argues that the major defining characteristic of CTS, on the other hand, should be ‘a skeptical attitude towards accepted terrorism “knowledge”’. **An implicit presumption from this is that terrorism scholars have laboured for all of these years without being aware that their area of study has an implicit bias, as well as definitional and methodological** **problems**. In fact**, terrorism scholars are not only well aware of these problems, but also have provided their own** searching **critiques** of the field at various points during the last few decades (e.g. Silke 1996, Crenshaw 1998, Gordon 1999, Horgan 2005, esp. ch. 2, ‘Understanding Terrorism’). **Some of those scholars** most associated with the critique of empiricismimplied in ‘Orthodox Terrorism Studies’ **have also engaged in deeply critical examinations of the nature of sources, methods, and data in the study of terrorism**. For example, Jackson (2007a) regularly cites the handbook produced by **Schmid and Jongman** (1988) to support his claims that theoretical progress has been limited. But this fact was well recognized by the authors; indeed, in the introduction of the second edition they **point out** that they have not revised their chapter on theories of terrorism from the first edition, because the **failure to address** persistent conceptual and **data problems** has undermined progress in the field. The point of their handbook was to sharpen and make more comprehensive the result of research on terrorism, not to glide over its methodological and definitional failings (Schmid and Jongman 1988, p. xiv). Similarly, **Silke’s** (2004) **volume on the state of the field of terrorism research performed a similar function**, highlighting the shortcomings of the field, in particular the lack of rigorous primary data collection. **A non-reflective community of scholars does not produce such scathing indictments of its own work.**

#### The prisoners are not bare life—there are rules that prevent true reduction

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Thus in some respects, prisoners of the "war on terror" might be understood as homo sacer. However, there are also particularities in the way the prisoners are handled that call for a critical re-evaluation of the (non) space of Guántanamo. If in the classical Foucauldian teminology sovereign power is about "taking or granting life," and biopower is about "letting live and making life," then what can be said about the power operating in Guántanamo that "forces to live" when prisoners are carefully controlled to prevent them from committing suicide. Indeed, the prisoners of Guántanamo are force fed and even given mandatory health checks so as to insure they are kept, barely, alive. Unlike the homo sacer who may be killed but not sacrificed, the prisoners in Guantánamo may not be killed or sacrificed. In fact, extensive efforts are spent to keep the prisoners at Guantánamo alive, such as the creation of operating rooms for major health emergencies as well as facilities for dentistry. The prisoners are given health treatment similar to that provided to the troops at the base.60 No doubt the display of such "health benefits" could be read as window dressing conducted by the camp administrators. However, it is important to note that there are indeed serious efforts to keep the prisoners (often barely, but nevertheless) alive. Furthermore, punishment and interro- gation are orchestrated so that the use of violence does not result in death. Extensive efforts are made to prevent the prisoners from com- mitting suicide. In other cases, hunger-striking inmates have met with brutal forced feeding.61 Thus, in a striking unclassified army document that outlines procedures in Guántanamo Bay, guards are ordered to "defend detainees as you would yourself against a hostile act or intent, death, or serious bodily harm."62 Therefore it is correct to say that what goes in Guantánamo Bay is neither "letting live" nor "taking life," but instead "making live," or even "forcing to live."¶ Agamben argues that camps are places where sovereign "power confronts nothing but pure life."63 Guantánamo Bay, declared as being beyond the reach of law, is, in fact, regulated by many petty regulations that are characteristic of disciplinary power. Reading the re- ports of the Joint Task Force and prisoner testimonies, one comes to the conclusion that there is a plethora of rules and procedures that govern the treatment of Guántanamo prisoners.64 Whereas Agamben's statement on "zones of indistinction" would lead us to think that any- thing goes in the camp, this is far from the reality of Guántanamo. Every minuscule element of the lives of Guántanamo prisoners been planned and is, for the most part, regulated by a written a code of conduct. Many foreseeable and probable occurrences that would be expected in a prison population have been forethought and written into a manual. Titled Standard Operating Procedures this 250-page manual outlines the rules, regulations, and procedures for treatment of prisoners in many probable circumstances.65 The manual outlines, for example, what to do if there is a petty riot, when and how to spray pepper spray on rioters, religious burials rituals for prisoners, and so on.66 This clearly hints that it is not just an exceptional sovereign power at work in Guántanamo, as exemplified in Rumsfeldian rhetorical salvos on "exceptional times requiring exceptional measures." In- stead, there are multiple technologies of power that are at work in the day-to-day administration of this space.67

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#### Numerous cultural and historical factors have gone into Guantanamo—that means the aff can’t solve broader violence and there is no broader impact

Halit Tagma 09, Professor of Political Science, Arizona State , “Homo Sacer vs. Homo Soccer Mom: Reading Agamben and Foucault in the War on Terror,” Alternatives: Global, Local, Political, Vol. 34, No. 4 (Oct.-Dec. 2009), pp. 407-435

Sovereign decisions are always already informed by historical and cultural understandings as to who counts as a member of the "good species." The "good species," "the inside," and the body politic have been constructed by colonial discourse. As Roxanne Doty has pointed out, colonial discourse has had a vital role in the construction of Western nations. She further points out that race, religion, and other marks of difference have played an important role in national classification.94 The treatment of faraway people as inferior and exotic has played an important role in nation building in its classic sense. Therefore, who counts as a citizen, a "legitimate" member of a "legitimate" nation, is the product and effect of centuries of interaction of the West with its others. Understood in this sense, sovereign decisions (whether made at the top or bottom level) are informed and shaped by a cultural and colonial history. This is neglected in Agamben's grand analysis of Western politics. Therefore, sovereign power needs the classification, hierarchization, and othering provided by a regime of truth in order to conduct its violent power. Only certain types of people could be rendered as bare life and thrown into a zone of indistinction. Understood this way, it is easier to comprehend the "smooth" production of homines sacri out of Middle Eastern subjects.¶ In the early stages of the war in Afghanistan, as Michael Ratner and Ellen Ray point out, tens of thousands of people were collected by the Northern Alliance.95 Among the collected were ordinary foreign aid workers, refugees, and probable fighters of the Taliban regime. They were sold from $50 to $5,000 per head to Coalition Forces.96 Even though there was no real investigation based on tangible and concrete evidence, some these captives were flown to Guantánamo. As Fox points out, if the prisoners were wearing a Casio brand watch, this meant an higher prize in the eyes of the interrogators, as it signaled that the prisoner was a probable AI Qaeda bombmaker.97 The small difference between wearing a Casio watch in some parts of the world, as opposed to others, is at the ground level what makes it possible for a body to be become a homo sacer. They can then be flown off to an unknown place to face an unknown future that get read and interpreted by petty sovereigns. Such differences in- form the decisions that render bodies as homo sacer, which are thrown into a zone of indistinction. In the modern age, no doubt, Agamben would argue that even the body of a soccer mom - an obedient national flag-waving subject - has entered into political and strategic calculations. However, the soccer mom is not exposed to the violence of homo sacer. Regimes of truth and disciplines produce hierarchically ordered subject positions, and this is an aspect of biopower. The theoretical priority that Agamben gives to sovereign power is reversed when it is shown that biopower makes it possible for the petty agents of the state to conduct sovereign violence. Sovereign power is informed and shaped by biopower.

#### Value to life is subjective --- life is a prerequisite

Lisa Schwartz 2, Chair at the Centre for Health Economics and Policy Analysis,

“Medical Ethic: A Case Based Approach” Chapter 6, www.fleshandbones.com/readingroom/pdf/399.pdf

The second assertion made by supporters of the quality of life as a criterion for decisionmaking is closely related to the first, but with an added dimension. This assertion suggests that the determination of the value of the quality of a given life is a subjective determination to be made by the person experiencing that life. The important addition here is that the decision is a personal one that, ideally, ought not to be made externally by another person but internally by the individual involved. Katherine Lewis made this decision for herself based on a comparison between two stages of her life. So did James Brady. Without this element, decisions based on quality of life criteria lack salient information and the patients concerned cannot give informed consent. Patients must be given the opportunity to decide for themselves whether they think their lives are worth living or not. To ignore or overlook patients’ judgement in this matter is to violate their autonomy and their freedom to decide for themselves on the basis of relevant information about their future, and comparative consideration of their past. As the deontological position puts it so well, to do so is to violate the imperative that we must treat persons as rational and as ends in themselves.

#### Aff is insufficient to break down overall patriarchial militarism

Fukuyama, prof of IR, 98**—**Professor of International Political Economy and Director of the International Development Program at Johns Hopkins. BA in classics from Cornell. PhD in government from Harvard (Francis, “Women and the Evolution of World Politics,” September 1998, http://www.evoyage.com/Evolutionary%20Feminism/ForAffairWomen&Evolution.htm)

It is clear that this violence was largely perpetrated by men. While small minorities of human societies have been matrilineal, evidence of a primordial matriarchy in which women dominated men, or were even relatively equal to men, has been hard to find. There was no age of innocence. The line from chimp to modern man is continuous.

It would seem, then, that there is something to the contention of many feminists that phenomena like aggression, violence, war, and intense competition for dominance in a status hierarchy are more closely associated with men than women. Theories of international relations like realism that see international politics as a remorseless struggle for power are in fact what feminist call a gendered perspective, describing the behavior of states controlled by men rather than states per se. A world run by women would follow different rules, it would appear, and it is toward that sort of world that all postindustrial or Western societies are moving. As women gain power in these countries, the latter should become less aggressive, adventurous, competitive and violent.

The problem with the feminist view is that is sees these attitudes toward violence, power, status as wholly the products of a patriarchal culture, whereas in fact it appears they are rooted in biology. This makes these attitudes harder to change in men and consequently in societies. Despite the rise of women, men will continue to play a major, if not dominant, part in the governance of postindustrial countries, not to mention less-developed ones. The realms of war and international politics in particular will remain controlled by men for longer than many feminists would like. Most important, the task of resocializing men to be more like women - that is, less violent - will run into limits. What is bred in the bone cannot be altered easily by changes in culture and ideology.

#### Gender isn’t the root cause of militarism

Goldstein, IR prof, 1—Professor of International Relations at American University, 2001 (Joshua S., War and Gender: How Gender Shapes the War System and Vice Versa, pp.411-412)

I began this book hoping to contribute in some way to a deeper understanding of war – an understanding that would improve the chances of someday achieving real peace, by deleting war from our human repertoire. In following the thread of gender running through war, I found the deeper understanding I had hoped for – a multidisciplinary and multilevel engagement with the subject. Yet I became somewhat more pessimistic about how quickly or easily war may end. The war system emerges, from the evidence in this book, as relatively ubiquitous and robust. Efforts to change this system must overcome several dilemmas mentioned in this book. First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

## Ch 2

#### Congress won’t enforce the plan

Vlahos 13, Kelly B, Editor for the American Conservative Magazine, “Beware Lawyers Bearing AUMF Fix,” 4/10, <http://original.antiwar.com/vlahos/2013/04/09/beware-lawyers-bearing-aumf-fix/>

For those of us who have been dutifully following the mission creep catastrophe we call the GWOT, there are two fire engine red flags flapping in the winds of this AUMF “reform” effort. One, the CGWW recommendation suggests that in order to get on “the list,” a group must show “sufficient capability and planning that it presents an imminent threat to the United States.” They go on to insist the criteria for this listing process should be “as specific as possible,” with congress making it “clear precisely what it means by key terms such as ‘imminent’ and ‘belligerent act.’” The process, in addition, would be “robust to ensure careful deliberation and strong accountability,” with auditing and reporting and transparency throughout. This all sounds quite positive. It also sounds too good to be true. **Every inch of the way**, Congressional oversight of our national security policy has been a shame and a disaster. Our elected officials have not proven themselves worthy of this task. Until the February filibuster by Sen. Rand Paul, who demanded clear distinctions in regards to the White House drone program (and even then, the administration has left many questions unanswered, like how does it define ‘imminent danger’?), congress has **never exercised its full watchdog authority** when it comes to military and CIA operations abroad. All we know now about the Executive Branch’s targeting killing has been leaked, like the secret DOJ “white paper” which offered a (lame) legal defense for the killing of Americans on foreign soil, and not offered freely. “The search for meaningful constraints on power is indeed the central challenge of our constitutional system. But Congress has an **abysmal track record** of successfully reining in presidential uses of force overseas. And there is little cause for hope it will succeed here,” wrote Slate’s Deborah Pearlstein on the AUMF debate, in March. Who’s going to trust the White House to get it right either? “For one thing, it was some of the best legal minds in the Obama administration that managed to produce the 2011 DOJ white paper on targeted killings of U.S. citizens, and that was a piece of legalistic garbage that enraged liberals and conservatives alike. Why imagine that administration input into a new AUMF would be any better than that DOJ white paper?” charged Brooks. Nevertheless, Republican lawmakers like Sen. Corker seem to think it is their duty to create a new AUMF, as though it would be used to “constrain” the president’s overreaching powers of the last decade. Be sure to keep your ears open for this approach: “For far too long, Congress has failed to fully exercise its constitutional responsibility to authorize the use of military force, including in the current struggle against al Qaeda, so I urge the committee to consider updating current antiterrorism authorities to adapt to threats that did not exist in 2001 and to better protect our nation while upholding our morals and values,” Corker said in his March statement. But (Ret.) Maj. Todd Pierce, who served as an Army judge advocate general (JAG) in the Office of Chief Defense Counsel for the U.S Military Commissions, balks at such a suggestion. “Congress has no ‘constitutional responsibility’ to place the U.S in what amounts to a state of permanent war on the pretext that the mere threat of terrorism is the equivalent of a state of war.” A permanent war state, fed and shielded by bureaucracy, sustained domestically by the politics of fear, seems to be what we are talking about here, not restraint nor constitutional awareness. Remember, at the same time this is going on, there is a major push to replace our withdrawing conventional soldiers from the war zone with Special Forces in Afghanistan, across Africa, the Middle East and beyond (forces which are already operating in 75 countries – that we know about — today).

#### Maximizing all lives is the only way to affirm equality

**Cummiskey 90** – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse,)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

#### Their Scheper-Hughes impact ev is wrong---everyday violence doesn’t cause war and genocide because of significant differences in the degree of intentionality---and expansively defining every form of structural violence as contributing to genocide makes effective responses impossible

Bradby & Hundt 10 – Hannah Bradby, Co-Director of the Institute of Health at the University of Warwick, Lecturer in Sociology at Warwick Medical School, and Gillian Lewando Hundt, Professor of Social Sciences in Health at the University of Warwick, 2010, “Introduction,” in Global perspectives on war, gender and health: the sociology and anthropology of suffering, p. 5-6

Far from being a uniquely horrific activity Scheper-Hughes (2002) views genocide as an extension of the dehumanising processes identifiable in many daily interactions. Drawing on analysis of the holocaust as the outcome of the general features of modernity, Scheper-Hughes posits a ‘genocidal continuum’ that connects daily, routine suffering and concomitant insults to a person’s humanity with genocide (Scheper-Hughes 2002: 371). The institutional ‘destruction of personhood’, as seen in the withdrawal of humane empathy from the poor or the elderly, creates the conditions which eventually make genocide possible.

The argument that conditions of modernity including western rational legal metaphysics facilitate genocide has been criticised as too unifying and as conferring ‘super-eminence’ on the holocaust (Rose 1996: 11). The holocaust has become a crucial emblem through which we have sought to understand subsequent violence, wars and genocides. But the centrality of the holocaust in developing European thinking around conflict and suffering has made the resultant theoretical perspectives difficult to apply in non-European settings and in instances where conflict is less focussed around a clash of ideology. While the scale of the death toll of the holocaust should continue to shock, as should the organised nature of the attempted destruction of Jews, Roma, Gays and the disabled, there is very little to be gained in comparing scales or forms of suffering. It should be possible to use the study of the holocaust to inform understanding of other genocides in the context of other wars, to interrogate the link between war and suffering and to think through gendered perspectives without essentialising gender or making it the only explanatory variable.

This collection does not primarily seek to add to the discussion of the role of the holocaust in theories of human suffering. Our chapters are, however, an unfortunate witness to the fact that despite contemporary hopes and the scale of combatant and non-combatants deaths, the two World Wars were not the wars to end all wars. Rather wars, and their associated suffering, have been ongoing ever since, both in Europe and beyond.

War and Medicine

While structural approaches can problematise a division between intentional and unintentional suffering, intentionality is nonetheless crucial to the contradictory relationship that war and medicine have with suffering. War is an organised conflict between two military groups and armed conflict is bound to be accompanied by suffering. Although ‘rules of engagement’ and the rhetoric of ‘targeted interventions’ deploying ‘surgical strikes’ suggest that ‘unnecessary’ blood shed can be avoided, war entails suffering, even if this is restricted to combatants. A limited, or targeted war is an oxymoron since war tends to be found in company with the other horsemen of the apocalypse, that is, pestilence, famine and death. Moreover, while the effect of war on soldiers is closely monitored by both sides, the disproportionate way in which the apocalyptic horsemen affect non-combatants and particularly those who are already disempowered such as women, the old and the young, has been less subject to scrutiny.

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## Cp

#### Courts can restrict detention- empirics prove

Katz 9 [Martin J. Interim Dean and Associate Professor of Law, University of Denver College of Law; Yale Law School, J.D. 1991; Harvard College, A.B. 1987. GUANTANAMO, BOUMEDIENE, AND JURISDICTION-STRIPPING: THE IMPERIAL PRESIDENT MEETS THE IMPERIAL COURT CONSTITUTIONAL COMMENTARY [Vol. 25:377 2009] Pg.377-78 Accessed 5/22/2013 DMW]

In Boumediene v. Bush.,' the Supreme Court struck down a major pillar of President Bush's war on terror: the indefinite de- tention of terror suspects in Guantanamo Bay, Cuba. The Court held that even non-citizen prisoners held by the United States government on foreign soil could challenge their confinement by seeking a writ of habeas corpus in federal court, and that the procedures the government had provided for such challenges were not an adequate substitute for the writ.^¶ As a habeas corpus case, Boumediene may well be revolu- tionary.' However, Boumediene is more than merely a habeas orpus case. This Article will argue that, at its core, Boumediene should be understood as a case about separation of powers. More specifically, it should be understood as a case about the Court's vision of separation of powers—a vision in which federal courts serve to keep the political branches within the bounds of the Constitution and, most importantly, in which the political branches cannot evade judicial review by manipulating jurisdic- tion. Hence, this Article will argue, the principles set out in Boumediene have significant implications for Congress's ability to restrict or eliminate the jurisdiction of the federal courts—a practice known as jurisdiction-stripping, which has been the sub-¶ ject of an intense, long-running debate among the giants of con- stitutional law."\*¶ In Boumediene, the Court asserted a forceful view of judi- cial power that it has hesitated to assert since the Founding. The Court's newfound willingness to assert this power may be criti- cized as an exercise in judicial imperialism. But it also reflects a healthy inclination to counterbalance several recent, unprece- dented assertions of power by the President, accompanied by apparent acquiescence from Congress.¶ This Article will first summarize the long-running debate over jurisdiction-stripping. It will then show how the principles articulated in Boumediene suggest at least a partial resolution of that debate. Next, it will show that the resolution suggested by Boumediene is not limited to habeas cases—cases involving de- tention; rather, Boumediene speaks to jurisdiction-stripping more generally. Finally, the Article will discuss the extraordinary significance of the fact that the Court has articulated these prin- ciples now, after avoiding doing so for centuries. It will conclude that this timing is neither coincidental nor the product of an op- portunistic judicial power grab. Rather, Boumediene represents a timely restoration of a healthy balance of power.

