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#### The state of exception is the new norm. The juridico-political system is founded upon the use of law in order to justify lawlessness and violent biopolitics. The affirmative’s call to reign in executive power through law fails to recognize that the problem is the appeal to law itself. The status quo guarantees a violent norm which ensures global civil war.

Agamben 05. Giorgio Agamben, famous philosopher, The State of Exception, pg. 85

\*anomie – state or condition characterized by a breakdown or absence of norms (lawlessness)

It is perhaps possible at this point to look back upon the path trav- eled thus far and draw some provisional conclusions from our investi- gation of the state of exception. The juridical system of the West appears as a double structure, formed by two heterogeneous yet coordinated el- ements: one that is normative and juridical in the strict sense (which we can for convenience inscribe under the rubric potestas) and one that is anomic and metajuridical (which we can call by the name auctoritas).

The normative element needs the anomic element in order to be ap- plied, but, on the other hand, auctoritas can assert itself only in the val- idation or suspension of potestas. Because it results from the dialectic between these two somewhat antagonistic yet functionnally connected elements, the ancient dwelling of law is fragile and, in straining to main- tain its own order, is always already in the process of ruin and decay. The state of exception is the device that must ultimately articulate and hold together the two aspects of the juridico-political machine by instituting a threshold of undecidability between anomie and nomos, between life and law, between auctoritas and potestas. It is founded on the essential fiction according to which anomie (in the form of auctoritas, living law, or the force of law) is still related to the juridical order and the power to suspend the norm has an immediate hold on life. As long as the two el- ements remain correlated yet conceptually, temporally, and subjectively distinct (as in republican Rome’s contrast between the Senate and the people, or in medieval Europe’s contrast between spiritual and temporal powers) their dialectic—though founded on a fiction—can nevertheless function in some way. But when they tend to coincide in a single per- son, when the state of exception, in which they are bound and blurred together, becomes the rule, then the juridico-political system transforms itself into a killing machine.

6.10 The aim of this investigation—in the urgency of the state of ex- ception “in which we live”—was to bring to light the fiction that governs this arcanum imperii [secret of power] par excellence of our time. What the “ark” of power contains at its center is the state of exception—but this is essentially an empty space, in which a human action with no re- lation to law stands before a norm with no relation to life.

This does not mean that the machine, with its empty center, is not effective; on the contrary, what we have sought to show is precisely that it has continued to function almost without interruption from World War One, through fascism and National Socialism, and up to our own time. Indeed, the state of exception has today reached its maximum worldwide deployment. The normative aspect of law can thus be obliter- ated and contradicted with impunity by a governmental violence that— while ignoring international law externally and producing a permanent state of exception internally—nevertheless still claims to be applying the law.

Of course, the task at hand is not to bring the state of exception back within its spatially and temporally defined boundaries in order to then reaffirm the primacy of a norm and of rights that are themselves ulti- mately grounded in it. From the real state of exception in which we live, it is not possible to return to the state of law [stato di diritto], for at issue now are the very concepts of “state” and “law.” But if it is possible to attempt to halt the machine, to show its central fiction, this is because between violence and law, between life and norm, there is no substantial articulation. Alongside the movement that seeks to keep them in rela- tion at all costs, there is a countermovement that, working in an inverse direction in law and in life, always seeks to loosen what has been artifi- cially and violently linked. That is to say, in the field of tension of our culture, two opposite forces act, one that institutes and makes, and one that deactivates and deposes. The state of exception is both the point of their maximum tension and—as it coincides with the rule—that which threatens today to render them indiscernible. To live in the state of ex- ception means to experience both of these possibilities and yet, by always separating the two forces, ceaselessly to try to interrupt the working of the machine that is leading the West toward global civil war.

#### Their use of law plays into a rigged game of law which adds more illusory safeguards which can be subverted whenever the government sees fit.

Krasmann 12. Susanne Krasmann, Professor of Sociology at the Institute for Criminological Research, University of Hamburg, “Law's knowledge: On the susceptibility and resistance of legal practices to security matters, “Theoretical Criminology 2012 16: 379 originally published online 4 June 2012, pg. 380

In the face of these developments, a new debate on how to contain governmental interference in the name of security has emerged. What is remarkable about this debate is that, on the one hand, it aims at establishing more civil and human rights and attendant procedural safeguards that allow for systematically calling into question the derogation of laws and the implementation of new laws in the name of security. On the other hand, it recognizes the existence of a new dimension of threats, particularly in the aftermath of the terror attacks of 11 September 2001. As John Ferejohn and Pasquale Pasquino (2004: 228), for instance, contend:

We are faced, nowadays, with serious threats to the public safety that can occur anywhere and that cannot terminate definitively. ... If we think that the capacity to deal effectively with emergencies is a precondition for republican government, then it is necessary to ask how emergency powers can be controlled in modern circumstances.

Adequate legal frameworks and institutional designs are required that would enable us to ‘reconcile’ security with (human) rights, as Goold and Lazarus (2007b: 15) propose, and enduring emergency situations with the rule of law.

Traditional problems in the relationship between law and security government within this debate form a point of departure of critical considerations:2 emergency government today, rather than facing the problem of gross abuses of power, has to deal with the persistent danger of the exceptional becoming normal (see Poole, 2008: 8). Law gradually adjusts to what is regarded as ‘necessary’.3 Hence, law not only constrains, but at the same time also authorizes governmental interference. Furthermore, mainstream approaches that try to balance security and liberty are rarely able, or willing, to expose fully the trade-offs of their normative presuppositions: ‘[T]he metaphor of balance is used as often to justify and defend changes as to challenge them’ (Zedner, 2005: 510). Finally, political responses to threats never overcome the uncertainty that necessarily accompanies any decision addressing future events. To ignore this uncertainty, in other words, is to ignore the political moment any such decision entails, thus exempting it from the possibility of dissent.

