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## OFF

### 1

#### TOPICALITY

#### War powers authority is enumerated in prior statutes---doesn’t include CIC power because it’s not a congressionally authorized source of Presidential power

Curtis Bradley 10, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School, Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty\_scholarship

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### Vote negative---

#### Limits---commander-in-chief power blows the lid off the topic to include anything that might be a potential authority---makes adequate research impossible

#### Precision---Congress can only restrict authority which it has granted, which means any other reading of the topic is incoherent

### 2

ASPEC

#### Failure to specify their agent is illegitimate and a voting issue-the resolution was written to give you flexibility of choice but you need to pick one—it’s the core of all of our ground

Kurr et al 13 (Jeff Kurr—Baylor University Kevin D. Kuswa, PhD—Fresno State Paul E. Mabrey III—James Madison University “Agents Wording Paper: Passive Voice, the Judiciary, and Other Odds and Ends,” <http://www.cedadebate.org/forum/index.php?action=dlattach;topic=4848.0;attach=1690>)

In short, this topic is all about the agent of action. The “object to be reduced” is the power possessed by a particular agent (the President) and the controversy is how the other governmental agents can restrict the authority held by the executive. Who should do the restraining? Congress? The Court? Other entities? The Executive herself? These are key questions. This topic literature is uniquely about the agent/actor question surrounding the restraint of presidential war powers. The fact that the literature is so divided and diverse on possible ways that certain agents should restrict PWP, may mean that we should privilege the agent by not specifying. Furthermore, the problem concerning the ability to generate good solvency (i.e., the president will ignore, congress doesn't act, courts fail etc.) means we should err on the side aff choice/flexibility in terms of being able to choose the means of defending the resolution through the agent the aff selects.

### 3

#### **FAST TRACK DA**

#### Fast Track fight is on the top of the agenda-Strong push from Obama is key-Failure collapses global trade momentum

Good-Farm Policy-12/31/13

The FarmPolicy.com News Summary

HEADLINE: Farm Bill; Ag Economy; and, Biofuels- Tuesday

And with respect to trade, the Chicago Tribune editorial board[18] noted yesterday that, 'President Barack Obama wants the power to negotiate free-trade treaties on a fast track. With Trade Promotion Authority, he would have a good chance of clinching huge trade pacts now being hammered out with Europe and Asia. Yet Congress may not give him that authority — for all the wrong reasons.' The Tribune opinion item stated that, 'Within months the White House hopes to finish talks on a proposed Trans-Pacific Partnership with a group of Asia-Pacific nations. Talks with the European Union on the planned Transatlantic Trade and Investment Partnership are progressing too. Those deals would eliminate barriers and promote economic activity between the U.S. and key allies. The upside is huge: Billions of dollars in new business would be generated if these pacts come to pass. 'Yet given the special interests that oppose free trade, neither deal stands much of a chance in Congress without TPA. Consider farm tariffs, one of the most frustrating roadblocks to any free-trade pact with Europe or Asia. The agriculture lobby here and abroad has long succeeded in imposing some of the least competitive public policies of any industry. Although farm protectionism hurts the vast majority of the world's citizens, standing up to clout-heavy constituencies such as U.S. sugar magnates requires extraordinary political courage. TPA is essential for overcoming the inevitable fight against vested interests that are determined to advance themselves at the expense of the nation's good. 'Federal lawmakers and the president have to make their case with much more gusto than we have seen so far. Congress could OK a Trade Promotion Authority bill in the first few months of 2014. But that won't happen without leadership on Capitol Hill and, especially, from the White House. Now's the time.'

#### Congressional debate over the plan tanks agenda

Kriner, 10

(Douglas, Assistant professor of poly sci at Boston University, “After the

Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec

1, 2010)

While congressional support leaves the president’s reserve of political capital intact,¶ congressional criticism saps energy from other initiatives on the home front by forcing the¶ president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives . Moreover, any weakening in the president’s political clout may have¶ immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59¶ Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid¶ immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest¶ casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital¶ and reputation, such partisan losses in Congress only further imperil his programmatic¶ agenda, both international and domestic. Scholars have long noted that President Lyndon¶ Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite¶ funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson¶ gradually let his domestic goals slip away as he hunkered down in an effort first to win and¶ then to end the Vietnam War. In the same way, many of President Bush’s highest second-term¶ domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because¶ the administration had to expend so much energy and effort waging a rear-guard action¶ against congressional critics of the war in Iraq.61 When making their cost-benefit calculations,¶ presidents surely consider these wider political costs of congressional opposition to their¶ military policies. If congressional opposition in the military arena stands to derail other¶ elements of his agenda, all else being equal, the president will be more likely to judge the benefits¶ of military action insufficient to its costs than if Congress stood behind him in the¶ international arena.

TPA key to trade leadership and global security

Riley-Senior Analyst Trade Policy, Heritage-4/16/13

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Trade Promotion Authority (TPA) has been a critical tool for advancing free trade and spreading its benefits to a greater number of Americans. TPA, also known as “fast track” authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements. Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them. More than a decade has passed since TPA was last renewed in 2002, and its authority expired in 2007. Reinstituting TPA may well be the most important legislative action on trade for both Congress and the President in 2013 given the urgency of restoring America’s credibility in advancing open markets and securing greater benefits of two-way trade for Americans. As the case for timely reinstallation of an effective and practical TPA is stronger than ever, the quest for renewing TPA should be guided by principles that enhance trade freedom, a vital component of America’s economic freedom. Emerging TPA Renewal Debates Both House Ways and Means Committee chairman David Camp (R–MI) and Senate Finance Committee chairman Max Baucus (D–MT) have announced plans to pursue TPA legislation. However, many lawmakers have correctly pointed out that a proactive push from President Obama is critical, given that trade bills have been a thorny issue for many Democrats in recent years. Historically, it has been common practice, although not formally required, to have the President request that Congress provide renewed TPA. In fact, except for President Obama, every President since Franklin Roosevelt has either requested or received trade negotiating authority.[1] After four years of informing Congress it would seek TPA at “the appropriate time,” early this year the Obama Administration finally indicated its interest in working with Congress to get TPA done. The President’s 2013 trade agenda offered the Administration’s most forward-leaning language yet, specifying that “to facilitate the conclusion, approval, and implementation of market-opening negotiating efforts, we will also work with Congress on Trade Promotion Authority.”[2] In the 2002 Bipartisan Trade Promotion Authority Act, Congress—whose role in formulating U.S. trade policy includes defining trade negotiation objectives—made it clear that [t]he expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity.… Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.[3]

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### 4

#### NONVIOLENCE

#### Technical solutions to war powers are a shell game which locks in exceptionalism their reaction is shrouded in a mythos of insecurity. The violence they recreate is a blind spot in the western mind which is exactly why we must ask prior to debate about the plan what our national security interests are who is served by those goals

Williams 7 (Daniel, associate professor of law at Northeastern University School of Law. He received a J.D. from Harvard, “NORTHEASTERN UNIVERSITY SCHOOL OF LAW.” NORTHEASTERN PUBLIC LAW AND THEORY FACULTY WORKING PAPERS SERIES

NO. 16-2007. http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=970279)

This fearsome sort of legality is largely shielded from our view (that is, from the view of Americans---the ones wielding this legality) with the veil of democracy, knitted together with the thread of process jurisprudence. Within process jurisprudence, there is no inquiry into the fundamental question: allocation of power between the branches to accomplish . . . what? It is very easy to skip that question, and thus easy to slide into or accept circular argumentation.31 With the focus on the distribution of power, arguments about what to do in this so-called war on terror start off with assumptions about the nature of the problem (crudely expressed as violent Jihadists who hate our freedoms) and then appeal to those assumptions to justify certain actions that have come to constitute this “war.” The grip of this circularity, ironically enough, gains its strength from the ideology of legality, the very thing that the Court seeks to protect in this narrative drama, because that ideology fences out considerations of history, sociology, politics, and much else that makes up the human experience. What Judith Shklar observed over forty years ago captures the point here: the “legalism” mindset--which thoroughly infuses the process jurisprudence that characterizes the Hamdi analysis--produces the “urge to draw a clear line between law and nonlaw” which, in turn, leads to “the construction of ever more refined and rigid systems of formal definitions” and thus “serve[s] to isolate law completely from the social context within which it exists.” 32 The pretense behind the process jurisprudence--and here pretense is purpose--is the resilient belief that law can be, and ought to be, impervious to ideological considerations. And so, the avoidance of the “accomplish . . . what?” question is far from accidental; it is the quintessential act of legality itself.33 More than that, this “deliberate isolation of the legal system . . . is itself a refined political ideology, the expression of a preference” that masquerades as a form of judicial neutrality we find suitable in a democracy.34 If the Executive’s asserted prerogative to prosecute a war in a way that will assure victory is confronted with the prior question about what exactly we want to accomplish in that war--if, that is, we confront the question posed by Slavoj Zizek, noted at the outset of this article—then the idea of national security trumping “law” takes on an entirely different analytical hue. Professor Owen Fiss is probably right when he says that the Justices in Hamdi “searched for ways to honor the Constitution without compromising national interests.”35 But that is a distinctly unsatisfying observation if what we are concerned about is the identification of what exactly those “national interests” are.36 We may not feel unsatisfied because, in the context of Hamdi, it undoubtedly seems pointless to ask what we are trying to accomplish, since the answer strikes us as obvious. We are in a deadly struggle to stamp out the terrorist threat posed by Al Qaeda, and more generally, terrorism arising from a certain violent and nihilistic strain of Islamic fundamentalism. Our foreign policy is expressly fueled by the outlook that preemptive attacks is not merely an option, but is the option to be used. In the words of the Bush Administration’s 2002 National Security Strategy document, “In the world we have entered, the only path to safety is the path of action. And this nation will act.”37 O’Connor and the rest of the Court members implicitly understand our foreign policy and the goal to be pursued in these terms, which explains why the Hamdi opinion nowhere raises a question about what it is the so-called “war on terror” seeks to accomplish. After all, the stories we want to tell dictate the stories that we do tell. We want to tell ourselves stories about our own essential goodness and benevolence, our own fidelity to the rule of law; and that desire dictates the juridical story that ultimately gets told. Once one posits that our foreign policy is purely and always defensive, as well as benevolent in motivation,38 then whatever the juridical story—even one where the nation’s highest Court announces that the Executive has no blank check to prosecute a war on terror—the underlying reality inscribed upon the world’s inhabitants, the consequences real people must absorb somehow, is one where “the United States has established that its only limit on the world stage will be its military power.”39 As O’Connor sees it, the real problem here is that, given that the allocation-of-power issue is tied to the goal of eliminating the terrorist threat, we have to reckon with the probability that this allocation is not just an emergency provision, but one that will be cemented into our society, since the current emergency is likely to be, in all practicality, a permanent emergency. But to say we are in a struggle to stamp out a terrorist threat posed by Islamic fundamentalism, and to say that “the only path to safety is the path of action,” conceals--renders invisible, a postmodernist would likely put it--an even more fundamental, and more radical, question: the allocation of power that the Court is called upon to establish is in the service of eliminating a terrorist threat to accomplish . . . what? The standard answer is, our security, which most Americans would take to mean, to avert an attack on our homeland, and thus, as it was with Lincoln, to preserve the Union. And so, we accept as obvious that our dilemma is finding the right security-liberty balance. The problem with that standard answer is two-fold. First, it glosses over the fact that we face no true existential threat, no enemy that genuinely threatens to seize control over our state apparatus and foist upon us a form of government to which we would not consent. That fact alone distinguishes our current war on terrorism from Lincoln’s quest to preserve the Union against secession.40 Second, this we-must-protect-the-Homeland answer is far too convenient as a conversation stopper. When the Bush Administration=’ National Security Strategy document avers that “the only path to safety is the path of action,” we ought to ask what global arrangements are contemplated through that “path of action.” When that document announces that “this nation will act,” it surely cannot suffice to say that the goal is merely eliminating a threat to attain security. All empires and empire-seeking nations engage in aggression under the rubric of self-defense and the deployment of noble-aims rhetoric. These justifications carry no genuine meaning but are devices of the powerful and the privileged, with the acquiescence and often encouragement by a frightened populace, to quell unsettling questions from dissenters within the society.41 Stop and think for a moment, how is it that the nation with the most formidable military might--the beneficiary of the hugest imbalance in military power ever in world history--is also the nation that professes to be the most imperiled by threats throughout the world, often threatened by impoverished peasant societies (Vietnam, Nicaragua, El Salvador, Chile, Granada, etc.)?42 An empire must always cast itself as vulnerable to attack and as constantly being under attack in order to justify its own military aggression. This is most acutely true when the empire is a democracy that must garner the consent of the populace, which explains why so much of governmental rhetoric concerning global affairs is alarmist in tone. The point is that quandaries over constitutional interpretation--ought we be prudential, or are other techniques more closely tied to the text the only legitimate mode of constitutional adjudication--may very well mask what may be the most urgent issue of all, which concerns what exactly this nation’s true identity is at this moment in world history, what it is that we are pursuing. Whereas Sanford Levinson has courageously argued that “too many people >venerate= the Constitution and use it as a kind of moral compass,”43 which leads to a certain blindness, I raise for consideration an idea that Hamdi suppresses, through its narrative techniques, which is that too many people “venerate” this nation without any genuine consideration of the particular way we have, since World War II, manifested ourselves as a nation. I join Levinson’s suspicion that our Constitution is venerated as an idea, as an abstraction, without much thought given to its particulars. It is important to be open to the possibility that the same is true with regard to our nation--the possibility that we venerate the idea of America (undoubtedly worth venerating), but remain (willfully?) ignorant of the particulars of our actual responsibility for the health of the planet and its inhabitants.44 To openly consider such issues is not anti-American--an utterly absurd locution--for to suggest that it is amounts to a denial that U.S. actions (as opposed to rhetoric that leeches off of the promise and ideal of “America”) can be measured by some yardstick of propriety that applies to all nations.45 The very idea of a “yardstick of propriety” requires a prior acceptance of two ideas: one, that we are part of something larger, that we are properly accountable to others and to that larger circumstance; and two, that it is not a betrayal or traitorous for a people within a nation to look within itself.46 Issacharoff and Pildes, the most prominent process theorists, observe that process jurisprudence may be inadequate to address the risk that we “might succumb to wartime hysteria.”47 I would broaden that observation so as to be open to the possibility that the risk goes beyond just wartime hysteria, that our desire for security and military victory, rooted in our repudiation of a genuine universal yardstick of propriety that we willingly apply to ourselves (often called American exceptionalism48)--which means that security and military victory are not ipso facto the same thing--could easily slide us into sanctioning a form of sovereignty that is dangerously outmoded and far out of proportion to what circumstances warrant. Process jurisprudence supposedly has the merit of putting the balance of security and liberty into the hands of the democratic institutions of our government. But what it cannot bring into the field of vision--and what is absolutely banished from view in Hamdi--is the possibility that the democratic institutions themselves, and perhaps even the democratic culture generally, the public sphere of that culture, have been corrupted so severely as to reduce process jurisprudence to a shell game.49 More specifically, the formal processes of governmentality responding to crisis is judicially monitored, but the mythos of our national identity, particularly the idea that every international crisis boils down to the unquestioned fact that the United States at least endeavors to act solely in self defense and to promote some benevolent goal that the entire world ought to stand behind, is manufactured and thus some hegemonic pursuit in this global “war on terror” remains not just juridically ignored, but muted and marginalized in much of our public discussions about it.50 Under process jurisprudence, it is the wording of a piece of legislation, not the decoding of the slogan national security, that ultimately matters. And under process jurisprudence, fundamental decisions have already been made--fundamental decisions concerning the nature of our global ambitions and the way we will pursue them--before the judiciary can confront the so-called security-liberty balance, which means that the analytical deck has been stacked by the time the justiciable question---that is, what we regard as the justiciable question---is posed. Stacking the analytical deck in this way reduces the Court members to the role of technicians in the service of whatever pursuit the sovereign happens to choose.51 This is why it is worth asking what many might regard as a naive, if not tendentious, question: is it true that in the case of Hamdi and other post-9/11 cases, the judiciary’s quandary over allocation of power is actually in the service of genuine security, meaning physical safety of the populace? Does the seemingly obvious answer that we seek only to protect the safety of our communities against naked violence blind us to a deeper ailment within our culture? Is it possible that the allocation of power, at bottom, is rooted in a dark side of our Enlightenment heritage, an impulse within Legality that threatens us in a way similar to the Thanatos drive Freud identified as creating civilization’s discontent?52 Perhaps Hamdi itself, as a cultural document, signals yet another capitulation to the impulse to embrace a form of means-ends rationality that supports the Enlightenment drive to control and subdue.53 Perhaps what Hamdi shows is that 9/11 has not really triggered a need to recalibrate the security-liberty balance, but has actually unleashed that which has already filtered into and corrupted our culture—Enlightenment’s dark side, as the Frankfurt School understood it54’’and is thus one among many cultural documents that ought to tell us we are not averting a new dark age, but are already in it, or at least, to borrow a phrase from Wendell Berry, that we are “leapfrogging into the dark.” 55 It is impossible, without the benefit of historical distance, to answer these questions with what amounts to comforting certitude. But they are worth confronting, since the fate of so many people depends on it, given our unrivaled ability and frightening willingness to use military force. Our culture’s inability to ask such questions in any meaningful way, as opposed to marginalizing those who plead for them to be confronted, is somewhat reminiscent of how early Enlightenment culture treated scientific endeavors. “Science,” during the rise of Enlightenment culture, rebuffed the why question, banished it as a remnant of medieval darkness, because the why-ness of a certain scientific pursuit suggested that certain domains of knowledge were bad, off-limits, taboo. The whole cultural mindset of the Enlightenment was to jettison precisely such a suggestion. That cultural mindset produced a faith all its own, that all scientific pursuits, and by extension all human quests for knowledge, will in the end promote human flourishing. It has taken the devastation of our planet to reveal the folly of that faith, a blind-spot in the Western mind. It may turn out, as a sort of silver lining on a dark cloud, that the terrorism arising from Islamic jihadists may do something similar.

#### “Self-defense” tests are not neutral---the plan is just a way to sanitize the worst form of US geopolitics

Morrissey 11 (Joh, Professor, Department of Geography, National University of Ireland, “Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror,” http://aran.library.nuigalway.ie/xmlui/bitstream/handle/10379/2891/Geopolitics\_Paper.pdf?sequence=1)

Can a focus on lawfare and biopolitics help us to critique our contemporary moment's proliferation of practices of securitization — practices that appear to be primarily concerned with coding, quantifying, governing and anticipating life itself? In the context of US military's war on terror, I have argued above that it can. If, as David Kennedy points out, the "emergence of a global economic and commercial order has amplified the role of background legal regulations as the strategic terrain for transnational activities of all sorts", this also includes, of course, 'warfare\*; and for some time, the US military has recognized the "opportunities for creative strategy" made possible by proactively waging lawfare beyond the battlefield.125 As Walter Benjamin observed nearly a century ago, at the very heart of military violence is a "lawmaking character".1-6 And it is this 'lawmaking character' that is integral to the biopolitical technologies of power that secure US geopolitics in our contemporary moment. US lawfare focuses "the attention of the world on this or that excess" whilst simultaneously arming "the most heinous human suffering in legal privilege", redefining horrific violence as "collateral damage, self-defense, proportionality, or necessity".1 7 It involves a mobilization of the law that is precisely channelled towards "evasion", securing classified Status of Forces Agreements and "offering at once the experience of safe ethical distance and careful pragmatic assessment, while parcelling out responsibility, attributing it, denying it — even sometimes embracing it — as a tactic of statecraft and war".12 Since the inception of the war on terror, the US military has waged incessant lawfare to legally securitize, regulate and empower its 'operational capacities\* in its multiples 'spaces of security\* across the globe - whether that be at a US base in the Kyrgyz Republic or in combat in Iraq. 1 have sought to highlight here these tactics by demonstrating how the execution of US geopolitics relies upon a proactive legal-biopolitical securitization of US troops at the frontiers of the American 'leasehold empire\*. For the US military, legal-biopolitical apparatuses of security enable its geopolitical and geoeconomic projects of security on the ground; they plan for and legally condition the 'milieux' of military commanders; and in so doing they render operational the pivotal spaces of overseas intervention of contemporary US national security conceived in terms of 'global governmentality'.129 In the US global war on terror, it is lawfare that facilitates what Foucault calls the "biopolitics of security" - when life itself becomes the "object of security".130 For the US military, this involves the eliminating of threats to 'life’, the creating of operational capabilities to 'make live’ and the anticipating and management of life's uncertain 'future'. Some of the most key contributions across the social sciences and humanities in recent years have divulged how discourses of 'security', 'precarity' and 'risk\* function centrally in the governing dispositifs of our contemporary world.131 In a society of (in)security, such discourses have a profound power to invoke danger as "requiring extraordinary action".132 In the ongoing war on terror, registers of emergency play pivotal roles in the justification of military securitization strategies, where 'risk’, it seems, has become permanently binded to 'securitization’. As Claudia Aradau and Rens Van Munster point out, the "perspective of risk management" seductively effects practices of military securitization to be seen as necessary, legitimate and indeed therapeutic.133 US tactics of liberal lawfare in the long war — the conditioning of the battlefield, the sanctioning of the privilege of violence, the regulating of the conduct of troops, the interpreting, negating and utilizing of international law, and the securing of SOFAs — are vital security dispositifs of a broader risk securitization' strategy involving the deployment of liberal technologies of biopower to "manage dangerous irruptions in the future".134 It may well be fought beyond the battlefield in "a war of the pentagon rather than a war of the spear",135 but it is lawfare that ultimately enables the 'toxic combination' of US geopolitics and biopolitics defining the current age of securitization.