## A2: Perm- Do Both

#### Links to the net benefits

#### Intrinsic- this perm includes some type of courts-Congressional coordination, which is present in neither the plan nor CP. Reject intrinsic perms- they destroy neg ground

#### Perm nullifies court rulings

Baker 94 Thomas E. Baker**,** Alvin R. Allison Professor, Texas Tech University School of Law, 1994, “FEATURE ARTICLE: THE ELEVENTH CIRCUIT'S FIRST DECADE CONTRIBUTION TO THE LAW OF THE NATION, 1981-1991,” 19 Nova L. Rev. 323

 [\*337]  The mootness doctrine focuses judicial attention on "the sequence of litigation events out of a traditional and constitutional concern for the very existence of a 'case or controversy' itself." [n74](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.229847.9917424866&target=results_DocumentContent&reloadEntirePage=true&rand=1248632398709&returnToKey=20_T7032486675&parent=docview#n74) If a matter earlier in controversy is somehow resolved, the judgment of the federal court has nothing to accomplish. The lack of a judicial task ends the Article III power. Justiciability must be actual and present, not merely speculative or historical. Legislation can overtake the litigation and render it moot. For example, in Lewis v. Continental Bank Corp., [n75](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.229847.9917424866&target=results_DocumentContent&reloadEntirePage=true&rand=1248632398709&returnToKey=20_T7032486675&parent=docview#n75) the Supreme Court declared the case moot due to amendments to a federal statute that were enacted while the case was pending. Thus, the Eleventh Circuit's judicial handiwork, analyzing rather arcane issues of federal banking law, was rendered a nullity. [n76](http://www.lexisnexis.com/us/lnacademic/frame.do?tokenKey=rsh-20.229847.9917424866&target=results_DocumentContent&reloadEntirePage=true&rand=1248632398709&returnToKey=20_T7032486675&parent=docview#n76)

## A2: Link to Politics

#### Courts avoid ptx- politicians will pass the buck to the courts deflecting criticism for the plan. Empirically proven with controversial issues such as abortion- this example is particularly pertinent because courts are used as cover with internal party divisions- that’s Intoccia.

Courts evade electoral consequences

Stoutenborough et al., Political Science Dept @ Utah, 6

[James, Political Science Dept @ Utah, Reassessing the Impact of Supreme Court Decisions on Public Opinion, Political Research Quarterly, p. 419]

In many cases, courts have been empowered by and served the interests of other political actors. While this undermines the countermajoritarian difficulty as an empirical hypothesis, it is not at all reassuring from a democratic perspective. Judicial review can provide an opportunity for elected political actors to evade responsibilities or to pursue policies while evading electoral consequences. Such actions may enhance or enable domination by letting those actors pursue policies that might lead to domination without suffering electoral consequences. The possibility that judicial review can provide another outlet that permits legislators to "run from daylight"85 and effect important policy changes with a minimum of public scrutiny is a serious concern, and may especially contribute to domination by powerful economic elites. An additional concern is that judicial review can have the perverse effect of making legislators less attentive to their constitutional responsibilities, as they may vote for legislation they believe to be unconstitutional under the assumption that the courts will correct their mistake.86

#### Courts are external to Washington politics

CSM 97 [Christian Science Monitor, Why America Puts Its Supreme Court On Lofty Pedestal, June 25, Lexis]

Today this holds true even more. In one sense, the reason is obvious: With divided government and partisan sniping in Washington, when politicians must create a TV image and constantly raise funds, the scholarly-looking justices seem a refreshing alternative. They come out in black robes from behind red silk curtains, and everyone stands. They ask incisive questions. They disappear. It looks like competence personified. And there's some truth to it. The members of the court don't need to campaign for office every few years. They were selected for life. They don't need speech writers or have to check the polls. The current justices, unlike earlier courts, generally write their own opinions. They are free to dissent, and their rulings are not tied to interest-group pressure. Moreover, as an institution, the court is uniquely constituted. It is not one targetable political persona, as is a single chief executive. Yet it is smaller than a Congress of 535 people. Congress is covered by TV four times as much as the court is. The White House is covered eight times as much, says Lee Epstein of Washington University in St. Louis. The court stands out now because it is not part of Washington's political swamp. The carefully cultivated aloofness of the Supreme Court is, in the Washington scene, almost countercultural in nature. The court's warts don't show. "People don't see the court infighting; it seems more harmonious and less political," says one court-watcher. "With Congress and the White House, we see the blood-letting on the street." Importantly, say scholars, current justices benefit from courageous stands the court took in cases like Brown school desegregation, and the Roe abortion-rights case - when the majority was fragile and the justices felt under great pressure. Those decisions are a main reason the court image is so buffed today. Justices Don't Have to Wade in Washington Swamp

## A2: Rollback- Congress

#### Fiat solves- its durable

#### Reciprocal- plan can be overturned- our fiat is no different and is key to fairness

#### Ground- it ensures the Aff doesn’t lose on backlash and ensures neg DA ground

#### Education- it avoids should/would questions, focusing on desirability

#### Court will have the last word

Lipak 12 Adam Litpak, Writer for the New York Times, August 20, 2012 “In Congress’s Paralysis, a Mightier Supreme Court” http://www.nytimes.com/2012/08/21/us/politics/supreme-court-gains-power-from-paralysis-of-congress.html

The Supreme Court does not always have the last word. Sure, its interpretation of the Constitution is the one that counts, and only a constitutional amendment can change things after the justices have acted in a constitutional case. But much of the court’s work involves the interpretation of laws enacted by Congress. In those cases, the court is, in theory at least, engaged in a dialogue with lawmakers. Lately, though, that conversation has become pretty one-sided, thanks to the legislative paralysis brought on by Congressional polarization. The upshot is that the Supreme Court is becoming even more powerful. Here is the way things are supposed to work. In cases concerning the interpretation of ambiguous federal statutes, the justices give their best sense of what the words of the law mean and how they apply in the case before them. If Congress disagrees, all it needs to do is say so in a new law. The most prominent recent example of this dynamic was Ledbetter v. Goodyear Tire and Rubber Company, the 2007 ruling that said Title VII of the Civil Rights Act of 1964 imposed strict time limits for bringing workplace discrimination suits. In her dissent, Justice Ruth Bader Ginsburg reminded lawmakers that on earlier occasions they had overridden what she called “a cramped interpretation of Title VII.” “Once again,” she wrote, “the ball is in Congress’s court.” Congress responded with the Lilly Ledbetter Fair Pay Act of 2009, which overrode the 2007 decision. This sort of back and forth works only if Congress is not paralyzed. An overlooked consequence of the current polarization and gridlock in Congress, a new study found, has been a huge transfer of power to the Supreme Court. It now almost always has the last word, even in decisions that theoretically invite a Congressional response. “Congress is overriding the Supreme Court much less frequently in the last decade,” Richard L. Hasen, the author of the study, said in an interview. “I didn’t expect to see such a dramatic decline. The number of overrides has fallen to almost none.” The few recent overrides of major decisions, including the one responding to the Ledbetter case, were by partisan majorities. “In the past, when Congress overturned a Supreme Court decision, it was usually on a nonpartisan basis,” said Professor Hasen, who teaches at the University of California, Irvine. In each two-year Congressional term from 1975 to 1990, he found, Congress overrode an average of 12 Supreme Court decisions. The corresponding number fell to 4.8 in the decade ending in 2000 and to just 2.7 in the last dozen years. “Congressional overruling of Supreme Court cases,” Professor Hasen wrote, “slowed down dramatically since 1991 and essentially halted in January 2009.” Tracking legislative overrides is not an exact science, as some fixes may be technical and trivial. And there may be other reasons for the decline, including drops in legislative activity generally and in the Supreme Court’s docket. But scholars who follow the issue say that Professor Hasen has discovered something important. “Particularly since the 2000 elections, there has been a big falloff in overrides,” said William N. Eskridge Jr., a law professor at Yale and the author of a seminal 1991 study on which Professor Hasen built his own. “It gives the Supreme Court significantly more power and Congress significantly less power.” Richard H. Pildes, a law professor at New York University, said the findings were further proof that “the hyperpolarization of Congress is the single most important fact about American governance today.” It is, he said, a phenomenon that has “been building steadily over the last 30 years and is almost certainly likely to be enduring for the foreseeable future.” “The assumption,” he added, “has long been that when the court interprets a federal statute, Congress can always come back in and fix the statute if it disagrees with the court. Now, however, the court’s decisions are likely to be the last word, not the first word, on what a statute means.”

## DA

#### Recent raids prove

Sorcher, National Journal National Security Correspondent, 2013,

(Sara, "Obama Is Changing the Way He Fights the War on Terrorism", National Journal, 10-7, PAS) [www.nationaljournal.com/national-security/obama-is-changing-the-way-he-fights-the-war-on-terrorism-20131007](http://www.nationaljournal.com/national-security/obama-is-changing-the-way-he-fights-the-war-on-terrorism-20131007) 10-10-13

In a risky operation this weekend, Navy SEALs stormed a villa in a seaside Somalian town, searching for Ikrima, a top commander from al-Shabab, the Qaida offshoot responsible for an attack in a Kenyan mall that killed dozens of people just weeks ago. When the troops came under intense gunfire, they retreated, reportedly because their target was impossible to capture. Meanwhile, in Tripoli, Libya, special forces whisked away Abu Anas al-Libi, the Qaida operative wanted in connection with the 1998 bombings of American embassies in Tanzania and Kenya, to an unnamed location in U.S. custody for questioning.¶ The two raids this weekend, both with the unusual goal of trying to capture terrorists, may be a harbinger of a different style in Obama's war on terrorism, which has largely centered on deploying drones to kill targets away from conventional battlefields. "We are going to see more of this," says Rep. Adam Schiff, D-Calif., a senior member of the House Intelligence Committee. The surgical operations reflect the Obama administration's "change in policy" to minimize civilian casualties when taking out extremists, Schiff says. It also reflects the White House's desire to move away from a counterterrorism strategy reliant on drones toward one more focused on capturing, interrogating, and prosecuting suspects—a strategy, Schiff says, that "makes use of our proven capability of bringing to justice people who have committed acts of terrorism."¶ Even Republicans are taking note. "I think it's encouraging that capture is back on the table," says Rep. Mac Thornberry, the Texan who chairs the House Armed Services subcommittee that oversees counterterrorism programs.¶ Despite the administration's insistence it prefers capturing suspects whenever feasible, the numbers tell a different story: Only a handful of accused militants have been brought to the U.S. for trial; by contrast, the CIA and military have reportedly killed roughly 3,000 people in Pakistan, Somalia, and Yemen. Obama has pressed on with the drone war despite criticisms that the strikes unintentionally kill civilians and fuel anti-Americanism—and that suspects are slain without due process, a chance to surrender under fire, or relinquishing intelligence through interrogations.¶ The twin raids are a sign that Obama is trying to change course, after strong hints from the president and his team that policy changes were coming. In May, Obama spoke out against the appeal of drone strikes—which he said presidents may be tempted to view as a terrorism "cure-all." After broadly interpreting executive authority to expand the scope of the covert drone war throughout his presidency, Obama in his second term is clearly trying to set a precedent for limiting presidential power on this front. "Beyond Afghanistan, we must define our effort not as a boundless 'global war on terror' but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America," Obama said at the National Defense University in May. So Obama formally inked the "playbook," a secret set of processes and standards dictating the rules of drone strikes.

#### Low drone use now

Shapiro, NPR White House Correspondent, 10-7, 2013,

(Ari, "Raids Project Presidential Power Amid Shutdown's Gridlock", NPR, PAS) [www.npr.org/2013/10/07/230174466/raids-project-presidential-power-amid-shutdowns-gridlock?ft=1&f=1001](http://www.npr.org/2013/10/07/230174466/raids-project-presidential-power-amid-shutdowns-gridlock?ft=1&f=1001) 10-9-13

Being the decision-maker must be refreshing for Obama after a year of aborted missions at home. His immigration bill and his gun control law both failed in Congress. The shutdown has incapacitated much of the federal government. His approval rating is at its lowest level in years.¶ And internationally, things have been frustrating, too.¶ "The president's international standing has been diminished enormously," says Rich Williamson, who held several national security positions in Republican administrations, "particularly because of the kerfuffle, the confusion [and] the contradictions in his Syrian policy throughout September."¶ Then, as October dawned, the White House canceled the president's trip to Asia this week, leaving Secretary of State John Kerry to attend important trade summits in Obama's place.¶ "When you have two major meetings, as are occurring this week, and the president can't show up because of the domestic problems here at home, that has an impact," says Ivo Daalder, who leads the Chicago Council on Global Affairs and was ambassador to NATO during Obama's first term.¶ American allies and adversaries may start to wonder if the president and the United States are weak — frozen in place.¶ With that backdrop, the raids in Libya and Somalia start to look like an important boost for Obama, Daalder says.¶ "It was good to be able to show that not everything has come to a screeching halt," he says. "But it would be far greater and far preferable if we could demonstrate the broad range of our power."¶ In another change from the norm, these weekend raids received praise from people in both parties.¶ House Speaker John Boehner told ABC on Sunday: "I'm very confident that both of these efforts were successful. I'm going to congratulate all of those in the U.S. intelligence operations, our troops, FBI — all those who were involved."¶ There is, however, a twist to this story.¶ Obama has a lot of power to carry out counterterrorism missions as he sees fit. Yet in these operations in Libya and Somalia, he held back some of that power.¶ Rhodes, the deputy national security adviser, notes that Obama didn't just order unmanned drones to strike the targets.¶ "I think it demonstrates that our counterterrorism policy is not simply one dominated by drones, but there's also other elements to it," he says.¶ And what's more, Obama wants Congress to take back some of his broad counterterrorism power.¶ The power comes mostly from one law, the Authorization for Use of Military Force, which lets the president go after terrorists anywhere in the world without congressional approval.¶ In a speech last spring, Obama said he wants to work with Congress to refine, and ultimately repeal, that law. Back then, he was more optimistic about his chances of working with Congress on anything.

#### Capture is the first resort in the status quo

Burns, Associated Press National Security Reporter, 2013,

(Robert, "RAIDS SUGGEST FUTURE SHAPE OF COUNTERTERROR BIDS", AP, 10-7, PAS) bigstory.ap.org/article/raids-suggest-future-shape-counterterror-bids 10-9-13

WASHINGTON (AP) — The U.S. commando raids in Libya and Somalia suggest the future shape of U.S. counterterrorism efforts — brief, targeted raids against highly sought extremist figures — and highlight the rise of Africa as a terrorist haven.¶ The strikes also raise questions about where to interrogate and try captured terrorist suspects such as Abu Anas al-Libi, accused by the U.S. of involvement in the 1998 bombings of two American embassies in Africa.¶ Defense Secretary Chuck Hagel said Sunday that al-Libi was in U.S. custody. A U.S. official familiar with the case said later that al-Libi was taken aboard a U.S. warship in the region for questioning. The official spoke on condition of anonymity because he was not authorized to release details.¶ The chairman of the House Armed Services Committee, Rep. Howard "Buck" McKeon, said al-Libi has "vast intelligence value."¶ McKeon, R-Calif., said President Barack Obama should "fully exploit this potential" before moving on to his prosecution. The White House seemed to agree, saying Saturday's raid in Tripoli was specifically designed to apprehend, not kill, the suspect.¶ "The president has made clear our preference for capturing terrorist targets when possible, and that's exactly what we've done in order to elicit as much valuable intelligence as we can and bring a dangerous terrorist to justice," said the White House National Security Council's spokeswoman, Caitlin Hayden.¶ The outcome of a second U.S. commando raid Saturday, targeting a leader of the al-Qaida affiliated terror group, al-Shabab, was less clear.¶ A Navy SEAL team swam ashore in Somalia early in the morning and engaged in a fierce firefight. A U.S. official said afterward the Americans disengaged after inflicting some al-Shabab casualties, but it was unclear who was hit. The official was granted anonymity because he was not authorized to speak publicly.