Institutional arrangements that enforce legislative control and enable citizens to claim their rights are certainly the appropriate responses to the concern in question, namely that security gradually seizes political space and transforms the rule of law in an inconspicuous manner. They establish political spaces of dispute and provide sticking points against all too rapidly launched security legislation, and thus may foster a ‘culture of justification’, as David Dyzenhaus (2007) has it: political decisions and the exercise of state power are to be ‘justified by law’, in a fundamental sense of a commitment to ‘the principles of legality and respect for human rights’ (2007: 137). Nonetheless, most of these accounts, in a way, simply add more of the same legal principles and institutional arrangements that are well known to us. To frame security as a public good and ensure that it is a subject of democratic debate, as Ian Loader and Neil Walker (2007) for example demand, is a promising alternative to denying its social relevance. The call for security to be ‘civilized’, though, once again echoes the truly modern project of dealing with its inherent discontents. The limits of such a commitment to legality and a political ‘culture of justification’ (so termed for brevity) will be illustrated in the following section. Those normative endeavours will be challenged subsequently by a Foucauldian account of law as practice. Contrary to the idea that law can be addressed as an isolated, ideal body and thus treated like an instrument according to normative aspirations, the present account renders law’s reliance on forms of knowledge more discernable. Law is susceptible, in particular to security matters. As a practice, it constantly transforms itself and, notably, articulates its normative claims depending upon the forms of knowledge brought into play. Contrary to the prevailing debate on emergency government, this perspective enables us, on the one hand, to capture how certain forms of knowledge become inscribed into the law in a way that goes largely unnoticed**.** This point will be discussed on the example of automated surveillance technologies, which facilitate a particular rationality of pre-emptive action. The conception of law as a practice, on the other hand, may also be understood as a tool of critique and dissent. The recent torture debate is an extreme example of this, whereby torture can be regarded as a touchstone of law’s resistance to its own abrogation.

#### The alternative is an absolute refusal of sovereign power to draw lines between inside and outside – any other approach simply affirms the power of the sovereign to do so in the first place

Edkins and Pin-Fat 05. Jenny Edkins, professor of international politics at Prifysgol Aberystwyth University (in Wales) and Veronique Pin-Fat, senior lecturer in politics at Manchester Universit, “Through the Wire: Relations of Power and Relations of Violence,” Millennium - Journal of International Studies 2005 34: pg. 14

One potential form of challenge to sovereign power consists of a refusal to draw any lines between zoe- and bios, inside and outside**.**59 As we have shown, sovereign power does not involve a power relation in Foucauldian terms. It is more appropriately considered to have become a form of governance or technique of administration through relationships of violence that reduce political subjects to mere bare or naked life. In asking for a refusal to draw lines as a possibility of challenge, then, we are not asking for the elimination of power relations and consequently, we are not asking for the erasure of the possibility of a mode of political being that is empowered and empowering, is free and that speaks: quite the opposite. Following Agamben, we are suggesting that it is only through a refusal to draw any lines at all between forms of life (and indeed, nothing less will do) that sovereign power as a form of violence can be contested and a properly political power relation (a life of power as potenza) reinstated. We could call this challenging the logic of sovereign power through refusal. Our argument is that we can evade sovereign power and reinstate a form of power relation by contesting sovereign power’s assumption of the right to draw lines, that is, by contesting the sovereign ban. Any other challenge always inevitably remains within this relationship of violence. To move outside it (and return to a power relation) we need not only to contest its right to draw lines in particular places, but also to resist the call to draw any lines of the sort sovereign power demands.

**The grammar of sovereign power cannot be resisted by challenging or fighting over where the lines are drawn**. Whilst, of course, this is a strategy that can be deployed, it is not a challenge to sovereign power per se as it still tacitly or even explicitly accepts that lines must be drawn somewhere (and preferably more inclusively). Although such strategies contest the violence of sovereign power’s drawing of a particular line, they risk replicating such violence in demanding the line be drawn differently**.** This is because such forms of challenge fail to refuse sovereign power’s line-drawing ‘ethos’, an ethos which, as Agamben points out, renders us all now homines sacri or bare life**.**

#### Accepting the plan as a legitimate subject of debate eviscerates solvency. Appeals to legality fail absent study and de-activation of the fictional lines of inside and outside created by the sovereign guardians

McLoughlin 13. Daniel McLoughlin, professor of law at the University of South Wales, “The Fiction of Sovereignty and the Real State of Exception: Giorgio Agamben’s Critique of Carl Schmitt,” Law, Culture and the Humanities 0(0) pg. 17

State of Exception suggests that the studious deactivation of the law is exemplified by Kafka’s characters.86 While his reading of Kafka is only one strand of the politics of inoperativity within his work, it is nonetheless an important one for our purposes, given Agamben’s tendency to illuminate the relationship between messianism, nihil- ism and law through Kafka.87 To conclude, then, I briefly examine the way in which Kafka’s characters seek to “deactivate” the law; how this might relate to the production of a “real state of exception”; and how Agamben conceives the stakes of this politics of “use.”

According to Homo Sacer, Kafka’s parable “Before the Law” represents the “struc- ture of the sovereign ban in an exemplary abbreviation.”88 The story begins with the “man from the country” approaching the door of the law, only to be informed by its gatekeeper that, although the door is open, he cannot enter at the moment. The man asks if permission will be forthcoming: the gatekeeper responds that it is possible, “but not now,”89 and that, although he is welcome to enter the door without permission, he will only encounter door after door, and guardian after guardian, each more fearsome than the last. Taking a seat before the door of the law, the man from the country then waits for days and years, all the while trying to convince the gatekeeper to grant him entry. Still before the law in old age, with little time left to live, he sees a radiance streaming from the gateway to the law. As his life begins to fade, the man from the country asks why in all this time no-one else has attempted to gain entry, to which the doorkeeper responds: “No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it.”**90**

According to Agamben, “Before the Law” is usually read as a tale of “irremediable defeat,”91 a story of the impossibility of surpassing the structure of sovereignty. Agamben, by contrast, argues that the man from the country is engaged in a patient and ultimately successful attempt to deactivate the law’s “being in force without sig- nificance.” At the end of the story, despite the risk to his life entailed by his struggle with the law, the man remains alive and the door to the Law is shut. In his essay “K,” Agamben elaborates on this reading with a subtle yet important shift of emphasis: the lesson of the man from the country is, he argues, that the deactivation of the law does not require the study of law itself, but rather, the “long study of its doorkeepers.”92 While the law is absent in Kafka’s world, what keeps it at work is the fact that the guardians of the law claim to act on its behalf. If one wants to deactivate the law, then the decisive politi- cal struggle is not with law itself, which is already inoperative, but with those who cover over this fact with the claim that they represent the law. In the same essay, Agamben makes a similar point about The Castle: the land surveyor who tries to gain access to the castle does not engage in a struggle “against God or supreme sovereignty ... but against the angels, the messengers and functionaries who appear to represent it ... (it is) a conflict with the fabrications of men (or of angels) regarding the divine.”93