#### **Questioning the affirmatives ontology is a prior question to the advantages; the form of social relations their advocacy embodies rests on faulty epistemology and makes extinction inevitable---vote negative as a form of noncooperation with their political economy**

Willson 13 (Brain, is a Ph.D New College San Fransisco, Humanities, JD, American University, “Developing Nonviolent Bioregional Revolutionary Strategies,” http://www.brianwillson.com/developing-nonviolent-bioregional-revolutionary-strategies/)

I. Industrial civilization is on a collision course with life itself. Facilitating its collapse is a deserved and welcomed correction, long overdue. Collapse is inevitable whether we seek to facilitate it or not. Nonetheless, whatever we do, industrial civilization, based as it is on mining and burning finite and polluting fossil fuels, cannot last because it is destroying the ecosystem and the basis of local, cooperative life itself. It knows no limits in a physically finite world and thus is unsustainable. And the numbers of our human species on earth, which have proliferated from 1.6 billion in 1900 to 7 billion today, is the consequence of mindlessly eating oil – tractors, fertilizers, pesticides, herbicides – while destroying human culture in the process. Our food system itself is not sustainable. Dramatic die-off is part of the inevitable correction in the very near future, whether we like it or not. Human and political culture has become totally subservient to a near religion of economics and market forces. Technologies are never neutral, with some being seriously detrimental. Technologies come with an intrinsic character representing the purposes and values of the prevailing political economy that births it. The Industrialism process itself is traumatic. It is likely that only when we experience an apprenticeship in nature can we be trusted with machines, especially when they capital intensive & complicated. The nation-state, intertwined more than ever with corporate industrialism, will always come to its aid and rescue. Withdrawal of popular support enables new imagination and energy for re-creating local human food sufficient communities conforming with bioregional limits. II. The United States of America is irredeemable and unreformable, a Pretend Society. The USA as a nation state, as a recent culture, is irredeemable, unreformable, an anti-democratic, vertical, over-sized imperial unmanageable monster, sustained by the obedience and cooperation, even if reluctant, of the vast majority of its non-autonomous population. Virtually all of us are complicit in this imperial plunder even as many of us are increasingly repulsed by it and speak out against it. Lofty rhetoric has conditioned us to believe in our national exceptionalism, despite it being dramatically at odds with the empirically revealed pattern of our plundering cultural behavior totally dependent upon outsourcing the pain and suffering elsewhere. We cling to living a life based on the social myth of US America being committed to justice for all, even as we increasingly know this has always served as a cover for the social secret that the US is committed to prosperity for a minority thru expansion at ANY cost. Our Eurocentric origins have been built on an extraordinary and forceful but rationalized dispossession of hundreds of Indigenous nations (a genocide) assuring acquisition of free land, murdering millions with total impunity. This still unaddressed crime against humanity assured that our eyes themselves are the wool. Our addiction to the comfort and convenience brought to us by centuries of forceful theft of land, labor, and resources is very difficult to break, as with any addiction. However, our survival, and healing, requires a commitment to recovery of our humanity, ceasing our obedience to the national state. This is the (r)evolution begging us. Original wool is in our eyes: Eurocentric values were established with the invasion by Columbus: Cruelty never before seen, nor heard of, nor read of – Bartolome de las Casas describing the behavior of the Spaniards inflicted on the Indigenous of the West Indies in the 1500s. In fact the Indigenous had no vocabulary words to describe the behavior inflicted on them (A Short Account of the Destruction of the Indies, 1552). Eurocentric racism (hatred driven by fear) and arrogant religious ethnocentrism (self-righteous superiority) have never been honestly addressed or overcome. Thus, our foundational values and behaviors, if not radically transformed from arrogance to caring, will prove fatal to our modern species. Wool has remained uncleansed from our eyes: I personally discovered the continued vigorous U.S. application of the “Columbus Enterprise” in Viet Nam, discovering that Viet Nam was no aberration after learning of more than 500 previous US military interventions beginning in the late 1790s. Our business is killing, and business is good was a slogan painted on the front of a 9th Infantry Division helicopter in Viet Nam’s Mekong Delta in 1969. We, not the Indigenous, were and remain the savages. The US has been built on three genocides: violent and arrogant dispossession of hundreds of Indigenous nations in North America (Genocide #1), and in Africa (Genocide #2), stealing land and labor, respectively, with total impunity, murdering and maiming millions, amounting to genocide. It is morally unsustainable, now ecologically, politically, economically, and socially unsustainable as well. Further, in the 20th Century, the Republic of the US intervened several hundred times in well over a hundred nations stealing resources and labor, while imposing US-friendly markets, killing millions, impoverishing perhaps billions (Genocide #3). Since 1798, the US military forces have militarily intervened over 560 times in dozens of nations, nearly 400 of which have occurred since World War II. And since WWII, the US has bombed 28 countries, while covertly intervening thousands of times in the majority of nations on the earth. It is not helpful to continue believing in the social myth that the USA is a society committed to justice for all , in fact a convenient mask (since our origins) of our social secret being a society committed to prosperity for a few through expansion at ANY cost. (See William Appleman Williams). Always possessing oligarchic tendencies, it is now an outright corrupt corporatocracy owned lock stock and barrel by big money made obscenely rich from war making with our consent, even if reluctant. The Cold War and its nuclear and conventional arms race with the exaggerated “red menace”, was an insidious cover for a war preserving the Haves from the Have-Nots, in effect, ironically preserving a western, consumptive way of life that itself is killing us. Pretty amazing! Our way of life has produced so much carbon in the water, soil, and atmosphere, that it may in the end be equivalent to having caused nuclear winter. The war OF wholesale terror on retail terror has replaced the “red menace” as the rhetorical justification for the continued imperial plunder of the earth and the riches it brings to the military-industrial-intelligence-congressional-executive-information complex. Our cooperation with and addiction to the American Way Of Life provides the political energy that guarantees continuation of U.S. polices of imperial plunder. III. The American Way Of Life (AWOL), and the Western Way of Life in general, is the most dangerous force that exists on the earth. Our insatiable consumption patterns on a finite earth, enabled by but a one-century blip in burning energy efficient liquid fossil fuels, have made virtually all of us addicted to our way of life as we have been conditioned to be in denial about the egregious consequences outsourced outside our view or feeling fields. Of course, this trend began 2 centuries earlier with the advent of the industrial revolution. With 4.6% of the world’s population, we consume anywhere from 25% to nearly half the world’s resources. This kind of theft can only occur by force or its threat, justifying it with noble sounding rhetoric, over and over and over. Our insatiable individual and collective human demands for energy inputs originating from outside our bioregions, furnish the political-economic profit motives for the energy extractors, which in turn own the political process obsessed with preserving “national (in)security”, e.g., maintaining a very class-based life of affluence and comfort for a minority of the world’s people. This, in turn, requires a huge military to assure control of resources for our use, protecting corporate plunder, and to eliminate perceived threats from competing political agendas. The U.S. War department’s policy of “full spectrum dominance” is intended to control the world’s seas, airspaces, land bases, outer spaces, our “inner” mental spaces, and cyberspaces. Resources everywhere are constantly needed to supply our delusional modern life demands on a finite planet as the system seeks to dumb us down ever more. Thus, we are terribly complicit in the current severe dilemmas coming to a head due to (1) climate instability largely caused by mindless human activities; (2) from our dependence upon national currencies; and (3) dependence upon rapidly depleting finite resources. We have become addicts in a classical sense. Recovery requires a deep psychological, spiritual, and physical commitment to break our addiction to materialism, as we embark on a radical healing journey, individually and collectively, where less and local becomes a mantra, as does sharing and caring, I call it the Neolithic or Indigenous model. Sharing and caring replace individualism and competition. Therefore, A Radical Prescription Understanding these facts requires a radical paradigmatic shift in our thinking and behavior, equivalent to an evolutionary shift in our epistemology where our knowledge/thinking framework shifts: arrogant separateness from and domination over nature (ending a post-Ice Age 10,000 year cycle of thought structure among moderns) morphs to integration with nature, i.e., an eco-consciousness felt deeply in the viscera, more powerful than a cognitive idea. Thus, we re-discover ancient, archetypal Indigenous thought patterns. It requires creative disobedience to and strategic noncooperation with the prevailing political economy, while re-constructing locally reliant communities patterned on instructive models of historic Indigenous and Neolithic villages.

### 5

#### JOINT CHIEFS COUNTERPLAN

#### The United States federal government should engage in prior, binding consultation Joint Chiefs of Staff of the United States Military concerning whether they should < > implementing the results of the consultation

Competes---the counterplan is an opportunity cost of the plan, the net benefit checks abuse and provides a germane policy warrant for voting negative.

Congress should consult the military to check the Commander in Chief---only the cp binds the executive to stay in line---they will ignore congress

Corn and Jensen 7 (Geoffrey Corn is an Assistant Professor of Law, South Texas College of Law. B.A., Hartwick College; J.D Eric Talbot Jensen, ¶ Lieutenant Colonel, Chief, International Law Branch, Office of The Judge Advocate General, U.S. Army. B.A., Brigham Young University; J.D., University of Notre Dame, “ARTICLE: THE POLITICAL BALANCE OF POWER OVER THE MILITARY: RETHINKING THE RELATIONSHIP BETWEEN THE ARMED FORCES, THE PRESIDENT, AND CONGRESS,” Lexis)

The key question raised by this Article is, therefore, not simply whether Congress is able to require military leaders to provide information, but whether the institutional dynamics of the relationship between Congress and the military facilitate a fully informed legislature. This, in turn, involves two principal sub-considerations: does the statutory framework establishing the civil-military relationship effectively facilitate the provision of information, and do senior military leaders who possess such information perceive that they can be candid with Congress without jeopardizing their careers? Absolute candor from military leaders is particularly essential in the lead up to war, for as the nation is being currently reminded in relation to the war in Iraq, it is far more difficult for Congress to oppose a war that has already commenced than it is to challenge the wisdom of initiating the conflict and deny or limit the authority to do so. Unless Congress is provided military perspectives of military decisions - especially war-making decisions - from the outset of consideration with stark and absolute candor, the exercise of congressional power to check presidential initiative becomes less likely.¶ Although military leaders would readily acknowledge the ethical and professional obligation of candor when responding to questions from political leaders, the pervasive influence of [\*602] executive-branch authority over the Department of Defense has arguably created a sense of higher duty to that branch of government. While the designation of the President as Commander in Chief justifies this allocation of loyalty to a certain extent, it must not be understood as a justification for withholding or obstructing congressional access to essential information. Loyalty to the nation, as well as fidelity to the Constitution - the professional obligation of all members of the armed forces - requires a genuine appreciation not only of the principle of civilian control of the military, but also requires an understanding that this concept connotes more than myopic loyalty to the executive branch. Unless such an appreciation exists there is grave danger that form will prevail over substance, with military leaders walking a careful line - providing minimally responsive information to Congress without being in fact misleading.¶ In his seminal work on the civil-military relationship and the Vietnam War, Dereliction of Duty, 236 H.R. McMaster provided a compelling illustration of the inherent danger that results when senior military leaders fail to provide candid military advice and opinions to their civilian masters. 237 Although McMaster focused primarily on the breakdown of information exchange between the Joint Chiefs and President Johnson, the disabling effect he highlights is equally applicable to the ability of Congress to discharge its constitutional role involving military affairs. 238 In essence, Dereliction of Duty confirms the need to ensure candid military advice is available to all civilian leaders responsible for military decisions, not simply the President. Thus, when considered within the context of the shared constitutional powers of Congress and the President, McMaster's thesis bolsters the necessity of ensuring adequate structural mechanisms to safeguard congressional access to candid military advice.¶ Congress is not unaware of its self-inflicted diminishing role in foreign affairs. The War Powers Resolution is a quintessential congressional response to this growing diminution. 239 As Congress's restraint on the Executive has diminished, it has relied more and more on reporting requirements to maintain [\*603] oversight on government agencies. 240 However, "the War Powers Resolution experience shows that reporting and consultation requirements lack teeth and are all too easily evaded." 241 Some assert this can only be cured by even stronger reporting requirements, supplemented by expert advice from the military. Kelly Cowan argues:¶ ¶ The wording of the [War Powers] Resolution must be changed, requiring the president to present to Congress the justifications for entering into hostilities abroad before he or she takes action. These modifications would require the president to assemble military experts and thoroughly evaluate the ramifications of military involvement. Congress should then vote on whether this is a dispute that United States Armed Forces should enter." 242¶ ¶ Others call for the reinvigoration of congressional oversight through funding limitations, again based on expert advice from the military. Retired General Paul Eaton argues:¶ ¶ Congress must assert itself. Too much power has shifted to the executive branch, not just in terms of waging war but also in planning the military of the future. Congress should remember it still has the power of the purse; it should call our generals, colonels, captains and sergeants to testify frequently, so that their opinions and needs are known to the men they lead. 243

#### Prior binding consultation with the JCS is key to CMR---use of force is key

Bennett 10 (Douglas Bennett Doug Bennett is a member of the Senior Executive Service, is the Deputy Assistant Secretary for Financial Operations, Office of the Assistant Secretary for Financial Management and Comptroller, Washington, D.C“ Military Advice and Civil-Military Relations,” http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA523125)

The essence of a healthy civil-military relationship is maintaining the security of a nation without allowing the military to take control of that nation. If the military is to protect the nation, then national leaders must understand the capabilities of the institution in order to employ it to the maximum benefit to the nation. Key to that understanding is listening to, and hearing, the advice of the experts in the management of violence. The Goldwater-Nichols Act mandated that the Chairman of the Joint Chiefs of Staff was the principle advisor to the government on military matters, but it did not dictate that the political leaders actually take his advice nor even listen to his opinion. Logic would indicate that not considering the advice of military experts is detrimental to national security. The information the military supplies to the civilian leadership is important to shaping the military capabilities pursuant to aims established by the civilian leadership. For operations that involve the application of force, that advice is vital and is in the national interest for civilian leaders to consider. As the United States leads the world into the 21st Century, military leaders must gain and maintain the trust of the President and the Secretary of Defense in order for their advice to be considered towards the goal of maximizing the security of the nation.

#### Friction risks great power war, turns the ability to exercise hegemony

Richard Kohn, Professor of History, University of North Carolina, Military Personnel Subcommittee Of The House Armed Services, FDCH POLITICAL TRANSCRIPTS, November 4, **‘**99, p. Nexis

My focus is on the relationship of the military to society. Civil-military relations are **critical to national defense**. If the armed forces diverge in attitude or understanding beyond what is expected of the military profession in a democratic society, have less contact, grow less interested in or knowledgeable about each other, the **consequences could be significant**. Each could **lose confidence in the other**. Recruiting could be **damaged**. **Military effectiveness** could be **harmed**. The resources devoted to national defense could decline below what is adequate. Civil-military cooperation could deteriorate, with **impact on the ability** of the United States to use military forces to **maintain the peace** or **support American foreign policy**.

### 6

#### EXECUTIVE CP

#### The Executive should issue an executive order that limits establishes US targeted killings that occur with zones of armed conflict derive from the authority granted due to being in conflict with Al Qaeda and targeted killings that occur outside an armed conflict derive from self-defense authority.

#### The Executive should establish external ex post review to verify whether US targeted killings meet the criterion of jus ad bellum and jus in bello.

#### Executive orders avoid politics, have the force of law, and are rarely overturned

Cooper-prof public administration Portland State- 2 [Phillip, By Order of the President: The Use and Abuse of Executive Direct Action” p.59

Executive orders are often used because they are quick, convenient, and relatively easy mechanisms for moving significant policy initiatives. Though itis certainly true that executive orders are employed for symbolic purposes, enough has been said by now to demonstrate that they are also used for serious policymaking or to lay the basis for important actions to be taken by executive branch agencies under the authority of the orders. Unfortunately, as is true of legislation, it is not always possible to know from the title of orders which are significant and which are not, particularly since presidents will often use an existing order as a base for action and then change it in ways that make it far more significant than its predecessors.¶ The relative ease of the use of an order does not merely arise from the fact that presidents may employ one to avoid the cumbersome and time consuming legislative process. They may also use this device to avoid some times equally time-consuming administrative procedures, particularly the rulemaking processes required by the Administrative Procedure Act.84 Because those procedural requirements do not apply to the president, it is tempting for executive branch agencies to seek assistance from the White House to enact by executive order that which might be difficult for the agency itself to move through the process. Moreover, there is the added plus from the agency's perspective that it can be considerably more difficult for potential adversaries to obtain standing to launch a legal challenge to the president's order than it is to move an agency rule to judicial review. There is nothing new about the practice of generating executive orders outside the White House. President Kennedy's executive order on that process specifically pro­vides for orders generated elsewhere.

## Case

### ADV 2

#### Blurring the distinction is good-it de-emphasizes force and encourages humanitarianism.

**Österdahl, Uppsala University public international law professor, 2010**

(Inger, “Dangerous Liaison? Th e Disappearing Dichotomy between Jus ad Bellum and in Bello”, Nordic Journal of International Law 78, ebsco, ldg)

It is almost irrefutable that there is interaction between jus ad bellum and jus in bello . There is, however, no reason to fear that such interaction necessarily must lead to destruction of jus in bello, or for that matter to the destruction of jus ad bellum . Contrary to what is argued by many who are afraid that the disappearance of the distinction between jus ad bellum and jus in bello will inevitably lead to the subordination of jus in bello to jus ad bellum , it has been argued in this article that the disappearing distinction might just as well lead to the opposite result: that jus ad bellum is subordinated to jus in bello . This, moreover, would seem to be the more likely development given the current focus on the law in war and on the suffering of the civilian population during war. It would seem strange if the current wave of human rights and humanitarian concerns generally in international law would not lead to the defi nitive rise of jus in bello . Given the recent change of tone in international political relations one may hope that the aggressive tendencies tending to favour jus ad bellum at the expense of jus in bello will fade away and that this will also make its mark on just war theorising. 32 In order to fit today’s reality, jus in bello can hardly stay intact as there are too many aspects of the Geneva Conventions that are too hard to reconcile with the changing realities. Whether the tension between IHL and real circumstances on the ground can be solved through the application and reinterpretation of the current treaties and protocols remains to be seen, but it would seem unlikely. 33 Apart from the strong humanitarian concern imbuing IHL, many other aspects of the way war is regulated seems unfit to cope with the problems of today. Perhaps it is time to start thinking not in terms of two or even three bodies of law relating to war – however, these may or may not be inter-related – but to think in terms of one body of law covering the war situation from its beginning to its end with as strong an emphasis as possible on humanitarian concerns for the benefit, primarily, of the civilian population and others hors de combat . There may even be reasons to go further; maybe the entire idea of having one set of laws for peace and another set of laws for war is outmoded not least because the difference between the two conditions seems to diminish in reality. Also, because having one set of laws for war implies recognising the legitimacy of war as a state of things whereas today’s increasingly humanitarian international law is perhaps ripe for removing that mantle of legitimacy from war as such. Maybe “war” should be seen as a crisis of peace and the law should come in to protect the civilians to the largest possible extent during the transition from peace through crisis to peace. Under all circumstances, humanitarianism should be the guiding principle in the new legal construction and all other concerns should emanate from that value. As a fi rst step, this would imply reorganising the Geneva Conventions along partly diff erent lines and adding some new content to respond to the noninternationalisation, privatisation, “civilianization”, 34 and infi nitely destructive nature of war among other things and to the growing concerns with rebuilding post confl ict what has been destroyed during the war and hopefully turning it into something even better. In this light the issue of the relationship between jus ad bellum and in bello turns into a less important and threatening one, whereas other bigger and potentially even more challenging issues emerge.

#### No impact-conflation doesn’t lower the threshold for conflict-it increases it

**Benvenisti, Tel Aviv law professor, 2009**

(Eyal, “Rethinking the Divide between Jus Ad Bellum and Jus in Bello in Warfare Against Nonstate Actors”, 5-13, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1403882>, ldg)

However, as mentioned above, the growing involvement in such conflicts of third parties, with their diverse modalities for reviewing the belligerents’ actions, shifts the incentive structure from the traditional dyadic dynamic of reciprocity between the parties to a much broader dynamic.23 The dueling parties must take the attitude of those third parties into account as the combat is played out not only bilaterally but also concurrently in the global arena. Toleration or condemnation by key international actors, including public and private actors and observers, as well as by foreign and international courts, often proves to be an effective constraint at least on the state party to the conflict. The state party will not descend into barbarism regardless of what the enemy does if it has an incentive to maintain its good reputation globally or to avoid criminal sanctions. Since third-party observers assess both ad bellum and in bello considerations, the percolation of ad bellum considerations into the jus in bello proportionality analysis can prove a rather sophisticated and effective constraint on the stronger regular army. The introduction of ad bellum considerations into the analysis of jus in bello’s vaguer concepts—which often call for balancing of competing considerations, such as the determination of excessive harm to civilians or the targeting of individuals “for such time as they take a direct part in hostilities”24—would not provide either side with more freedom of action or impose greater risks to noncombatants. Quite to the contrary, a state party must convince the international community that its military operations are aimed at just causes to be able to justify the military goals it pursues. This fuller account of the jus in bello proportionality analysis 25 examines not only the necessity of the collateral harm to noncombatants but also the legitimacy of the pursuit of the military goals. What the traditional law takes for granted—that in bello all military goals are equally and always legitimate—can now be questioned by the emerging new assessors and indirect enforcers of the law.