#### Detention restrictions cause a shift to drone strikes

Wittes 11, Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security. Detention and Denial [electronic resource] : The Case for Candor after Guantanamo. Washington : Brookings Institution Press, 2011., ebook, accessed via Wayne State online library, pg 28-29

That is the equilibrium toward which we have drifted, and it ¶ should surprise nobody, for it is an entirely foreseeable consequence of the incentive structure that we have created. Imagine ¶ for a moment that you had described the direction of our legal ¶ policy choices to a devotee of the law and economics movement—¶ a field based on the central insight that legal rules create behavioral incentives. Imagine telling, say, Richard Posner that we ¶ would suddenly make detention difficult and refuse for years to ¶ create a stable regime of known, clear rules. Imagine also that you ¶ had then asked this platonic Posner to identify the consequences. ¶ He probably would have replied that detention would grow less ¶ visible. We would release some people precipitously. We would ¶ rely on proxies more. We probably would kill some people that ¶ we might have captured before. Rarely does life comport with ¶ theory as well as detention policy has conformed to the predictions that law and economics would suggest. As the real Richard ¶ Posner wrote of the original decision to judicialize Guantánamo ¶ proceedings, it “seems like a sensible, ‘practical’ decision, but may ¶ not be. . . . [T]he decision may just encourage the government to ¶ hold more detainees abroad, say, in Afghanistan or Iraq, . . . and ¶ what would be gained by that?”8¶ None of what has happened was hard to predict. Water finds a ¶ path to the sea. Dam a river and it will flow around the dam. This ¶ metaphor, something of a cliché in discussing campaign finance ¶ law and attempts to regulate money in politics, applies with equal ¶ force in counterterrorism operations. The reason is simple, and ¶ we ignore it at considerable risk of intellectual blindness: The call ¶ to prevent terrorist events is so compelling politically that just as ¶ gravity operates on water, it will operate on politicians and other ¶ officials responsible for security. It will operate so strongly that ¶ new restrictions in one area will merely shift government energies ¶ to other areas. Encumber the use of one power, and authorities ¶ will just use another; throw a wrench in that one, and they’ll ¶ move on to something else. If prosecutions in federal court are ¶ too hard, you create incentives to use military commissions. If the ¶ commissions are too generous to the accused, detention without ¶ trial will see greater use. Make it too tough to use a particular ¶ form of detention and the government will shift to others. Make ¶ detention broadly problematic and you promote the use of proxies less fastidious than we are and the use of drones.¶ The government interests at stake are so powerful that the ¶ executive will deploy every lawful option available and will show ¶ enormous creativity in expanding the field of options—both by ¶ making novel legal arguments and by developing tactical innovations. The attempt to force counterterrorism operations to ¶ take place through conventional means of law enforcement will ¶ impede it and channel it to some degree. For the most part, however, it will redirect it to less visible, less attractive, and more ¶ violent exercises of government power.

## cH1

#### No risk of lashout

Kaufman 9 Prof Poli Sci and IR – U Delaware, Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” Security Studies 18:3, 400 – 434

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs **only if these factors are harnessed.** Ethnic narratives and fears must combine to create significant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side's felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. **A virtue of** this **symbolist theory is that symbolist logic explains why** ethnic peace is more common than ethnonationalist war**.** Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully define group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

#### No risk of continual war making – institutional safeguards check

Allen Buchanan 7, Professor of Philosophy and Public Policy at Duke, 2007 (Preemption: military action and moral justification, pg. 128)

The intuitively plausible idea behind the 'irresponsible act' argument is that, other things being equal, the higher the stakes in acting and in particular the greater the moral risk, the higher are the *epistemic requirements* for justified action. The decision to go to war is generally a high stakes decision par excellence and the moral risks are especially great, for two reasons. First, unless one is justified in going to war, one's deliberate killing of enemy combatants will he murder, indeed mass murder. Secondly, at least in large-scale modem war, it is a virtual certainty that one will kill innocent people even if one is justified in going to war and conducts the war in such a way as to try to minimize harm to innocents. Given these grave moral risks of going to war, quite apart from often substantial prudential concerns, some types of justifications for going to war may simply be too subject to abuse and error to make it justifiable to invoke them. The 'irresponsible act' objection is not a consequentialist objection in any interesting sense. It does not depend upon the assumption that every particular act of going to war preventively has unacceptably bad consequences (whether in itself or by virtue of contributing lo the general acceptance of a principle allowing preventive war); nor does it assume that it is always wrong lo rely on a justification which, if generally accepted, would produce unacceptable consequences. Instead, the "irresponsible act' objection is more accurately described as an agent-centered argument and more particularly an argument from moral epistemic responsibility. The 'irresponsible act' objection to preventive war is highly plausible if— but only if—one assumes that the agents who would invoke the preventive-war justification are, as it were, *on their own* in making the decision to go to war preventively. In other words, the objection is incomplete unless the context of decision-making is further specified. Whether the special risks of relying on the preventive-war justification are unacceptably high will depend, *inter alia,* upon whether the decision-making process includes effective provisions for redu­cing those special risks. Because the special risks are at least in significant part epistemic—due to the inherently speculative character of the preventive war-justification—the epistemic context of the decision is crucial. Because institutions can improve the epistemic performance of agents, it is critical to know what the institutional context of the preventive-war decision is, before we can regard the 'irresponsible agent' objection as conclusive. Like the 'bad practice' argument, this second objection to preventive war is inconclusive because it does not consider— and rule out—the possibility that well-designed institutions for decision-making could address the problems that would otherwise make it irresponsible for a leader to invoke the preventive-war justification.

#### Democracy checks

O’Kane 97Prof Comparative Political Theory, U Keele, Rosemary, “Modernity, the Holocaust and politics,” Economy and Society 26:1, p 58-9

Modern bureaucracy is not 'intrinsically capable of genocidal action' (Bauman 1989: 106). Centralized state coercion has no natural move to terror. In the explanation of modern genocides it is chosen policies which play the greatest part, whether in effecting bureaucratic secrecy, organizing forced labour, implementing a system of terror, harnessing science and technology or introducing extermination policies, as means and as ends. As Nazi Germany and Stalin's USSR have shown, furthermore, those chosen policies of genocidal government turned away from and not towards modernity. The choosing of policies, however, is not independent of circumstances. An analysis of the history of each case plays an important part in explaining where and how genocidal governments come to power and analysis of political institutions and structures also helps towards an understanding of the factors which act as obstacles to modern genocide. But it is not just political factors which stand in the way of another Holocaust in modern society. Modern societies have not only pluralist democratic political systems but also economic pluralism where workers are free to change jobs and bargain wages and where independent firms, each with their own independent bureaucracies, exist in competition with state-controlled enterprises. In modern societies this economic pluralism both promotes and is served by the open scientific method. By ignoring competition and the capacity for people to move between organizations whether economic, political, scientific or social, Bauman overlooks crucial but also very 'ordinary and common' attributes of truly modern societies. It is these very ordinary and common attributes of modernity which stand in the way of modern genocides.

#### Democracy limits the effect of biopower- ensures it can’t cause violence.

Dickinson 4 Edward Dickenson, professor at the University of Cincinnati; “Biopolitics, Facism, Democracy, Central European History;” published in Central European History, Vol. 37, No. 1 2004

Why was Europe’s twentieth century, in addition to being the age of biopolitics and totalitarianism, also the age of biopolitics and democracy? How should we theorize this relationship? I would like to offer five propositions as food for thought. First, again, the concept of the essential legitimacy and social value of individual needs, and hence the imperative of individual rights as the political mechanism for getting them met, has historically been a cornerstone of some strategies of social management. To borrow a phrase from Detlev Peukert, this does not mean that democracy was the “absolutely inevitable” outcome of the development of biopolitics; but it does mean that it was “one among other possible outcomes of the crisis of modern civilization.” Second, I would argue that there is also a causal fit between cultures of expertise, or “scientism,” and democracy. Of course, “scientism” subverted the real, historical ideological underpinnings of authoritarian polities in Europe in the nineteenth century. It also in a sense replaced them. Democratic citizens have the freedom to ask “why”; and in a democratic system there is therefore a bias toward pragmatic, “objective” or naturalized answers— since values are often regarded as matters of opinion, with which any citizen has a right to differ. Scientific “fact” is democracy’s substitute for revealed truth, expertise its substitute for authority. The age of democracy is the age of professionalization, of technocracy; there is a deeper connection between the two, this is not merely a matter of historical coincidence. Third, the vulnerability of explicitly moral values in democratic societies creates a problem of legitimation. Of course there are moral values that all democratic societies must in some degree uphold (individual autonomy and freedom, human dignity, fairness, the rule of law), and those values are part of their strength. But as people’s states, democratic social and political orders are also implicitly and often explicitly expected to do something positive and tangible to enhance the well-being of their citizens. One of those things, of course, is simply to provide a rising standard of living; and the visible and astonishing success of that project has been crucial to all Western democracies since 1945. Another is the provision of a rising standard of health; and here again, the democratic welfare state has “delivered the goods” in concrete, measurable, and extraordinary ways. In this sense, it may not be so simpleminded, after all, to insist on considering the fact that modern biopolitics has “worked” phenomenally well. Fourth, it was precisely the democratizing dynamic of modern societies that made the question of the “quality” of the mass of the population seem— and not only in the eyes of the dominant classes — increasingly important. Again, in the course of the nineteenth and early twentieth centuries the expected level of the average citizen’s active participation in European political, social, cultural, and economic life rose steadily, as did the expected level of her effective influence in all these spheres. This made it a matter of increasing importance whether the average person was more or less educated and informed, more or less moral and self-disciplined, more or less healthy and physically capable, more or less socially competent. And modern social reform — “biopolitics” defined very broadly—seemed to offer the possibility of creating the human foundation for a society ordered by autonomous participation, rather than by obedience. This too was part of the Machbarkeitswahn of modernity; but this was potentially a democratic “Wahn,” not only an authoritarian one. Fifth, historically there has been a clear connection between the concept of political citizenship and the idea of moral autonomy. The political “subject” (or citizen — as opposed to the political subject,who is an object of state action) is also a moral subject. The citizen’s capacity for moral reasoning is the legitimating postulate of all democratic politics. The regulation of sexual and reproductive life has long been understood in European societies to be among the most fundamental issues of morality. There is, therefore, a connection between political citizenship on the one hand, and the sexual and reproductive autonomy implied in the individual control that is a central element of the modern biopolitical complex, on the other.

## cH2

#### Once an action enters the policy realm we must use a Consequentialist approach, this is necessary to minimize suffering and conflict.

Murray 97 Professor of Political Theory at the University of Edinburgh, Alastair J. H., Reconstructing Realism: between Power Politics and Cosmopolitan Ethics, p. 110

Weber emphasised that, while the 'absolute ethic of the gospel' must be taken seriously, it is inadequate to the tasks of evaluation presented by politics. Against this 'ethic of ultimate ends' — Gesinnung — he therefore proposed the 'ethic of responsibility' — Verantwortung. First, whilst the former dictates only the purity of intentions and pays no attention to consequences, the ethic of responsibility commands acknowledgement of the divergence between intention and result. Its adherent 'does not feel in a position to burden others with the results of his [or her] own actions so far as he was able to foresee them; he will say: these results are ascribed to my action'. Second, the 'ethic of ultimate ends' is incapable of dealing adequately with the moral dilemma presented by the necessity of using evil means to achieve moral ends: Everything that is striven for through political action operating with violent means and following an ethic of responsibility endangers the 'salvation of the soul.' If, however, one chases after the ultimate good in a war of beliefs, following a pure ethic of absolute ends, then the goals may be changed and discredited for generations, because responsibility for consequences is lacking. The 'ethic of responsibility', on the other hand, can accommodate this paradox and limit the employment of such means, because it accepts responsibility for the consequences which they imply. Thus, Weber maintains that only the ethic of responsibility can cope with the 'inner tension' between the 'demon of politics' and 'the god of love'. 9 The realists followed this conception closely in their formulation of a political ethic.10 This influence is particularly clear in Morgenthau.11 In terms of the first element of this conception, the rejection of a purely deontological ethic, Morgenthau echoed Weber's formulation, arguing that: the political actor has, beyond the general moral duties, a special moral responsibility to act wisely ... The individual, acting on his own behalf, may act unwisely without moral reproach as long as the consequences of his inexpedient action concern only [her or] himself. What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is here done with good intentions but unwisely and hence with disastrous results is morally defective; for it violates the ethics of responsibility to which all action affecting others, and hence political action par excellence, is subject.12

#### Responsible governments can never make rights claims absolute

Harries 94 Owen Harries, editor and founder of The National Interest, Senior Fellow at The Centre for Independent Studies, Spring 1993/1994, The National Interest, “Power and Civilization,” p. Lexis

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

#### Their takeout’s are a product of good-story bias

Bostrom 11 Nick Bostrom, Professor in the Faculty of Philosophy & Oxford Martin School, Director of the Future of Humanity Institute, and Director of the Programme on the Impacts of Future Technology at the University of Oxford, recipient of the 2009 Eugene R. Gannon Award for the Continued Pursuit of Human Advancement, holds a Ph.D. in Philosophy from the London School of Economics, 2011 “The Concept of Existential Risk,” Draft of a Paper published on ExistentialRisk.com, Available Online at <http://www.existentialrisk.com/concept.html>

Many kinds of cognitive bias and other psychological phenomena impede efforts at thinking clearly and dealing effectively with existential risk.[32] For example, use of the availability heuristic may create a “good-story bias” whereby people evaluate the plausibility of existential-risk scenarios on the basis of experience, or on how easily the various possibilities spring to mind. Since nobody has any real experience with existential catastrophe, expectations may be formed instead on the basis of fictional evidence derived from movies and novels. Such fictional exposures are systematically biased in favor of scenarios that make for entertaining stories. Plotlines may feature a small band of human protagonists successfully repelling an alien invasion or a robot army. A story in which humankind goes extinct suddenly—without warning and without being replaced by some other interesting beings—is **less likely to succeed at the box office** (although **more likely to happen in reality**).

#### Even if the probability is low, the risk is high.

Bostrom 11 Nick Bostrom, Professor in the Faculty of Philosophy & Oxford Martin School, Director of the Future of Humanity Institute, and Director of the Programme on the Impacts of Future Technology at the University of Oxford, recipient of the 2009 Eugene R. Gannon Award for the Continued Pursuit of Human Advancement, holds a Ph.D. in Philosophy from the London School of Economics, 2011 “The Concept of Existential Risk,” Draft of a Paper published on ExistentialRisk.com, Available Online at <http://www.existentialrisk.com/concept.html>

We can explicate the seriousness of a risk as the expected loss associated with it. That is, [equation omitted — without using graphics, closest version is this: Seriousness(R) = E[Loss(R)] = P(R)Loss(R)] If some particular risk is defined in terms of how much value is lost as a consequence of an untoward event—e.g., the risk “lightning kills one person”—then Loss(R) can be straightforwardly read off from the definition (in this case, the value of the loss of one life).[4] Often, however, risks are defined without explicit reference to the value of the loss they would cause. For example, the risk “there is a smallpox outbreak” materializes if and only if there is a smallpox outbreak; but the value lost as a result of such an event ranges over a wide interval: The outbreak might kill nobody or it might produce hundreds of millions of casualties. In such a case, Loss(R) is itself an expectation value: [equation omitted — without using graphics, closest version is this: Loss(R)=E Loss (R, hi)P(h1)] The sum here is over a partition of specific hypotheses, H = {hi}, about the specific ways in which the unfavorable event might unfold. **A risk of some event X occurring can** therefore **be serious even if** (a) **X is unlikely to occur and** (b) **it is unlikely that much harm would result if X does occur. Such a risk can still be serious if the potential harm is sufficiently great**. Thus, for example, the risk of theft of a nuclear weapon from a military installation is fairly serious, even though it may be unlikely that any such weapon will be stolen or, if stolen, successfully detonated. The worst-case scenario is sufficiently bad that it is worth taking precautions even against this double unlikelihood. For this reason, nuclear weapons are not only kept under lock and key, protected by armed guards, but are also equipped with specialized security features such as permissive action links.

#### Focus on disasters creates global civil society

Kurasawa 4 Fuyuki Kurasawa, Associate Professor of Sociology at York University in Toronto, Canada, 2004, Constellations Vol 11, No 4, 2004, Cautionary Tales: The Global Culture of Prevention and the Work of Foresight http://www.yorku.ca/kurasawa/Kurasawa%20Articles/Constellations%20Article.pdf

Rather than bemoaning the contemporary preeminence of a dystopian imaginary, I am claiming that it can enable a novel form of transnational socio-political action, a manifestation of globalization from below that can be termed preventive foresight. We should not reduce the latter to a formal principle regulating international relations or an ensemble of policy prescriptions for official players on the world stage, since it is, just as significantly, a mode of ethico-political practice enacted by participants in the emerging realm of global civil society. In other words, what I want to underscore is the work of farsightedness, the social processes through which civic associations are simultaneously constituting and putting into practice a sense of responsibility for the future by attempting to prevent global catastrophes. Although the labor of preventive foresight takes place in varying political and socio-cultural settings – and with different degrees of institutional support and access to symbolic and material resources – it is underpinned by three distinctive features: dialogism, publicity, and transnationalism. In the first instance, preventive foresight is an intersubjective or dialogical process of address, recognition, and response between two parties in global civil society: the ‘warners,’ who anticipate and send out word of possible perils, and the audiences being warned, those who heed their interlocutors’ messages by demanding that governments and/or international organizations take measures to steer away from disaster. Secondly, the work of farsightedness derives its effectiveness and legitimacy from public debate and deliberation. This is not to say that a fully fledged global public sphere is already in existence, since transnational “strong publics” with decisional power in the formal-institutional realm are currently embryonic at best. Rather, in this context, publicity signifies that “weak publics” with distinct yet occasionally overlapping constituencies are coalescing around struggles to avoid specific global catastrophes.4 Hence, despite having little direct decision-making capacity, the environmental and peace movements, humanitarian NGOs, and other similar globally-oriented civic associations are becoming significant actors involved in public opinion formation. Groups like these are active in disseminating information and alerting citizens about looming catastrophes, lobbying states and multilateral organizations from the ‘inside’ and pressuring them from the ‘outside,’ as well as fostering public participation in debates about the future. This brings us to the transnational character of preventive foresight, which is most explicit in the now commonplace observation that we live in an interdependent world because of the globalization of the perils that humankind faces (nuclear annihilation, global warming, terrorism, genocide, AIDS and SARS epidemics, and so on); individuals and groups from far-flung parts of the planet are being brought together into “risk communities” that transcend geographical borders.5 Moreover, due to dense media and information flows, knowledge of impeding catastrophes can instantaneously reach the four corners of the earth – sometimes well before individuals in one place experience the actual consequences of a crisis originating in another. My contention is that civic associations are engaging in dialogical, public, and transnational forms of ethico-political action that contribute to the creation of a fledgling global civil society existing ‘below’ the official and institutionalized architecture of international relations.6 The work of preventive foresight consists of forging ties between citizens; participating in the circulation of flows of claims, images, and information across borders; promoting an ethos of farsighted cosmopolitanism; and forming and mobilizing weak publics that debate and struggle against possible catastrophes. Over the past few decades, states and international organizations have frequently been content to follow the lead of globally- minded civil society actors, who have been instrumental in placing on the public agenda a host of pivotal issues (such as nuclear war, ecological pollution, species extinction, genetic engineering, and mass human rights violations). To my mind, this strongly indicates that if prevention of global crises is to eventually rival the assertion of short-term and narrowly defined rationales (national interest, profit, bureaucratic self-preservation, etc.), weak publics must begin by convincing or compelling official representatives and multilateral organizations to act differently; only then will farsightedness be in a position to ‘move up’ and become institutionalized via strong publics.7