This helps to illuminate the sense in which the real state of exception can simultane- ously be a situation to which we are subject; a situation that has been exposed as such by Benjamin; and also a crucial political task to undertake that will “help in the struggle against Fascism.” In Agamben’s account of Paul, the coming of the messiah has deacti- vated the law and yet the law remains at work; in his analyses of the state of exception the law is suspended yet remains in force; in his reading of Kafka, the Law is absent yet still present. In each instance, then, there is a messianic tension between an “already” existing lawlessness that is “not yet” fully experienced as such, because it is being cov- ered over by authority: the katechon in Paul, the guardians of the law in Kafka, and those trying to control the state in his account of the exception. To produce a real state of exception is to deactivate the law, which requires undermining the claims of the repre- sentatives of the law and the political divisions that they maintain on this basis. While the lawlessness of the real state of exception is at work, it can only come to light in and through a “conflict with the fabrications of men” about the continued existence of law.94

Agamben sees the politics of deactivating the law as the only appropriate (and indeed conceptually viable) response to the state of emergency as rule. As we have observed, Schmitt’s analysis of sovereignty closed down the idea of pure violence and the possi- bility of a radically revolutionary act through the idea of the force-of-law, which placed the power to suspend the law into the hands of the state and those who seek to control it. However, Benjamin’s eighth thesis turns the tables on Schmitt, as the idea of sover- eignty becomes utterly implausible when the state of emergency is the rule. Within the contemporary political horizon, then, it is conceptually impossible to claim legal author- ity and legitimacy: as Agamben asserts in The Church and the Kingdom “nowhere on earth today is a legitimate power to be found.”95 What is conceptually possible, how- ever, is a politics that seeks to deactivate the law by neutralizing the claims to legality made by those who present themselves as its guardians. It is only through such a politics that the lawlessness of the ‘‘real state of exception’’ is experienced as such, as any poli- tics that makes claims to legal authority rests upon the fiction of sovereignty and hence continues to conceal the deactivation of the law.

### pltcs

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will blink

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency.

All it took was a government shutdown.

This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no.

For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal.

After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress.

Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk.

“If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?”

The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding.

This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.”

Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.”

“The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics.

Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations.

“They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.”

While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu.

White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything.

“It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.”

Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing.

Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend.

“He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.”

The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans.

The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is.

If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Plan’s perceived as a loss and losers lose - it consumes his capital, undermines Democratic unity and spills to the debt ceiling

**Lillis, 9/7/13** (Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2gWiT9H8u

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria.

Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling.

Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies.

But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights.

That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East.

“I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said.

Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles.

"It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

“Clearly a loss is a loss,” a Senate Democratic aide noted.

Publicly, senior party members are seeking to put a firewall between a failed Syria vote — one that Democrats might have a hand in — and fiscal matters.

Rep. Gerry Connolly (D-Va.) said Friday that the fear of damaging Obama just eight months into his second term "probably is in the back of people's minds" heading into the Syria vote. But the issue has not percolated enough to influence the debate.

"So far it hasn't surfaced in people's thinking explicitly," Connolly told MSNBC. "People have pretty much been dealing with the merits of the case, not about the politics of it — on our side."

Moran said he doesn't think the political aftershocks would be the “deciding factor” in their Syria votes.

"I rather doubt that most of my colleagues are looking at the bigger picture," he said, "and even if they were, I don't think it would be the deciding factor."

Moran said the odds of passing the measure in the House looked slim as of Friday.

Other Democrats are arguing that the Syria vote should be viewed in isolation from other matters before Congress.

“I think it’s important each of these major issues be decided on its own — including this one,” Rep. Sander Levin (Mich.), senior Democrat on the House Ways and Means Committee, said Friday.

With Obama scheduled to address the country Tuesday night, several Democrats said the fate of the Syria vote could very well hinge on the president's ability to change public opinion.

“This is going to be a fireside chat, somewhat like it was in the Thirties," Levin said. "I wasn’t old enough to know, one has to remember how difficult it was for President Roosevelt in WWII."

Rep. Elijah Cummings (D-Md.), who remains undecided on the Syria question, agreed.

"It's very, very important that the case for involvement in Syria not only be made to the members of Congress and the Senate, but it must also be made to the American people," Cummings said Friday in the Capitol.

Still other Democrats, meanwhile, are arguing that the ripple effects of a Syria vote are simply too complicated to game out in advance. Some said the GOP has shown little indication it will advance Obama’s agenda even after his reelection, so a Syria failure would do little damage.

“There is a constant wounding [of Obama] going on with the Tea Party on budgets, appropriations and the debt ceiling,” said Rep. Sheila Jackson Lee (D-Texas). “I am going to reach out to my colleagues, Tea Party or not, and ask is this really the way you want to project the political process?”

Jackson Lee said using Syria to score political points would be “frolicking and frivolity” by the Tea Party.

Yet others see a more serious threat to the Democrats' legislative agenda if the Syria vote fails.

A Democratic leadership aide argued that Republicans — some of whom are already fundraising on their opposition to the proposed Syria strikes — would only be emboldened in their fight against Obama's agenda if Congress shoots down the use-of-force resolution.

"It's just going to make things harder to do in Congress, that's for sure," the aide said Friday.

But other aides said Obama could also double down on fighting the cuts from sequestration if he becomes desperate for a win after Syria, and the net effect could be positive.

A leading Republican strategist echoed that idea.

“Should the President lose the vote in Congress, he will be severely weakened in the eyes of public opinion, the media, the international crowd and the legislative branch," The Hill columnist John Feehery said Friday on his blog.

#### That takes Obama off-message – it undermines his strategy of constant pressure on the GOP

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans.

That’s an awfully big “if.”

This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning:

Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd.

But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered.

Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone.

Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions.

But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare.

To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after.

Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note.

In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently.

The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.”

This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers.

Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator.

Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### That causes default and will destroy the U.S. and global economy

**Davidson, 9/10/13** – co-founder of NPR’s Planet Money (Adam, “Our Debt to Society” New York Times, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all>)

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.

Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.

Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.

#### Economic depression causes nuclear war

**Harris and Burrows 9** – PhD in European History @ Cambridge and Counselor of the US National Intelligence Council AND Member of the National Intelligence Council’s Long Range Analysis Unit (Mathew J. and Jennifer, “Revisiting the Future: Geopolitical Effects of the Financial Crisis,” April, Washington Quarterly, <http://www.twq.com/09april/docs/09apr_Burrows.pdf>, EMM)

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for greater conflict could grow would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any economically-induced drawdown of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider pursuing their own nuclear ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on preemption rather than defense, potentially leading to escalating crises. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in interstate conflicts if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

### Cngrssnl rsltn

The United States federal government should pass a concurrent Congressional resolution expressing Congressional support for restrictions on the war powers authority of the President in the area of introducing Armed Forces into hostilities with the Islamic Republic of Iran, and expressing the intent to remove funding if the executive pursues military action against the Islamic Republic of Iran.

#### It competes – it’s non-statutory

**Swaine, 10 -** Associate Professor, George Washington University Law School (Edward, “THE POLITICAL ECONOMY OF YOUNGSTOWN” <http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty_publications>)

Furthermore, Justice Jackson’s framework also suggested that congressional will

could be expressed non-statutorily – again, at least insofar as its negative was involved. Assessing Truman’s seizure, Jackson appeared to reason that the absence of circumstances qualifying for Category One or Category Two necessarily meant that Category Three applied; where “the President cannot claim that [his action was] necessitated or invited by failure of Congress to legislate,” he suggested, such an action must be incompatible with the implied will of Congress.104 That implied will might be expressed informally,105 as clarified by passages from the other concurrences to which Justice Jackson expressly subscribed.106 Justices Black and Frankfurter, in particular, each invoked congressional inaction – namely, the fact that Congress had refused amendments to the Taft-Hartley Act that would have clearly given President Truman seizure authority.107 If congressional will can be informally expressed, as by refusing to take action, it suggests the relevance of acts by a subset of Congress rather than Congress as a whole. Individual legislators, certainly, may rise in sufficient opposition to defeat a statutory initiative, and a committee may prevent a bill from making the requisite progress. Presumably other “soft law” measures – like simple resolutions passed by the majority of one house only, or concurrent resolutions passed by both houses but not presented to the President – would be even better indicia.108

#### The CP changes the allocation of authority without enforcing legal restrictions on it

**Gersen and Posner, 8 -** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

Soft statutes can also play an important role in the allocation of authority between Congress and the President. Consider the question of how the courts should evaluate executive action at the boundaries of Article II authority. In Youngstown Sheet & Tube Co. v. Sawyer, n113 Justice Jackson famously established a typology for understanding the borders of Article II power. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum ... ." n114 When Congress has said nothing or there is concurrent authority, there is a "zone of twilight" n115:

When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. n116

The President is on weakest ground when Congress has disapproved of the action: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." n117

Justice Jackson's language is instructive. He does not say "when a formal statute grants or denies presidential authority." Instead, he refers to the express or implied will of Congress, suggesting that implicit acquiescence will be enough to justify executive action in the zone of ambiguous executive authority.

The soft statute should be the preferred mechanism for articulating congressional views in this setting n118 because it is a better indicator of legislative views than legislative inaction. There are dozens of reasons Congress fails to act, and negative inferences in the context of Article II powers are especially hazardous. In fact, the soft law analytic frame makes clear that Justice Jackson's typology is actually incomplete. Speaking of congressional agreement, disapproval, or silence is unnecessarily crude. The House might authorize the presidential action and the Senate might expressly disavow it (or vice versa), creating a twilight of the twilight category.

In fact, Congress does sometimes use resolutions for these purposes. For example, during 2007, a concurrent resolution was introduced, "expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress." n119 During the same Congress, Senate Resolutions were offered to censure the President, Vice-President, and Attorney General for conduct related to the war in Iraq, detainment of enemy combatants, and wiretapping practices undertaken without warrants. n120 Another proposed resolution expressed the sense of the Senate that the President has constitutional authority to veto individual items of appropriation without additional statutory authorization. n121 These potential soft [\*604] statutes were not passed by majorities, but they are precisely the sort of information on the scope of permissible executive authority that would inform Justice Jackson's analysis. n122

In this scenario, legislative sentiments, expressed in nonbinding mechanisms, are taken as inputs in the decision-making processes of other institutions - the courts - that themselves generate binding rules, that is, hard law. Even without judicial involvement, however, resolutions that assert congressional authority or limitations on presidential authority may influence the way that the two political branches share power with each other - either as moves in a game where each side must both cooperate and compete, or as appeals to public opinion. n123

#### It avoids politics

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

If Congress wishes to resolve a statutory ambiguity, it always has the option of passing a law via bicameralism and presentment. In reality, however, passing laws is extremely difficult, and often the legislative enactment costs are simply greater than the benefits of resolving the ambiguity correctly. n1 Indeed, these high legislative enactment costs are among the reasons that so many of our statutes set forth broad principles rather than specify concrete requirements: gaining consensus on concrete textual mandates imposes even more costs on the already difficult process of legislation. A future Congress may want to clarify these vague statutory mandates as societal, legal, or technological circumstances change, as the consequences of certain policy choices become more apparent, or as legislators simply resolve their differences of opinion. But the costs of legislating a fix are usually too high. n2

Some leading commentators argue that this problem of statutory ossification due to high legislative enactment costs requires judges to interpret statutes as living documents. Professor William Eskridge claims that a statute’s meaning changes over time, and thus judges should “dynamically” interpret statutes.3 Judge Calabresi argues that judges should “update” obsolete statutes by striking down or ignoring any statute that is “sufficiently out of phase with the whole [contemporary] legal framework so that, whatever its age, it can only stand if a current majoritarian or representative body reaffirms it.”4 However, most commentators have criticized such approaches as putting too much power in the hands of unelected and unaccountable judges.5

Instead, Congress has largely relied on administrative agencies to continually update the policies that implement various statutes. When charged with administering statutes, such agencies often have the authority to interpret the legislation's vague commands by translating them into more precise and concrete rules. n6 Moreover, courts have given great deference to agency interpretations of ambiguous statutes under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. n7 These agency interpretations, although the products of a more politically accountable process than judicial interpretations, nonetheless are not as publicly deliberative or as nationally representative as a congressional decision. Worse, many other statutes that are similarly indefinite are not administered by any particular agency, thus leaving courts with the primary responsibility to develop the law - and thus the policy - under these statutes, despite judges' lack of expertise and accountability. n8 But by prohibiting one house of Congress from vetoing agency actions, the Supreme Court, in INS v. Chadha, n9 limited Congress's role in administering statutes, despite its institutional advantages over courts - and, in some respects, over agencies - in developing policy.