#### Keeping interpretations separate leads to less compliance

**Benvenisti, Tel Aviv law professor, 2009**

(Eyal, “Rethinking the Divide between Jus Ad Bellum and Jus in Bello in Warfare Against Nonstate Actors”, 5-13, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1403882>, ldg)

There are two moral objections to this argument for jus in bello equality, which also support the injection of ad bellum considerations. The first objection is that we should not accord morally equal weight to the pursuit of unjust aggression. 28 Yet even those who raise this objection nevertheless accept that the laws of war—as distinguished from the morality of the war— must treat both goals as equal, because of the dyadic reciprocity between armies and their respective beliefs in the justness of their causes.29 However, as argued above, this moral concession to practical constraints is not imperative under conditions of asymmetric warfare, where dyadic reciprocity is nonexistent and alternative mechanisms to assess justness exist. The availability of third-party institutions that enforce compliance with the law, and identify where justice lies, relieves the moral assessment from the shackles of pragmatic reasoning. The second moral objection to the argument in support of the insulation of jus in bello from ad bellum considerations challenges the depiction of the jus in bello as evenly balanced. The focus on the law’s impartiality between the different combatants is misleading when one takes into account the communities that fight each other. The laws of war are inherently biased in favor of the stronger armies that can translate their relative economic power into military gains. The weaker party that fights for a just cause must nevertheless play by the rules that portend its defeat. The burden of obeying the law—and indeed the burden of the insulation of jus in bello from ad bellum considerations—therefore rests on the shoulders of the weaker side. Small wonder that the constituency of the weak finds the insulated jus in bello morally corrupt. Weaker communities might be more inclined to subscribe to a law that also takes into account the justness of the cause.

#### Conflation inev-proportionalities

**Blank, Emory International Humanitarian Law Clinic director, 2011**

(Laurie, “A New Twist on an Old Story: Lawfare and the Mixing of Proportionalities”, 43 Case W. Res. J. Int'l L. 707, lexis, ldg)

The most comprehensive example of this mixing of proportionalities appears in the Goldstone Report, the report of the U.N. Human Rights Council on violations of IHL and human rights law during the 2008-2009 conflict in Gaza. n71 Instead of examining the scale and nature of the Israeli [\*728] military response in relation to that which would be reasonably necessary to defend itself against the rocket attacks and prevent future attacks, the report focuses on the civilian casualties as the benchmark, n72 even though civilian casualties play no role in jus ad bellum proportionality determinations. Israel responded in self-defense to an eight-year campaign of rocket attacks from Gaza that terrorized the civilian population of southern Israel. n73 As the Goldstone Report documents, between April 2001 and December 2008, Palestinian armed groups launched more than eight thousand rockets and mortars into southern Israel from Gaza, including over five hundred in November and December 2008. n74 Operation Cast Lead's primary purpose was to destroy the rocket launchers and the tunnels used to smuggle the rockets and launchers into Gaza from Egypt. n75 Jus ad bellum provides the appropriate framework for analyzing the lawfulness of Israel's response, based on the requirements of necessity and proportionality. Whether Israel's use of force met those requirements may be debatable, but the Goldstone Report departs from the accepted jus ad bellum proportionality analysis. Instead, the Goldstone Report uses its assessments of Israeli attacks on particular targets under jus in bello--faulty in many cases n76 --to reach conclusions regarding the lawfulness of Israel's overall response under jus ad bellum. In so doing, the report thus reaches the conclusion that Operation Cast Lead was "a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability." n77 The Report does not examine whether Israel's objective of eliminating the rocket launchers and tunnels, and curtailing the ability of Hamas and other groups to fire rockets, was a proportionate response to the eight years of rocket attacks, which would be the appropriate jus ad bellum analysis. n78 Rather, [\*729] this sweeping conclusion stems directly from selected incidents in which the Goldstone Report found civilian casualties excessive in relation to the military advantage gained. In this way, the report's conclusion is a direct descendant of the arguments made --and rejected soundly--at Nuremberg about the criminality of specific German acts based on the German war of aggression. Although, as explained above, past conflations have generally involved using jus ad bellum violations to excuse jus in bello violations, the report's use of purported jus in bello violations to find an overall jus ad bellum violation is equally problematic. The same arguments appeared in media coverage of the conflict as well, with one editorial stating: "whatever pretext Israel has cited for launching massive air strikes on the Palestinian-controlled Gaza strip over the weekend, the high casualty figure among civilians makes this military action totally unacceptable." n79 This statement offers a clear example of how civilian casualties are simply substituted for the proportionality analysis required in the jus ad bellum, by directly disregarding the reason for the military operation, whether lawful or not under jus ad bellum, and treating civilian casualties as the definitive, indeed only, factor in any legal analysis. B. Strategic Impact on Contemporary Conflict The mixing of proportionalities in this particular way directly facilitates the burgeoning use of lawfare in today's conflicts on both the strategic and tactical levels. Lawfare at the strategic level seeks to chip away at the will of the technologically advanced military and country in an asymmetrical conflict and to undermine public support for the war, thus leading to a premature end to the conflict. n80 Insurgent groups use lawfare strategically on two levels. First, they promote allegations of IHL violations in the domestic and international media as a way to undermine support for the war because of public displeasure at alleged violations. Second, they use civilian casualties to introduce and bolster claims of unjust war, precisely the effect of the mixing of proportionalities discussed here. "Civilian casualty incidents are highly 'mediagenic' events that tend to receive high levels of re [\*730] porting by the press, and making the issue of civilian casualties more salient can lead the public to weigh the morality of wars against the importance of their aims." n81 Examples of the latter approach abound throughout recent conflicts, even to the extent that the governments of Serbia and Iraq used this type of lawfare as a primary strategy to counter the effect of United States military might. The government of the Former Republic of Yugoslavia saw civilian casualties and collateral damage incidents as an effective means of splitting NATO's coalition through the corrosive effect that civilian casualties were presumed to have on moral judgments about the war, and it accordingly went to great lengths to publicize--and enhance the possibilities for--such incidents. n82 Similarly, the Iraqi regime inflated the numbers of Iraqi casualties during the initial phase of Operation Iraqi Freedom in an attempt to highlight what it called the "criminal bombardment of Americans and British." n83 This strategic use of lawfare through the conflation of the two proportionalities poses three significant challenges. First, it sparks media coverage of military operations that encourages a retrospective approach to jus in bello proportionality, even though a fundamental component of that principle is its prospective view of decision-making. Second, it leads to significant errors of legal application in investigations and analysis of IHL compliance during military operations. Third, and most important, it consistently fosters a climate in which civilians are placed in ever greater danger, a result fundamentally at odds with the goals and purpose of IHL. 1. Media coverage and a retrospective approach to proportionality Civilian deaths are a horrible consequence of war, and while often unavoidable, should be minimized to the fullest extent possible. Indeed, one of the primary goals of IHL and, in particular, the Geneva Conventions, is the protection of civilians. Unfortunately, not only are civilians often in greater danger from military operations than in the past, but civilian casualties are now a tool in and of themselves. "News coverage is dominated by . . . the newest trend, civilian deaths, leaving coalition commanders to en [\*731] gage in an endless cycle of public apologies." n84 While significant media attention on innocent civilian deaths is not only appropriate, but also critical, during wartime, the way in which that coverage is manipulated and encouraged for strategic purposes raises serious concerns. It is now quite common for media reports on civilian casualties caused by state forces, whether in Gaza, Iraq, Pakistan, Lebanon, or Afghanistan, to produce an immediate outcry and claims of criminal liability. Interestingly, reports of civilian casualties caused by militants frequently receive little, if any, attention. For example, there remains a general perception that United States forces--and the use of air power in particular--in Afghanistan are responsible for large numbers of civilian deaths, notwithstanding documented evidence that civilian casualties caused by multinational forces are steadily decreasing and casualties caused by the Taliban are increasing. n85 Insurgents quickly see the strategic benefits of greater media attention to civilian casualties and claims of unjust war, including an erosion of domestic support for military operations, increased tension among coalition partners, and changes in strategy, targeting parameters, and tactics. As they increase their propaganda efforts, they have great motivation to use tactics that place civilians in greater danger, such as human shields, launching attacks from civilian buildings and areas, and so on. As detailed below, this practice is perhaps the most significant result of the increased tendency to use civilian casualties as a marker of violations of jus ad bellum proportionality. However, the link between the mixing of proportionalities and the increased media coverage of civilian casualties has a problematic effect on the application and understanding of IHL as well. The use of civilian casualties to reach conclusions of unjust war depends first and foremost on a direct and automatic link between civilian casualties and violations of IHL, or the jus in bello, which are then used to launch the claims of disproportionate uses of force under the jus ad bellum. Because all of these claims take place in the media--the so-called court of public opinion, in many ways--the pace is immediate and instant. The result is that civilian casualties become the IHL violation in and of themselves--and the subsequent effect is the application of jus in bello proportionality using a retrospective approach. Although the law demands a prospective approach in analyzing the propor [\*732] tionality of particular attacks under jus in bello, such an approach offers little benefit or appeal in the world of media coverage, where instant conclusions and graphic pictures are the key to success. Lengthy investigations into the commander's perspective at the time of the attack, what he knew or should have known and his expectations regarding civilian casualties and military advantage simply do not fit into today's media cycle. The easy math of the retrospective analysis--multiple civilian casualties therefore IHL violation--does, in contrast. For example, in September 2009, the NATO bombing of two tankers in Kunduz, Afghanistan on the orders of the commander of the nearby German army base, killed over 130 people, including at least ninety civilians. n86 The immediate reaction was that a violation of IHL must have been committed because of the number of civilian deaths, notwithstanding uncertainty about how many dead were insurgents and how many civilians. In fact, President Hamid Karzai of Afghanistan even suggested that the attack had targeted innocent civilians, issuing a statement that "targeting civilian men and women is not acceptable." n87 Events quickly unfolded showing precisely how the retrospective analysis of jus in bello proportionality feeds directly into the strategy of claiming jus ad bellum violations to weaken support for the war and drive wedges between coalition members. Germany's Minister of Defense, Deputy Minister of Defense and Army Chief of Staff all resigned over the incident as public support for the German mission in Afghanistan wavered substantially. n88 And yet, one year later, the federal prosecutor investigating the German commander for violations of both law and procedures dropped the case, concluding that he had violated no rules in ordering the airstrike--based on the information he had at the time of the strike. n89 The investigation, using a prospective approach to proportionality and targeting, was no match in the propaganda world for immediate claims of civilian casualties and disproportionate attacks in the media. As this example shows, the impact of media coverage of civilian casualties, particularly as a strategic tool for insurgents, promotes a retrospective analysis of jus in bello proportionality. From there it is a quick jump to using alleged [\*733] jus in bello violations to claim jus ad bellum violations. This growing tendency to apply incorrect legal standards is itself a problematic result of the mixing of proportionalities--its strategic and tactical impact is even more troubling.

#### No impact to robotics

McGinnis, senior professor – Northwestern Law, ‘10

(John O., 104 Nw. U. L. Rev. Colloquy 366)

It is not as if in the absence of AI wars or weapons will cease to exist. The way to think about the effects of AI on war is to think of the consequences of substituting technologically advanced robots for humans on the battlefield. In at least three ways, that substitution is likely to be beneficial to humans. First, robots make conventional forces more effective and less vulnerable to certain weapons of mass destruction, like chemical and biological weapons. Rebalancing the world to make such weapons less effective, even if marginally so, must be counted as a benefit. Second, one of the reasons that conventional armies deploy lethal force is to protect the human soldiers against death or serious injury. If only robots are at stake in a battle, a nation is more likely to use non-lethal force, such as stun guns and the like. The United States is in fact considering outfitting some of its robotic forces with non-lethal weapon-ry. Third, AI-driven weaponry gives an advantage to the developed world and particularly to the United States, be-cause of its advanced capability in technological innovation. Robotic weapons have been among the most successful in the fight against Al-Qaeda and other groups waging asymmetrical warfare against the United States. The Predator, a robotic airplane, has been successfully targeting terrorists throughout Afghanistan and Pakistan, and more technologi-cally advanced versions are being rapidly developed. Moreover, it does so in a targeted manner without the need to launch large-scale wars to hold territory--a process that would almost certainly result in more collateral damage. n61 If one believes that the United States is on the whole the best enforcer of rules of conduct that make for a peaceful and prosperous world, this development must also be counted as a benefit.

#### All these scenarios are insanely long timeframe—make them read evidence on timeframe and feasibility of the tech itself—we shouldn’t need impact d cards to science fiction

#### No nanotech impact

**Park 03** Robert L.**,** Professor of Physics and former chairman of the Department of Physics at the University of Maryland, (“End of the World?” Issues in Science and Technology, Volume: 20. Issue: 1. Publication Date: Fall 2003. Page Number: 84, www.questia.com)

What follows is a set of brilliant essays forming more or less independent chapters that could be read in any order. He does not ignore the continued threat of nuclear holocaust or collision between Earth and an asteroid, but we have lived with these threats for a long time. His primary focus is on 21st century hazards, such as bioengineered pathogens, out-of-control nanomachines, or superintelligent computers. These new threats are difficult to treat because they don't yet exist and may never do so. He acknowledges that the odds of self-replicating nanorobots or "assemblers" getting loose and turning the world into a "grey-goo" of more assemblers are remote. After all, we're not close to building a nanorobot, and perhaps it can't be done. But this, Rees points out, is "Pascal's wager." The evaluation of risk requires that we multiply the odds of it happening (very small) by the number of casualties if it does (maybe the entire population). Personally, I think the grey-goo threat is zero. We are already confronted with incredibly tiny machines that devour the stuff around them and turn it into replicas of themselves. There are countless millions of these machines in every human gut. We call them bacteria and they took over Earth billions of years before humans showed up. We treat them with respect or they kill us.

So why isn't Earth turned into grey-goo by bacteria? The simple answer is that they run out of food. You can't make a bacterium out of just anything, and they don't have wings or legs to go somewhere else for dinner. Unless they can hitch a ride on a wind-blown leaf or a passing animal, they stop multiplying when the local food supply runs out. Assemblers will do the same thing. You should find something else to worry about.

#### Conflation between jus ad bellum and jus in bello is globally inevitable

Robert Sloane 9, Associate Professor of Law, Boston University School of Law, 2009, “The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War,” Yale Journal of International law, http://www.yale.edu/yjil/files\_PDFs/vol34/Sloane

This case reflects, in microcosm, a pressing issue in the contemporary law of war. After 9/11, countless scholars and statesmen have called for changes in the jus ad bellum, the law governing resort to force, or the jus in bello, the law governing the conduct of hostilities.10 These invitations to reform, whatever their merit, raise an equally vital but distinct legal issue that has been largely neglected in recent legal scholarship: the relationship between the traditional branches of the law of war.11 Since the U.N. Charter introduced a positive jus ad bellum into international law, the reigning dogma has been that reflected in the SCSL Appeals Chamber’s opinion: the jus ad bellum and the jus in bello are, and must remain, analytically distinct. In bello rules and principles apply equally to all combatants, whatever each belligerent’s avowed ad bellum rationale for resorting to force: self-defense, the restoration of democratic government, territorial conquest, or the destruction of a national, ethnic, racial, or religious group, as such.12 It is immaterial, on this view, whether the ad bellum intent of the militia leaders indicted by the SCSL had been to restore a democratic government or to topple that government and install a brutal regime in its stead: they must adhere to and be judged by the same in bello rules and principles.

Postwar international law regards this analytic independence as axiomatic,13 as do most just war theorists. They insist that “[i]t is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules.”14 In theory, then, any use of force may be simultaneously lawful and unlawful: unlawful, because its author had no right to resort to force under the jus ad bellum; lawful, if and to the extent that its author observes “the rules,” that is, the jus in bello. 15 I will refer to this particular rule, which insists on the analytic independence of ad bellum and in bello, as the dualistic axiom. Despite its widespread acceptance,16 the axiom, as we will see, is logically questionable, 17 undertheorized, and at times disregarded or misapplied in practice—with troubling consequences for the policies that underwrite these components of the contemporary law of war. Consider briefly a few examples, which, among others, will be explored in greater detail below:

• In 1999, the North Atlantic Treaty Organization (NATO) carried out a four-month air campaign against Serbia. At the outset, NATO’s leaders made an in bello decision: its pilots would fly at a minimum height of 15,000 feet to reduce their risk from anti-aircraft fire essentially to zero, even though that would increase the risk to Serbian civilians because it often prevented visual confirmation of legitimate military targets. Many would argue that the in bello principle of proportionality obliges combatants to take some risk in an effort to reduce the risk to enemy civilians.18 If so, the perceived legitimacy of NATO’s avowed ad bellum goal, i.e., to halt the incipient ethnic cleansing of ethnic Albanian Kosovars, influenced the international ex post appraisal of NATO’s in bello conduct in the conflict.19

• After 9/11, the Bush administration launched and prosecuted what it described as a “Global War on Terror.” In this war, if it is a war,20 political elites and their lawyers invoked ad bellum factors—for example, the novel nature of the conflict or the enemy and the imperative to avoid at any cost another catastrophic terrorist attack— to justify or excuse in bello violations.21 Both treaties and custom, for example, categorically prohibit the in bello tactic of torture. It is difficult to dispute that the United States deliberately tortured some detainees in its custody. Alberto R. Gonzales also wrote in what has become an infamous memorandum that “the war against terrorism is a new kind of war,” which “renders obsolete Geneva’s strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.” 22 One might recharacterize this assertion in the framework of this Article as a suggestion that ad bellum considerations

### A2: Adv 1

#### Decapitation fails and turns the case

**Jordan, Chicago post-doctoral research fellow, 2009**

(Jenna, “When Heads Roll: Assessing the Effectiveness of Leadership Decapitation”, Security Studies, 18.4, ebsco, ldg)

The data presented in this paper show that decapitation is not an effective counterterrorism strategy. While decapitation is effective in 17 percent of all cases, when compared to the overall rate of organizational decline, decapitated groups have a lower rate of decline than groups that have not had their leaders removed. The findings show that decapitation is more likely to have counterproductive effects in larger, older, religious, and separatist organizations. In these cases decapitation not only has a much lower rate of success, the marginal value is, in fact, negative. The data provide an essential test of decapitation's value as a counterterrorism policy. There are important policy implications that can be derived from this study of leadership decapitation. Leadership decapitation seems to be a misguided strategy, particularly given the nature of organizations being currently targeted. The rise of religious and separatist organizations indicates that decapitation will continue to be an ineffective means of reducing terrorist activity. It is essential that policy makers understand when decapitation is unlikely to be successful. Given these conditions, targeting bin Laden and other senior members of al Qaeda, independent of other measures, is not likely to result in organizational collapse. Finally, it is essential that policy makers look at trends in organizational decline. Understanding whether certain types of organizations are more prone to destabilization is an important first step in formulating successful counterterrorism policies. This study illustrates the need to develop a new model for understanding the effectiveness of leadership decapitation. Extant analyses on leadership decapitation are unable to account sufficiently for variability in the success of decapitation. This study suggests that a group's age, type, and size are critical to identifying when decapitation will result in the cessation of terrorist activity. As an organization becomes older and larger, it is much more likely to withstand attacks on its leadership. All organizations need to replenish both members and leaders, and older organizations will have developed the networks and support systems necessary to replenish key members. This argument is consistent with the organizational literature on bureaucratic organizations. 106 As an organization ages and grows, it is also more likely to become bureaucratized and to develop a division of labor based on specialization. 107 It should be easier for organizations with a higher degree of specialization to replace leadership. The model of the firm may also be useful in understanding the strength of terrorist organizations. Early in its creation a firm should have a higher likelihood of falling apart. These variables suggest that the dynamic nature of organizations is essential to predicting when decapitation will be effective and can provide a richer basis for social network models of organizational strength and weakness. Existing approaches do not consider organizational change and are thus unable to account for variation in the rate of organizational collapse. The two dominant models that have been used to understand decapitation assume that an organization's vulnerability is based on static and unchanging characteristics regarding the role of a leader or the structure of an organization. The significance of organizational typology may signal an important relationship between organizational structure and a group's susceptibility to decapitation. Ideological organizations are most likely to fall apart after decapitation, while religious groups are highly resilient. There are two implications that can be derived from this finding. First, the charismatic model is insufficient to account for these findings. If religious and separatist organizations are more likely to have a charismatic leader then these organizations should be more likely to fall apart when the charismatic leader is removed. I argue that the resilience of religious organization can be attributed in part to the fact that many of these groups are older and larger. Second, it is frequently assumed that religious and separatist organizations are more decentralized in structure, while ideological organizations are more hierarchical. 108 The literature on social network analysis argues that decentralized organizations are less likely to suffer setbacks than hierarchically structured organizations. Initial findings support this claim. I argue that the weight of key organizational variables provides a more nuanced understanding of organizational structure and can account for more variability in the success of decapitation. Overall, this study shows that we need to rethink current counterterrorism policies. Decapitation is not ineffective merely against religious, old, or large groups, it is actually counterproductive for many of the terrorist groups currently being targeted. In many cases, targeting a group's leadership actually lowers its rate of decline. Compared to a baseline rate of decline for certain terrorist groups, the marginal value of decapitation is negative. Moreover, going after the leader may strengthen a group's resolve, result in retaliatory attacks, increase public sympathy for the organization, or produce more lethal attacks. Based on these findings, it seems imperative that policy makers consider not only the overall effectiveness of decapitation as a counterterrorism measure but also the potential for adverse consequences.