#### Courts will defer in times of emergency

Posner and Vermeule 10professor of law at the University of Chicago AND \*\*professor of law at Harvard Eric and Adrian, The Executive Unbound, p. 52-54

THE COURTS¶ We now turn from Congress to the courts, the other main hope of liberal legalism. In both economic and security crises, courts are marginal participants. Here two Schmittian themes are relevant: that courts come too late to the crisis to make a real difference in many cases, and that courts have pragmatic and political incentives to defer to the executive, whatever the nominal standard of review. The largest problem, underlying these mechanisms, is that courts possess legal authority but not robust political legitimacy. Legality and legitimacy diverge in crisis conditions, and the divergence causes courts to assume a restrained role. We take up these points in turn.¶ The Timing of Review¶ A basic feature of judicial review in most Anglo-American legal systems is that courts rely upon the initiative of private parties to bring suits, which the courts then adjudicate as “cases and controversies” rather than as abstract legal questions. This means that there is always a time lag, of greater or lesser duration, between the adoption of controversial government measures and the issuance of judicial opinions on their legal validity ensures that courts are less likely to set precedents while crises are hot, precedents that will be warped by the emotions of the day or by the political power of aroused majorities.70¶ Delayed review has severe costs, however. For one thing, courts often face a fait accompli. Although it is sometimes possible to strangle new programs in the crib, once those measures are up and running, it is all the more difficult for courts to order that they be abolished. This may be because new measures create new constituencies or otherwise entrench themselves, creating a ratchet effect, but the simpler hypothesis is just that officials and the public believe that the measures have worked well enough. Most simply, returning to the pre-emergency status quo by judicial order seems unthinkable; doing so would just re-create the conditions that led the legislature and executive to take emergency measures in the first place.¶ For another thing, even if courts could overturn or restrict emergency measures, by the time their review occurs, those measures will by their nature already have worked, or not. If they have worked, or at least if there is a widespread sense that the crisis has passed, then the legislators and public may not much care whether the courts invalidate the emergency measures after the fact. By the time the courts issue a final pronouncement on any constitutional challenges to the EESA, the program will either have increased liquidity and stabilized financial markets, or not. In either case, the legal challenges will interest constitutional lawyers, but will lack practical significance.¶ Intensity of Review¶ Another dimension of review is intensity rather than timing. At the level of constitutional law, the overall record is that courts tend to defer heavily to the executive in times of crisis, only reasserting themselves once the public sense of imminent threat has passed. As we will discuss in chapter 3, federal courts deciding administrative cases after 9/11 have tended to defer to the government’s assertion of security interests, although more large number work is necessary to understand the precise contours of the phenomenon. Schmitt occasionally argued that the administrative state would actually increase the power of judges, insofar as liberal legislatures would attempt to compensate for broad delegations to the executive by creating broad rights of judicial review; consider the Administrative Procedure Act (APA), which postdates Schmitt’s claim. It is entirely consistent with the broader tenor of Schmitt’s thought, however, to observe that the very political forces that constrain legislatures to enact broad delegations in times of crisis also hamper judges, including judges applying APA-style review. While their nominal power of review may be vast, the judges cannot exercise it to the full in times of crisis.¶ Legality and Legitimacy¶ At a higher level of abstraction, the basic problem underlying judicial review of emergency measures is the divergence between the courts’ legal powers and their political legitimacy in times of perceived crisis. As Schmitt pointed out, emergency measures can be “exceptional” in the sense that although illegal, or of dubious legality, they may nonetheless be politically legitimate, if they respond to the public’s sense of the necessities of the situation.71 Domesticating this point and applying it to the practical operation of the administrative state, courts reviewing emergency measures may be on strong legal ground, but will tend to lack the political legitimacy needed to invalidate emergency legislation or the executive’s emergency regulations. Anticipating this, courts pull in their horns.¶ When the public sense of crisis passes, legality and legitimacy will once again pull in tandem; courts then have more freedom to invalidate emergency measures, but it is less important whether or not they do so, as the emergency measure will in large part have already worked, or not. The precedents set after the sense of crisis has passed may be calmer and more deliberative, and thus of higher epistemic quality—this is the claim of the common lawyers, which resembles an application of the Madisonian vision to the courts—but the public will not take much notice of those precedents, and they will have little sticking power when the next crisis rolls around.¶

#### Next congress will reverse the plan

Vermeule 6 A NEW CONSTITUTIONAL ORDER? PANEL II: THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS, Adrian Vermeule, Professor of Law, Harvard Law School, Fordham Law Review, November, 2006, 75 Fordham L. Rev. 631, Lexis

Emergencies and time-inconsistency. The general problem with Ackerman's proposal, which runs throughout the foregoing points, is that of the time-inconsistency of emergency policymaking, or the demonstrated inability of Con-gress to effectively bind future Congresses where emergencies and war are concerned. n69 The point here is not that framework statutes enacted at one time never constrain legislators or other actors at a later time. It is that they are least likely to constrain in the settings Ackerman is discussing and given the conditions he diagnoses. Where emergencies provoke panic, unleash socially harmful motivations, and encourage legislators to defer to executive power, earlier framework legislation is most likely to be circumvented or repealed outright. Given Ackerman's premises about motiva-tions, cognition, and political constraints, the framework statute will become a dead letter, as have the War Powers Res-olution and the National Emergencies Act. Once the emergency begins, there is no way to force Congress to abide by the supermajoritarian escalator, and there is no prospect that Congress will retaliate against the executive for violating the framework. Nor will courts do any better, in all likelihood. In principle, courts could refuse to defer to executive action undertaken if the relevant supermajority rule is not obeyed, but in practice courts tend to obey subsequent majori-ties that ignore supermajority rules - and as Ackerman intermittently acknowledges, judicial deference is especially like-ly during an emergency.

#### Court will defer- many procedural doctrines

Bradley and Morrison 13 - \*William Van Alstyne Professor of Law, Duke Law School AND \*\* Liviu Librescu Professor of Law, Columbia Law School (Curtis A. Bradley AND Trevor W. Morrison, "Presidential Power, Historical Practice, And Legal Constraint”, January 15, 2013, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2191700>)

The Executive Branch’s attention to historical practice is also reflected in presidential issuance of “constitutional signing statements.” These statements, made when the President is signing a bill into law, call into question the constitutionality of one or more provisions in the bill and suggest that the President might **not comply** with the provisions, often on the ground that the provisions threaten to interfere with presidential authority. 36 As the Executive Branch has explained, “[p]articularly since omnibus bills have become prevalent, signing statements have often been used to ensure that concerns about the constitutionality of discrete statutory provisions do not require a veto of the entire bill.” 37 Although issued by both Democratic and Republican presidents, 38 these statements are controversial, with some critics claiming that the rule of law and separation of powers are offended when a President reserves the ability to disregard part of bill that he signs into law. 39 It does not appear, however, that Presidents commonly disregard the provisions to which they object in signing statements. This was true even during the George W. Bush Administration, which had a reputation for being particularly aggressive in its issuance of signing statements. 40 Thus, instead of signaling an active intent to disregard the identified provision, signing statements may be better understood as attempts by the Executive Branch to prevent a claim that it has acquiesced in congressional intrusions on executive authority. In other words, these statements appear to be designed, at least in part, to prevent historical gloss from developing in a way that might limit presidential authority. 41¶ Legal scholarship relating to presidential power, especially in the area of foreign affairs, also frequently refers to historical practice. A number of scholars have referenced such practice, for example, in assessing whether and to what extent the President has the constitutional authority to initiate military operations in the absence of congressional authorization. 42 Other scholars have emphasized practice in considering the circumstances under which the President may conclude international agreements without obtaining the consent of two-thirds of the Senate. 43 Even outside the foreign affairs area, academic debates about presidential authority—such as about the President’s power to remove executive officials from office 44 —are greatly influenced by considerations of historical practice. ¶ B. Limitations on Judicial Review ¶ If courts routinely reviewed contested issues of presidential power, they could decide whether and when to credit historical practice in this area. They could also decide whether novel presidential assertions of authority were justified, before such assertions became established practice. But judicial review in this area is **anything but routine**. Courts obviously do review issues of presidential power in some instances, especially when individual rights are perceived to be at stake, as both Youngstown and the series of Supreme Court decisions concerning the “war on terror” illustrate. 45 When individual rights are not directly implicated, however, courts **often abstain** from addressing questions surrounding the allocation of authority between Congress and the President. ¶ Judicial abstention is particularly common in the foreign affairs area. Consider, for example, the question whether the President is constitutionally required to obtain congressional authorization before initiating military hostilities. Despite numerous presidential initiations of hostilities without congressional authorization in the post-World War II period, courts have generally refused to consider the issue. 46 Courts have similarly avoided addressing whether presidents must obtain congressional or senatorial approval before terminating a treaty, 47 and whether and to what extent presidents may use executive agreements in lieu of treaties. 48¶ Courts invoke a **variety of doctrines** in support of this abstention. They enforce general standing requirements **strictly** and, at least since the Supreme Court’s 1997 decision in Raines v. Byrd, 49 they typically find that individual members of Congress lack standing to challenge presidential action. 50 Some lower courts also invoke ideas of “political ripeness,” pursuant to which they **will not intervene** in inter-branch disputes until the affected branch has exhausted its own political resources to address the purported problem, a requirement that is rarely if ever satisfied. 51 Another potential barrier to judicial review is the political question doctrine, which the lower courts apply with some frequency in the foreign affairs area. 52 ¶ Academic defenders of this judicial abstention have argued either that the political branches have adequate resources to protect their interests, 53 or that the courts lack sufficient competence to resolve separation of powers issues, especially in the foreign affairs and national security areas. 54 Other scholars have bemoaned this abstention as an abdication of the judicial role and have blamed it for contributing to what they perceive to be an undesirable growth in executive power in the modern era. 55 The key point for present purposes is that many issues of presidential power are resolved, if at all, outside the courts. Moreover, even when the courts do intervene, they are likely to give significant deference to patterns of governmental practice, especially if the patterns are longstanding and appear to reflect inter-branch agreement. 56

#### No willingness to check the executive

HUQ 12 - Assistant Professor of Law, University of Chicago Law School (Aziz Z. Huq, Binding The Executive (By Law Or By Politics), Chicago Public Law and Legal Theory Working Paper No. 400)

Consider first the case PV make against law and legal institutions as bulwarks against the executive. Their central argument rests on a logic of comparative institutional competence. Congress and judges alike, they argue, lack incentives or ability to gather and process information necessary to act quickly or to engage in oversight. Courts suffer from a “legitimacy deficit,” which dampens judicial willingness to intervene (pp 30–31, 57–58). And the Separation Of Powers system **can be gamed** by an executive using a strategy of “divide and conquer” against the two other branches (pp 19–31).38 The net result is that Congress fails to anticipate crises and then is forced to delegate broad new powers after the fact (pp 43–52), while courts lag far behind executive initiatives.

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## Impact Overview

#### DA outweighs and turns the case---Global economic crisis causes war- transitions, miscalc, economic nationalism, and diversionary theory- relative perception of decline is sufficient to trigger. Statistical AND empirical evidence is on our side- That’s Royal---Debt ceiling is coming in 4 days---you can only die once---EVEN if they their uniqueness argument, declining economy would be worse---means they CREATE MORE BARE LIFE by allowing individuals do die from food shortages and economic decline.

#### Turns security---Royal says that it causes nations to securitize and create “rally around the flag” effect to justify intervening in conflicts---causes more intervention.

#### Economic collapse causes state-based oppression.

Holmes and Spalding ‘11 (Kim R. Holmes, Ph.D. Vice President, Foreign and Defense Policy Studies, and Director, The Kathryn and Shelby Cullom Davis Institute for International Studies. Matthew Spalding, Ph.D. Vice President, American Studies and Director, B. Kenneth Simon Center for Principles and Politics. 4/7/11 “Why Does Economic Freedom Matter?” http://www.heritage.org/research/reports/2011/04/why-does-economic-freedom-matter

America’s founders knew that liberty is about more than just securing political freedoms. True As Thomas Jefferson wrote to John Adams in 1785, “all the world would gain by setting commerce at perfect liberty.”[7] Economic freedom—free markets at home and free trade in the world—is essential to human liberty. Without it, people are unable to improve the conditions under which they and their posterity will live. Worse, they are vulnerable to oppression, especially by the state. We only need recall the human toll of slavery and Soviet Communism to understand what Friedrich Hayek meant when he noted that “to be controlled in our economic pursuits means to be always controlled,” and that if all economic decisions require the approval of government, then “we should really be controlled in everything." [8] In the end, liberty is whole and universal: The world will not be free politically if it is not free economically. America’s openness to trade has always fueled its economic expansion. Over the past 50 years, the United States led the way in expanding free trade worldwide. For the most part, we have taken George Washington’s advice to “hold an equal and impartial hand ... diffusing and diversifying by gentle means the streams of Commerce.”[9] Yet today, as more and more nations have decided to follow that lead, political leaders in the United States have chosen to intervene more directly in the economy and impose heavy regulations that put American businesses at a competitive disadvantage. If America’s commitment to economic freedom—not only by its policies but by its leadership in the world—continues to flag, it neglects its national interests and betrays its core principles. In doing so, it also jeopardizes the security, prosperity and liberty not only of the United States but much of the world as well.

#### Food crisis causes massive structural violence

Lagi et al 11 - Marco Lagi, Karla Z. Bertrand and Yaneer Bar-Yam, New England Complex Systems Institute, “The Food Crises and Political Instability in North Africa and the Middle East,” August 10, 2011, <http://arxiv.org/PS_cache/arxiv/pdf/1108/1108.2455v1.pdf>, Accessed Date: 3-15-13 y2k

The importance of food prices for social stability points to the level of human suffering that may be caused by increased food prices. The analysis we presented of the timing of peaks in global food prices and social unrest implies that the 2011 unrest was precipitated by a food crisis that is threatening the security of vulnerable populations. Deterioration in food security led to conditions in which random events trigger widespread violence. The condition of these vulnerable populations could have been much worse except that some countries controlled food prices in 2011 due to the unrest in 2008 [72{83]. Food price controls in the face of high global food prices carry associated costs. Because of the strong cascade of events in the Middle East and North Africa only some countries had to fail to adequately control food prices for events to unfold [84{88]. This understanding suggests that reconsidering biofuel policy as well as commodity market regulations should be an urgent priority for policymakers. Reducing the amount of corn converted to ethanol, and restricting commodity future markets to bona de risk hedging would reduce global food prices [66]. The current problem transcends the specific national political crises to represent a global concern about vulnerable populations and social orde.r Our analysis of the link between global food prices and social unrest supports a growing conclusion that it is possible to build mathematical models of global economic and social crises [89{98]. Identifying a signature of unrest for future events is surely useful. Significantly, prior to the unrest, on December 13, 2010, we submitted a government report [56] analyzing the repercussions of the global financial crises, and directly identifying the risk of social unrest and political instability due to food prices (see Fig. 1). This report, sub- mitted four days before the initial human trigger event, the action of Mohamed Bouazizi in Tunisia [99, 100], demonstrates that it is possible to identify early warning signs before events occur. Prediction is a major challenge for socio-economic analysis. Understanding when and whether prediction is possible is important for science and policy decisions. Our predictions are conditional on the circumstances, and thus allow for policy interventions to change them. Whether policy makers will act depends on the various pressures that are applied to them, including both the public and special interests.

#### Collapse is worse for every impact – try or die flips aff

**Monbiot 9** (George, Columnist – The Guardian, held visiting fellowships or professorships at the universities of Oxford (environmental policy), Bristol (philosophy), Keele (politics), Oxford Brookes (planning), and East London (environmental science), “Is There Any Point in Fighting to Stave Off Industrial Apocalypse?,” Guardian, 8-17, http://www.guardian.co.uk/commentisfree/cif-green/2009/aug/17/environment-climate-change)

The interesting question, and the one that probably divides us, is this: to what extent should we welcome the likely collapse of industrial civilisation? Or more precisely: to what extent do we believe that some good may come of it? I detect in your writings, and in the conversations we have had, an attraction towards – almost a yearning for – this apocalypse, a sense that you see it as a cleansing fire that will rid the world of a diseased society. If this is your view, I do not share it. I'm sure we can agree that the immediate consequences of collapse would be hideous: **the breakdown of the systems that** keep most of us alive**;** mass starvation**;** war. These alone surely give us sufficient reason to fight on, however faint our chances appear. But even if we were somehow able to put this out of our minds, I believe that what is likely to come out on the other side will be **worse than our current settlement**. Here are three observations: 1 Our species (unlike most of its members) is tough and resilient; 2 When civilisations collapse, psychopaths take over; 3 We seldom learn from others' mistakes. From the first observation, this follows: even if you are hardened to the fate of humans, you can surely see that our species will not become extinct without causing the extinction of almost all others. However hard we fall, we will recover sufficiently to land another hammer blow on the biosphere. We will continue to do so until there is so little left that even Homo sapiens can no longer survive. This is the ecological destiny of a species possessed of outstanding intelligence, opposable thumbs and an ability to interpret and exploit almost every possible resource – in the absence of political restraint. From the second and third observations, this follows: instead of gathering as free collectives of happy householders, survivors of this collapse will be subject to the will of people seeking to monopolise remaining resources. This will is likely to be imposed through violence. Political accountability will be a distant memory. The chances of conserving any resource in these circumstances are **approximately zero**. The human and ecological consequences of the first global collapse are likely to persist for many generations, perhaps for our species' remaining time on earth. To imagine that good could come of the involuntary failure of industrial civilisation is also to succumb to denial. The answer to your question – what will we learn from this collapse? – is **nothing**. This is why, despite everything, I fight on. I am not fighting to sustain economic growth. I am fighting to prevent both initial collapse and the repeated catastrophe that follows. However faint the hopes of engineering a soft landing – an ordered and structured downsizing of the global economy – might be, we must keep this possibility alive. Perhaps we are both in denial: I, because I think the fight is still worth having; you, because you think it isn't.