In a recent article, Professors Jacob Gersen and Eric Posner suggest that courts should pay greater attention to post-enactment congressional resolutions when interpreting statutes. n10 This Note develops their idea by proposing more modest congressional involvement than the legislative veto invalidated in Chadha: courts should defer to a [\*1509] House or Senate resolution that adopts a reasonable interpretation of an ambiguous statute. n11 For statutes not administered by any agency with interpretive authority, such deference to a congressional resolution would improve lawmaking by bringing to bear the legislature's policy expertise and democratic accountability. But even for statutes administered by agencies, this proposal would increase accountability. Further, this proposal would help to restore checks and balances and the Constitution's original allocation of power by making the House and Senate coequal with executive agencies in interpreting ambiguous statutory provisions. Whenever these institutions disagree, courts should simply adopt their own best reading of the statute, de novo.

I. Statutes Without Agencies

Courts should give Chevron-like deference to any resolution passed by either the House or the Senate that reasonably interprets a statutory ambiguity. When deciding whether to defer to such a congressional resolution, courts should engage in both steps of the Chevron analysis, just as they do for agency interpretations of statutes: First, the statute must be "silent or ambiguous with respect to the specific issue" addressed by the congressional resolution. n12 Second, the resolution's interpretation must be "based on a permissible construction of the statute." n13

### snctns

The United States Federal Government should convey to Iran that is willing to engage in limited duration talks over the Iranian nuclear program where the United States will offer to lift sanctions upon the completion of a formal agreement requiring full disclosure of the Iranian nuclear program and verification from the International Atomic Energy Agency, and pass legislation that terminates sanctions upon executive certification of compliance.

#### Tying sanctions relief to a formal deal solves intransigence on both sides – but keeping all options on the table is vital to inducing agreement

**Cholsky, 10/4/13** - Professor of Iranian Studies, Chairman of the Department of Central Eurasian Studies, and former Director of the Middle East Studies Program in the School of Global and International Studies at Indiana University (Jamsheed, “The Impasse Between the U.S. and Iran” World Policy blog, <http://www.worldpolicy.org/blog/2013/10/04/impasse-between-us-and-iran>)

Nonetheless, Obama expressed to Rouhani that the U.S. is willing to resolve the nuclear issue in ways allowing Iran to demonstrate its nuclear program is exclusively for peaceful purposes. Like Rouhani, Obama acknowledges a sense of urgency because the window of opportunity for a diplomatic resolution may not remain open much longer.

Therefore, in his recent address to the UN General Assembly, the U.S. president sought to allay Iran’s concerns about its nuclear rights and its regime’s legitimacy by stressing, “We are not seeking regime change, and we respect the right of the Iranian people to access peaceful nuclear energy.” The message seemed well received. Rouhani, in his own address to the UN declared “the Islamic Republic of Iran will act responsibly.” In the same address, however, Rouhani stood fast for “the right to enrichment within Iran”—which Tehran knows has been another diplomatic impasse, but nonetheless believes the U.S. will eventually agree to uranium enrichment.

Moreover, despite the public displays of openness to reconciliation, Rouhani stepped backward when offered several opportunities to be the first Iranian leader since the 1979 Islamic Revolution to meet with his American counterpart. The White House sought such an encounter at the UN itself, but Iran’s president declined, saying he didn’t have enough lead time. Another meeting could have taken place at a luncheon hosted by UN Secretary General Ban Ki-moon. Rouhani chose not to attend, claiming alcohol would be served—a violation of his religious principles. All that Rohani eventually extended to Obama was a fifteen minute phone call, alleging later that he did so under duress from the White House.

Avoiding direct contact suggests that Rouhani, like his predecessors, may not have as much broad-based support among other Iranian leaders as he claims. Khamenei often switches positions; he did so when his last two presidents appeared close to reaching nuclear deals.

Despite avoidance on the chief executive level, officials of lesser rank have been more open to participating in conversations. EU Foreign Affairs High Representative Catherine Ashton invited Foreign Minister Zarif to attend the P5+1 talks on the sidelines of the UN assembly. Secretary of State Kerry was present, and commented that Zarif and he took some time to explore how to succeed diplomatically. That meeting became the first encounter between the two nations’ ranking diplomats since Madeline Albright met with Kamal Kharrazi in September 2000, also during the General Assembly.

However on the morning of the P5+1 session, Zarif, following a well-established pattern of Tehran’s prevaricating, had already made it clear to Iran’s state news agency that more outreach from Washington was necessary before any substantive progress could occur. Shortly thereafter, the White House accepted the inevitable outcome—the contact in New York would not lead to a quick breakthrough in negotiations. Indeed, follow-up technical talks a few days later in Vienna produced no substantial progress.

Successful diplomacy depends not just on each nation’s presidential administration but on other power brokers acceding to a peaceful resolution. This includes the U.S. Congress, Iran’s parliament, and American and Iranian conservative movements. Garnering support from these additional actors is no simple task.

Rouhani’s 2004 speech about assuaging Western negotiators while continuing Iran’s nuclear endeavors will prove hard to shake from the minds of American lawmakers. Consequently, even if Iran were to provide full disclosure to the UN Security Council and permit complete verification by the International Atomic Energy Agency (IAEA), it is unclear whether the U.S. Congress would lift sanctions. Lobbyists for security interests of the U.S. and Israel undoubtedly will advocate for a wait-and-see approach.

Not surprisingly, Ayatollah Khamenei cautions that he is not optimistic about talks. Iran’s Revolutionary Guards warn too, despite being told to stay out of the matter by Rouhani, “optimism on America’s offers must be rejected.” Khamenei and his cohorts, like members of the U.S. Congress, can watch, wait, and do little. The current diplomatic initiative may very well die through intransigence and infighting in both countries.