#### No nuclear terrorism-even attempts under optimal conditions have failed.

**Bergen, New York University’s Center on Law and Security fellow, 2010**

(Peter, “Reevaluating Al-Qa`ida’s Weapons of Mass Destruction Capabilities,” CTC Sentinel, September, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=122242, ldg)

Bin Ladin’s and al-Zawahiri’s portrayal of al-Qa`ida’s nuclear and chemical weapons capabilities in their post-9/11 statements to Hamid Mir was not based in any reality, and it was instead meant to serve as psychological warfare against the West. There is no evidence that al-Qa`ida’s quest for nuclear weapons ever went beyond the talking stage. Moreover, al-Zawahiri’s comment about “missing” Russian nuclear suitcase bombs floating around for sale on the black market is a Hollywood construct that is greeted with great skepticism by nuclear proliferation experts. This article reviews al-Qa`ida’s WMD efforts, and then explains why it is unlikely the group will ever acquire a nuclear weapon. Al-Qa`ida’s WMD Efforts In 2002, former UN weapons inspector David Albright examined all the available evidence about al-Qa`ida’s nuclear weapons research program and concluded that it was virtually impossible for al-Qa`ida to have acquired any type of nuclear weapon.8 U.S. government analysts reached the same conclusion in 2002.9 There is evidence, however, that al-Qa`ida experimented with crude chemical weapons, explored the use of biological weapons such as botulinum, salmonella and anthrax, and also made multiple attempts to acquire radioactive materials suitable for a dirty bomb.10 After the group moved from Sudan to Afghanistan in 1996, al-Qa`ida members escalated their chemical and biological weapons program, innocuously code-naming it the “Yogurt Project,” but only earmarking a meager $2,000-4,000 for its budget.11 An al-Qa`ida videotape from this period, for example, shows a small white dog tied up inside a glass cage as a milky gas slowly filters in. An Arabic-speaking man with an Egyptian accent says: “Start counting the time.” Nervous, the dog barks and then moans. After struggling and flailing for a few minutes, it succumbs to the poisonous gas and stops moving. This experiment almost certainly occurred at the Darunta training camp near the eastern Afghan city of Jalalabad, conducted by the Egyptian Abu Khabab.12 Not only has al-Qa`ida’s research into WMD been strictly an amateur affair, but plots to use these types of weapons have been ineffective. One example is the 2003 “ricin” case in the United Kingdom. It was widely advertised as a serious WMD plot, yet the subsequent investigation showed otherwise. The case appeared in the months before the U.S.-led invasion of Iraq, when media in the United States and the United Kingdom were awash in stories about a group of men arrested in London who possessed highly toxic ricin to be used in future terrorist attacks. Two years later, however, at the trial of the men accused of the ricin plot, a government scientist testified that the men never had ricin in their possession, a charge that had been first triggered by a false positive on a test. The men were cleared of the poison conspiracy except for an Algerian named Kamal Bourgass, who was convicted of conspiring to commit a public nuisance by using poisons or explosives.13 It is still not clear whether al-Qa`ida had any connection to the plot.14 In fact, the only post-9/11 cases where al-Qa`ida or any of its affiliates actually used a type of WMD was in Iraq, where al-Qa`ida’s Iraqi affiliate, al-Qa`ida in Iraq (AQI), laced more than a dozen of its bombs with the chemical chlorine in 2007. Those attacks sickened hundreds of Iraqis, but the victims who died in these assaults did so largely from the blast of the bombs, not because of inhaling chlorine. AQI stopped using chlorine in its bombs in Iraq in mid-2007, partly because the insurgents never understood how to make the chlorine attacks especially deadly and also because the Central Intelligence Agency and U.S. military hunted down the bomb makers responsible for the campaign, while simultaneously clamping down on the availability of chlorine.15 Indeed, a survey of the 172 individuals indicted or convicted in Islamist terrorism cases in the United States since 9/11 compiled by the Maxwell School at Syracuse University and the New America Foundation found that none of the cases involved the use of WMD of any kind. In the one case where a radiological plot was initially alleged—that of the Hispanic-American al-Qa`ida recruit Jose Padilla—that allegation was dropped when the case went to trial.16 Unlikely Al-Qa`ida Will Acquire a Nuclear Weapon Despite the difficulties associated with terrorist groups acquiring or deploying WMD and al-Qa`ida’s poor record in the matter, there was a great deal of hysterical discussion about this issue after 9/11. Clouding the discussion was the semantic problem of the ominous term “weapons of mass destruction,” which is really a misnomer as it suggests that chemical, biological, and nuclear devices are all equally lethal. In fact, there is only one realistic weapon of mass destruction that can kill tens or hundreds of thousands of people in a single attack: a nuclear bomb.17 The congressionally authorized Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism issued a report in 2008 that typified the muddled thinking about WMD when it concluded: “It is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013.”18 The report’s conclusion that WMD terrorism was likely to happen somewhere in the world in the next five years was simultaneously true but also somewhat trivial because terrorist groups and cults have already engaged in crude chemical and biological weapons attacks.19 Yet **the prospects of** al-Qa`ida or indeed **any** other **group having access to** a true WMD—**a nuclear device**—**is near zero** for the foreseeable future. If any organization should have developed a serious WMD capability it was the bizarre Japanese terrorist cult Aum Shinrikyo, which not only recruited 300 scientists—including chemists and molecular biologists—but also had hundreds of millions of dollars at its disposal.20 Aum embarked on a large-scale WMD research program in the early 1990s because members of the cult believed that Armageddon was fast-approaching and that they would need powerful weapons to survive. Aum acolytes experimented with anthrax and botulinum toxin and even hoped to mine uranium in Australia. Aum researchers also hacked into classified networks to find information about nuclear facilities in Russia, South Korea and Taiwan.21 Sensing an opportunity following the collapse of the Soviet Union, Aum recruited thousands of followers in Russia and sent multiple delegations to meet with leading Russian politicians and scientists in the early 1990s. The cult even tried to recruit staff from inside the Kurchatov Institute, a leading nuclear research center in Moscow. One of Aum’s leaders, Hayakawa Kiyohide, made eight trips to Russia in 1994, and in his diary he made a notation that Aum was willing to pay up to $15 million for a nuclear device.22 Despite its open checkbook, Aum was never able to acquire nuclear material or technology from Russia even in the chaotic circumstances following the implosion of the communist regime.23 In the end, Aum abandoned its investigations of nuclear and biological weapons after finding them too difficult to acquire and settled instead on a chemical weapons operation, which climaxed in the group releasing sarin gas in the Tokyo subway in 1995. It is hard to imagine an environment better suited to killing large numbers of people than the Tokyo subway, yet only a dozen died in the attack.24 Although Aum’s WMD program was much further advanced than anything al-Qa`ida developed, even they could not acquire a true WMD. It is also worth recalling that Iran, which has had an **aggressive and well-funded nuclear program for almost two decades**, is still some way from developing a functioning nuclear bomb. Terrorist groups simply do not have the resources of states. Even with access to nuclear technology, it is next to impossible for terrorist groups to acquire sufficient amounts of highly enriched uranium (HEU) to make a nuclear bomb. The total of all the known thefts of HEU around the world tracked by the International Atomic Energy Agency between 1993 and 2006 was just less than eight kilograms, well short of the 25 kilograms needed for the simplest bomb;25 moreover, none of the HEU thieves during this period were linked to al-Qa`ida. Therefore, even building, let alone detonating, the simple, gun-type nuclear device of the kind that was dropped on Hiroshima during World War II would be extraordinarily difficult for a terrorist group because of the problem of accumulating sufficient quantities of HEU. Building a radiological device, or “dirty bomb,” is far more plausible for a terrorist group because acquiring radioactive materials suitable for such a weapon is not as difficult, while the construction of such a device is orders of magnitude less complex than building a nuclear bomb. Detonating a radiological device, however, would likely result in a relatively small number of casualties and should not be considered a true WMD.

#### Odds are one in three billion

**Mueller, OSU political science professor, 2010**

(John, “Calming Our Nuclear Jitter”, Issues in Science and Technology <http://www.issues.org/26.2/mueller.html>, ldg)

In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.” If terrorists were somehow successful at obtaining a sufficient mass of relevant material, they would then probably have to transport it a long distance over unfamiliar terrain and probably while being pursued by security forces. Crossing international borders would be facilitated by following established smuggling routes, but these are not as chaotic as they appear and are often under the watch of suspicious and careful criminal regulators. If border personnel became suspicious of the commodity being smuggled, some of them might find it in their interest to disrupt passage, perhaps to collect the bounteous reward money that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, terrorists would need to set up a large and well-equipped machine shop to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. The group would have to be assembled and retained for the monumental task while no consequential suspicions were generated among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of the bomb-building team would also have to be utterly devoted to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland‘s Spiez Laboratory, bluntly conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint the terrorist group would most certainly be forced to redesign. They also stress that the work is difficult, dangerous, and extremely exacting, and that the technical requirements in several fields verge on the unfeasible. Stephen Younger, former director of nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.“ Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “to think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is farfetched at best.” Under the best circumstances, the process of making a bomb could take months or even a year or more, which would, of course, have to be carried out in utter secrecy. In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, the finished product, weighing a ton or more, would then have to be transported to and smuggled into the relevant target country where it would have to be received by collaborators who are at once totally dedicated and technically proficient at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. The financial costs of this extensive and extended operation could easily become monumental. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but the vast conspiracy also requires the subversion of a considerable array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic terrorists would effectively be required to go though an exercise that looks much like this. If and when they do, they will undoubtedly conclude that their prospects are daunting and accordingly uninspiring or even terminally dispiriting. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, assuming the terrorists have a 50% chance of overcoming each of the 20 obstacles—the chances that a concerted effort would be successful comes out to be less than one in a million. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds that they will be able to pull off the deed drop to one in well over three billion.

#### Terrorists will use conventional weapons-overwhelming empirics.

**Mauroni, Air Force senior policy analyst, 2012**

(Al, “Nuclear Terrorism: Are We Prepared?”, Homeland Security Affairs, <http://www.hsaj.org/?fullarticle=8.1.9>, ldg)

The popular assumption is that terrorists are actively working with “rogue nations” to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn’t demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.8 It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. Terrorists get their material and technology where they can. They don’t have the time, funds, or interests to get exotic. It’s what we see, over and over again.

## 2nc

## CP

### 2NC PDC

#### Obviously severance, the plan restricts authority and the cp chooses not to exercise it, authority explicitly requires one branch acting upon another

Google Dictionary

<https://www.google.com/search?q=define+authoeiry&oq=define+authoeiry&aqs=chrome.0.69i57j0j69i60l2j0l2.3485j0&sourceid=chrome&ie=UTF-8#sa=X&q=authority&tbs=dfn:1&tbo=u&ei=OqXqUfzgO-WSyAGNg4HIBg&ved=0CCwQkQ4&bav=on.2,or.r_cp.r_qf.&bvm=bv.49478099%2Cd.aWc%2Cpv.xjs.s.en_US.c75bKy5EQ0A.O&fp=963b67ef37c3a9d&biw=1168&bih=715>

au·thor·i·ty

noun /əˈTHôritē/  /ôˈTHär-/

authorities, plural

The power or right to give orders, make decisions, and enforce obedience

- he had absolute authority over his subordinates

- positions of authority

- they acted under the authority of the UN Security Council

- a rebellion against those in authority

The right to act in a specified way, delegated from one person or organization to another

- military forces have the legal authority to arrest drug traffickers

Official permission; sanction

- the money was spent without congressional authority

A person or organization having power or control in a particular, typically political or administrative, sphere

- the health authorities

- the Chicago Transit Authority

- the authorities ordered all foreign embassies to close

- she wasn't used to dealing with authority

### 2NC S

#### The president is the focal point of American politics – everyone perceives executive action

Fitts-prof law, Penn-96 [Michael, Professor of Law @ UPenn Law School, “The Paradox Of Power In The Modern State”, University of Pennsylvania Law Review, 144 U. Pa. L. Rev. 827, Lexis]

I. The Presidency A. The Modern Presidency What is the nature of the presidency in the modern state? Numerous political scientists and legal academics claim that our recent chief executives have inherited a "modern presidency," [33](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n33" \t "_self) which began to develop with Franklin Roosevelt and is structurally distinct from earlier regimes. [34](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n34" \t "_self) Of course, the balance of power among the president, Congress, and the agencies is exceedingly complex, since the amount of bureaucratic activity and legislative oversight has increased greatly over the years. Nevertheless, "the resources of modern presidents [are thought by many to] dwarf those of their predecessors." [35](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n35" \t "_self) Commentators point to three related changes that centralize greater formal power in the institution and increase the informal political assets at the president's command. The first change, which is to some extent considered the most important and defining quality of the modern presidency, is the increased visibility of the president as an individual within the electoral process. Prior to the Roosevelt Administration, the president was viewed more as a member of both a party and a complicated and elite system of government. He was also relatively distant from the population. The modern presidents, in contrast, are elected increasingly as individuals in the primary and general elections on the basis of direct public exposure in the media. This [\*842] evolution, which has occurred over a number of years, is a result of social forces, such as the decline of political parties [36](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n36" \t "_self) and the rise of the media, as well as legal changes, such as the ascendancy of primaries. [37](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n37" \t "_self) Second, once in power, modern presidents have increasingly attempted to take greater formal and informal control of the executive branch, through policy expansion of the OMB and the Executive Office of the President and increased oversight of agencies under Executive Order 12,291 [38](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n38" \t "_self) and its successor orders. Indeed, every president since Roosevelt has attempted to centralize power in the White House to oversee the operations of the executive branch and to make its resources more responsive to his policy and political needs. [39](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n39" \t "_self) [\*843] Finally, and relatedly, the modern presidency has become more centralized and personalized through its public media role - that is, its "rhetorical functions." [40](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n40" \t "_self) Given changes in the press and the White House office, the president has become far more effective in setting the agenda for public debate, sometimes even dominating the public dialogue when he chooses. [41](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n41" \t "_self) Economists would probably attribute the president's ability to "transmit information" to the centralized organization of the presidency - an "economy of scale" in public debate. [42](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n42" \t "_self) At the same time, the president can establish [\*844] a "focal point" around preferred public policies. [43](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n43" \t "_self) This proposition can also be stated somewhat differently. As an institution embodied in a single individual, the president has a unique ability to "tell" a simple story that is quite personal and understandable to the public. As a number of legal academics have shown, stories can be a powerful mode for capturing the essence of a person's situated perspective, improving public comprehension of particular facts, and synthesizing complex events into accessible language. [44](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n44" \t "_self) Complex institutions, such as Congress, have difficulty [\*845] assembling and transmitting information as part of a coherent whole; they represent a diversity - some would say a babble - of voices and perspectives. In contrast, presidents have the capacity to project a coherent and empathetic message, especially if it is tied to their own life stories. In this sense, the skill of the president in telling a story about policy, while sometimes a source of pointed criticism for its necessary simplicity, [45](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n45" \t "_self) may greatly facilitate public understanding and acceptance of policy. [46](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n46" \t "_self) B. The Theory of the Unitary Presidency This picture of the modern presidency is quite consistent with those parts of the legal and political science literatures exploring the advantages of presidential (as opposed to legislative) power and advocating a more unitary or centralized presidency. According to this view, [47](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n47" \t "_self) power and accountability in government and in the executive branch should be moved more toward the top, giving the [\*846] president and his staff greater ability to make decisions themselves or to leave them, subject to oversight, in the hands of expert agency officials. In the legal literature, this position is usually associated with support for strengthening the president's directorial powers over the agencies, unfettered presidential removal authority, and Chevron deference to agency regulations [48](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n48" \t "_self) reviewed by the White House. Similarly, political scientists emphasize the plebiscitarian president's growing informal influence with the agencies and the public, as well as the association between a strong president and the "national" interest. [49](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n49" \t "_self) To be sure, legal proponents of a strong unitary presidency usually do not outline a comprehensive policy defense of the legal position but rely more on doctrinal justifications and related policy arguments. [50](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n50" \t "_self) By synthesizing and integrating the interrelated legal and policy rationales in the legal and political science literatures, however, one can sketch the outlines of a common theory. This analysis suggests that the structure of a more unitary, centralized presidency should enhance the power, legitimacy, and effectiveness of the office, especially as compared to Congress, in three different but related ways. [\*847] First, with respect to the administration of the executive branch, centralized power, or at least the opportunity for the exercise of centralized power, is thought to facilitate better development and coordination of national programs and policies. Because federal government programs interrelate in countless ways, a centralized figure or institution such as the president is seemingly in a good position to recognize and respond to the demands of the overall situation. [51](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n51" \t "_self) For similar reasons, as social and political change accelerates, the president may be well-situated to foresee and implement adaptive synoptic changes - that is, to engage in strategic planning. One of the rationales for the existence of the federal government is the national effect of its policies, which under this view can be reconciled most easily at the top. [52](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n52" \t "_self) To the extent that the president is successful in putting together such programs, he should receive political credit, which would redound to his political strength. [53](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n53" \t "_self) Second, centralized power facilitates greater political accountability by placing in one single individual the public's focus of government performance. If the public had to evaluate electorally the activities of hundreds of different officials in the executive branch, its information about the positions, actions, and effects of government behavior would be extraordinarily limited. [54](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n54" \t "_self) Only those most [\*848] interested in a particular function would be likely to have information about its behavior or attempt to influence that behavior through election, lobbying, or litigation. This is the standard concern with New Deal agencies captured by the so-called iron triangle of Washington politics. [55](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n55" \t "_self) By contrast, placing overall political responsibility in one individual is thought to facilitate broader political accountability. While this oversight can have mixed effects depending on presidential performance, it has the potential for strengthening the president's political support and influence. [56](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n56" \t "_self) Because he is more likely to approximate the views of the median voter, [57](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n57" \t "_self) a unitary president is thought to enjoy a clear majoritarian mandate, as the only elected representative of all "The People." This democratic legitimacy should be, in turn, a major source of his political strength. [58](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n58" \t "_self) As one commentator has [\*849] argued: "Every deviation from the principle of executive unitariness will necessarily undermine the national majority electoral coalition." [59](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n59" \t "_self) Finally, on an elite political level, the existence of a single powerful political actor serves a political coordination function. [60](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n60" \t "_self) A dispersed government with a decentralized political structure has a great deal of difficulty in reaching cooperative solutions on policy outcomes. Even if it does reach cooperative solutions, it has great difficulty in reaching optimal results. Today, there are simply too many groups in Washington and within the political elite to reach the necessary and optimal agreement easily. [61](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n61" \t "_self) A central and visible figure such as the president, who can take clear positions, can serve as a unique focal point for coordinating action. [62](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n62" \t "_self) With the ability to focus public attention and minimize information costs, [63](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n63" \t "_self) [\*850] a president can also be highly effective in overcoming narrow but powerful sources of opposition and in facilitating communication (that is, coordination and cooperation) between groups and branches. [64](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n64" \t "_self) In technical terms, he might be viewed as the "least cost avoider." [65](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n65" \t "_self) The budget confrontation between Clinton and Congress is only the most recent example of the president's strategic abilities. [66](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n66" \t "_self) In this regard, it is not surprising that most studies have found that the president's popularity is an important factor in his ability to effectively negotiate with Congress. [67](http://www.lexis.com/research/retrieve?_m=9682703a4df43dd8c6c8ed5d04f182ce&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAB&_md5=3768c1302f86dc23f5e5b05fdb88112a" \l "n67" \t "_self)

#### If the executive is perceived enough to cause confusion it is perceived enough to solve it

## DA

### OV

#### No sustainability uq, they conceded industrial civilization is going to collapse in the status quo from the DODs energy consumption, that’s Willson.

### AT: Framework (read this one)

#### The roll of the ballot is create an ethical basis for civil society, the legal system has been constructed on arrogant ethnocentrism with an assumption of rational autonomous subjects, failing to address these conditions keeps the congressional military industrial complex at full strength, this means your analysis has to be the historical underpinnings of the plan before you evaluate its implementation, that’s Wilson.