#### Literally turns the entire aff - Congress will give Obama unfettered power in the event of an emergency

Brooks 13 (Rosa Brooks, “Mission Creep in the War on Terror” March 14, 2013, <http://www.foreignpolicy.com/articles/2013/03/14/mission_creep_in_the_war_on_terror>

AUMF or no AUMF, if the United States finds credible evidence of an imminent and grave terrorist attack -- of the 9/11 variety -- no one's going to give the president a hard time if he kills the bad guys before they have a chance to attack us. And trust me: If the president has solid evidence of such an impending attack, it won't matter if the terrorists are an al Qaeda offshoot or a rogue group of Canadian girl scouts.¶ And if, despite our best efforts at prevention, another serious terrorist attack occurs in the future, Congress will undoubtedly be quick to give the president any additional authorities he needs -- with the same speed with which Congress passed its 2001 authorization to use force.¶ In the end, it's not that complicated. If we can't shoehorn drone strikes against every "associate of an associate" of al Qaeda into the 2001 AUMF, we should stop trying to stretch or change the law. Instead, we should scale back the targeted killings.¶ It's past time for a serious overhaul of U.S. counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone strikes, one that takes into account issues both of domestic legality and international legitimacy, and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist sentiment, and the future behavior of powerful states such as Russia and China. If we undertake such a rigorous cost-benefit analysis, I suspect we'll come to see scaling back drone strikes less as an inconvenience than as a strategic necessity -- and we may come to a new appreciation of counterterrorism measures that don't involve missiles raining from the sky.¶ This doesn't mean we should never use armed drones -- drones, like any other weapons-delivery mechanism, will at times be justifiable and useful. But it does mean we should rediscover a long-standing American tradition: reserving the use of exceptional authorities for rare and exceptional circumstances.

#### Economic growth prevents dogmatism---key to allow for diverse viewpoints to be accepted---turns their invisible violence.

**McArdle**, economics correspondent for The Economist’s Global Agenda section, July, 20**06**

[Megan “The Virtue of Riches” review of The Moral Consequences of Economic Growth by Benjamin M. Friedman]

That same suspicion is often applied to the vast wealth we enjoy as a society. Spend time at an anti-globalization rally, and you’ll inevitably hear someone complain that Americans are less than 5 percent of the global population yet consume 25 percent of its output, as if we were somehow stealing the difference from the world’s poor. Such critics also cite the social, economic, and environmental dislocations caused by a vibrant free market. We’re too rich, the **activists are** basically **saying**, and our wealth has too high a cost; **it’s time to stop thinking about making money and start thinking about** all the **suffering in the world**. Even those who think wealth is good (or at least harmless) often implicitly suggest that the pursuit of wealth and the pursuit of moral goals are separate questions. They would do well to read Benjamin Friedman’s The Moral Consequences of Economic Growth. The author, a professor of political economy at Harvard, has written an economic tome that is accessible to the average reader without failing to offer something new to specialists as well: a compelling argument that **rising incomes make us not just richer people, but better ones**. Friedman’s definition of better will irritate libertarian-minded readers, who will quarrel with his decision to **count support for generous government expenditures among the** “moral **consequences” of economic growth**—or, at least, with his implication that such support is among the positive effects. But most of the consequences he discusses would impress nearly everyone. **When earnings are growing**, Friedman says, **people are more tolerant of minorities, more welcoming to immigrants,** more solicitous of their fellow citizens, **more supportive of democratic institutions**, and just plain better specimens of humanity. This result is not surprising to anyone who has been around normally rapacious Wall Street bankers at bonus time, but Friedman provides historical evidence for the intuition. In painstaking detail, he outlines **the economic history of the U**nited **S**tates, **Britain, France, and Germany** since the industrial revolution. Over and over, he **show**s **that during periods of economic stagnation, societies become more xenophobic, less tolerant of dissent, and more willing to embrace anti-democratic government** actions. **It is no accident**, he argues, **that communism and fascism were embraced by countries in economic crisis**—or that the Palmer raids and the PATRIOT Act arrived during periods of rising financial insecurity for America’s vast bourgeoisie. Economists have long known that what they call **the “wealth effect” can stimulate spending**: **If people feel richer** because the value of their home or stock portfolio has gone up, or because they think their income is likely to rise in the future, **they** **will loosen up and spend more**. Friedman suggests that people don’t merely become more willing to treat themselves to home entertainment systems and $4 cups of coffee as their wealth grows; **they also become more generous to others.** “**With rising incomes**,” he says, “**more people become willing to donate time and money**. And among those who do so, rising incomes also allow people to feel able to do more.”

## Governmentality

#### Their governmentality doesn’t make sense---can’t make arguments in the context of our politics DA---I read every single one of your butler and Giroux, and loizdou evidence and they are ALL about why government politics are bad, NOT because of its intrinsic structure, but because of detention policies---obvioulsy doesn’t link to our DA.

#### Liberal governmentality is key to potentiality of life.

Ojakangas 5 Mika Ojakangas, Helsinki Collegium for Advanced Studies in Finland “Impossible Dialogue on Bio-power,” Foucault Studies, No. 2, p. 5-28, May

Moreover, life as the object and the subject of bio‐power – given that life is everywhere, it becomes everywhere – is in no way bare, but is as the synthetic notion of life implies, the multiplicity of the forms of life, from the nutritive life to the intellectual life, from the biological levels of life to the political existence of man.43 Instead of bare life, the life of bio‐power is a plenitude of life, as Foucault puts it.44 Agamben is certainly right in saying that the production of bare life is, and has been since Aristotle, a main strategy of the sovereign power to establish itself – to the same degree that sovereignty has been the main fiction of juridico‐institutional thinking from Jean Bodin to Carl Schmitt. The sovereign power is, indeed, based on bare life because it is capable of confronting life merely when stripped off and isolated from all forms of life, when the entire existence of a man is reduced to a bare life and exposed to an unconditional threat of death. Life is undoubtedly sacred for the sovereign power in the sense that Agamben defines it. It can be taken away without a homicide being committed. In the case of bio‐power, however, this does not hold true. In order to function properly, bio‐power cannot reduce life to the level of bare life, because bare life is life that can only be taken away or allowed to persist – which also makes understandable the vast critique of sovereignty in the era of bio‐power. Bio‐power needs a notion of life that corresponds to its aims. What then is the aim of bio‐power? Its aim is not to produce bare life but, as Foucault emphasizes, to “multiply life”,45 to produce “extra‐life.”46 Bio‐power needs, in other words, a notion of life which enables it to accomplish this task. The modern synthetic notion of life endows it with such a notion. It enables bio‐power to “invest life through and through”, to “optimize forces, aptitudes, and life in general without at the same time making them more difficult to govern.” 47 It could be argued, of course, that instead of bare life (zoe) the form of life (bios) functions as the foundation of bio‐power. However, there is no room either for a bios in the modern bio‐political order because every bios has always been, as Agamben emphasizes, the result of the exclusion of zoe from the political realm. The modern bio‐political order does not exclude anything – not even in the form of “inclusive exclusion”. As a matter of fact, in the era of bio‐politics, life is already a bios that is only its own zoe. It has already moved into the site that Agamben suggests as the remedy of the political pathologies of modernity, that is to say, into the site where politics is freed from every ban and “a form of life is wholly exhausted in bare life.”48 At the end of Homo Sacer, Agamben gives this life the name “form‐of‐life”, signifying “always and above all possibilities of life, always and above all power”, understood as potentiality (potenza).49 According to Agamben, there would be no power that could have any hold over men’s existence if life were understood as a “form‐of‐life”. However, it is precisely this life, life as untamed power and potentiality, that bio‐power invests and optimizes. If bio‐power multiplies and optimizes life, it does so, above all, by multiplying and optimizing potentialities of life, by fostering and generating “forms‐of‐life”.

#### Governmentality is good – only seeing it as bad ignores the massive decrease in structural violence it has caused and views power uni-directionally

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

<This understanding of the democratic and totalitarian potentials of biopolitics at the level of the state needs to be underpinned by a reassessment of how biopolitical discourse operates in society at large, at the “prepolitical” level. I would like to try to offer here the beginnings of a reconceptualization of biopolitical modernity, one that focuses less on the machinations of technocrats and experts, and more on the different ways that biopolitical thinking circulated within German society more broadly. It is striking, then, that the new model of German modernity is even more relentlessly negative than the old Sonderweg model. In that older model, premodern elites were constantly triumphing over the democratic opposition. But at least there was an opposition; and in the long run, time was on the side of that opposition, which in fact embodied the historical movement of modern- ization. In the new model, there is virtually a biopolitical consensus.92 And that consensus is almost always fundamentally a nasty, oppressive thing, one that partakes in crucial ways of the essential quality of National Socialism. Everywhere biopolitics is intrusive, technocratic, top-down, constraining, limiting. Biopolitics is almost never conceived of— or at least discussed in any detail— as creating possibilities for people, as expanding the range of their choices, as empowering them, or indeed as doing anything positive for them at all. Of course, at the most simple-minded level, it seems to me that an assessment of the potentials of modernity that ignores the ways in which biopolitics has made life tangibly better is somehow deeply flawed. To give just one example, infant mortality in Germany in 1900 was just over 20 percent; or, in other words, one in five children died before reaching the age of one year. By 1913, it was 15 percent; and by 1929 (when average real purchasing power was not significantly higher than in 1913) it was only 9.7 percent.93 The expansion of infant health programs— an enormously ambitious, bureaucratic, medicalizing, and sometimes intrusive, social engineering project— had a great deal to do with that change. It would be bizarre to write a history of biopolitical modernity that ruled out an appreciation for how absolutely wonderful and astonishing this achievement— and any number of others like it — really was. There was a reason for the “Machbarkeitswahn” of the early twentieth century: many marvelous things were in fact becoming machbar. In that sense, it is not really accurate to call it a “Wahn” (delusion, craziness) at all; nor is it accurate to focus only on the “inevitable” frustration of “delusions” of power. Even in the late 1920s, many social engineers could and did look with great satisfaction on the changes they genuinely had the power to accomplish. Concretely, moreover, I am not convinced that power operated in only one direction — from the top down— in social work. Might we not ask whether people actually demanded welfare services, and whether and how social workers and the state struggled to respond to those demands? David Crew and Greg Eghigian, for example, have given us detailed studies of the micropolitics of welfare in the Weimar period in which it becomes clear that conflicts between welfare administrators and their “clients” were sparked not only by heavyhanded intervention, but also by refusal to help.94 What is more, the specific nature of social programs matters a great deal, and we must distinguish between the different dynamics (and histories) of different programs. The removal of children from their families for placement in foster families or reformatories was bitterly hated and stubbornly resisted by working-class families; but mothers brought their children to infant health clinics voluntarily and in numbers, and after 1945 they brought their older children to counseling clinics, as well. In this instance, historians of the German welfare state might profit from the “demand side” models of welfare development that are sometimes more explicitly explored in some of the international literature.95 In fact, even where social workers really were attempting to limit or subvert the autonomy and power of parents, I am not sure that their actions can be characterized only and exclusively as part of a microphysics of oppression. Progressive child welfare advocates in Germany, particularly in the National Center for Child Welfare, waged a campaign in the 1920s to persuade German parents and educators to stop beating children with such ferocity, regularity, and nonchalance. They did so because they feared the unintended physical and psychological effects of beatings, and implicitly because they believed physical violence could compromise the development of the kind of autonomous, selfreliant subjectivity on which a modern state had to rely in its citizenry.96 Or, to give another common example from the period, children removed from their families after being subjected by parents or other relatives to repeated episodes of violence or rape were being manipulated by biopolitical technocrats, and were often abused in new ways in institutions or foster families; but they were also being liberated. Sometimes some forms of the exercise of power in society are in some ways emancipatory; and that is historically significant. Further, of course we must ask whether it is really true that social workers’ and social agencies’ attempts to manipulate people worked. My own impression is that social policy makers grew increasingly aware, between the 1870s and the 1960s, that their own ends could not be achieved unless they won the cooperation of the targets of policy. And to do that, they had to offer people things that they wanted and needed. Policies that incited resistance were — sometimes with glacial slowness, after stubborn and embittered struggles—de-emphasized or even abandoned. Should we really see the history of social welfare policy as a more or less static (because the same thing is always happening) history of the imposition of manipulative policies on populations? I believe a more complex model of the evolution of social policy as a system of social interaction, involving conflicting and converging demands, constant negotiation, struggle, and— above all— mutual learning would be more appropriate. This is a point Abram de Swaan and others have made at some length; but it does not appear to have been built into our theory of modernity very systematically, least of all in German history.97

#### Governmentality is inevitable

Holcombe 4 Randall G. Holcombe is DeVoe Moore Professor of Economics at Florida State University. The Independent Review, v. VIII, n. 3, Winter 2004, ISSN 1086-1653, 2004, pp. 325–342. “ Government: Unnecessary but Inevitable” accessed 5/27/11 at <http://www.independent.org/pdf/tir/tir_08_3_holcombe.pdf>

In the foregoing arguments, I have maintained that although government may not be desirable, it is inevitable because if no government exists, predators have an incentive to establish one. From a theoretical standpoint, Nozick’s argument—that competing protection firms will evolve into a monopoly that then becomes the state—represents one form of the general argument that government is inevitable. Because of the prominence of Nozick’s work, I offer no further theoretical defense of it here. More significant, however, as de Jasay notes, “Anarchy, if historical precedent is to be taken as conclusive, does not survive” (1989, 217). Every place in the world is ruled by government. The evidence shows that anarchy, no matter how desirable in theory, does not constitute a realistic alternative in practice, and it suggests that if government ever were to be eliminated anywhere, predators would move in to establish themselves as one by force.18 One can debate the merits of anarchy in theory, but the real-world libertarian issue is not whether it would more be desirable to establish a limited government or to eliminate government altogether. Economist Bruce Benson notes, “When a community is at a comparative disadvantage in the use of violence it may not be able to prevent subjugation by a protection racket such as the state” (1999, 153). Libertarian philosopher Jan Narveson writes, “Why does government remain in power? Why, in fact, are there still governments? The short answer is that governments command powers to which the ordinary citizen is utterly unequal” (2002, 199–200). Government is inevitable, and people with no government—or even with a weak government—will find themselves taken over and ruled by predatory gangs who will establish a government over them.19 As de Jasay observes, “An anarchistic society may not be well equipped to resist military conquest by a command-directed one” (1997, 200). People may not need or want government, but inevitably they will find themselves under government’s jurisdiction.20

#### Discussion of soverighty is useless

Jennings 11 Ronald C. Jennings, Newton International Fellow, Department of Anthropology, London School of

Economics, UK, “Sovereignty and political modernity: A genealogy of Agamben’s critique of sovereignty,” Anthropological Theory 2011 11: 23, SAGEPub, DOA: 8-26-13, y2k

What, then, to adopt David Scott’s (1999) invaluable methodology of question and answer, was the question to which sovereignty has been the answer? It seems clear, if only perhaps in hindsight, that the initial impetus for this recent ﬂorescence of sovereignty-talk was that it has seemed like an especially productive conceptual tool in the eﬀort to name and critique the great post-Cold War unitary power global power, the United States, and its new liberal triumphalism (as well as the emerging global counter-power represented by the power to punish represented by the global criminal courts) (Hardt and Negri 2000; Jennings 2008).4 For this reason, it would seem to be the ideal moment to be engaging, and attempting to expand upon, the fast proliferating literature naming the imperial sovereign exception, and yet, on a closer look, it is not clear that the terms of this particular critical intervention – for all its recent rhetorical importance – are necessarily ones we want to be working with. Though a good deal of the recent successes of the critique of sovereignty must be attributed to the sense (quite explicit in Agamben) that this marks a novel, critically cutting-edge, and politically radical project, on closer look the terms and assumptions that underpin this critique are remarkable for nothing so much as for their acceptance of the polemical and reactionary modern account of political history and power in which the logico-rationalist and totalizing concept of sovereignty – conceptually and practically impossible within any tradition that preceded political modernity – is accepted as the sole, basic and universal term for describing political power and community. Rather than calling into question sovereignty or political modernity, the end result has, not surprisingly, been an explosion within critical scholarship of naming and naturalizing sovereignty in other spheres – from the global to the individual – and a fascinating renewal of positive political claims – that ‘sovereignty matters’ (Barker 2005) – which had been explicitly rejected by central ﬁgures in the postcolonial project (e.g. Scott 1996, 1999; Mbembe 2000). To add credence to the doubts expressed here about taking up the contemporary critique of sovereignty, special eﬀort will be made to show that, read carefully, both Benjamin (1969[1940]) and Derrida (1992[1989]), who are today read as its key early exponents, came to understand this critique – and especially in their later work – as theoretically, politically and ethically disabling. Both, faced with the real political question of fascism, expressed grave and deﬁnitive doubts about the implications of the critique of sovereignty, in particular, and to the possibility of founding a politics on critique, more generally – though both, without an alternative political anthropology, quickly reached conceptual dead ends. Indeed, something like this is true even of Schmitt himself, whose late work radically departs from and fully undermines his early understanding of sovereignty (2003[1950]). The exception to these doubts is the contemporary work of Giorgio Agamben, which builds explicitly from the early Benjamin’s account, and, yet, it is – troublingly – Agamben’s work (esp. Homo sacer [1998] and State of Exception [2005]) that has emerged as deﬁnitive for our moment

#### Their rigid understanding of governmentality turns the aff---over-objectifies the state.

Brännström 8 Leila Brännström is Assistant Professor @ Lund University Faculty of Law. “How I learned to stop worrying and use the legal argument: A critique of Giorgio Agamben’s conception of law,” April, 2008, DOA: 8-25-13, y2k

Giorgio Agamben’s Homo Sacer. Sovereign Power and Bare Life (1998 [1995]), and State of Exception (2005 [2003]) are, among other things, efforts to explore the deep structures shaping contemporary tendencies in the development of law and politics.1 Agamben offers us the diagnosis that we live in a ‘permanent state of exception’ – a situation in which law cannot be distinguished from lawlessness. He also suggests a prescription; we ought to look beyond law and reach for a realm of human activity ‘uncontaminated’ by law. He warns us that if we do not overcome law, we risk the ‘juridico-political’ system transforming itself into ‘a killing machine’, thus causing an ‘unprecedented biopolitical catastrophe’ (Agamben 1998, 188; Agamben 2005, 86). In this article, I will argue against both Agamben’s diagnosis and his prescription. One of the troubles with his line of reasoning, the one that I will focus on, is its deadlocked and overly formalistic understanding of how law operates and of how it might be used and transformed.2 Surely Agamben insightfully points out certain dangerous trajectories in contemporary law and politics, but I believe that the rigid way in which he analyses law and politics forecloses the most promising ways of responding to and acting upon the problems that he outlines. There is a more general rationale for scrutinizing Agamben’s analysis of law and of the state of exception and the implications of his analysis. Agamben’s understanding of law as a mechanism that puts limitations to our political potential and imagination and his conviction that law cannot be used for emancipatory purposes, is shared by many engaged in the field of critical legal and social studies who assume that exposing the repressive character of law and legal practices is the only possible way of conducting critical studies of law. Such an assumption is problematic as it overlooks the possibility to raise legal arguments and to engage in legal practices for pursuing emancipatory politics, a possibility that in many cases would be both forceful and productive. Sometimes, as in Agamben’s case, these assumptions are built on a perception of law as a machine whose workings, effects and possibilities are given beforehand – once and for all. The objectification of law, in turn, induces fear and aversion which often leads to political, social and legal analyses that suffer, like Agamben’s analysis does, from an overemphasis on, and an overestimation of, the legally authorized power of the state which nourishes the persisting, but misleading, idea that the major threats to our freedom and to a better future are to be found in repressive state-practices.