Iran has significantly less to lose the longer a bilateral standoff persists. Rouhani told the UN that nuclear knowledge has been domesticated, and it is unrealistic to presume impeding Iranian actions would succeed. European courts are gradually rolling back international sanctions that have been debilitating Iran’s economy as punishment for the nuclear quest. Furthermore, Iran has witnessed the U.S. demonstrate little appetite for military confrontation. Regrettably, Khamenei’s observation that “diplomacy is the arena of smiles and negotiations, but those behaviors must ultimately be understood within the context of fundamental tension” may reflect Tehran’s true disposition.

Consequently, it is important Washington be crystal-clear about negotiations lasting only a limited duration. Within that time, full transparency of Iran’s nuclear program must be forthcoming, including open access by the IAEA to all nuclear-related sites. In return, Iran should expect the U.S. to agree to sanctions relief directly tied to Tehran’s cooperation. Iranian leaders must be equally convinced that if negotiations fail to advance beyond basic rhetoric, all other options will be considered.

### Rn

#### Iran is looking to compromise on its nuclear program – Obama’s perceived flexibility is key to negotiations

**Benen, 9/20/**13 - producer for "The Rachel Maddow Show," a blogger at Maddow Blog, and an MSNBC political contributor (Steve, “When crises become opportunities,” <http://maddowblog.msnbc.com/_news/2013/09/20/20599445-when-crises-become-opportunities?lite>)

When it comes to the Middle East, progress has never moved in a straight line. There are fits and starts, ebbs and flows. There are heartening breakthroughs and crushing disappointments, occasionally at the same time.

That said, while the domestic political establishment's attention seems focused elsewhere, there's reason to believe new opportunities are materializing in the region in ways that were hard to even imagine up until very recently.

This morning, for example, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that Syria has taken its first steps towards detailing its stockpiles. Michael Luhan, a spokesperson for the Hague-based chemical weapons regulator, said in a statement, "The OPCW has received an initial disclosure from the Syrian Government of its chemical weapons programme, which is now being examined by the Technical Secretariat of the Organisation."

Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world "must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart" through a policy of "constructive engagement."

The New York Times added that Iranian leaders, "seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions."

David Sanger summarized the bigger picture nicely.

Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America's biggest adversaries in the Middle East, each fraught with opportunity and danger.

Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb.

The surprising progress has come so suddenly that a senior American diplomat described this week's developments as "head spinning."

So what happens next?

The consensus among many foreign policy observers is that developments in Syria and Iran are linked in ways that may or may not be helpful to the United States. Max Fisher explained well yesterday that President Obama's pragmatism "has sent exactly the right signals to Iran, particularly at this very sensitive moment."

Obama has been consistently clear, even if some members of his administration were not, that his big overriding goal is for Syrian leader Bashar al-Assad to stop using chemical weapons. First he was going to do that with strikes, meant to coerce Assad. Then, in response to the Russian proposal, Obama signaled he would back off the strikes if Assad gave up his chemical weapons, which is exactly what Obama has always said he wants. He's been consistent as well as flexible, which gave Assad big incentives to cooperate when he might have otherwise dug in his heels.

There are some awfully significant -- and promising -- parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off.

Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

#### Uncertainty over war powers keeps Iran at the table. Obama needs to be perceived as having independent authority to both strike and back down

**Zeisberg, 9/25/13** - associate professor of political science at the University of Michigan (Mariah, “Debate over War Powers may yield positive outcome”

<http://blog.constitutioncenter.org/2013/09/debate-over-war-powers-resolution-may-yield-positive-outcome/>)

Uncertainty about what the Constitution requires is thick: even as President Obama called for legislative authorization to bolster the legitimacy of strikes, and even as he now appeals to the UN for a resolution authorizing military sanctions if Syria does not comply with the U.S.-Russia agreement for destroying its chemical weapons, the president nevertheless maintains that he has the authority to commit the U.S. to hostilities in Syria without Congressional (or UN) authorization.

Robert Gates criticized the president for running a risk of looking “weak” if Congress did not authorize military action, and agreed with Leon Panetta that the president obviously has all power needed for strikes in Syria.

On the other hand, constitutional scholars Louis Fisher, Stephen Griffin, and Sandy Levinson have argued that Obama’s constitutional grounding for independent strikes is either non-existent or extremely weak. Congress itself has been divided over whether authorization is necessary for a presidential strike in Syria.

While the Constitution tells us that Congress has the power to “declare war,” the text nowhere defines what kinds of hostilities count as war – which has enabled some opportunism in the Obama administration, and in many other presidential administrations too.

Even the War Powers Resolution restricts “hostilities” without defining the term, and there, too, Obama has been willing to press language to (or beyond) its absolute limit.

Constitutional and statutory text that does not define the meaning of the key words that separate one institution’s authority from another necessarily insert some measure of uncertainty into the branches’ war powers regime.

What to make of these tensions and ambiguities? Has the Constitution failed in its task to provide a definitive legal framework that can guide decision-makers about important questions such as which institution has the power to take the country to war? Isn’t the point of a Constitution to resolve this kind of conflict? If it is so pervasively difficult to read our political culture and know which branch has war authority, then does that mean that the Constitution has failed to do its job – or worse, that we are witnessing an epidemic of reckless infidelity to the Constitution’s mandates?

In fact, I think that uncertainty as to the meaning of the Constitution’s war powers regime in Syria is not catastrophic but may actually carry benefits.

As diplomacy around Syria unfolds, I want to draw attention to a few of the intersections between domestic constitutional debates and the conditions for effective international action.

First, it is arguably the threat of intervention which moved Russia into high gear in negotiations with Syria. But President Obama needed a plausible claim of independent presidential empowerment for such a claim to be credible.

At the same time, such a claim, unresisted, raises the specter of undefined aims, mission creep, costly wars without broad public support, unconsidered policy complexities, and troubling bellicose precedent that are a hallmark of presidentialism in war. This is, in part, why congressional mobilization to defend its institutional prerogatives has been so welcomed by some prominent war powers scholars.

Obama’s subsequent willingness to back down, to accommodate claims to legislative empowerment – derided by many as a weak or vacillating choice — seems in turn to have created time and space for a diplomatic process to unfold in the place of a military one.