#### Symbols matter more than words---you should be concerned with the concept of American identity the 1AC is communicating to you rather than the details of the plan, their theory of subjectivity inevitably results in violent, disconnected social relations that litter the world with negative externalities that become blind spots to the western mind, that’s Williams

#### Compromising is intolerable--- an ethic of peace requires our relationship to the other to be a condition of human existence prior to any community or state that is founded on interrelationship rather a subject that purchases its security from the insecurity of others. If the foundations for their advocacy are wrong, it will inevitably cause intolerable violence, which is a reason to vote negative, letting the ends justify the means is the entire system we are criticizing---deontology first

Burke 4 (Associate Professor of Politics and International Relations @ University of New South Wales, “Just War or Ethical Peace? Moral Discourses of Strategic Violence after 9/11,” http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/Blanket%20File%20Import/inta\_386.pdf)

The formal rigidity of just war theory, which allows it to tolerate the killing of innocents provided it is done within its rules, fetishizes procedure over complexity and 'intention’ over effects. Just war theory avoids the complexity of events by quarantining its system of moral judgment within a temporal space limited to the planning and conduct of high-intensity military operations. It then ignores their aftermath, the larger causal consequences of conflict, and the long history of foreign policy and geopolitical manipulation that breeds and precedes conflict. In contrast, ethical peace is not a rule-bound normative theory but a context-sensitive ethical orientation concerned with the likely outcomes of decisions and actions. Rules and principles—such as avoidable harm—will be important, but they must not be fetishized to a point where the intention of the theory becomes corrupted. In this way, ethical peace makes no claims to be a universal political or ethical theory, but would be driven by a view that the protection of innocent life is a universally applicable principle—unlike just war theory which, even as it asserts that it has universal moral validity, uses concepts like 'proportionality' and the 'double effect’ to remove thousands of people from the space of moral concern. Just war theory is particularly dangerous because, even as it claims universal moral validity, it avoids the ultimate moral test of universality: in this case, the imperative that innocents everywhere affected by a strategic action or process be protected. In the hands of Elshtain, it makes humanitarian arguments for war against Iraq to protect the innocent, but allows for the Iraqi innocent, military and civilian, to be slaughtered; it rightly condemns the 'despicable deeds' of the 9/11 terrorists, but says nothing about the Bush administration's suspension of international norms at Guantanamo Bay or the long list of Faustian pacts (for bases, cooperation and military aid) struck with abusive regimes in Russia, Algeria, Pakistan, China, Kyrgyzstan, Tajikistan and Uzbekistan as an integral part of the 'just war against terror’. Ethical peace, in contrast, holds that such compromises are intolerable; that, as Ken Booth and Tim Dunne argue after Gandhi, 'ends and means amount to the same thing'; that 'a daily victory over terror’ can be won by 'employing the means ... that are the moral equivalent of the ends we seek’.97 Ethical peace aims to create a genuinely universal moral community, rather than the selective and restricted one imagined by both realist and just war theorists. Just war theory colludes with realism by basing its doctrines on the fiction of the liberal body politic, built on a 'social contract’ which simultaneously submerges individual identity' into the state and divides people from each other through their membership of states, creating a claustrophobic apartheid of moral obligation. The security of such a 'body politic', as it was imagined by Hobbes, Locke, Rousseau, Bentham and Hegel, is always purchased with the insecurity of others, and just war theory entrenches this relativistic ethic even as it claims to moderate its destructive implications.98 The social contract is an ontology of violence, of secure communities embodied and sustained by violence; and when married to the cynical, instrumental imperatives of the modem war machine, it promises not freedom from terror but a future lived within its bloody walls. Ethical peace refuses to channel its ethical obligations solely through the state, or rely on it to protect us violently, because in doing so the state may well violently endanger us and everyone whom its actions affect. Ethical peace seeks to create an 'ethical relation' that cannot be limited to or controlled by the state; it channels its ethical obligations above, below and beyond the state; it makes the ethical responsibility to the Other not a gift or indulgence of the state that can be forsaken in emergencies, but a condition of human existence prior to any community or state.99 This is the image of justice harboured and nurtured by ethical peace, one that is never content to seek justice with war, to fight terror with a terror tamed and moralized, to risk a future emptied of fairness and hope. Ethical peace struggles against terror lawfully, ethically, example by difficult example, dreaming of a future in which justice, strategy and war will be for ever strangers.

#### Epistemology links are a reason to vote negative regardless of the alternative; if a student writes a failing paper the teacher does not have to write another one.

#### The question is not about the material implementation of the plan and its benefits, it is about how the plan is framed and justified. We can agree on the normative benefits of the policy while disagreeing with how they decided to support it. If the affirmative cannot justify their plan they should lose on this or the Obama disad.

### AT: Grey

#### Grey is backwords, Iraq and Vietnam are neg examples of how imperialism turns seemingly low level interventions into bloodbaths ‘Nam killed 400,000, privilege the structural violence they lock in over the simulated threats they purport to be true is the only ethical option; the United States has the world’s largest military, first and second largest airforce and the biggest economy, we are the biggest threat to ourselves

#### They need to win their internal links before they can start impact calculus---their ontological precepts attempt to render everything knowable and hence predictable---means that random variation in IR ensures aggression and enemy creation---the impact is mass war and violence---vote neg to reprogram our ontological presuppositions

**Burke 7** (Anthony, New South Wales IR professor, “Ontologies of War: Violence, Existence and Reason”, Theory and Event, 10.2, project muse,)

I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: a drive for ideational hegemony and closure that limits debate and questioning, that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state). When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence** is not so much a tool that can be picked up and used on occasion, at limited cost and with limited impact -- it permeates being. This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which humans are merely utilitarian instruments for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather turns in upon itself in a nihilistic spiral of pain and destruction. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, instrumental violence is married to an ontology of insecure national existence which itself admits no questioning. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including other **humans,** which **have no essence** or integrity **outside their value as objects**. In Heidegger's terms, technology becomes being; epistemology immediately becomes technique, immediately being. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. The need is to critique dominant images of political being and dominant ways of securing that being at the same time, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the **limitless resort to strategic violence** without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 Identity, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of a craving for order, control and certainty in the face of continual uncertainty. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has deep roots in modern thought, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind demands that 'nature reports itself in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes trapped within its logic. Man, he writes, 'comes to the very brink of a precipitous fall...where he himself will have to be taken as standing-reserve. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter. This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to place under suspicion the underlying political ontologies that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it drives out every other possibility of revealing...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative,** 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives** from outside the **space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

### AT: Perm

#### Terrorists won't use nuclear weapons- the risk of failure is too high

**Levi, CFR fellow, 2007**

(Michael, “How Likely is a Nuclear Terrorist Attack on the United States?”, 4-13, <http://www.cfr.org/publication/13097/how_likely_is_a_nuclear_terrorist_attack_on_the_united_states.html?breadcrumb=%2Fpublication%2Fby_type%2Fonline_debate>, ldg)

How likely is a nuclear terrorist attack on the United States? I doubt anyone knows. I also suspect that the exact answer isn’t all that important—even a small chance of catastrophe is worth worrying about. What is valuable is thinking through those factors that make nuclear terrorism either more or less likely; even if the exercise doesn’t yield a definitive conclusion, it helps us figure out how to prevent nuclear terrorism. I want to argue that many analyses of nuclear terrorism miss important factors that tend to make nuclear terrorism less likely than it otherwise would be. Today I want to highlight one: terrorists’ fears of failure. A nuclear weapon requires highly enriched uranium (HEU) or plutonium, materials that don’t occur in nature and that terrorist groups cannot produce themselves. The ease of access to materials in state stockpiles is thus one of the main factors affecting the odds of a nuclear terrorist attack. The other big factor is motivation. Most terrorist groups have little incentive to pursue nuclear terrorism, since mass murder doesn’t serve their political ends—but for some groups, indiscriminate killing is precisely the goal. Most analysts agree that the availability of nuclear weapons and materials, and the utility to terrorist groups of successful nuclear attacks, are the two most important factors in determining the likelihood of nuclear terrorism, even if they disagree over how hard acquiring materials would be or over how many groups might expect to benefit from nuclear terrorism. So let me flag another dimension of motivation that gets too little attention. Even groups that want to and possibly can execute nuclear attacks may decide against them. Why? Because many of the most dangerous terrorist groups hate to fail. Brian Jenkins wrote recently that for jihadists, “failure signals God’s disapproval.” That’s a lot of pressure to succeed. This inevitably pushes the odds of nuclear terrorism down. When we look at our defenses against nuclear terrorism, we prudently notice the holes. When terrorists look at those same defenses, they may be fixating on whatever barriers, however limited, exist. If that’s what’s happening, nuclear terrorism may be much less likely than many expect.

#### Links swamp the permutation---it instrumentalizes the alternative which only masks the plan’s violent governmentality---internal contradictions means it inevitably fails

Laura Sjoberg 13, Department of Political Science, University of Florida , Gainesville The paradox of security cosmopolitanism?, Critical Studies on Security, 1:1, 29-34

Particularly, Burke suggests that security cosmopolitanism ‘rejects a procedural faith in strongly post-Westphalian forms of government and democracy’ (p. 17) and reiterates that such an approach includes ‘no automatic faith in any one institutional design’ (p. 24). This seems to move away from one of the prominent critiques of, in Anna Agathangelou and Ling’s (2009) words, the ‘neoliberal imperium,’ as reliant on Western, liberal notions of governance to the detriment of those on whom such a form of government is imposed. Burke clearly problematizes this imposition, framing many of the serious problems in global politics as a result of ‘choices that create destructive dynamics and constraints’ (p. 15) at least in part by Western, liberal governments – characterizing modernity as culpable for insecurity. At the same time, the solution seems to be clearly situated within the discursive framework of the problem. Burke suggests that there should be a primary concern for ‘effectiveness, equality, fairness, and justice – not for states, per se, but for human beings, and the global biosphere’ (p. 24). Unless the only problem with modernity is the post- Westphalian structure of the state (which this approach does not eschew, but claims not to privilege), then this statement of values might entrench the problem. Many of the ideas of equality, fairness, and justice that come to mind with the (somewhat rehearsed) use of those words in progressive politics are inseparable from an ethos of enlightenment modernity.

This may be problematic on a number of levels. First, it may fail to interrupt the series of choices that Burke suggests produce a cycle of insecurity. Second, it may fold back onto itself in the recommendations that security cosmopolitanism produces. This especially concerned me in Burke’s discussion of how to end ‘dangerous processes,’ where he places ‘greater faith in the ethical, normative, and legal suppression of dangerous processes and actions than in formalistic or procedural solutions’ (p. 24). It seems to me that there is a good argument that ‘suppression’ is itself a ‘dangerous process,’ yet Burke’s framework does not really include a mechanism for internal critique.

Another problem that seems to confound security cosmopolitanism is evaluating the relationships between power, governance, and governmentality. There are certainly several ways in which Burke uses a notion of the state that distinguishes security cosmopolitanism from the mainstream neoliberal literature. For example, he characterizes the ‘state as an entity whose national survival depends on its global participation, obligations, and depen- dencies,’ (citing Burke 2013a, 5). This view of the state sees it as not only survival-seeking (in the neo-neo synthesis sense) but also dependent on its positive interactions with other states for survival. Burke’s approach to government/governance initially appears to be global rather than state-based, another potentially transformative move. For example, he sees the job of security cosmopolitanism as to ‘theorize and defend norms for the respon- sible conduct and conceptualization of global security governance’ (p. 21). At the same time, later in the article, Burke suggests entrenching the current structure of the state. His practical approach of looking for the ‘solidarity of the governing with the governed’ seems to simultaneously interrogate the current power structures and reify them. Burke says:

Such a ‘solidarity of the governed’ that engages in a ‘practical interrogation of power’ ought to be a significant feature of security cosmopolitanism. At the same time, however, security cosmopolitanism must be concerned with improving the global governance of security by elites and experts. (p. 21)

This attachment to the improvement of existing structures of governance seems to be at the heart of what I see as the failure of the radical potential in the idea of security cosmopolitanism. When discussing how the power dynamics between the elite and the subordinated might change, Burke suggests that ‘voluntary renunciation of the privileges and powers of both state and corporate sovereignty will no doubt be a necessary feature of such an order’ (p. 25). Relying on the voluntary renunciation of power by the powerful seems both unrealistic and not particularly theoretically innovative.

This seems to be at the center of a paradox inherent in security cosmopolitanism: Faith in the Western liberal state is insidious, but the Western liberal state does not have to be. Modernity causes insecurity, but need not be discarded fully. Some universalizations are dangerous, others are benign. Dangerous processes must be stopped, even if by dangerous processes. Moral entrepreneurship is the key, but ther e is no clear foundation for what counts as moral. The security cosmopolitanism critique is inspired by consequentialism, but lacks deontological foundations despite deontological implications. Burke calls for (and indeed demands) to ‘take responsibility for it’ (p. 23) in terms of ‘both formal and moral accountability’ (p. 24). In so doing, he endorses (Booth’s vision of) ‘moral progress’ (p. 25), despite understanding the insidious deployment of various notions of moral progress by others.

Security cosmopolitanism, then, is a proclamation for radical change that is initially stalled by its internal contradictions and further handicapped by its lack of capacity to enact the very sort of radical change Burke sees it as fundamental to righting the wrongs he sees in the world. The result seems to be the (potential) reification of existing governments/governmentality through what essentially appears to be a non-anthropocentric ‘human security’ which cannot be clearly distinguished from current notions of human security (p. 15). It appears to remain top-down and without clear moral foundation while claiming significant improvement over existing approaches. This appearance/seduction of improvement without real promise for change might be more insidious than the nihilism of which many post-structuralists are accused, as it seductively appears to solve a problem it does not solve.

### AT: LOAC Good

#### ---turns the case because it causes ineffective modeling that displaces effective local forms of regulating violence

Frédéric Mégret 6, Assistant-Professor, Faculty of Law, University of Toronto, From ‘savages’ to ‘unlawful combatants’: a postcolonial look at international law’s ‘other’, http://people.mcgill.ca/files/frederic.megret/Megret-SavagesandtheLawsofWar.pdf

Far from being merely a perversion, I have sought to show how exclusion and the creation of an ‘other’ may have been at the very foundation of international humanitarian law, a phenomenon bound to re-emerge in times of strain. I have tried to show how the laws of war have always stood for a particular vision of what legitimate warfare is which is almost entirely informed by the European experience. Although the laws of war have accomplished something of a Copernican anthropological revolution over the last fifty years, there is more to practices such as Guantánamo than the mere onslaught of power and violence against the Law: something like the discreet exclusionary work of law itself.

It is this model — putatively universal but profoundly exclusive — that has been expanded the world over, to the point of saturating legal and moral public discourse about war. It is this model that exercises a monopoly over our imaginations about state violence and what can be done about it. In the process of expansion of the laws of war, warfare the world over has become something very much like (if not much worse than) what nineteenth century humanitarians had sought to avert. In that respect, humanitarian lawyers rightly prophesized the danger, but that prophecy also ended up being a startlingly self-realizing one. In many ways, international humanitarian law was the solution to the problem it simultaneously crystallized (something that could be said of much of international law).

It may be that such is the price to pay if one is to ever achieve a modicum of regulation in warfare. It is also important, however, to assess what has been lost in embracing a regulatory model that is so tainted with the ideology that gave rise to it, and so committed to the entrenchment of state power. In the nineteenth Century, one of the already mentioned fathers of international humanitarian law, de Martens, felt it was axiomatic that ‘the mission of European nations is precisely to inculcate oriental tribes and peoples ideas about the law, and to initiate them to the eternal and benevolent principles that have placed Europe at the head of civilization and humanity’.174 The question international humanitarian lawyers should be asking themselves as a matter of some urgency is: how have the laws of war been instrumental in reinforcing the very categories from which they supposedly drew and, with the benefit of hindsight, what is the balance sheet of international humanitarian law’s mediation of the colonial encounter?

Through colonization, did the non-Western world at least get the benefits of forms of regulation which were either unknown to them or in bad need of being updated for the purposes of international interaction? The laws of war beyond the West have been simultaneously enthusiastically embraced as part of the standard baggage of civilization, and routinely trampled. They have often proved far less effective than had been hoped at protecting the victims of armed conflict. The improbability of legal transplants is partly to blame. The laws of war presuppose a number of social ideal-types — the responsible commander, the chivalrous officer, the reliable NCO, the disciplined foot-soldier — that cannot be recreated at a moment’s notice once the laws of war have been cut off from their cultural base. Much of the sustainability of the laws of war relies on these shared assumptions about role-playing to make sense of otherwise enigmatic legal injunctions. By transferring only the thinnest of superstructure, the risk is that non-Western militaries will have inherited legal forms uninhabited by social purpose. The irony of course, is that by the time the non-Western world had committed to some of the archetypes implicit in the laws of war, international humanitarian law turned out to not be very good at restraining warfare at all and, in fact, particularly hopeless in regulating warfare among or within the recent converts.

But perhaps more attention should be paid to what the laws of war have excluded or obscured, instead of simply to what the laws of war have failed or succeeded in doing. Much international humanitarian scholarship over the past thirty years has been devoted to the worthy task of showing how traditions of restraint in warfare have existed in many non- Western cultures.175 This is undeniably a welcome (re)discovery that was long overdue. Maybe the laws of war were indeed merely giving a universal expression to what was otherwise an extremely widespread aspiration, in which case no culture could be said to have been specifically dispossessed of anything.

But typically this scholarship may well end up overemphasizing the similarities between such traditions, at the expense of what was specific about the development of the contemporary laws of war. That traditions of restraint in the use of violence by social entities against each other have existed almost universally is quite clear. The modern version of the laws of war, however, that which became globalized, is clearly, as I hope to have demonstrated, about more than a simple intuition that not all is permitted in times of war. The particular way that fundamental idea was expressed (through international law, through the language of statehood) for example will often have been as important as the message (the disincarnated idea that restraint in warfare is an obligation).

One fruitful and so far hardly pursued avenue of research, therefore, would try to assess the extent to which the contemporary laws of war ended up displacing existing, richly situated traditions for the benefit of a relatively decontextualised universalism. A history of how the laws of war have consequently impoverished cultural registers to deal with organized violence is still to be written, but it might shed light on the devastating consequences of conflicts in places like Africa for example.

In the meantime, it is tempting to think that the universalization of the laws of war has often left the non-Western world in the worst of places: one where existing traditions have been sufficiently destabilized to be discredited, but where the promise of ‘civilization’, hailed as the prize for massive societal transformation along Western lines, has failed to materialize.

The (missed) encounter between colonialism and the laws of war has also had implications for the ‘civilized world’ itself and our understanding of the emergence and development of international law. The exclusion of the non-civilized was obviously a consequence of international law’s prescriptions. But it was also a cause of the tonality of these prescriptions, part of a complex dialectical process of constitution (in the sense of ‘coming into being’) of international law, which conferred it its particular civilizational hue. The relation of public international law to the problem of war was never, needless to say, that of an already constituted set of norms to be applied to a novel and, to a degree, extraneous social problem. Instead, international law became what it eventually became by upholding itself as a vision of ‘civilization’ against the simultaneously constituted ‘savagery’, fantasized or not, of the non-Western warrior, so that this contrast, recycled through the ages and the endless echo of repetition, would be received as the original matrix through which international law ‘saw the world’. As such, the emergence of the modern laws of war was as much about identity as it was about norms.176 The ‘law of humanity’, as Ruti Teitel put it, ‘did the work of drawing the line between the ‘civilized’ and the ‘barbarians’’ and ‘supplied the sense that there was such a thing as international law’.177 Indeed, because of the centrality of the problem of war to international relations, the laws of war became central to international law’s self-image and still retain a unique place in the framing of a distinct reformist sensitivity, not to mention the discipline’s relatively good conscience.

#### They conflate law and politics, just because people can legally go to war doesn’t mean they will, Benvenisti only the plan encodes a value system that makes violence acceptable, turns robots

#### The aff creates a telos of peace enforced through liberal violence---their evidence just proves that voting negative to refuse to partake in a self-fulfilling system of scenario-planning solves the case better by elevating non-violence as a priori---only a risk the aff naturalizes a more sanitized violence by overdetermining peace

Dalby 11 Simon Dalby, Carleton University "PEACE AND GEOPOLITICS: IMAGINING PEACEFUL GEOGRAPHIES" Nov 2011 http-server.carleton.ca/~sdalby/papers/PEACEFUL\_GEOGRAPHIES.pdf

This paper suggests this focus on war and violence has to be read against rapidly shifting geographies and the recent general trend of reduced violence in human affairs. Whether this is the promise of the liberal peace, a transitory imperial pax, something more fundamental in human affairs, or a temporary historical blip remains to be seen, but substantial empirical analyses do suggest that violence is declining (Human Security Report 2011). This stands in stark contrast to realist assertions of war as the human condition as well as to repeated warnings about the supposed dangers to international order of rising Asian powers. Likewise the remilitarization of Anglo-Saxon culture since 9/11 has suggested that warring is a routine part of modern life. But the nature of war has changed in some important ways even if contemporary imperial adventures in peripheral places look all too familiar to historians. Peace, all this crucially implies, is a matter of social processes, not a final Telos, a resolution of the tensions of human life, nor a utopia that will arrive sometime. In Christian terms the aspirational "Kingdom of God" is a work in progress.