#### People can always assert agency in the face of state control – ignoring this is disempowering

Cesare **Casarino**, professor of cultural studies and comparative literature at the University of Minnesota AND Antonio Negri, author of numerous volumes of philosophy and political theory. “It’s a Powerful Life: A Conversation on Contemporary Philosophy” Cultural Critique 57. **2004**

AN: I believe Giorgio is writing a sequel to Homo Sacer, and I feel that this new work will be resolutive for his thought—in the sense that he will be forced in it to resolve and find a way out of the ambiguity that has qualified his understanding of naked life so far. He already attempted something of the sort in his recent book on Saint Paul, but I think this attempt largely failed: as usual, **this book** is extremely learned and elegant; it **remains**, however, somewhat **trapped within** Pauline **exegesis, rather than constituting a full-fledged attempt to reconstruct naked life as a potentiality for exodus,** to rethink naked life fundamentally in terms of exodus. **I believe that the concept of naked life is not an impossible**, unfeasible **one**. I believe it is possible to push the image of power to the point at which a defenseless human being [un povero Cristo] is crushed, to conceive of that extreme point at which power tries to [End Page 173] eliminate that ultimate resistance that is the sheer attempt to keep oneself alive. From a logical standpoint, it is possible to think all this: the naked bodies of the people in the camps, for example, can lead one precisely in this direction. **But this is** also **the point at which this concept turns into ideology: to conceive of the relation between power and life in such a way** actually **ends up bolstering and reinforcing ideology**. **Agamben**, in effect, **is saying that such is the nature of power: in the final instance, power reduces each and every human being to such a state of powerlessness. But this is absolutely not true!** On the contrary: **the historical process takes place and is produced thanks to a continuous constitution and construction, which** undoubtedly **confronts the limit over and over** again—**but this is an extraordinarily rich limit, in which desires expand, and** in which **life becomes** increasingly **fuller**. Of course it is possible to conceive of the limit as absolute powerlessness, especially when it has been actually enacted and enforced in such a way so many times. And yet, isn't such a conception of the limit precisely what the limit looks like from the standpoint of constituted power as well as from the standpoint of those who have already been totally annihilated by such a power—which is, of course, one and the same standpoint? Isn't this the story about power that power itself would like us to believe in and reiterate? **Isn't it far more politically useful to conceive of this limit from the standpoint of those who are not yet or not completely crushed by power, from the standpoint of those still struggling to overcome such a limit, from the standpoint of the process of constitution**, from the standpoint of power [potenza]? I am worried about the fact that **the concept of naked life as it is conceived by Agamben might be taken up by political movements and in political debates**: I find this prospect quite troubling, which is why I felt the need to attack this concept in my recent essay. Ultimately, I feel that nowadays **the logic of traditional eugenics is attempting to saturate and capture the whole of human reality**—even at the level of its materiality, that is, through genetic engineering—and **the** ultimate **result of such a process of saturation and capture is a capsized production of subjectivity within which ideological undercurrents continuously try to subtract or neutralize our resistance**. [End Page 174]

#### Politics DAs are good---key to informed citizens and check governmentality.

Dybvig and Iverson 00 (Kristin and Joel, Arizona State U., “Can Cutting Cards Carve into Our Personal Lives: An Analysis of Debate Research on Personal Advocacy”, <http://debate.uvm.edu/dybvigiverson1000.html>)

Another problem that exists with debate research is the nature of affirmative cases. Some of the evidence against these cases is sparse if not non-existent. In fact, choosing a case where no defendable counter-evidence can be found is a strategic advantage. As a result, many generic arguments such as disadvantages and counterplans are generated which can apply to numerous cases. Some of these arguments have been used every year for decades. One example is the "Clinton Disadvantage" (in its current, but soon to be renamed manifestation). This argument typically contends that passage of the plan somehow affects the political process or another, more important vote. And while this argument may at first appear to lack educational value, it to has helped educate students about the world in which we all live. One long time impact to political disadvantages was the United States trade policy. When the protests happened in Seattle against the World Trade Organization, there were many debaters in attendance. Discussion on the listserve focused on the protests. The debates that occurred over United States trade policy helped to educate the community on the issues involved with US policy.

## UQ

#### Debt ceiling raise will pass---group their arguments

#### Obama’s PC ensures passage---it’s forcing the GOP to back away from hardline stance and seek compromise---AND---Momentum exists now---even if there’s not a specific bill, bipartisan consensus guarantees eventual compromise. Prefer 1nc Calmes evidence because it cites the most recent negotiation between Republican leaders and Obama.

#### A. Leadership prediction

Agence France Press, 10-13, 2013,

(Rob Jeacock, "US inches ahead but deal still elusive", Canberra Times, PAS) Accessed on LexisNexis 10-13-13

THE WHITE House and the Republicans are painstakingly edging towards a deal to stave off a disastrous US debt default and to end a partial government shutdown now set to hit the two- week mark.¶ US President Barack Obama met Republican senators and spoke by phone with Republican House Speaker John Boehner on Friday, as subordinates haggled over the terms of an eventual truce to the stand-off.¶ "We are obviously in a better place than we were a few days ago in terms of the constructive approach we have seen," White House spokesman Jay Carney said.¶ "But there is not an agreement."The main principles of a compromise emerged in public statements from both sides. It will include a temporary, or more permanent, extension to US borrowing authority - without which Washington could begin to default on its obligations for the first time in history after Thursday.¶ The government, shuttered since October 1, will be fully reopened, possibly on an interim basis, and there will be some kind of commitment from both sides to work towards an elusive deal to tackle the deficit, rein in spending and possibly to reform social programs and some aspects of the tax code.¶ Late in the day, Mr Obama and Mr Boehner, long-time foes who have often struggled to close deals, had what both sides said was a constructive conversation. But there were signs the White House was driving a hard bargain, as Mr Carney said a rise in the debt ceiling could not be linked to long- term fiscal talks with the Republicans, because it could set up repeated threats of default.¶ The White House had said it would be open to a six-week extension of the debt ceiling after Thursday.¶ It now appears to be looking for an extension of borrowing authority from the $US16.7 trillion ($17.6trillion) level for a longer duration.¶ Republicans from the lower house offered to talk to Mr Obama about a short-term resolution to fund the government, then move to long-term budget and fiscal talks. But the President insists he will not negotiate until the debt ceiling is raised and the government is reopened.¶ Republican senators emerged from talks with Mr Obama and told reporters they were optimistic.¶ Republican senator Lindsey Graham was "confident that in the next 24 to 48 hours the House will produce a continuing resolution that will allow the government to be open in total". But Senate Majority Leader Harry Reid indicated that the Democrats were driving a hard bargain.¶ The Senate was due to vote on a 15-month extension of the debt ceiling on Saturday.¶ If the US debt ceiling is not raised by Thursday, Treasury would run out of money and could begin defaulting on US obligations for the first time, with possible dire consequences for the world economy.

#### B. Continual focus is key

Holland & Rampton 10/12 Steve Holland and Roberta Rampton are Reuters Staff Reporters, “Obama pressures Republicans to raise debt ceiling, end shutdown,” 10-12-13, <http://www.reuters.com/article/2013/10/12/us-usa-fiscal-idUSBRE98N11220131012>, DOA: 10-12-13, y2k

(Reuters) - President Barack Obama pressured Republican lawmakers on Saturday to agree to raise the U.S. debt ceiling for longer than they would prefer, as their fiscal impasse dragged into the weekend with five days left to find a deal. The budget battle between Obama and Republicans who control the House of Representatives has idled hundreds of thousands of government workers hit by a 12-day government shutdown and put the United States at risk of a historic debt default, possibly by next Thursday, unless the borrowing limit is raised. With the potential of an economic calamity looming, Obama and his Republican opponents are trying to agree on how long to extend the debt ceiling, with Republicans wanting to limit the extension to six weeks to try force more concessions out of the president. Obama made clear in his weekly address Saturday that he wants a longer debt ceiling extension to get the U.S. economy through the holiday shopping season without a convulsive shock. Republicans want a commitment to broader deficit-reduction talks from the White House. "It wouldn't be wise, as some suggest, to kick the debt ceiling can down the road for a couple of months, and flirt with a first-ever intentional default right in the middle of the holiday shopping season," Obama said. While Obama's talks with House Republicans on Thursday and Senate Republicans on Friday were seen as a constructive sign of progress, there appears to be still a ways to go and many details to iron out before a deal can be clinched. North Dakota Republican Senator John Hoeven said there are enough ideas being discussed to get to an agreement, but the key now is finding the right combination of them that can pass both the House and Democratic-controlled Senate. "I do think it's going to take a few days here to get that right combination, but I'm hopeful we'll get a deal," Hoeven told Reuters. He said Republicans are willing to lift the debt ceiling and end the shutdown but want to make sure that government spending is cut - something they have been trying to negotiate with the White House for months without success. "I want to see the government get opened and I want to see a debt-ceiling solution. But we've got to use this time as well to find some savings and reforms, and we are talking about what savings and reforms we can get people to agree to," he said. Republicans have been knocked on their heels by polls showing Americans largely blame them for triggering the crisis, a political dynamic that has strengthened Obama's hand. The president has been unyielding in his insistence that he will not negotiate over the debt ceiling.

#### C. Poling Data Shift

Reuters, 10-12, 2013,

(Thomas Ferraro and Tim Reid, "U.S. fiscal negotiations sputter as deadline nears", PAS) [www.reuters.com/article/2013/10/12/us-usa-fiscal-idUSBRE98N11220131012](http://www.reuters.com/article/2013/10/12/us-usa-fiscal-idUSBRE98N11220131012) 10-13-13

(Reuters) - Congressional negotiations to end a U.S. fiscal crisis gripping Washington and spooking financial markets hung by a thread on Saturday after bipartisan talks broke down in the House of Representatives and shifted to Senate leaders.¶ Senate Majority Leader Harry Reid, a Democrat, held an initial session with Senate Republican leader Mitch McConnell. But uncertainty remained about their ability to reach an agreement quickly to end a partial government shutdown and increase the nation's borrowing authority.¶ Thursday is the deadline for raising the debt ceiling, necessary to avoid a possible government default. The Senate was set to meet on Sunday, but the U.S. House of Representatives was not, so Congress will be cutting it close.¶ "Economists say it won't be long before financial markets react negatively to this continued uncertainty," Reid said on the Senate floor.¶ "The life savings of ordinary Americans are at risk."¶ Among the unresolved issues is the duration of the debt ceiling increase. House Republicans were pushing a boost that would last only six weeks, producing another potential showdown in the middle of the holiday season. Democrats want to push the next debt ceiling deadline at least well into the new year.¶ Also at issue were government spending levels and Republican concerns about President Barack Obama's signature healthcare law, popularly known as Obamacare. Republican demands for defunding Obamacare led to the shutdown on October 1.¶ Reid and other Senate Democratic leaders went to the White House to confer with Obama in the afternoon, but said nothing to reporters as they left after an hour and 15 minutes.¶ At the meeting, Obama and Senate Democratic leaders agreed that talks should continue between Reid and McConnell, a senior party aide said.¶ "But Democrats' position remained the same: Democrats are willing to negotiate on anything Republicans want to discuss as soon as we reopen the government and pay our bills," the aide added.¶ Lawmakers are also scrambling to put hundreds of thousands of federal employees back to work after their failure to fund the government resulted in the partial shutdown.¶ Dick Durbin, the second-ranking Democrat in the Senate, said the goal was to reach a bipartisan deal in the Senate before financial markets reopen on Monday.¶ But the road to a deal appeared difficult, as Reid dismissed Republican Senator Susan Collins' plan to extend the U.S. debt limit until January 31 and fund the government for six more months.¶ That plan had given some moderate lawmakers hopes for a quick compromise, but Democrats said it was saddled with too many objectionable add-ons.¶ Collins expressed disappointment, but said she remained hopeful "that a bipartisan solution to reopen the government and prevent a default is within our reach."¶ The "preliminary" Reid-McConnell negotiations - at 9 a.m. on Saturday in Reid's office - were launched one day after Obama rejected a proposal by House Republicans for a short-term increase in the debt limit to November 22.¶ Democrats warned that such a small increase in borrowing authority would simply lead to another round of bitter confrontations in Congress and could choke off consumer confidence just as the Christmas buying season was starting.¶ The flurry of action in the Senate came as House Speaker John Boehner informed his fellow Republicans in a private meeting that the White House had rejected its proposals and there likely would be no more ideas delivered to Obama now that attention was shifting to Senate negotiations.¶ 'GOOD MEETING'¶ Although McConnell initiated talks with Reid, the Republican has maintained a relatively low profile as he faces a tough re-election campaign back home in Kentucky.¶ "We had a good meeting" was all McConnell would say to questions shouted by reporters in a Senate hallway.¶ While some senators were hopeful now that Reid and McConnell were negotiating, no clear path to a deal was evident.¶ "Senator Reid and Senator McConnell are talking to each other for the first time and that's good," Republican Senator Roy Blunt said.¶ Even if senators craft a proposal to end the government shutdown and raise the debt ceiling, at least some Republican support will be needed to pass it in the House. That support is far from guaranteed, especially if the Senate deal does not include any new attacks on the healthcare law.¶ As Senate leaders tried to craft a deal, many House members headed to their home districts, having been informed there would be no votes before Monday evening.¶ With every passing day, according to opinion polls, Americans' patience has worn thin with Republican tactics that led to the government shutdown, enhancing prospects of a deal.

## Epistemic Tradeoff

#### They say extinction scenarios are bad, but their epistemic trade off doesn’t make sense in this one instance---MILLIONS will die due to lack of food---means we also control structural violence---AT best they might discuss the few individuals who are prisoned, but we control GLOBAL decline of equality and violence---means we still terminally outweigh.

#### Preventing nuclear war is the prerequisite to solving systemic impacts

Folk 78 Folk, Prof of Religious and Peace Studies at Bethany College, Jerry, “Peace Educations – Peace Studies: Towards an Integrated Approach,” Peace & Change, Vol. V, No. 1, spring, P. 58

Those proponents of the positive peace approach who reject out of hand the work of researchers and educators coming to the field from the perspective of negative peace too easily forget that the prevention of a nuclear confrontation of global dimensions is the prerequisite for all other peace research, education, and action. Unless such a confrontation can be avoided there will be no world left in which to build positive peace. Moreover, the blanket condemnation of all such negative peace oriented research, education or action as a reactionary attempt to support and reinforce the status quo is doctrinaire. Conflict theory and resolution, disarmament studies, studies of the international system and of international organizations, and integration studies are in themselves neutral. They do not intrinsically support either the status quo or revolutionary efforts to change or overthrow it. Rather they offer a body of knowledge which can be used for either purpose or for some purpose in between. It is much more logical for those who understand peace as positive peace to integrate this knowledge into their own framework and to utilize it in achieving their own purposes. A balanced peace studies program should therefore offer the student exposure to the questions and concerns which occupy those who view the field essentially from the point of view of negative peace.

#### Their link argument is wrong---we under-estimate extinction risks---working to prevent existential risk should be your priority.