Recent developments in that process include not only a Russian-brokered plan to confiscate all chemical weapons from the Assad regime but also statements by the Ayatollah Khamenei signaling openness to diplomacy and by President Rouhani that Iran would not develop a nuclear weapon.

And now Obama is moving this technique of vacillating red lines up to the level of global institutions.

On the one hand he is pressing the UN to back up the U.S.-Russia agreement with sanctions, but at the same time says that he reserves the power to act outside the UN, and has argued that “without a credible military threat, the Security Council had demonstrated no inclination to act at all.”

We have yet to see what kind of domestic or international push-back would await him if he tried to translate this rhetorical willingness to act outside the UN into concrete action.

Obama’s constitutional “vacillations” may end up being productive in sundering the Assad regime from its chemical weapons. Only time will tell.

For constitutional scholars, it is worth noting the positive role that uncertainty and textual ambiguity can create in generating good international outcomes.

#### Giving Congress the ability to say no will tank negotiations by emboldening hardliners – this triggers Israeli strikes

**Ross, 9/9/13** - a counselor at the Washington Institute for Near East Policy, was a senior Middle East adviser to President Obama from 2009 to 2011, Director of Policy Planning for the State Department under George H.W. Bush, the Special Middle East coordinator under Clinton (Dennis, “Blocking action on Syria makes an attack on Iran more likely” Washington Post, <http://www.washingtonpost.com/opinions/blocking-action-on-syria-makes-an-attack-on-iran-more-likely/2013/09/09/dd655466-1963-11e3-8685-5021e0c41964_story.html>)

Still, for the opponents of authorization, these arguments are portrayed as abstractions. Only threats that are immediate and directly affect us should produce U.S. military strikes. Leaving aside the argument that when the threats become immediate, we will be far more likely to have to use our military in a bigger way and under worse conditions, there is another argument to consider: should opponents block authorization and should the president then feel he cannot employ military strikes against Syria, this will almost certainly guarantee that there will be no diplomatic outcome to our conflict with Iran over its nuclear weapons.

I say this for two reasons. First, Iran’s President Rouhani, who continues to send signals that he wants to make a deal on the nuclear program, will inevitably be weakened once it becomes clear that the U.S. cannot use force against Syria. At that point, paradoxically, the hard-liners in the Iranian Revolutionary Guard Corps and around the Supreme Leader will be able to claim that there is only an economic cost to pursuing nuclear weapons but no military danger. Their argument will be: Once Iran has nuclear weapons, it will build its leverage in the region; its deterrent will be enhanced; and, most importantly, the rest of the world will see that sanctions have failed, and that it is time to come to terms with Iran.

Under those circumstances, the sanctions will wither. What will Rouhani argue? That the risk is too high? That the economic costs could threaten regime stability? Today, those arguments may have some effect on the Ayatollah Ali Khamenei precisely because there is also the threat that all U.S. options are on the table and the president has said he will not permit Iran to acquire nuclear weapons. Should he be blocked from using force against Syria, it will be clear that all options are not on the table and that regardless of what we say, we are prepared to live with an Iran that has nuclear arms.

Israel, however, is not prepared to accept such an eventuality, and that is the second reason that not authorizing strikes against Syria will likely result in the use of force against Iran. Indeed, Israel will feel that it has no reason to wait, no reason to give diplomacy a chance and no reason to believe that the United States will take care of the problem. Prime Minister Benjamin Netanyahu sees Iran with nuclear weapons as an existential threat and, in his eyes, he must not allow there to be a second Holocaust against the Jewish people. As long as he believes that President Obama is determined to deal with the Iranian threat, he can justify deferring to us. That will soon end if opponents get their way on Syria.

Ironically, if these opponent succeed, they may prevent a conflict that President Obama has been determined to keep limited and has the means to do so. After all, even after Israel acted militarily to enforce its red line and prevent Syria’s transfer of advanced weapons to Hezbollah in Lebanon, Assad, Iran and Hezbollah have been careful to avoid responding. They have little interest in provoking Israeli attacks that would weaken Syrian forces and make them vulnerable to the opposition.

For all the tough talk about what would happen if the United States struck targets in Syria, the Syrian and Iranian interest in an escalation with the United States is also limited. Can the same be said if Israel feels that it has no choice but to attack the Iranian nuclear infrastructure? Maybe the Iranians will seek to keep that conflict limited; maybe they won’t. Maybe an Israeli strike against the Iranian nuclear program will not inevitably involve the United States, but maybe it will — and maybe it should.

#### An Israeli strike fails, but triggers World War 3, collapses heg and the global economy

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond. Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony. Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### 1NC Solvency f/l

#### Congressional oversight has no precedent – previous presidents show that there’s no chance of congressional deferral

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It is a myth that American Presidents through the Second World War uniformly went to Congress for declarations of war. In the early twentieth century, several launched small military operations without congressional authorization, especially in the Western Hemisphere, where the Monroe Doctrine was interpreted as to allow the President a fairly free hand. The nineteen-sixties saw the growth of what the historian Arthur M. Schlesinger, Jr., called “the Imperial Presidency.” In 1964, President Lyndon Johnson used a trumped-up naval engagement with North Vietnamese ships in the Gulf of Tonkin to win a resolution that gave him carte blanche in Vietnam. (“It was like grandma’s nightshirt,” L.B.J. said privately. “It covered everything.”) A decade later, in response to losing fifty thousand Americans in an undeclared war, a liberal Congress passed the War Powers Resolution over President Richard Nixon’s veto. It allowed Presidents to bomb or even invade countries on their own, but required that they then inform Congress within forty-eight hours and get its approval within sixty days. (They can get [an additional thirty days](http://www.lawfareblog.com/2013/08/the-war-powers-resolution-and-using-force-in-syria/) to withdraw troops.)

While the War Powers Resolution has never gone to the Supreme Court, lower courts consistently have sided with the executive branch. For the past thirty years, Presidents contemplating limited military operations haven’t bothered much with Capitol Hill beyond letting the congressional leadership know that a decision had been made. The U.S. invaded Grenada, Panama, and Haiti, and bombed Bosnia, Kosovo, Afghanistan, the Sudan, and, most recently, Libya, all without formal congressional support. In the case of Bosnia, Bill Clinton bombed Serbian positions in defiance of the Republican-controlled House of Representatives.