Nick Megoran (2011) in particular has suggested that the geography discipline needs to think much more carefully about peace making and the possibilities of non-violence as modes of political action. The key question is focused on in the Megoran's pointed refusal to accept the simplistic dismissal of the efficacy of non-violence given the obvious prevalence of violence. The point of his argument is that non-violence is a political strategy in part to respond to violence, to initiate political actions in ways that are not hostage to the use of force. In doing so, especially in his discussion of resistance to Nazi policies in Germany during the war, Megoran (2011) underplays the important points about legitimacy as part of politics, and likewise hints at the important contrast between non-violence as a strategic mode of political action. Implied here is that while war may be politics by other means, to gloss the classic Clausewitzian formulation, non¬violence is politics too. But politics plays in the larger geopolitical context, and this must not be forgotten in deliberations concerning the possible new initiatives geographers might take in thinking carefully about disciplinary contributions to peace research and practice.

Contemporary social theory might point to Michel Foucault, and the argument drawn from his writings that politics is the extension of war rather than the other way round. Given the interest in biopolitics and geogovernance within the discipline these matters are obviously relevant but the connection to peace needs to be thought carefully beyond formulations that simply assume it as the opposite of wars (Morrissey 2011). This is especially the case given the changing modes of contemporary warfare and the advocacy of violence as an appropriate policy in present circumstances. The modes of warfare at the heart of liberalism suggest that the security of what Reid and Dillon (2009) call the biohuman, the liberal consuming subject, involves a violent series of practices designed to pacify the world by the elimination of political alternatives. The tension here suggests an imperial peace, a forceful imposition of a state of non-war. In George W. Bush's terms justifying the war on terror, a long struggle to eliminate tyranny (Dalby 2009a). Peace is, in this geopolitical understanding, what comes after the elimination of opposition. In late 2011 such formulations dominated discussions of the death of Colonel Gadaffi in Libya.

The dramatic transformation of human affairs in the last couple of generations do require that would-be peaceful geographers look both to the importance of non-violence and simultaneously to how global transformations are changing the landscape of violence and social change, all of it still under the threat of nuclear devastation should major inter-state war occur once again. The re-emergence of non-violence as an explicit political strategy, and in particular the use of Gene Sharp's (1973) ideas of non-violent direct action in recent events pose these questions very pointedly. Geographers have much to offer in such re-thinking that may yet play their part in a more global understanding of how interconnected our fates are becoming and how inappropriate national state boundaries are as the premise for political action in a rapidly changing biosphere.

But to do so some hard thinking is needed on geopolitics, and on how it works as well as how peace-full scholarship might foster that which it desires. Linking the practical actions of non-violence from Tahrir Square to those of the Occupy Wall Street actions, underway as the first draft of this paper was keyboarded, requires that we think very carefully about the practices that now are designated in terms of globalization. Not all this is novel, but the geopolitical scene is shifting in ways that need to be incorporated into the new thinking within geography about war, peace, violence and what the discipline might have to say about, and contribute to, non-violence as well as to contestations of contemporary lawfare (Gregory 2006).

Whether the delegitimization of violence as a mode of rule will be extended further in coming decades is one of the big questions facing peace researchers. The American reaction to 9/11 set things back dramatically, an opportunity to respond in terms of response to a crime and diplomacy was squandered, but the wider social refusal to accept repression and violence as appropriate modes of rule has interesting potential to constrain the use of military force. The professionalization of many high technology militaries also reduces their inclination to involve themselves in repressing social movements, although here Mikhail Gorbachev's refusal to use the Red Army against dissidents in Eastern Europe in the late 1980s remains emblematic of the changes norms of acceptable rule that have been extended in the last few generations.

Geopolitics has mostly been about rivalries between great powers and their contestations of power on the large scale. These specifications of the political world focus on states and the perpetuation of threats mapped as external dangers to supposedly pacific polities. Much geopolitical discourse specifies the world as a dangerous place, hence precisely because of these mappings, one supposedly necessitating violence in what passes for a realist interpretation of great powers as the prime movers of history (Mearsheimer 2001). Geopolitical thinking is about order and order is in part a cartographic notion. Juliet Fall (2010) once again emphasizes the importance of taken for granted boundaries as the ontological given of contemporary politics. Politics is about the cartographic control of territories, as Megoran (2011) too ponders regarding the first half of the twentieth century, but it also about much more than this, despite the fascination that so many commentators have with the ideal form of the supposedly national territorial state. Part of what geographers bring to the discussion of peace is a more nuanced geographical imagination than that found in so much of international studies (Dalby 2011a).

On the other hand much of the discussion of peace sees war as the problem, peace as the solution. Implied in that is geopolitics as the problem, mapping dangers turns out to be a dangerous enterprise insofar as it facilitates the perpetuation of violence by representing other places as threats to which our place is susceptible. But this only matters if this is related to the realist assumptions of the inevitability of rivalry, the eternal search for power as key to humanity's self-organisation and the assumption that organized violence is the ultimate arbiter (Dalby 2010). Critical geopolitics is about challenging such contextualizations, and as such its relationships to peace would seem to be obvious, albeit as Megoran (2011) notes mostly by way of a focus on what Galtung (1969, 1971) calls negative peace. Given the repeated reinvention of colonial tropes in contemporary Western political discourse such critique remains an essential part of a political geography that grants peoples "the courtesy of political geography" (Mitchell and Smith 1991). Undercutting the moral logics of violence, so frequently relying on simplistic invocations of geographical inevitability, to structure their apologetics, remains a crucial contribution.

Both the practical matters of recent history and the scholarly contributions by geographers do not allow simple binary distinctions of peace and war to be used as the premise of either scholarship or political practice. History and scholarship suggest rather that peace is what comes after war; the relationship is temporal, stages in matters of violence, geography and reorganizing facts on the ground. Historically in the era of European warfare, coincident with the rise of modernity, that many people hope is now near its end, peace was that which was imposed by the victors, who in turn were the most powerful in whatever contest was followed by a "peace". Much recent geographical scholarship suggests that post conflict re-construction is a mode of peace building literally (Kirsch and Flint 2011). But those of us who would challenge war as a human institution, or think about non-violence as a strategy for a better world, will not be satisfied with a geography that is concerned only to pick up the pieces and reconfigure them after they have been shattered by the latest round of organized violence.

The key points are that reconstruction is a violent transformation of society, a world where frequently neo-liberal globalization is seen as the imposition of social forms that will not resist its logics. Hence peace is what victors impose, an imperial peace that may eventually be quite welcome to those who benefit from the new arrangements. Is peace then post-war? Perhaps it can be understood in these terms. But the corollary is the equally important point that peace is also frequently what comes before the next war. The normal human situation these days is a matter of non-war, but it is far from clear where security is enforced that this is more than a limited form of negative peace. Without large-scale de-militarization then peace is just what happens between wars. But given this then one additional key point that geographers interested in war need to pay attention to is the matter of how peace fails, how conflict escalates and how geography matters in these processes (Flint et al 2009). Peacekeeping is frequently about geographical separation as the Orwellian names for contemporary walls in terms of lines of peace have it. But there is much more geographical thinking to be done about these matters and the scales of interactions across supposedly peaceful borders, not least where what matters most is state security and its ordering principles rather than local interactions across frontiers. This is so not least because of the marked current trend to build fences around states as the supposed solution to numerous security challenges (Jones 2011).

Putting matters into historical context also suggests that war is not what it used to be, at least not after the events of the 1940s. Negative peace is about preventing conflict; non¬violence is about political strategies to delegitimise violence, to challenge the human norms of behavior that allow cultures of violence. It is important to link this to the issues of what are now called lawfare (Morrissey 2011), the use of law as power and coercion to set the rules of social and political life too. This has been a key part of the US strategy for a long time; shaping institutions to the benefit of the US economy as been what much of international relations has been about, but the larger benefits of constraining conflict are part of the larger process that international law struggles to legitimize. Rules of conduct matter in the international system and the wide-scale repudiation of the American invasion of Iraq in 2003 demonstrated this point clearly.

The United Nations effectively made war illegal although the number of ways round that formal restriction has been considerable. War departments were renamed defence departments the world over, and policing, surveillance, spying as well as military action became increasingly reconfigured in terms of security. The United Nations executive committee however was named the Security Council not the Peace Council, and the rhetoric ever since has suggested that peace has to be conjoined with security, with the latter not the former paramount. Apparently peace without security isn't worth bothering about. It's peace and security. Which suggests that war is perhaps the opposite of security as well as of peace. But perhaps security is to be contrasted to violence instead? All of which requires careful conceptual thinking about the current geopolitical borders.

Crucial, but unremarked upon by many political geographers, is the simple fact that there is now widespread agreement that borders between states are fixed finally (Zacher 2001). Demarcation disputes, and no doubt some very interesting arguments about changing coastal boundaries as sea levels rise in coming decades will continue, but the territorial fixity assumption has changed one fundamental facet of warfare between states. Given the importance of territorial disputes historically as a cause of wars this point is important. So too is the finding that it matters greatly how these disputes are handled. Treated as "realist" matters of power politics territorial matters are more likely to lead to war than if diplomacy and conflict resolution are taken seriously (Vasquez and Henehan

2011).

The exceptions here do seem to prove the rule: Palestine and Kashmir are two flashpoints where attempts to move borders, or at least the refusal to accept their imposition, are key to continued violence. Fixing geographical borders removes one major historical cause of interstate warfare. Territorial aggrandizement is now mostly a thing of the past, as the reconstruction of Bosnia and the refusal to change antecedent boundaries illustrates, albeit very painfully. The title of Gearoid O'Tuathail and Carl Dahlman's (2011) book is Bosnia Remade, not Bosnia Removed, and that matters in terms of how politics is now literally mapped. This norm matters greatly and the importance of agreement on frontiers and their delimitation tragically continues in the southern areas of what until recently was the singular state of Sudan in particular.

CONTEMPORARY GEOPOLITICAL CHANGES

While there is optimism over the territorial covenant on both the small scale and the very large scale the fixity of boundaries has not prevented either the violence of what Mary Kaldor (2006) called the new wars after the cold war, nor imperial adventures by the United States, the United Kingdom, Canada and other metropolitan states. Indeed looking at the macro-scale patterns of imperial power the question is whether current Middle East warring is but the latest phase of "Anglosphere" imperial violence (Megoran 2009). Robert Fisk's (2006) subtitle to his huge book on the region is blunt in posing the matter as the conquest of the Middle East. Understanding the United States and the United Kingdom, with various settler colonies as extensions of an Anglosphere suggests only that the patterns of conquest, and indirect but violent rule have shifted to another region of the planet, from North America in the eighteenth century to South Asia and then Africa in the nineteenth and early twentieth century, finally now the pattern is extended to the Middle East in the latter part of the twentieth and early twenty-first century. This shifting pattern of Anglosphere violence is the updated logic of Kevin Phillips (1997) argument about the Cousin's Wars as key to the rise of British and subsequently American power. Thus focusing on the specific geographies of the war on terror is a useful antidote to the hugely exaggerated claims of Islamic threats as a global phenomenon invoking the need for an American lead world war (Podhoretz 2007).

But elsewhere violence has followed resources, at least to the sources of valuable ones and oil in particular (Le Billon and Cervantes 2009). Mary Kaldor's (2006) analysis of the new wars suggests both that globalization matters in terms of the patterns of connection that fuel and fund violence, and also in that the role of political violence is often about control of population and economic assets rather than a matter of territorial control. Militias and gangs, as well as would be micro-nationalists are not the warring entities of nation states in violent competition invading each other's territories; they are more diffuse arrangements, something more analogous to medieval geographies rather than the violent interactions of discrete clearly demarcated modern states. This is not unrelated to the imposition of the cartography of the territorial covenant, even if it has generated whole new categories of geopolitics, of ungoverned areas and regional peripheral regions where violence persists, and drones, interventions and mercenaries are commonplace.

Over the last few decades the potential for major power warfare seems to have lessened, whatever about great power interventions in peripheral places. The global economy has, of late, required much greater cooperation between political elites. The looming crises of climate change that make unilateral action less efficacious, suggest the possibilities of less confrontational assumptions as the premise in geopolitics. While resource wars get headlines, much of environmental politics is about cooperation and treaty-making rather than warfare (Dinar 2011). Much of the contemporary violence that grabs the attention of headline writers is matters of conflict, competition and rivalry but it is not the classical war Clausewitz pointed to as the contest between two autonomous combatants in a struggle of wills fought until one forces the other to concede. Much of this might fit into his categories of small wars, but that in itself is significant if it supports the contention that great powers have given up the use of major war, if not police actions, as policy.

### NV Works

#### Vote negative to clog the efficiency of the war machine---nonviolent obstruction is empirically effective

Hand 10 (Judith, is an evolutionary biologist, animal behaviorist (ethologist), novelist, and pioneer in the emerging field of peace ethology. “To Abolish War,” http://www.afww.org/ToAbolishWar.html)

The weight of history hangs heavy with many shifts in dominator power structures to other structures that, at their core, are essentially the same, so it's not only easy to be pessimistic about the possibility of ending war, it is also exactly why many people are skeptical that ending war is possible. But let us assume, now, that we continue to work on our nine cornerstones, the bases upon which we're constructing a Star Trek future on earth. If these alone can't produce the huge positive shift we're envisioning, what can? Here's where Obstructive Program comes in. We turn to case studies and teachings of successful social transformers for insight into what produces success. We can examine movements of, for example, American suffragists like Alice Paul, Martin Luther King, Jr. and especially Mohandas Gandhi, a master planner and strategist of nonviolent social transformation. Gandhi began his life's work in South Africa, but his greatest effort was to put sufficient pressure on the British that they would grant India, his homeland, its independence. Through years of struggle he learned how to nonviolently pursue social change. Note that Gandhi isn't famous for his efforts at Constructive Programs, things like teaching villagers to be self-reliant or ending the worst excesses of the "untouchable" class system. He is famous for his brilliant use of civil disobedience as part of a well-planned Obstructive Program that he used to confront the occupiers. Examples are the famous salt march (see below); the boycott against imported British products such as linens; and inviting his own arrest for organizing these protests, resulting in long years spent in prison. The reason we know him for these things is because this nonviolent confrontation was the force he applied to get the system to change—in this case, to convince the British they might as well leave India. It is essential to a successful campaign that we fully grasp the important lesson that Gandhi's Constructive Programs alone would not have delivered victory. The power to effect profound, transformative change comes from confronting the evil that needs to be vanquished. It comes from Obstructive Programs. And what was true about Gandhi's struggle in India is also true for the challenge of ending war. World governing systems deeply entrenched in a war culture will let "do-gooders" do good until hell freezes over, while the fundamental war culture remains unaltered and those at the top who embrace that world view remain fully in control. This is why devoting efforts to good works, while necessary, won't be sufficient to effect the massive paradigm shift away from war. The American suffragists and Martin Luther King, Jr. also used Obstructive Program (confronting the "system" using nonviolent civil disobedience), as have virtually all of the numerous successful 20th century nonviolent (velvet) revolutions (Sharp 2005, Stephan& Chenoweth 2008). Obstructive Programs work by applying pressure at vital points. The metaphor of the lever and fulcrum helps visualize this. The most popular variant of a quote by the Greek mathematician, scientist, and inventor Archimedes when he was demonstrating the principal of the lever is, "Give me a lever long enough and a fulcrum on which to place it, and I shall move the world" (Thinkexist.com, 2010). The massive world we intend to move, if you will, is the world view that accepts the culture of war. So what about lever and fulcrum? We have little hard data to consider and only a few suggestive examples. One instructive example is the peace achieved in Liberia, in part by the united and unswerving nonviolent confrontation of their dictator, Charles Taylor, by Christian and Muslim women, documented in the film "Pray the Devil Back to Hell" (Disney & Reticker 2008). The west-African country of Liberia was formed in 1847 by African Americans freed by the American civil war who had been repatriated to Africa. Through the years Liberia remained a republic, until a military coup in 1980. By 1985 Liberia again became a republic, but in 1989 Charles Taylor, an Americo-Liberian, overturned the elected government. This threw the country into civil war. By 2001, the brutality inflicted by the various military forces included rape, murder, and the taking of children as soldiers. The documentary film chronicles the actions of Liberian women who reached what they considered to be the end of tolerance for the brutality (Disney & Reticker 2008). What began as a Christian prayer meeting asking for divine help ended up uniting women of the two faiths in a joint effort to use sit-downs at the local market and along the road where Taylor's caravan passed each day to insist that Taylor grant them a hearing. Eventually, unable to avoid the women any longer, Taylor, who was being accused of war crimes by the international community, granted them their request. In a dramatic confrontation, several hundred women came to support their representative as she respectfully asked Taylor to attend ceasefire talks in Ghana, and to make peace at those talks. Under pressure from many sides, Taylor agreed. Later, when the men at the talks appeared to be more interested in talking while agreeing to nothing, the women who had come to observe organized a sit-in at the meeting site, refusing to leave until a peace agreement was signed. As described by the film's promotional material, "The women held the men hostage until there was a signed peace treaty." Upon their return to Liberia, the women maintained their cohesion, with the result that Ellen Johnson Sirleaf was elected President in 2005, the first female elected head of state on the African continent.

## 1nr

## \*\*\*1NR Politics

### 1NR Impact

#### Trade is the controlling impact – it deescalates and prevents all conflict because of economic interdependence – collapse results in breakout of nuclear conflict globally

#### The DA controls all of the affs impacts

Griswold, 7 (Daniel, director of the Center for Trade Policy Studies, 4/20/2007, Trade, Democracy and Peace, HYPERLINK "<http://www.freetrade.org/node/681>" <http://www.freetrade.org/node/681>)  
A little-noticed headline on an Associated Press story a while back reported, "War declining worldwide, studies say." In 2006, a survey by the Stockholm International Peace Research Institute found that the number of armed conflicts around the world has been in decline for the past half-century. Since the early 1990s, ongoing conflicts have dropped from 33 to 17, with all of them now civil conflicts within countries. The Institute's latest report found that 2005 marked the second year in a row that no two nations were at war with one another. What a remarkable and wonderful fact. The death toll from war has also been falling. According to the Associated Press report, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Current estimates of people killed by war are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news--the end of the Cold War and the spread of democracy, among them--but expanding trade and globalization appear to be playing a major role in promoting world peace. Far from stoking a "World on Fire," as one misguided American author argued in a forgettable book, growing commercial ties between nations have had a dampening effect on armed conflict and war. I would argue that free trade and globalization have promoted peace in three main ways. First, as I argued a moment ago, trade and globalization have reinforced the trend toward democracy, and democracies tend not to pick fights with each other. Thanks in part to globalization, almost two thirds of the world's countries today are democracies--a record high. Some studies have cast doubt on the idea that democracies are less likely to fight wars. While it's true that democracies rarely if ever war with each other, it is not such a rare occurrence for democracies to engage in wars with non-democracies. We can still hope that as more countries turn to democracy, there will be fewer provocations for war by non-democracies. A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.

#### No norm development when trade collapses

Blatt, Book Reviewer for Futurecast, ‘2 (Dan, Book Review of Joseph S. Nye’s “The Paradox of American Power”, http://www.futurecasts.com/book%20review%204-02.htm )

Coalitions against particular U.S. international interests have occurred and are made more likely by unilateralist, arrogant, and parochial U.S. conduct. Protectionism is undoubtedly the most dangerous and divisive form of such conduct. "The United States must resist protectionism at home and support international economic institutions" that facilitate international commerce. Trade disputes must not be permitted to explode into disastrous trade wars (such as the trade war during the 1920s and 1930s that played a major role in the Great Depression). U.S. economic and cultural supremacy may indeed erode as Asian and European markets prosper and grow. They may ultimately "loom larger than the American market." In several particular areas - such as international trade, antitrust regulation, the establishment of technical standards, and protection of intellectual property - Europe already shares predominance with the U.S. Defining our national interest broadly to include global interests will be crucial to the longevity of our power and whether others see hegemony as benign or not. The various aspects of soft power must be a part of any effective foreign policy - and multilateralism is essential for the development and maintenance of the attributes of soft power.