Bostrom 12 Nick Bostrom is the director of the Future of Humanity Institute at Oxford. Interview by, ROSS ANDERSEN, an Atlantic correspondent based in Washington, D.C. “We're Underestimating the Risk of Human Extinction,” 3-6-12, <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/> DOA: 9-25-13, y2k

Unthinkable as it may be, humanity, every last person, could someday be wiped from the face of the Earth. We have learned to worry about asteroids and supervolcanoes, but the more-likely scenario, according to Nick Bostrom, a professor of philosophy at Oxford, is that we humans will destroy ourselves. Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human extinction risks are poorly understood and, worse still, severely underestimated by society. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century. Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them. Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards. In the short term you don't seem especially worried about existential risks that originate in nature like asteroid strikes, supervolcanoes and so forth. Instead you have argued that the majority of future existential risks to humanity are anthropogenic, meaning that they arise from human activity. Nuclear war springs to mind as an obvious example of this kind of risk, but that's been with us for some time now. What are some of the more futuristic or counterintuitive ways that we might bring about our own extinction? Bostrom: I think the biggest existential risks relate to certain future technological capabilities that we might develop, perhaps later this century. For example, machine intelligence or advanced molecular nanotechnology could lead to the development of certain kinds of weapons systems. You could also have risks associated with certain advancements in synthetic biology. Of course there are also existential risks that are not extinction risks. The concept of an existential risk certainly includes extinction, but it also includes risks that could permanently destroy our potential for desirable human development. One could imagine certain scenarios where there might be a permanent global totalitarian dystopia. Once again that's related to the possibility of the development of technologies that could make it a lot easier for oppressive regimes to weed out dissidents or to perform surveillance on their populations, so that you could have a permanently stable tyranny, rather than the ones we have seen throughout history, which have eventually been overthrown. And why shouldn't we be as worried about natural existential risks in the short term? Bostrom: One way of making that argument is to say that we've survived for over 100 thousand years, so it seems prima facie unlikely that any natural existential risks would do us in here in the short term, in the next hundred years for instance. Whereas, by contrast we are going to introduce entirely new risk factors in this century through our technological innovations and we don't have any track record of surviving those. Now another way of arriving at this is to look at these particular risks from nature and to notice that the probability of them occurring is small. For instance we can estimate asteroid risks by looking at the distribution of craters that we find on Earth or on the moon in order to give us an idea of how frequent impacts of certain magnitudes are, and they seem to indicate that the risk there is quite small. We can also study asteroids through telescopes and see if any are on a collision course with Earth, and so far we haven't found any large asteroids on a collision course with Earth and we have looked at the majority of the big ones already. You have argued that we underrate existential risks because of a particular kind of bias called observation selection effect. Can you explain a bit more about that? Bostrom: The idea of an observation selection effect is maybe best explained by first considering the simpler concept of a selection effect. Let's say you're trying to estimate how large the largest fish in a given pond is, and you use a net to catch a hundred fish and the biggest fish you find is three inches long. You might be tempted to infer that the biggest fish in this pond is not much bigger than three inches, because you've caught a hundred of them and none of them are bigger than three inches. But if it turns out that your net could only catch fish up to a certain length, then the measuring instrument that you used would introduce a selection effect: it would only select from a subset of the domain you were trying to sample. Now that's a kind of standard fact of statistics, and there are methods for trying to correct for it and you obviously have to take that into account when considering the fish distribution in your pond. An observation selection effect is a selection effect introduced not by limitations in our measurement instrument, but rather by the fact that all observations require the existence of an observer. This becomes important, for instance, in evolutionary biology. For instance, we know that intelligent life evolved on Earth. Naively, one might think that this piece of evidence suggests that life is likely to evolve on most Earth-like planets. But that would be to overlook an observation selection effect. For no matter how small the proportion of all Earth-like planets that evolve intelligent life, we will find ourselves on a planet that did. Our data point-that intelligent life arose on our planet-is predicted equally well by the hypothesis that intelligent life is very improbable even on Earth-like planets as by the hypothesis that intelligent life is highly probable on Earth-like planets. When it comes to human extinction and existential risk, there are certain controversial ways that observation selection effects might be relevant. How so? Bostrom: Well, one principle for how to reason when there are these observation selection effects is called the self-sampling assumption, which says roughly that you should think of yourself as if you were a randomly selected observer of some larger reference class of observers. This assumption has a particular application to thinking about the future through the doomsday argument, which attempts to show that we have systematically underestimated the probability that the human species will perish relatively soon. The basic idea involves comparing two different hypotheses about how long the human species will last in terms of how many total people have existed and will come to exist. You could for instance have two hypothesis: to pick an easy example imagine that one hypothesis is that a total of 200 billion humans will have ever existed at the end of time, and the other hypothesis is that 200 trillion humans will have ever existed. Let's say that initially you think that each of these hypotheses is equally likely, you then have to take into account the self-sampling assumption and your own birth rank, your position in the sequence of people who have lived and who will ever live. We estimate currently that there have, to date, been 100 billion humans. Taking that into account, you then get a probability shift in favor of the smaller hypothesis, the hypothesis that only 200 billion humans will ever have existed. That's because you have to reason that if you are a random sample of all the people who will ever have existed, the chance that you will come up with a birth rank of 100 billion is much larger if there are only 200 billion in total than if there are 200 trillion in total. If there are going to be 200 billion total human beings, then as the 100 billionth of those human beings, I am somewhere in the middle, which is not so surprising. But if there are going to be 200 trillion people eventually, then you might think that it's sort of surprising that you're among the earliest 0.05% of the people who will ever exist. So you can see how reasoning with an observation selection effect can have these surprising and counterintuitive results. Now I want to emphasize that I'm not at all sure this kind of argument is valid; there are some deep methodological questions about this argument that haven't been resolved, questions that I have written a lot about. See I had understood observation selection effects in this context to work somewhat differently. I had thought that it had more to do with trying to observe the kinds of events that might cause extinction level events, things that by their nature would not be the sort of things that you could have observed before, because you'd cease to exist after the initial observation. Is there a line of thinking to that effect? Bostrom: Well, there's another line of thinking that's very similar to what you're describing that speaks to how much weight we should give to our track record of survival. Human beings have been around for roughly a hundred thousand years on this planet, so how much should that count in determining whether we're going to be around another hundred thousand years? Now there are a number of different factors that come into that discussion, the most important of which is whether there are going to be new kinds of risks that haven't existed to this point in human history---in particular risks of our own making, new technologies that we might develop this century, those that might give us the means to create new kinds of weapons or new kinds of accidents. The fact that we've been around for a hundred thousand years wouldn't give us much confidence with respect to those risks. But, to the extent that one were focusing on risks from nature, from asteroid attacks or risks from say vacuum decay in space itself, or something like that, one might ask what we can infer from this long track record of survival. And one might think that any species anywhere will think of themselves as having survived up to the current time because of this observation selection effect. You don't observe yourself after you've gone extinct, and so that complicates the analysis for certain kinds of risks. A few years ago I wrote a paper together with a physicist at MIT named Max Tegmark, where we looked at particular risks like vacuum decay, which is this hypothetical phenomena where space decays into a lower energy state, which would then cause this bubble propagating at the speed of light that would destroy all structures in its path, and would cause a catastrophe that no observer could ever see because it would come at you at the speed of light, without warning. We were noting that it's somewhat problematic to apply our observations to develop a probability for something like that, given this observation selection effect. But we found an indirect way of looking at evidence having to do with the formation date of our planet, and comparing it to the formation date of other earthlike planets and then using that as a kind of indirect way of putting a bound on that kind of risk. So that's another way in which observation selection effects become important when you're trying to estimate the odds of humanity having a long future. One possible strategic response to human-created risks is the slowing or halting of our technological evolution, but you have been a critic of that view, arguing that the permanent failure to develop advanced technology would itself constitute an existential risk. Why is that? Bostrom: Well, again I think the definition of an existential risk goes beyond just extinction, in that it also includes the permanent destruction of our potential for desirable future development. Our permanent failure to develop the sort of technologies that would fundamentally improve the quality of human life would count as an existential catastrophe. I think there are vastly better ways of being than we humans can currently reach and experience. We have fundamental biological limitations, which limit the kinds of values that we can instantiate in our life---our lifespans are limited, our cognitive abilities are limited, our emotional constitution is such that even under very good conditions we might not be completely happy. And even at the more mundane level, the world today contains a lot of avoidable misery and suffering and poverty and disease, and I think the world could be a lot better, both in the transhuman way, but also in this more economic way. The failure to ever realize those much better modes of being would count as an existential risk if it were permanent. Another reason I haven't emphasized or advocated the retardation of technological progress as a means of mitigating existential risk is that it's a very hard lever to pull. There are so many strong forces pushing for scientific and technological progress in so many different domains---there are economic pressures, there is curiosity, there are all kinds of institutions and individuals that are invested in technology, so shutting it down is a very hard thing to do. What technology, or potential technology, worries you the most? Bostrom: Well, I can mention a few. In the nearer term I think various developments in biotechnology and synthetic biology are quite disconcerting. We are gaining the ability to create designer pathogens and there are these blueprints of various disease organisms that are in the public domain---you can download the gene sequence for smallpox or the 1918 flu virus from the Internet. So far the ordinary person will only have a digital representation of it on their computer screen, but we're also developing better and better DNA synthesis machines, which are machines that can take one of these digital blueprints as an input, and then print out the actual RNA string or DNA string. Soon they will become powerful enough that they can actually print out these kinds of viruses. So already there you have a kind of predictable risk, and then once you can start modifying these organisms in certain kinds of ways, there is a whole additional frontier of danger that you can foresee. In the longer run, I think artificial intelligence---once it gains human and then superhuman capabilities---will present us with a major risk area. There are also different kinds of population control that worry me, things like surveillance and psychological manipulation pharmaceuticals. In one of your papers on this topic you note that experts have estimated our total existential risk for this century to be somewhere around 10-20%. I know I can't be alone in thinking that is high. What's driving that? Bostrom: I think what's driving it is the sense that humans are developing these very potent capabilities---we are doing unprecedented things, and there is a risk that something could go wrong. Even with nuclear weapons, if you rewind the tape you notice that it turned out that in order to make a nuclear weapon you had to have these very rare raw materials like highly enriched uranium or plutonium, which are very difficult to get. But suppose it had turned out that there was some technological technique that allowed you to make a nuclear weapon by baking sand in a microwave oven or something like that. If it had turned out that way then where would we be now? Presumably once that discovery had been made civilization would have been doomed. Each time we make one of these new discoveries we are putting our hand into a big urn of balls and pulling up a new ball---so far we've pulled up white balls and grey balls, but maybe next time we will pull out a black ball, a discovery that spells disaster. At the moment we have no good way of putting the ball back into the urn if we don't like it. Once a discovery has been published there is no way of un-publishing it. Even with nuclear weapons there were close calls. According to some people we came quite close to all out nuclear war and that was only in the first few decades of having discovered the new technology, and again it's a technology that only a few large states had, and that requires a lot of resources to control---individuals can't really have a nuclear arsenal.

#### Nuclear fear is good

Krieger 12 David, President of the Nuclear Age Peace Foundation, "Fear of Nuclear Weapons", June 19, [www.wagingpeace.org/articles/db\_article.php?article\_id=371](http://www.wagingpeace.org/articles/db_article.php?article_id=371)

I was recently asked during an interview whether people fear nuclear weapons too much, causing them unnecessary anxiety. The implication was that it is not necessary to live in fear of nuclear weapons.¶ My response was that fear is a healthy mechanism when one is confronted by something fearful. It gives rise to a fight or flight response, both of which are means of surviving real danger.¶ In the case of nuclear weapons, these are devices to be feared since they are capable of causing terrifying harm to all humanity, including one’s family, city and country. If one is fearful of nuclear weapons, there will be an impetus to do something about the dangers these weapons pose to humanity.¶ But, one might ask, what can be done? In reality, there is a limited amount that can be done by a single individual, but when individuals band together in groups, their power to bring about change increases. Individual power is magnified even more when groups join together in coalitions and networks to bring about change.¶ Large numbers of individuals banded together to bring about the fall of the Berlin Wall, the breakup of the Soviet Union and the end of apartheid in South Africa. The basic building block of all these important changes was the individual willing to stand up, speak out and join with others to achieve a better world. The forces of change have been set loose again by the Arab Spring and the Occupy Movement across the globe.¶ When dangers are viewed rationally, there may be good cause for fear, and fear may trigger a response to bring about change. On the other hand, complacency can never lead to change. Thus, while fear may be a motivator of change, complacency is an inhibitor of change. In a dangerous world, widespread complacency should be of great concern. ¶ If a person is complacent about the dangers of nuclear weapons, there is little possibility that he will engage in trying to alleviate the danger. Complacency is the result of a failure of hope to bring about change. It is a submission to despair.¶ After so many years of being confronted by nuclear dangers, there is a tendency to believe that nothing can be done to change the situation. This may be viewed as “concern fatigue.” We should remember, though, that any goal worth achieving is worth striving for with hope in our hearts. A good policy for facing real-world dangers is to never give up hope and never stop trying.

#### Apocalyptic rhetoric spurs successful transformative politics and agency---AND---It’s not sufficient to trigger their impact.

Sethness 13 Javier Sethness, “Does Preaching Apocalypse Work?” 1-23-13, <https://www.truth-out.org/opinion/item/14059-does-preaching-apocalypse-work>, DOA: 9-25-13, y2k