#### Trade solves terrorism

O’Driscoll, Former Director at the Center for International Trade and Economics at the Heritage Foundation, ‘2 (Gerald, December 18, “Trade Promotes Prosperity and Security” Backgrounder, www.heritage.org/Research/TradeandForeignAid/BG1617.cfm)

ECONOMIC GROWTH VS. TERRORISM As President Bush recognizes, "freedom is the non-negotiable demand of human dignity; the birthright of every person--in every civilization."15 The defense of free markets thus provides a moral as well as pragmatic basis for U.S. foreign policy. Free markets offer the option of prosperity over poverty and provide opportunities for the world's poorest to advance. None benefit more from an open trading environment than the citizens of developing countries. As noted by New Zealand's Mike Moore, the former head of World Trade Organization, "Free trade is the best hope of the worst off."16 It is wrong to attribute terrorism to poverty. If poverty itself caused terrorism, "sub-Saharan Africa would be the greatest exporter. Fifteen of nineteen September 11 hijackers, moreover, came from oil rich and relatively prosperous Saudi Arabia, while two more were middle class boys from Lebanon and Egypt."17 At the same time, however, the conditions that perpetuate poverty also generate terrorism: "Lack of economic freedom fuels the resentment, desperation, and hopelessness that terrorist organizations utilize to recruit new members and muster support for their activities."18 According to U.S. Trade Representative Robert Zoellick, The offensive against terrorism requires fresh thinking about how to tackle the global challenges of poverty and privation. To be sure, the source of terrorism is not poverty; to believe that is an insult to people all over the world who struggle daily to overcome hardships. Terrorism's roots lie in a deep evil and fanatic ideologies. But there is no doubt that societies that fragment, that are poor, that have no sense of hope, become fertile grounds in which terrorists can burrow. So all of us have a stake in development and democracy.19

#### Free trade turns their nanotech impact-key to international standards

Howard-National Center for Occupational Safety-11

NanoTechnology Standards Google Books p.v

Globalization has unleashed economic forces that are affecting knowledge generation, commercial trade in goods and services, and the manufacturing of products. Global economic forces are also leading to a greater role in both commerce and science for international standards. Increasingly, standards are serving an important role in promoting the international development and commercialization of emerging technologies. Standards aid economic globalization by providing a common means to define technical nomenclature, standardize analytical methods, determine whether harmful exposures exist, and provide for ways to control many of the risks associated with international technology commercialization. Also, the development of standards in the twenty-first century to control risks to workers, consumers and the environment is becoming as pivotal to the success of globalization as free trade agreements were in the twentieth century. And, the use of standards in the governance of risk has only increased since nanotechnology has emerged as a global technology which promises to reshape the way we live and work. Nanotechnology is a rapidly evolving and potentially transformative technology, which has the potential to greatly improve many areas of human life. Nanotechnology promises stronger and lighter materials, more efficacious pharmaceuticals, novel energy sources, more nutritious and longer-lasting foods, more sophisticated national security equipment, and revolutionary cancer treatments. As potentially transformative as nanotechnology may be, however, successful acceptance of any new technology, and its widespread commercial dissemination, requires strict atten- tion to controlling potential risks, especially in countries with robust product liabil- ity and personal injury systems. International standards can serve to protect both product users and product manufacturers. Historically, international standards that have been incorporated into international trade agreements or adopted into national laws have been developed by only a limited number of public and private organizations.

### 1NR A2: Impact Defense

#### No impact defense – Panzer cites a multitude of multidisciplinary studies that indicate there is a strong causative effect between trade and reduction in conflict – empirics prove it quells conflicts and prevents escalation

#### Empirics are on our side

Weede 2010

Erich, Professor of Sociology University of Bonn, The Capitalist Peace and the Rise of China: Establishing Global Harmony by Economic Interdependence International Interactions. Apr-Jun2010, Vol. 36 Issue 2, p206-213

Historically, the rise and fall of great powers has been related to great wars. Both world wars of the twentieth century would not have been possible without the previous industrialization and rise of Germany. World War II, which in Asia was a war between the Japanese on the one hand and the Western powers and China on the other hand, would not have been conceivable without the previous rise of Japan. The early phase of the Vietnam War has to be understood against the background of a declining France. If the rise and fall of great powers indicate great dangers, then one should question whether the world can peacefully accommodate a rising China. Here it is argued that the capitalist peace offers the best way to manage the coming power transition between China and the West. 1 China is rising. In the thirty years after Deng Xiaoping began economic reforms the Chinese economy grew nearly by a factor of ten. Recently, the West suffered from negative growth rates whereas China grows by about 8 percent a year. The difference in growth rates between China and the West has been about 10 percent. A power transition of such speed is without historical precedent. Given its size China is a “natural” great power— unlike Britain, France, or Germany. Even the combined population of the United States and the European Union does not approach the population size of China. If China outgrows poverty, then it must become a world power. Although war in the nuclear age threatens to be much worse than any previous world war, fear of nuclear war itself might exert some pacifying impact. Such fear, however, need not be our only protection against future wars. Economic interdependence itself makes war less likely. One finding of quantitative research is that military conflict becomes less likely if a pair of nations—say China and the United States, or China and India, or China and Japan—trade a lot with each other (Hegre 2009; Oneal and Russett 2005; Russett and Oneal 2001). Fortunately, all of them do. One may label this effect “peace by free trade”. Foreign investment has some beneficial impact, too (Souva and Prins 2006). Moreover, economic freedom reduces nvolvement in military conflict, and financial market openness reduces the risk of war, too (Gartzke 2005, 2007, 2009). Quantitative research has demonstrated that there is something like a capitalist peace. Until a few years ago it looked as if the democratic peace were solid and robust whereas the capitalist peace between free traders was less so. Now, however, the democratic peace looks more conditional: It is not only restricted to relations between democracies, but might also be restricted to developed or market democracies (Mousseau 2005, 2009). It has been doubted whether it applies to the poorest democracies. Moreover, the less mature or perfect the democracies are, the weaker the democratic peace is. By contrast, peace by free trade or economic freedom looks more robust. Pacifying effects are not restricted to relationships between free traders on both sides of a dispute (Russett 2009:19). Moreover, the trade to GDP ratio is no longer the only or even the best way to document the pacifying effects of economic freedom or the invisible hand. By applying innovative measures of free markets, such as avoidance of too much public property ownership and protectionism, one may argue in favor of much more robustly pacifying effects of economic freedom than of political freedom (McDonald 2009). The occurrence of World War I is the standard argument against peace by trade or economic interdependence because there was substantial economic interdependence between the Western powers and the Central European powers. Certainly, World War I serves as a useful reminder that commerce makes war less likely without making it impossible. But World War I is not as much of a problem for capitalist peace theory as frequently assumed. Moreover, there was no democratic contribution to pacification because the Central European powers were, at best, imperfect democracies. By contemporary standards, even the democratic character of the United Kingdom was not beyond suspicion because of franchise limitations. As far as trade linkages were concerned they were strongest where least needed— between Britain and France, between Britain and the United States, between Germany and Austria-Hungary. These pairs ended up on the same side in the war. Whereas strong trade links between Germany on the one hand and Britain or Russia on the other hand did not prevent them from fighting each other, Germany and France exemplify weak trade ties where strong ties were needed most in order to avoid hostilities (Russett and Oneal 2001:175). Skeptics rightly observe that increasing trade did not prevent World War I, but they overlook that trade volumes rose not because of free trade policies, but in spite of mounting protectionism. Trade increased because of falling transportation costs, but in spite of protectionist policies. Finally, capitalist or commercial peace theory is an admittedly incomplete theory. It says only how risks of war may be reduced but it says nothing about what generates them in the first place. But commercial peace theory is certainly compatible with World War II, which was even bloodier than the previous world war as well as with the later reconciliation between the former Axis powers and the West. There was little trade between the Western powers and the Axis powers. Since the Axis powers were not democracies, the democratic peace could also not apply between the Axis and the West. The different long-term effects of the settlements of both world wars may be explained by differences in application of a capitalist peace strategy toward the losers of the wars. After World War I France influenced the settlement more than anyone else. It did not even think of a commercial peace strategy. Misery and desperation within Germany contributed to Hitler’s empowerment and indirectly to World War II. After World War II, the United States, however, pursued a capitalist peace strategy toward the vanquished. It promoted global free trade and subsidized even the recovery of the losers of the war. Germany and Japan became prosperous and allies of the United States.

#### Deglobalization is net worse – domestic politics.

Hillebrand 2010

Evan E., Visiting Professor at the Patterson School of Diplomacy – University of Kentucky (go cats), Deglobalization Scenarios: Who Wins? Who Loses? Global Economy Journal, Vol. 10 [2010], Iss. 2, Art. 3 http://83.143.248.39/students/MCA100/Senior%20Thesis/who%20wins%20who%20loses.pdf

Deglobalization in the form of reduced trade interdependence, reduced capital flows, and reduced migration has few positive effects, based on this analysis with the International Futures Model. Economic growth is cut in all but a handful of countries, and is cut more in the non-OECD countries than in the OECD countries. Deglobalization has a mixed impact on equality. In many non-OECD countries, the cut in imports from the rest of the world increases the share of manufacturing and in 61 countries raises the share of income going to the poor. But since average productivity goes down in almost all countries, this gain in equality comes at the expense of reduced incomes and increased poverty in almost all countries. The only winners are a small number of countries that were small and poor and not well integrated in the global economy to begin with—and the gains from deglobalization even for them are very small. Politically, deglobalization makes for less stable domestic politics and a greater likelihood of war. The likelihood of state failure through internal war, projected to diminish through 2035 with increasing globalization, rises in the deglobalization scenario particularly among the non-OECD democracies. Similarly, deglobalization makes for more fractious relations among states and the probability for interstate war rises. These are dramatic results and have strong implications for policy. For the United States and other OECD countries, deglobalization might economically benefit a small fraction of citizens and companies, but it would cut overall economic growth and reduce average living standards. It would seem far better to deal with the negative aspects of globalization directly by improving trade adjustment assistance, providing more secure access to health care, by upgrading the skills of the workforce, and by refocusing academic research toward areas that will spur productivity growth. For the non-OECD countries, deglobalization has even worse results, suggesting that those countries need to reengage in global trade negotiations and seek compromises that can benefit all participants.

### 1NR A2: Reverse Causal

#### Global trade is on the brink of collapse-rising US protectionism risks global escalation.

Lincicome 12 (Scott, trade attorney, “Is Missing American Trade Leadership Beginning to Bear Protectionist Fruit? (Hint: Kinda Looks Like It),” June 12, http://lincicome.blogspot.com/2012/06/is-missing-american-trade-leadership.html)

Over the past few years, I and several other US trade-watchers have lamented the United States' dwindling leadership on global trade and economic issues and warned of that trend's troubling potential ramifications. It appears that at least one of our breathless predictions may finally be coming true. Starting in mid-2009 - when it became depressingly clear that the Obama administration viewed trade in mostly political terms and thus would not be advancing a robust, proactive free trade agenda - we free traders expressed grave concern that US recalcitrance could harm not only US companies and workers, but also the entire global free trade system. As I explained in a 2009 oped urging the President to adopt a robust pro-trade agenda (as outlined in this contemporary Cato Institute paper): Since the 1940s, the US has led the charge to remove international barriers to goods, services and investment. The result: a global trade explosion that has enriched American families, spurred innovation, enhanced our security and helped millions escape poverty. Every US president since Herbert Hoover has championed free trade because of its proven benefits.... Because of today's rules-based multilateral trading system and the interdependence of global markets, US fecklessness on trade shouldn't lead to devastating protectionism akin to the Smoot-Hawley-induced tariff wars of the 1930s. But it's still a problem. In 2008, global trade contracted for the first time since 1982, and protectionist pressures abound. The WTO's Doha Round is comatose, even though an ambitious deal could inject US$2 trillion into the reeling global economy. Considering the US has steered every major trade initiative in modern history, any chance for significant progress on trade will disappear without strong American leadership - in word and deed. Since that time, the President has clearly not taken free traders' advice. The WTO's Doha Round is dead, despite a pretty good opportunity to force the issue back in late 2010. The Obama administration took three years to implement already-dusty FTAs with Korea, Panama and Colombia and actually insisted on watering the deals down with new protectionist provisions in order to finally agree to move them. And while countries around the world are signing new trade agreements left and right, we've signed exactly zero and have eschewed important new participants and demanded absurd domestic protectionism in the one agreement that we are negotiating (the TPP). Meanwhile, on the home front the President has publicly championed mercantilism, as his minions quietly pursued myriad efforts to restrict import competition and consumer freedom, embraced competitive devaluation and maintained WTO-illegal policies (while publicly denouncing protectionism, of course). Pretty stark when you lay it all out like that, huh? Despite this depressing state of affairs, it did not appear that the United States' diversion from its long free trade legacy had resulted in a tangible increase in global protectionism (although the death of Doha certainly isn't a good thing). Unfortunately, a new blog post from the FT's Alan Beattie indicates that those chickens may finally be coming home to roost: One of the very few bright spots in governments’ generally grim recent performance of managing the world economy has been that trade protectionism, rampant during the Great Depression, has been relatively absent. That may no longer be the case. The WTO, fairly sanguine about the use of trade barriers over the past few years, warns today that things are getting worrying. The EU made a similar point yesterday. And this monitoring service has been pointing out for a long time that a lot of the new forms of protectionism aren’t counted under the traditional categories, thanks to gaping holes in international trade law. After glancing at the bi-partisan protectionism on display in the 2012 US presidential campaign, Beattie concludes that, on the global trade stage, "things are looking scarier than they have for a while." I'm certainly inclined to agree, and one need only look South to Brazil's frighteningly rapid transition from once-burgeoning free trade star to economically-stagnant, unabashed protectionist to see a scary example of why. And while I agree with Beattie that the world still isn't likely to descend into a 1930s-style trade war - we can thank the WTO and the proliferation of free market economics for that - the rising specter of global protectionism is undoubtedly distressing. And, of course, it has risen just as America's free trade leadership has faded away. Now, as we all know, correlation does not necessarily mean causation, and it's frankly impossible to know just how much the dearth of US trade leadership has actually affected global trade policies. But I think it's pretty safe to say that it certainly hasn't helped matters. Just ask yourself this: how can the US admonish Brazil or any other country about its distressing mercantilism when the President is himself routinely preaching - and his administration is busy implementing - similar policies? How can we decry the global "currency wars" when we're discretely advocating a similar strategy? How can we push back against nations' increasing use of market-distorting subsidies or regulatory protectionism when we're.... I think you get the idea. As I've frequently noted here, it was a Democrat - Secretary of State Cordell Hull - who over 70 years ago began a global free trade movement that until very recently had been led - in word and deed - by Republican and Democratic administrations alike. And while the distressing recent spike in global protectionism may not have been caused by a lack of American trade leadership, it is very, very likely not going to recede until the United States regains its long-held place at the front of the trade liberalization pack.

#### Passing TPA is critical to the future viability of the WTO – which will collapse now.

Jeffrey Schott 6/14/13 Senior Fellow, Peterson Institute for International Economics Payoff from the World Trade Agenda

Peterson Institute for International Economics, Washington, DC

June 14, 2013 http://www.piie.com/publications/papers/transcript-20130614.pdf

Now, what are the prospects for Bali? Well, they’re not so good. Trade ministers are prone to accentuate the positive. But when APEC trade leaders met in Surabaya, Indonesia in April of this year, they admitted, and I need to quote this. This is what they said: “The negotiation as it stands now is not on course to lead to a successful outcome at the Ministerial Conference 9 in Bali.” And then even more ominously they said: “The continued viability of the WTO’s negotiating function is at serious risk.” So that’s what our trade leaders, our optimistic trade leaders are saying about the prospects for moving forward later this year in Bali. And it underscores the task that Terry and others have. And it has to be more than the business community, but as Fred said it has to be certainly pushed hard by the business community to just get the officials and the negotiators to recognize that there’s a lot at stake and a big window of opportunity to make progress, but a big cost if they don’t. Now, what are the reasons for the impasse? And this is something that goes beyond what we put in our study. It’s more of a postscript to our study to look at the task going forward. And there are a number of problems that beset the preparations for the Bali Ministerial. You can call them Bali aches if you like. Oh, yeah, I was wondering whether to say that, and obviously I shouldn’t have. The first is issue with linkages. These are tactical gambits that risk blocking agreement like similar moves blocked agreement on the overall DOHA agenda over the past 10 years. And the key problem going forward for Bali is linking what is called food security subsidies with the trade facilitation agreement. There are important issues with regard to food security. There are important issues with regard to agricultural subsidies. But they should not be used in a way that blocks the ability to get the big deliverable out of Bali. And negotiators are still tied up in knots on how to do that. The second problem regards imbalances. Each country has a different idea of what is a balanced accord. Now, the terminology is important. In the past, we talked in trade negotiations about reciprocity. Reciprocity is an ambiguous term, but it’s a lot clearer than talking about balanced because each country hastheir own idea of what balanced is and there’s no consistent standard to set it on. So the first imbalance derives from differences in how countries value the benefit of policy change, basically taking what’s going on now and changing what countries do in order to open up more opportunities from trade and investment and how they value the increase in policy predictability that comes when new obligations constrain the ability of governments to reverse liberalization and to add new protectionism. So those are important. How do you value those things? In fact, the appreciation of the value of those two aspects is sometimes not well understood. The second imbalance comes between the level of progress that is needed on market access across agriculture and manufacturing and services, and the progress on commitments to new rule-making obligations, which often also encompass reforms that result in improved market access. This is part of the problem with the duty-free, quota-free issue and the resistance to going to a 100 percent coverage of tariff lines in a number of countries. There needs to be progress both on the coverage of the tariff preferences for the least developed countries. But there also needs to be progress on the eligibility rules for qualifying for the preferential rates. I mean, there are some countries that provide a 100 percent duty-free, quota-free treatment for least developed countries, but those countries don’t get access to that market because the eligibility rules, the content requirements and the like, basically block them from access to those markets. So those two things have to be done. There has to be a greater liberalization of the eligibility requirements to make those LDC preferences meaningful. And third, there are leadership lapses. And this has been throughout the DOHA Round, so this is nothing new. The big players, developed and developing, need to put their chips on the table. For the U.S. and the EU, this means real constraints on farm supports and real new access for the exports of the least developed countries. These countries should be more responsive with regards to cuts of agricultural export subsidies—that’s one of our initiatives in our study. And indeed, there has been suggestions for 16 Bali that developing countries want the U.S. and Europe to commit to a 50 percent down payment on reductions of agricultural export subsidies, but that’s actually doable given the current climate of high commodity prices and should be acceptable if the deal included a snapback clause. But it seems to be resisted so far. And this is one area where the negotiators are being a bit too risk-averse. For China, it means dropping the charade that they are recently a ceded member to the WTO, and therefore, don’t have to do anymore. They need to do more. They need to commit to broader liberalization than other developing countries. And they have the ability to do that. For all the BRICs, it means advancing services negotiations as a means to unblock the negotiating impasse on agriculture and on NAMA. Now, this audience probably is focusing on, well, how the heck is the United States going to do in any of this. And it leads to the question of what about trade promotion authority. For the U.S., passage of new trade promotion authority would send a very positive signal that we were willing and able to make these commitments and follow through on them, and it should be done soon.

### 1NR A2: Not spending Capital

#### Obama stepping up effort-TPA is top of the docket---will be debated this month

Inside U.S. Trade 12/20/13

HEADLINE: Jarrett Predicts Obama Will Succeed In Getting TPA; NAM Rallies Members

The leaders of the trade committees, with the exception of House Ways and Means Ranking Member Sander Levin (D-MI), are planning to introduce a new fast-track bill, also known as Trade Promotion Authority (TPA) early in January (see related story). Little is know about the substance of the bill, but the National Association of Manufacturers (NAM) this week informally called its members to help the fight for TPA, according to an internal e-mail sent to companies. "Opponents of opening trade opportunities are already sending a loud message to lawmakers," the e-mail says."Washington needs to hear from manufacturers TODAY." The e-mail says that a fast-track bill will "likely be introduced and debated in Congress" in January. "Make sure that you and your company are talking about the importance of TPA, and are gearing up to send a strong message to lawmakers on behalf of manufacturers worldwide," the e-mail says. The e-mail then provides a link to contact senators and House members saying "The Time Is Now For Trade Promotion Authority." It also tells members that NAM will issue an official "call to action" once TPA legislation is introduced. After this week's cabinet-level meeting, a senior administration official told reporters the administration plans to step up its outreach to Congress in an effort to build support for fast-track. The outreach will seek to clear up misconceptions by lawmakers, many of whom have never taken such a trade vote because they were elected after the 2002 fast-track renewal, according to the official.

#### Obama is spending political capital on TPA

Country Forecast Select 1/1/14

HEADLINE: Regional summaries: North America

SERIES: Country Forecast World January 2014 - Part 4 of 14

The government's positive stance towards trade liberalisation has been amplified since Mr Obama was re-elected president in late 2012. The administration announced in early 2013, for example, that it would pursue a wide-ranging trade and investment pact with the EU. In addition, US negotiators have been working hard to strike a trade deal with Canada and ten countries in Asia and Latin America this year. The Trans-Pacific Partnership (TPP), which would cover 800m people and around 40% of the world's economy, is a priority for Mr Obama, as hopes for progress on multilateral negotiations under the World Trade Organisation have foundered amid differences between large trading nations. It is still unclear whether an agreement will emerge in the coming weeks. In the best-case scenario, negotiators will reach a handshake deal by the end of the year, before spending the early months of 2014 drafting the formal agreement. The main obstacle will be the same one that has bedevilled Mr Obama during his second term: Congress. A mechanism for expediting congressional approval of trade deals, known as Trade Promotion Authority (TPA), lapsed in 2007 and Mr Obama is struggling to win political support to bring it back. This means that individual lawmakers may seek to carve out exemptions for parochial interests, which would bog down the process and could sink the entire agreement.