On the other hand, Lilley and company warn that catastrophism, in stressing "panic and powerlessness," runs the risk of promoting "the vanguardist politics of the few," with a putatively enlightened cadre leading the supposedly heretofore conservative masses to smash unreason and realize freedom and revolution, à la Jacobins, Bolsheviks or Maoists. Claiming empirically to examine the "track record" of politics framed in catastrophic terms, Lilley et al conclude that such philosophies "do not serve the Left and the environmental movement," given that an increased awareness among the general populace of catastrophic conditions - social, ecological, political - in no way necessarily leads people in general to shift toward radical, anti-systemic positions. This phenomenon is especially evident in US society, the main focus of the contributors to Catastrophism. Nonetheless, Lilley is forthright about her own analysis of the capitalist system - "by its very nature, capitalism is catastrophic," with the "ecological catastrophe" driven by capitalism undoubtedly being "the greatest and most serious" of all others facing humanity and life on earth in the present day - and she and her comrades clearly reject any sort of Leninist attempt to resolve the present crisis, affirming instead the "importance of mass radical organizing." Rapidly closing off the chance for an exploration of these tantalizing suggestions, Lilley demarcates the scope of Catastrophism in a rather limited way, excluding from consideration historical analyses of revolutionary mass movements and their relationship to catastrophe, as well as that of important thinkers like Walter Benjamin and Theodor W. Adorno, who largely dedicated their intellectual lives to investigating the "question of catastrophe and the Left," as Lilley herself observes in passing. Also consciously excluded is an analysis of possible methods by which activists and concerned people might "politicize the apathetic and revitalize a broad anticapitalist project." Lilley expands upon her introductory comments in her essay "Great Chaos Under Heaven" - the title itself a reference to Mao Zedong's infamous observation on his Cultural Revolution, that "the situation is excellent." Following from the overtly anti-capitalist aims delineated in her introduction, Lilley here writes that capitalism is neither natural nor eternal, thus clearly opposing bourgeois apologism as well as the highly alienated comments made by thinkers like Slavoj Zizek regarding the relative ease with which one can foresee the destruction of the planet before imagining the end of capitalism. Claiming that the "cardinal strength" of capitalism is its "immense and terrible dynamism," she controversially notes that capital cannot be expected to be dismantled by anything other than "protracted mass struggle." Lilley's main focus in this essay is to examine what she calls the "dyad" of left-wing catastrophism: determinism and voluntarism. Though largely old-fashioned these days, the former position is no less well-known; perusing the various examples Lilley provides of Marxist and Lenino-Stalinist proclamations about the terminal crises of capitalism over the past century - bourgeois imperialism cannot last more than ten years, and so on - one cannot help but be amused at such delusional optimism, if it were not for the grim fact that these very same forces rule the day presently, with clearly catastrophic results. Lilley shows voluntarism on the other hand to be equally problematic, if not more so: It is predicated on the mechanistic notion that the worse conditions in general get, the better these must be for revolutionary prospects. Arguing (perhaps inadvertently) against orthodox Marxian analyses, Lilley points out that labor strikes in the US historically have been most frequent and intense during periods of economic expansion, with the notable exception of the 1930s. Analyzing this same time period in Germany's history, she, like many of the theorists of the Frankfurt School, roundly states that the "ascent of the Nazis to power ought to have provided a mortal blow to the concept that catastrophic political and economic conditions inexorably lead down the road to radicalization and socialist revolution," the fanatical-triumphalist declarations of the German Communist Party ("after Hitler, our turn") notwithstanding. Moving forward in time from this point, she takes groups like the Weather Underground and the Red Army Faction (RAF) to task for their strategy of "heightening the contradictions" toward the provocation of thoroughgoing state repression - an attempt, as they theorized, at revealing the truly fascist nature of the State, hidden temporarily behind its liberal-democratic facade - that might stir the subordinated into rising up and smashing the system altogether; indeed, she associates much of contemporary insurrectionism, anarchist and libertarian-communist, with this constellation of tactics. Personally, I think Lilley vastly overstates her critique of insurrectionism here by indelibly linking it to a centralist practice that seeks coercively to force the inactive masses into action: She repeats this mistake in her analysis of the December 2008 revolt in Greece, in which she greatly distorts the role insurrectionists played in those events by claiming that their goal was to provoke the declaration of martial law and hence catalyze a "civil war" from below in response - so as to fit her general thesis regarding groups like the Weathermen and the RAF.1 Nonetheless, her criticisms of the dismissal by some insurrectionists of strategies like working toward workers' self-management seem legitimate, as clearly do her denunciations of the entirely authoritarian proponents of anti-civilization/primitivist viewpoints; her comparison of these types with the Trotskyist Juan Posadas and Mao, who madly found revolutionary potential in the prospect of nuclear war, is a fruitful one. In sum, she critiques her objects of study as desiring a "shortcut for the urgent," claiming that the common link between left-wing determinism and voluntarism is "political despair," a "deep-seated pessimism about mass collective action and radical social transformation." While Lilley does not explicitly say so, it would seem that she instead favors the analyses of Anton Pannekoek, who, as she notes, theorizes the "collapse of capitalism" deriving from "the self-emancipation of the proletariat." Against orientations she terms adventurist, Lilley defends the old-school notion of "understanding the conjuncture" and "engaging the presumably deluded masses" - a praxis she arguably exemplifies well with her Against the Grain radio show (KPFA). In "The Politics of Failure Have Failed," Eddie Yuen focuses on climate change and the prospects for radical movements to address it from within core-imperialist societies. He notes clearly that "catastrophism is rampant among self-identified environmentalists, and not without good reason - after all, the best evidence points to cascading environmental disaster" - the present environmental crisis corresponds "unquestionably" to a "genuinely catastrophic moment in human and planetary history." In the footnotes to his intervention - though strangely, not in the text itself - Yuen enumerates some of the various socio-ecological catastrophes promised by the climatic destabilization being driven by (post)modernity: "The displacement of millions due to coastal inundation, the salinization of much agricultural land, the 'cooking' of Africa, the obliteration of entire ecosystems such as coral reefs, the desertification of the Amazon, the disappearance of the glacial-fed rivers of Asia and South America, the extinction of at least 35 percent of global species," and so on. Faced with these horrors, Yuen declares it to be absolutely imperative to begin to attempt to resolve this crisis by "effectively and rapidly changing the direction of human society," noting in particular that it is the "status quo of capitalist production of unnecessary commodities and services for the global elites and 'middle classes' [which] is the ongoing catastrophe that must be addressed." The revolutionary social goals he identifies aside, Yuen dedicates much of the space of his essay to warning against an "undifferentiated catastrophism" which holds, in standard traditional-environmental terms, that "apocalyptic warnings will lead to political action." Citing a 2008 investigation into US attitudes about climate change, Yuen claims that a strategy which relies on increasing popular awareness of eco-catastrophe in fact hinders the crucial effort to bring about the social transformations that would be commensurate with the depth of the ecological crisis, as those under study were seen to become more apathetic, rather than less, following exposure to news of the ever-worsening crisis. While his conclusion here seems somewhat strange, given that elsewhere he decries the "ignorance of the general public, including the political left" about recent climatological findings, noting that the horrors global warming promises to entail for the peoples of the global South are "largely unknown to the publics of the rich world," he does offer some productive analysis regarding this strange phenomenon, identifying four main barriers to moving toward policies to promote climate justice within US society: "catastrophe fatigue, the paralyzing effects of fear, the pairing of overwhelmingly bleak analysis with inadequate solutions and a misunderstanding of the process of politicization." Yuen observes that notions of the apocalypse have been largely banalized within mainstream US culture, given its ubiquity within the mass media, such that this oversaturated cultural field makes hope for a general transition to more ecological lifestyles on the one hand, coupled on the other with activist orientations targeting capitalism as the root cause of the very real crisis rather illusory. He also criticizes rhetoric espousing environmental doom as playing into the hands of the political right and the State rather than those of the Left; comparing eco-catastrophist discourse with DARE programs that seek to discourage youth from using illegal drugs, Yuen observes that most people subjected to such framing inevitably dismiss such approaches for being inadequate in their proffered solutions, which are individualist and hence blind to structural considerations. As with electoral voting in the US, most people "know better" than to endorse such strategies, claims Yuen: But one wonders, is the converse true? Is there a radical potential latent within the US populace at large that seeks seriously to dismantle the institutions that perpetuate the precipitate destruction of the biosphere - one that would readily emerge, if given an actual chance to influence the course of society and the future? Yuen seems to think so - hence his endorsement of "a range of creative, directly democratic, and collective projects" to deal with climate change; yet his analysis regarding the fourth major barrier he sees to the creation of an effective, radical environmental movement - the differing societal conditions of 2012 as compared to the 1960s, with cynicism, resignation and egotism now far more hegemonic within the US populace at large (consider his comparison of the popular reactions to the 1968 My Lai mass-killings with the relative indifference evinced following news of the 2005 Haditha massacre) - does not provide for a great deal of optimism in this regard. It is nonetheless curious that Yuen does not here explore or even mention the rise of Occupy/Decolonize in the US, and its great potential. Yuen closes his essay by warning once again against the employment of environmental catastrophism, as he feels a reliance on such rhetoric can "only encourage a positive feedback loop of chaos and authoritarianism." Rather questionably, he claims that Left-green catastrophism "remains Malthusian at its core." He thus associates warnings of the coming eco-catastrophes with the "world-historical reactionary" Thomas Malthus, as Doug Henwood refers to him in the preface to Catastrophism. This labeling is indeed problematic and mistaken: To stress the centrality of imperialism and capitalism's grow-or-die imperative, as many leftists concerned with ecology do, is in no way to blame growing populations of impoverished peoples for environmental decline!2 One can detect other instances of similar problems in Yuen's essay, particularly when he juxtaposes the possibility of four billion deaths due to climate-induced mass-starvation in the 21st century with claims that such eventualities would merely constitute "evidence of consistency [rather] than novel catastrophe" in the history of capitalism, given the "triage of humanity" this imperialist system has been overseeing during the past five centuries. Rather self-evidently, this framing appears sedative rather than revolutionary; it does not seemingly lend itself to activating the militant, insurrectional outrage that considerations of such horrors likely should catalyze! In this sense, Yuen's closing comments regarding the "spirit of joyful rebellion" seem somewhat bizarre - indeed, schizophrenic. Faced with the enormity of barbarism and destruction threatened by capital, a sad militancy might be more appropriate. Similarly questionable is his announcement in closing that those concerned with the destruction of the climate "can't wait for capitalism to implode before offering solutions" - perhaps they should, as Henwood suggests, anemically call for "things like regulations [and] limits on the freedom to invest!" Urging the emerging climate justice movements to offer residents of the global North a positive "opportunity to escape alienation and exploitation for a chance to build something new," Yuen stresses that such associations must "make a positive appeal to community and solidarity, rather than a moralistic plea for austerity and discipline." Framing the issue in this way, Yuen seemingly ignores that any meaningful sense of solidarity and community includes within it strong ethical imperatives regarding political justice and social organization3 - surely principal among these would be averting complicity with the mass-destruction of the most oppressed of the world first and foremost, rather than indulgently working to better one's own lot and shore up one's geographical privilege! Moving beyond the passing criticisms I have offered of Catastrophism in my exegesis above of its principal essays and contributors, I should like to dedicate this second half to a more considered critical discussion of the points raised by Lilley and Yuen (and Henwood), given the importance of the questions they examine in the work, as set against the undoubtedly catastrophic backdrop of capitalist rule in the world today. For one, I would very clearly like to express my concern regarding the empirical basis of one of the book's main arguments, if not its most central one: That is, that the resort to employing catastrophic rhetoric produces apathy rather than activism. As much as Lilley feels she is justified in claiming that "catastrophic politics" have "a lengthy track record of failure" - a "very poor track record" - it can hardly be said that she and her colleagues prove this claim in any sense. Indeed, "the evidence" she cites as being brought forward in Yuen's essay on environmental politics amounts to nothing more than one study conducted of US attitudes on climate change in 2008! Obviously, this is an extremely weak basis for grounding such strong claims regarding "catastrophism," not to mention an entire book dedicated to condemning it. What is more, such claims contradict the recent shifts seen in US public opinion regarding climate change, with a far greater percentage of the populace now believing in its existence and immediate urgency, following last summer's drought in the Midwest and especially Hurricane Sandy.4 Beyond that, one could readily point to a number of shattering human successes arising from the intersection of catastrophe and mass-radical politics - the "history" that Lilley decides to exclude from consideration in her volume - from the destruction of monarchy and feudalism that began with the revolutionary intervention of the starving masses in France, 1789, to the overthrowing of formal slavery in Haiti/Saint Domingue a few years later, the mass self-defense and self-management engaged in by Parisian proletarians during the few weeks their Commune flourished before its suppression in 1871, the heroic efforts by the Russian people to topple czarism in 1905 and again in February 1917, the resort to mass armed struggle by the Spanish when faced with the specter of a fascist takeover in 1936 - recall that this experiment yielded the most thoroughgoing anarchist reorganization of society in modern history, and was catalyzed importantly by the catastrophic recognition of the prospect for barbarism, as summarized eloquently in Dolores Ibárruri's radio announcement "Danger: to arms!" - in addition to the Algerian Revolution, the Palestinian First Intifada, and the Zapatistas' rebellion against the Mexican State - the "war against oblivion," which began in 1994. Clearly this list is partial and uncomprehensive, but it does include many of the more seminal and progressive events seen in modernity, ones that show the resort to catastrophic politics is far different than indelible failure. Indeed, many of these affirming episodes of recent human history have been entirely insurrectional; hence they show Lilley's analysis of this tendency to be very incomplete as well as highly misleading. Furthermore, I believe the charge of catastrophism that permeates Lilley and company's volume to be analytically questionable. As mentioned above, Lilley defines a catastrophist as one who "presumes society is headed for a collapse," and then adds that catastrophists often welcome the prospect of such an eventuality. The rest of the book largely conflates these two aspects of catastrophism, rather unfairly. There is little differentiation made between the "belief" that what G.W.F. Hegel might call the "world-course" presently tends toward collapse and the positive view one could take of this possibility, while clearly this separation should - and does - exist! Rationally to understand the profundity of the environmental crisis being prosecuted by capitalism - the "colossal ecological crises" and "justifiable fears of ecological collapse" Lilley herself acknowledges - is in no way necessarily to welcome such an eventuality. The problem here is not with a postmodern denial of objective reality (say, of biology, physics, and chemistry), for indeed, the very first paragraph of the introduction to Catastrophism mentions "the urgent and warranted need, following Walter Benjamin, to sever the lit fuse before the spark ignites the dynamite." A fairer assessment of the intersection between politics and the catastrophic, in my view, would integrate the rather self-evident point that a mere adoption of apocalyptic rhetoric does not by itself activate mass-revolutionary movements that would presumably address the forces contributing to destruction, yet not altogether discard a resort to recognizing the urgency of the present predicament, particularly in environmental terms. The alternative would seem to be to engage in some sort of mass-delusional Noble Lie, a strategy that self-evidently is permeated with authoritarianism, for to hold that people in general cannot face reality and therefore should not is greatly elitist, beyond being mistaken in its pessimism regarding the supposed relationship between the contemplation of decline and the chance for radical intervention - which is not to accuse Lilley and her colleagues of promoting such views. It is instead to ask what exactly Lilley and the rest are proposing, for the text is cagey and contradictory on this question. Relatedly, it should also be stated that Lilley's putatively innovative analysis of her "dyad" of left-wing catastrophism is not terribly revelatory. I greatly doubt that many people hold either the determinist notion that capitalism's days are numbered or the voluntarist idea that a descent into more barbaric social conditions necessarily bodes well for the chance for social revolution to be rational appraisals of the present situation, which would then require demystification. Lilley mentions Adorno in her closing remarks to the essay on left-wing catastrophism, noting that he warned against views which undialectically hold that capitalist brutality can be displaced only by external forces like the catastrophic collapse some of her opponents would seem to hope for (primitivism); she should also know, far more centrally, that Adorno and many others associated with the Frankfurt School clearly demonstrated the poverty of both determinist and voluntarist orientations several decades ago, with special focus on the latter. Their major conclusion - unmentioned explicitly by Lilley and her colleagues, though integrated in a way into Yuen's cultural analysis of US society - was to invert the voluntarist thesis and hold out the "catastrophist" view that capitalism could very well simply result in an ever-worsening barbarism, and that the radical hope Marxism saw in the proletariat was far from obvious and justified. Clearly, such considerations are germane to our own time; again I state that the volume would likely have been more interesting and useful, had it examined this "third option" within left-wing catastrophism. However, were Lilley and the others centrally to have explored Benjamin and Adorno, among other "critical catastrophists," they likely would have had to revise their broad conclusions, given that this alternative could be said to represent a "'good' catastrophism" which undermines their undialectical condemnation of approaches that warn of impending destruction, as Jehan Alonzo rightly observes in his review of the volume.5

#### War turns structural violence

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But the idea that poverty and peace are directly related presupposes that wealth inequalities are – in and of themselves – unjust, and that the solution to the problem of war is to alleviate the injustice that inspires conflict, namely poverty. However, it also suggests that poverty is a legitimate inspiration for violence, otherwise there would be no reason to alleviate it in the interests of peace. It has become such a commonplace to suggest that poverty and conflict are linked that it rarely suffers any examination. To suggest that war causes poverty is to utter an obvious truth, but to suggest the opposite is – on reflection – quite hard to believe. War is an expensive business in the twenty-first century, even asymmetrically. And just to examine Bangladesh for a moment is enough at least to raise the question concerning the actual connection between peace and poverty. The government of Bangladesh is a threat only to itself, and despite 30 years of the Grameen Bank, Bangladesh remains in a state of incipient civil strife. So although Muhammad Yunus should be applauded for his work in demonstrating the efficacy of micro-credit strategies in a context of development, it is not at all clear that this has anything to do with resolving the social and political crisis in Bangladesh, nor is it clear that this has anything to do with resolving the problem of peace and war in our times. It does speak to the Western liberal mindset – as Geir Lundestad acknowledges – but then perhaps this exposes the extent to which the Peace Prize itself has simply become an award that reflects a degree of Western liberal wish-fulfilment. It is perhaps comforting to believe that poverty causes violence, as it serves to endorse a particular kind of concern for the developing world that in turn regards all problems as fundamentally economic rather than deeply – and potentially radically – political.

#### Structural violence doesn’t escalate – they essentialize degrees of violence, systems of violence are not causal to international war

Hinde and Pulkkinnen 1 Cambridge Psychology Professor and University of Jyväskylä Psychology Professor, 2001, ¶ (Robert and Lea, “Human Aggressiveness and War”, Pugwash, Vol. 2, No. 3, September, Pg. 5-6, PAS) <http://www.pugwash.org/reports/rc/Papers_2-3.pdf> 1-17-13

People are capable of perpetrating the most terrible acts of violence on their¶ fellows. From before recorded history humans have killed humans, and violence¶ is potentially present in every society. There is no escaping the fact that the capacity to develop a propensity for violence is part of human nature. But that does¶ not mean that aggression is inevitable: temporary anger need not give rise to¶ persistent hostility, and hostility need not give rise to acts of aggression. And¶ people also have the capacity to care for the needs of others, and are capable¶ of acts of great altruism and self-sacrifice. A subsidiary aim of this paper is to¶ identify the factors that make aggressive tendencies predominate over the cooperative and compassionate ones. Some degree of conflict of interest is often present in relationships between individuals, in the relations between groups of individuals within states, and in the relations between states: we are concerned with¶ the factors that make such conflicts escalate into violence.¶The answer to that question depends critically on the context. While there¶ may be some factors in common, the bases of individual aggressiveness are very¶ different from those involved in mob violence, and they differ yet again from¶ the factors influencing the bomb-aimer pressing the button in a large scale international war. In considering whether acts which harm others are a consequence¶ of the aggressive motivation of individuals, it is essential to recognize the diversity of such acts, which include interactions between individuals, violence¶ between groups, and wars of the WW2 type. We shall see that, with increasing social complexity, individual aggressiveness becomes progressively less important, but other aspects of human nature come to contribute to group phenomena. Although research on human violence has focussed too often on the importance of one factor or another, it is essential to remember that violence always¶ has multiple causes, and the interactions between the causal factors remain largely unexplored.

#### Apocalyptic imagery fosters an empathic shift towards progressive political ends

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Perhaps, then, what distant consumers express when they sit glued to the television watching a disaster replayed over and over, when they buy t-shirts or snow globes, when they mail teddy bears to a memorial, or when they tour a disaster site, is a deep, maybe subconscious, longing for those age-old forms of community and real human compassion that emerge in a place when disaster has struck. It is a longing in some ways so alien to the world we currently live in that it requires catastrophe to call it forth, even in our imaginations. Nevertheless, the actions of unadulterated goodwill that become commonplace in harrowing conditions represent the truly authentic form of humanity that all of us, to one degree or another, chase after in contemporary consumer culture every day. And while it is certainly a bit foolhardy to seek authentic humanity through disaster-related media and culture, the sheer strength of that desire has been evident in the public’s response to all the disasters, crises and catastrophes to hit the United States in the past decade. The millions of television viewers who cried on September 11, or during Hurricane Katrina and the Virginia Tech shootings, and the thousands upon thousands who volunteered their time, labor, money, and even their blood, as well as the countless others who created art, contributed to memorials, or adorned their cars or bodies with disaster-related paraphernalia— despite the fact that many knew no one who had been personally affected by any of these disasters—all attest to a desire for real human community and compassion that is woefully unfulfilled by American life under normal conditions today. ¶ In the end, the consumption of disaster doesn’t make us unable or unwilling to engage with disasters on a communal level, or towards progressive political ends—it makes us feel as if we already have, simply by consuming. It is ultimately less a form of political anesthesia than a simulation of politics, a Potemkin village of communal sentiment, that fills our longing for a more just and humane world with disparate acts of cathartic consumption. Still, the positive political potential underlying such consumption—the desire for real forms of connection and community—remains the most redeeming feature of disaster consumerism. Though that desire is frequently warped when various media lenses refract it, diffuse it, or reframe it to fit a political agenda, its overwhelming strength should nonetheless serve notice that people want a different world than the one in which we currently live, with a different way of understanding and responding to disasters. They want a world where risk is not leveraged for profit or political gain, but sensibly planned for with the needs of all socio-economic groups in mind. They want a world where preemptive strategies are used to anticipate the real threats posed by global climate change and global inequality, rather than to invent fears of ethnic others and justify unnecessary wars. They want a world where people can come together not simply as a market, but as a public, to exert real agency over the policies made in the name of their safety and security. And, when disaster does strike, they want a world where the goodwill and compassion shown by their neighbors, by strangers in their communities, and even by distant spectators and consumers, will be matched by their own government. Though this vision of the world is utopian, it is not unreasonable, and if contemporary American culture is ever to give us more than just an illusion of safety, or empathy, or authenticity, then it is this vision that we must advocate on a daily basis, not only when disaster strikes.

#### Fear of extinction is legitimate---working through is key to overcome powerlessness.

Macy 2K Joanna Macy, adjunct professor at the California Institute of Integral Studies, 2000, Environmental Discourse and Practice: A Reader, p. 243

The move to a wider ecological sense of self is in large part a function of the dangers that are threatening to overwhelm us. We are confronted by social breakdown, wars, nuclear proliferation, and the progressive destruction of our biosphere. Polls show that people today are aware that the world, as they know it, may come to an end. This loss of certainty that there will be a future is the pivotal psychological reality of our time. Over the past twelve years my colleagues and I have worked with tens of thousands of people in North America, Europe, Asia, and Australia, helping them confront and explore what they know and feel about what is happening to their world. The purpose of this work, which was first known as “Despair and Empowerment Work,” is to overcome the numbing and powerlessness that result from suppression of painful responses to massively painful realities. As their grief and fear for the world is allowed to be expressed without apology or argument and validated as a wholesome, life-preserving response, people break through their avoidance mechanisms, break through their sense of futility and isolation. Generally what they break through into is a larger sense of identity. It is as if the pressure of their acknowledged awareness of the suffering of our world stretches or collapses the culturally defined boundaries of the self. It becomes clear, for example, that the grief and fear experienced for our world and our common future are categorically different from similar sentiments relating to one’s personal welfare . This pain cannot be equated with dread of one’s own individual demise. Its source lies less in concerns for personal survival than in apprehensions of collective suffering – of what looms for human life and other species and unborn generations to come. Its nature is akin to the original meaning of compassion – “suffering with.” It is the distress we feel on behalf of the larger whole of which we are a part. And, when it is so defined, it serves as a trigger or getaway to a more encompassing sense of identity, inseparable from the web of life in which we are as intricately connected as cells in a larger body. This shift in consciousness is an appropriate, adaptive response. For the crisis that threatens our planet, be it seen in its military, ecological, or social aspects, derives from a dysfunctional and pathogenic notion of the self. It is a mistake about our place in the order of things. It is the delusion that the self is so separate and fragile that we must delineate and defend its boundaries, that it is so small and needy that we must endlessly

## Logical Policymaker

#### Links prove the DA is intrinsic

#### Intrinsicness is bad:

#### Excludes politics

#### Infinitely regressive- no disad would be legitimate because an intervening actor can solve the impact

#### If this is true, a rational policymaker could find ways to solve the case advantages and not link to politics

#### Advocating both is extra-topical and it’s a voting issue- unpredictable and proves the resolution insufficient

#### Our link evidence assumes intrinsicness---Plan causes political firestorm---Kuhn evidence says that detention issue will cause partisan debate and GOP will use the issue to score political points---ASSUMES fiat because it says that controversy still occurs EVEN if you use the magic wand.