### 1NR A2: GOP Blocks

#### Strong push from Obama can secure fast track from GOP because of economic considerations that’s the 1NC Good evidence – their evidence doesn’t assume political capital which overcomes hurdles

#### This evidence is too broad and generic and specific to immigration reform, the budget, and unemployment insurance – this doesn’t apply to the TPA bill

#### And Obama push will get TPA

Business Week 1/6/14

http://www.businessweek.com/news/2014-01-06/business-groups-back-obama-on-trade-as-historic-debate-begins#p2

Ed Gresser, a former adviser to the U.S. Trade Representative’s office under President Bill Clinton, said a similar number of Republicans opposed giving the White House fast-track negotiating authority in 2002, and that Obama will be able to persuade enough Democrats to support a new bill. “It actually is quite do-able for the administration,” he said in a phone interview.

House will get on board

Hinz-Chicago Business-1/2/14

http://www.chicagobusiness.com/article/20140102/BLOGS02/140109985#

Fight builds to give Obama fast-track trade authority

January 02, 2014

Big Illinois exporters could get a vote very early this new year on something they've wanted for a long time: fast-track authority for President Barack Obama to negotiate new international trade deals. But the issue in the House now is "very close." So says North Side congressman Mike Quigley, who unlike many Democratic House members says action is needed despite concerns from labor and some other groups. Like it or not, "this is a global economy," said Mr. Quigley in an interview earlier this week. "If you're not at the bargaining table, if you don't get an agreement, someone else does," he said, referring specifically to China, which has been building ties rapidly with some of America's traditionally strong trading partners in Asia. "You'll be left in the dust." Many top Illinois businesses already are lobbying to extend Trade Promotion Authority, as fast-track formally is known. "From the 1930s until 2007, Congress has authorized every president to pursue trade agreements that open markets for U.S. goods and services," Caterpillar Inc. Chairman and CEO Doug Oberhelman wrote in a recent guest editorial. "Today, trade supports more than one in five American jobs. U.S. exports have grown more than twice as fast as GDP since 2002, accounting for 14 percent of GDP in 2012. And workers in U.S. companies that export goods earn on average up to 18 percent more than those in similar jobs in non-exporting companies," he added. "Updated TPA legislation would provide clear guidance on Congress' requirements for trade agreements. It would also provide our trade negotiating partners with a degree of comfort that the United States is committed to the international trade negotiating process and the trade agreements we negotiate." But Democrats in particular have been leery to renew the authority because of concerns that workers elsewhere are underpaid, putting Americans at a disadvantage. Many environmental groups express similar concerns stemming from low standards abroad. Even some Republicans are withholding support in highly partisan Washington. But given international realities, the solution is not to ignore what competing countries are doing but "get the best deal possible" at the table for both labor and the environment. "It's tough being in the middle in this Congress . . . (But) this is important for Chicago and Illinois. We can't live in isolation." Though the Obama White House has not signaled action, Mr. Quigley says he expects fast-track legislation to hit the House floor in January. And another Chicagoan, former U.S. Commerce Secretary Bill Daley, says some momentum indeed has begun to build on behalf of the measure. "I think they have a compromise," Mr. Daley said. "Until the bill is on the floor, you never know for sure. But right now, they're talking as if they have a deal." If so, a long-pending proposed Asian trade deal could follow shortly thereafter. Look for Penny Pritzker, commerce secretary from Chicago, to play a role too.

#### Fast Track will pass-Obama is focused on vote wrangling

Inside U.S. Trade 12/20/13

HEADLINE: Jarrett Predicts Obama Will Succeed In Getting TPA; NAM Rallies Members

White House senior adviser Valerie Jarrett on Dec. 18 predicted that President Obama would ultimately be successful in his quest to have Congress approve new fast-track authority also known as Trade Promotion Authority (TPA). "We think we will get it," she said. "We've had an enormous amount of outreach to the Hill on all of the agreements, and we are very encouraged by it." Her comment is an apparent reference to TPA, the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). But Jarrett sidestepped a question of how much political capital Obama is willing to expend to obtain fast-track authority. "The president has made it very clear that he wants TPA to pass, and he's going to work hard to get it done, and he's going to work hard to get each of the trade agreements passed," she said. Jarrett emphasized that Obama also is committed to "work hard to get the best deal possible. We're not just looking to get a deal for the deal's sake." She said that the administration wants to make sure that "those deals protect our values, our workers, and it's good for business. And that's very high on the president's agenda." Obama met on Dec. 16 with U.S. Trade Representative Michael Froman, other economic advisers as well the national security adviser, a meeting which Jarrett said was held to focus on "our trade agreements."

### 1NR A2: Intrinsicness

#### 1.The judge should be a policy analyst, most realistic considering they can’t create immediate change.

#### 2.Judge as a policy maker is more illogical, there is no agent that can pretend to be all three branches and magically cause a bill to pass.

#### 3. They don’t get to bypass the political ramifications of the plan, politics DA’s are good

#### A. Real world education requires the politics DA, the link proves its an opportunity cost of the plan, bargaining chips are limited in the real world.

#### B. Destroys neg ground, they can use logical policy making to make plan amendments to solve any da and skirt solvency debates

### 1NR A2: Avoid Fights

#### He won’t avoid the fight – the plan codifies statute that makes Obama a punching bag up for debate on Congressional war power authority – our link isn’t that Obama will backlash to the policy, but that Congress will rein him in anyways – that’s Kriner

#### Only Congressional moves to reclaim war power authority triggers the DA

**Howell, Chicago American politics professor, 9-3-13**

(William, “All Syria Policy Is Local”, [www.foreignpolicy.com/articles/2013/09/03/all\_syria\_policy\_is\_local\_obama\_congress?page=full](http://www.foreignpolicy.com/articles/2013/09/03/all_syria_policy_is_local_obama_congress?page=full), ldg)

From a political standpoint, seeking congressional approval for a limited military strike against the Syrian regime, as President Barack Obama on Saturday announced he would do, made lots of sense. And let's be clear, this call has everything to do with political considerations, and close to nothing to do with a newfound commitment to constitutional fidelity. The first reason is eminently local. Obama has proved perfectly willing to exercise military force without an express authorization, as he did in Libya -just as he has expanded and drawn down military forces in Afghanistan, withdrawn from Iraq, significantly expanded the use of drone strikes, and waged a largely clandestine war on terrorism with little congressional involvement. The totality of Obama's record, which future presidents may selectively cite as precedent, hardly aligns with a plain reading of the war powers described in the first two articles of the constitution. Obama isn't new in this regard. Not since World War II has Congress declared a formal war. And since at least the Korean War, which President Harry Truman conveniently called a "police action," commanders-in-chief have waged all sorts of wars -small and large -without Congress's prior approval. Contemporary debates about Congress's constitutional obligations on matters involving war have lost a good deal of their luster. Constitutional law professors continue to rail against the gross imbalances of power that characterize our politics, and members of whichever party happens to be in opposition can be counted on to decry the abuses of war powers propagated by the president. But these criticisms -no matter their interpretative validity -rarely gain serious political traction. Too often they appear as arguments of convenience, duly cited in the lead-up to war, but serving primarily as footnotes rather than banner headlines in the larger case against military action. Obama's recent decision to seek congressional approval is not going to upend a half-century of practice that has shifted the grounds of military decision-making decisively in the president's favor, any more than it is going to imbue the ample war powers outlined in Article I with newfound relevance and meaning. For that to happen, Congress itself must claim for itself its constitutional powers regarding war. Obama did not seek Congress's approval because on that Friday stroll on the White House lawn he suddenly remembered his Con Law teaching notes from his University of Chicago days. He did so for political reasons. Or more exactly, he did so to force members of Congress to go on the record today in order to mute their criticisms tomorrow. And let's be clear, Congress -for all its dysfunction and gridlock -still has the capacity to kick up a good dust storm over the human and financial costs of military operations. Constitutional musings from Capitol Hill -of the sort a handful of Democrats and Republicans engaged in this past week -rarely back the president into a political corner. The mere prospect of members of Congress casting a bright light on the human tolls of war, however, will catch any president's attention. Through hearings, public speeches, investigations, and floor debates, members of Congress can fix the media's attention -and with it, the public's -on the costs of war, which can have political repercussions both at home and abroad. Think, then, about the stated reasons for some kind of military action in Syria. No one is under the illusion that a short, targeted strike is going to overturn the Assad regime and promptly restore some semblance of peace in the region. In the short term, the strike might actually exacerbate and prolong the conflict, making the eventual outcome even more uncertain. And even the best-planned, most-considered military action won't go exactly according to plan. Mishaps can occur, innocent lives may be lost, terrorists may be emboldened, and anti-American protests in the region will likely flare even hotter than they currently are. The core argument for a military strike, however, centers on the importance of strengthening international norms and laws on chemical and biological weapons, with the hope of deterring their future deployment. The Assad regime must be punished for having used chemical weapons, the argument goes, lest the next autocrat in power considering a similar course of action think he can do so with impunity. But herein lies the quandary. The most significant reasons for military action are abstract, largely hidden, and temporally distant. The potential downsides, though, are tangible, visible, and immediate. And in a domestic political world driven by visual imagery and the shortest of time horizons, it is reckless to pursue this sort of military action without some kind of political cover. Were Obama to proceed without congressional authorization, he would invite House Republicans to make all sorts of hay about his misguided, reckless foreign policy. But by putting the issue before Congress, these same Republicans either must explain why the use of chemical weapons against one's people does not warrant some kind of military intervention; or they must concede that some form of exacting punishment is needed. Both options present many of the same risks for members of Congress as they do for the president. But crucially, if they come around to supporting some form of military action -and they just might -members of Congress will have an awfully difficult time criticizing the president for the fallout. Will the decision on Saturday hamstring the president in the final few years of his term? I doubt it. Having gone to Congress on this crisis, must he do so on every future one? No. Consistency is hardly the hallmark of modern presidents in any policy domain, and certainly not military affairs. Sometimes presidents seek Congress's approval for military action, other times they request support for a military action that is already up and running, and occasionally they reject the need for any congressional consent at all. And for good or ill, it is virtually impossible to discern any clear principle that justifies their choices. The particulars of every specific crisis -its urgency, perceived threat to national interests, connection to related foreign policy developments, and what not -can be expected to furnish the president with ample justification for pursuing whichever route he would like. Like jurists who find in the facts of a particular dispute all the reasons they need for ignoring inconvenient prior case law, presidents can characterize contemporary military challenges in ways that render past ones largely irrelevant. Partisans and political commentators will point out the inconsistencies, but their objections are likely to be drowned out in rush to war. Obama's decision does not usher in a new era of presidential power, nor does it permanently remake the way we as a nation go to war. It reflects a temporary political calculation -and in my view, the right one -of a president in a particularly tough spot. Faced with a larger war he doesn't want, an immediate crisis with few good options, and yet a moral responsibility to act, he is justifiably expanding the circle of decision-makers. But don't count on it to remain open for especially long.

#### Executive action avoids politics

Sovacool-Research Fellow Public Policy, University of Singapore-9

Dr. Benjamin K. Sovacool 2009 is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization., Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of SingaporeArticle: Preventing National Electricity-Water Crisis Areas in the United States, Columbia Journal of Environmental Law 2009 34 Colum. J. Envtl. L. 333,

¶ Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save ¶ ¶ presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horsetrading and compromise such legislative activity entails.¶ ¶ 292¶ ¶ Speediness of implementation can be especially important when challenges require rapid and decisive action. After the September ¶ ¶ 11, 2001 attacks on the Pentagon and World Trade Center, for ¶ ¶ instance, the Bush Administration almost immediately passed ¶ ¶ Executive Orders forcing airlines to reinforce cockpit doors and ¶ ¶ freezing the U.S. based assets of individuals and organizations ¶ ¶ involved with terrorist groups.¶ ¶ 293¶ ¶ These actions took Congress ¶ ¶ nearly four months to debate and subsequently endorse with ¶ ¶ legislation. Executive Orders therefore enable presidents to ¶ ¶ rapidly change law without having to wait for congressional action ¶ ¶ or agency regulatory rulemaking.

#### Our link is about losses and capital not popularity---critical distinction

Warshaw-prof poli sci, Gettysburg-06

(Shirley Anne, Prof of Pol. Science @ Gettysburg College, “Administrative Strategies of President George W. Bush” Extensions Journal, Spring 2006, <http://www.ou.edu/special/albertctr/extensions/spring2006/Warshaw.pdf>)

However, in recent administrations, particularly **since the Reagan administration**, **presidents have often bypassed Congress using administrative actions. They have opted for a strategy through administrative actions that is less time-consuming and clearly** less demanding of their political capital**.** Using an array of both formal and informal executive powers, **presidents have effectively directed the executive departments to implement policy without any requisite congressional authorization**. In effect, presidents have been able to govern without Congress. **The arsenal** of administrative actions available to presidents **includes the power of appointment, perhaps the most important of the arsenal, executive orders**, executive agreements, proclamations, signing statements, and a host of national security directives.1 More than any past president, George W. Bush has utilized administrative actions as his primary tool for governance.

Adding a vote over the plan derails the domestic agenda

Politico 9/4/13

http://www.politico.com/story/2013/09/obamas-political-capital-spreads-thin-96306.html

President Obama’s political capital spreads thin

By CARRIE BUDOFF BROWN and JAKE SHERMAN | 9/4/13 8:59 PM EDT

President Barack Obama faced a heavy lift in Congress this fall when his agenda included only budget issues and immigration reform.

No matter how it plays out, the sudden emergence of a fight over Syria presents both political and logistical challenges for Congress and the White House. House Republicans were already grumbling about the prospect of several perilous votes this fall — first on raising the debt limit and extending government funding, then on a package of reforms to the immigration system. White House aides began hearing skepticism from Republican leaders that they could force a debt limit hike through the chamber and then press for passage of even a pared-back immigration bill. Adding a vote on military intervention in Syria could create even more friction between the Obama administration and House Republicans, as lawmakers are being put in a position of potentially voting against their party leaders. House Speaker John Boehner (R-Ohio) and Majority Leader Eric Cantor (R-Va.) are backing Obama, but the vast majority of the conference appears to oppose the resolution, at least at this point. And even before Syria took over the headlines, there was very little time on the congressional calendar to address those issues — as well as the confirmation of the yet-to-be-nominated Federal Reserve chairman. As much as Obama likes to say the White House and Congress should “be able to walk and chew gum at the same time,” often they cannot.

Fast Track is vulnerable to short legislative session-supercharges the link

Inside U.S. Trade 12/20/13

HEADLINE: Fast-Track Bill Faces Uncertainty After Baucus Tapped To Be China Envoy

U.S. Trade Representative Michael Froman has been engaged in the process of developing the fast-track bill, which means the final bill will likely be acceptable to the administration, supporters said. President Obama this week held a cabinet meeting on trade issues, including fast-track renewal (see related story). Informed sources said Froman worked hard to bring about the Dec. 16 cabinet meeting because it conveys the presidential commitment to passing a new fast-track bill, both for a domestic and international audience. On the international side, it could provide a signal to countries engaged in the TPP negotiations that they must move the negotiations along, sources said. In a related development, a January meeting of TPP ministers is now unlikely to occur over what sources said are scheduling conflicts. A USTR official would only say this week that no time or location has been set for the next meeting of TPP ministers. After the cabinet meeting, a senior administration official told reporters that the administration as a whole plans to step up its outreach to Congress to make the case for fast track. "We'll all be working together to try and get it done and get done in a way that's as quickly as possible but has as broad bipartisan support as possible," the official said. Supporters of fast track say they want an early vote by Easter recess next year, which has mid-term elections and therefore a short legislative session. But business sources said this week that final passage may not come until a lame-duck session following the election, especially because it will involve a drawn-out debate given the pent-up demand on trade issues (Inside U.S. Trade, Dec. 6).

#### Plan’s a perceived as a loss-saps capital

**Loomis, Georgetown government professor, 2007**

(Andrew, “Leveraging legitimacy in the crafting of U.S. foreign policy”, 3-2, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>, ldg)

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

### 1NR A2: Fiat Solves

#### 1.Still links, immediate passage will make congress say they got the plan shoved down their throat, fuels the link.

#### 2.they don’t get to fiat based the political ramifications of the plan, politics DA’s are good – cross apply from above

### 1NR A2: PC Not Key

#### This evidence not in the context of TPA – reject it because Obama has the ability to defend the policy to the GOP

#### Obama rebounding on Obamacare and economy – that gives him leverage

Independent Voices 1/6/14

Last-chance saloon: Last year was the nadir of Obama’s presidency. In 2014, he needs more than economic growth to salvage his legacy

The President is not yet a lame duck

<http://www.independent.co.uk/voices/editorials/lastchance-saloon-last-year-was-the-nadir-of-obamas-presidency-in-2014-he-needs-more-than-economic-growth-to-salvage-his-legacy-9042137.html>

Largely as a result, the President’s approval rating has tumbled to 40 per cent; not as dismal a level as post-Katrina George W Bush, but far behind both Ronald Reagan and Bill Clinton at a similar point. Mr Obama is not yet a lame duck. That unwanted status threatens only after November’s mid-term elections, especially if Democrats lose control of the Senate. But already he is perilously close. All is not yet lost, however. After its disastrous debut in October, the Obamacare website now works reasonably well, and more Americans are signing up for coverage on the new health exchanges. Moreover, new benefits have kicked in that also might gradually win over a still largely hostile public. If so, then the President’s political prospects could be transformed. A second reason for the White House to believe that 2014 can only be better than 2013 is the improving US economy. Recent unemployment and growth statistics suggest that a recovery hitherto mainly visible only in soaring stock prices on Wall Street is becoming self-sustaining, and that Main Street is finally feeling the benefits, too. A rising economic tide will lift all boats, including Mr Obama’s. Even on Capitol Hill, there are faint glimmers of bipartisan momentum. The modest budget deal passed before Christmas raises hopes that yet another damaging confrontation over the debt ceiling can be avoided next month. Similarly, Republicans are making slightly more encouraging noises about immigration reform, the passage of which would much enhance the Obama legacy. At the same time, Speaker John Boehner is showing an overdue willingness to face down the Tea Party zealots in his own ranks who have made virtually all compromise impossible. Lastly, it is conceivable, albeit distinctly unlikely, that the Democrats recapture control of the House. Much depends on Mr Obama himself. Perhaps even the most accomplished horse-traders like Lyndon Johnson or Bill Clinton would not have achieved much in Washington’s current poisonous climate. But this President has a manifest contempt for Congress; indeed he gives little sign of enjoying the rough and tumble of politics at all. Even the Democratic faithful who once adored him have wearied of rhetoric without results. The best way Mr Obama can restore his fortunes is to roll up his sleeves and enter the fray. Welcome back, Mr President.

#### Yes PC – their chait evidence doesn’t assume the relative weakness of the GOP

Wall Street Journal 12/30/13

Obama Seeks Way to Right His Ship

Exiting 2013 in His Weakest Political Position, the President Faces a Basic Strategic Choice

http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law. Republican leaders were so singed by the experience that they moved swiftly this month to strike the compromise budget plan that will keep the government funded through next year. Then, House Speaker John Boehner (R., Ohio) forcefully quashed complaints by the party's tea-party wing that the new deal didn't cut spending sufficiently. The emergence of a large bloc of House Republicans who voted in favor of that compromise has created the possibility that Mr. Obama may be able to work out at least a few deals on other issues.

#### Obama approval ratings bouncing back

Bloomberg 12/30/13

http://go.bloomberg.com/political-capital/2013-12-30/obama-gains-five-points-on-vacation-will-republicans-work-it-off/

Obama Gains Five Points on Vacation — Will Republicans Work it Off?

U.S. President Barack Obama and first lady Michelle Obama during their annual visit with U.S. military families on Christmas Day at Marine Corps Base Hawaii on Dec. 25, 2013 Call it holiday cheer. Call it a standard deviation. Or a case of absence making hearts grow fonder. Whatever it is, President Barack Obama has picked up five points in public approval since he’s gone away to Hawaii for a year-end family vacation. The president’s public approval rating was hanging at 39 percent in the days before Christmas, by the Gallup Poll’s average of daily tracking surveys. Today, in the surveys Dec. 26-28, his approval has risen to 44 percent. His disapproval rating, 54 percent pre-Christmas, is down to 49 percent. Much of the news from Kailua, where the president has taken his family, has read like these dispatches, this morning, in the press pool reports: “The sun was not even close to up, but at approximately 6:50 a.m. local, President Obama arrived at the Marine Corps Base Hawaii for his usual morning workout. The pool is making a quick Starbucks run, and then holding at McDonald’s. … At 7:47 a.m. local, President Obama arrived back at his vacation residence. Pool now holding at the pool house.” Of course, the weekend also brought news of more than 1 million people enrolled in the president’s federal health-care insurance exchanges, following two months of relentlessly bad news about “Obamacare” that helped drive the president’s job approval ratings to their lowest point in Gallup’s and many other’s opinion polls. And Obama remains admirable in the eyes of many Americans — ranking among men as highly as Hillary Clinton ranks among women, above the Pope, above Oprah. Then again, the polls do fluctuate. Or, the vacationing president could be breaking even in the opinion polls at the close of a politically tumultuous year. Still, there’s plenty of time before the State of the Union address on Jan. 28 for the House’s Republicans to work some of those points off the president’s ratings.