#### And Congressional statutes are useless – the President will either:

**a.) manufacture legal arguments to justify actions**

**b.) block oversight through secrecy**

**Cohen 12** – fellow at the Century Foundation (Michael, July 24th, WPR, http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight

Yet what made the Awlaki killing particularly remarkable was that the target was an American citizen, as was Samir Khan, and thus one whose rights are nominally protected under the due process safeguards afforded by the U.S. Constitution. Yet, according to the White House, the U.S. had legal justification for the attack. [As the New York Times reported earlier this year](http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html), “The Justice Department’s Office of Legal Counsel (OLC) prepared a lengthy memo . . . asserting that while the Fifth Amendment’s guarantee of due process applied, it could be satisfied by internal deliberations in the executive branch.”  
The Justice Department’s formal rationale for the targeting and killing of an American citizen, in apparent violation of due process rights, might very well be legal and proper. After all, Awlaki had joined a terrorist organization that was legally at war with the United States, and American forces have killed U.S. citizens serving in foreign armies in the past. The problem, however, is that no one outside the president, his top advisers and the OLC lawyers who drafted the memo -- many of whom are political appointees -- have seen this legal justification. Indeed, in June 2012, Rep. Jerry Nadler [specifically asked Attorney General Eric Holder](http://judiciary.house.gov/hearings/Hearings%202012/hear_06072012.html) in a congressional hearing if he would turn the OLC memo over to Congress. Holder demurred and still has yet to do so.   
The episode is reflective of the current state of congressional oversight of the executive branch on national security issues: The executive branch stonewalls or uses legal justification to avoid oversight, and Congress does precious little to demand that its constitutional prerogatives are respected. Instead of a push and pull between the two branches of the U.S. government limiting both sides’ power, the opportunities for the expansion of executive power are becoming more pronounced -- and could get worse.  
To be sure, things weren’t supposed to be this way. As a presidential candidate on the campaign trail, Barack Obama talked a big game about limiting executive power and adhering more closely to congressional mandates. As president, he has moved the balance of power in a different direction. In his handling of the Libyan intervention, for instance, Obama initially refused to go to Congress to get authorization for the use of force. Later he made the credibility-stretching argument that the war in Libya did not meet the definition of “hostilities” under the War Powers Resolution, which requires the president to seek congressional authorization for the use of force within 60 days of the initiation of hostilities. While presidents have generally questioned the resolution’s constitutionality, they have also generally abided by its key provisions regarding the use of force. This was not the case in Libya.   
The Libya intervention is, in key regards, Obama’s most ostentatious expansion of executive power, but this disregard for congressional prerogatives has seeped into other areas as well, in particular the so-called shadow war, which includes the use of cyber attacks, drone strikes and special forces to pursue U.S. national security interests and wage the war on terror. Since taking office, the administration has significantly increased the scope of the U.S. drone war. The shift coincides with post-Sept. 11 increases in both the U.S. drone arsenal and the size of the U.S. Special Operations Command (SOCOM). Meanwhile, at the same time that he has reduced the number of U.S. boots on the ground in actual combat zones, Obama has stretched the battlefield of the war on terror.

While the administration notifies congressional intelligence committees of its targeted killings of suspected terrorist leaders, it does so in private. In fact, only in recent weeks did the Obama White House publicly confirm the use of “direct action” against targets in Somalia and Yemen -- and even then in a manner that was less than forthcoming and that didn’t include reference to CIA targeted killing operations.  
Ironically, however, the administration stands on firmer legal ground here than it did on Libya. It has used the Authorization of Military Force (AUMF) granted in 2001 by Congress to justify nearly every aspect of these operations, including targeted killing campaigns carried out by both the military and the CIA, and the continued detention of prisoners in Guantanamo Bay and Afghanistan. As Yale Law School professor Bruce Ackerman told me, “The AUMF was a response to a real problem, namely the attacks of Sept. 11. It is now being transformed into a tool for fighting a 100-year war against terrorists.”  
In a sense we are witnessing a perfect storm of executive branch power-grabbing: a broad authorization of military force giving the president wide-ranging discretion to act, combined with a set of tools -- drones, special forces and cyber technology -- that allows him to do so in unprecedented ways. And since few troops are put in harm’s way, there is barely any public scrutiny.

#### The plan is useless – Congress will always avoid political backlash and defer to the president

**Lemiux 11** – assistant professor of political science at the College of Saint Rose (Scott, April 5th, “Checks and Imbalances” <http://prospect.org/article/checks-and-imbalances>)

The actual text of the Constitution gives substantial authority over war powers to Congress. Legal scholars such as Yale's [Bruce Ackerman](http://www.salon.com/news/opinion/glenn_greenwald/2011/03/18/libya/index.html) and the University of Colorado's [Paul Campos](http://www.thedailybeast.com/blogs-and-stories/2011-04-02/obamas-imperial-war-in-libya-subverts-the-constitution/?cid=hp:mainpromo6) have each made a credible case that Obama's unilateral military action subverts or directly violates the Constitution. But from the standpoint of established practice, President Obama's intervention in Libya is hardly an anomaly. For many decades, presidents have used the large military at their disposal to initiate conflict, often without congressional authorization. The explicit power to declare war has not been invoked by Congress since World War II.

The modern rise of unilateral presidential power is the subject a recent provocative book by legal scholars Eric Posner and Adrian Vermuele, The Executive Unbound. In Posner and Vermuele's view, James Madison's constraints on executive power -- the "checks and balances" you're always hearing so much about -- are essentially no longer operative; by and large, it's the president, not a majority of both houses of Congress, that decides to go to war.

Whether or not this is what the framers intended, this is the reality. So the question we need to ask now is how we got so far from the essential structure of the Constitution.

Surprisingly, it's not that the president has systematically ignored or overridden Congress. In fact, the presidency has become the dominant war-making power precisely because this is how a majority of legislators want it. The president initiated major wars in Korea, Vietnam, and Iraq (twice), and in all of these cases -- sometimes before the fact, sometimes after -- Congress has passed the buck, delegating to the president the power to authorize force rather than declaring war itself. Senators and congressmen and women are similarly happy to pass on the blame when things go bad. Hillary Clinton's [assertion](http://www.guardian.co.uk/commentisfree/2007/feb/12/hillaryclintonshistorylesso1) that her vote for the 2002 authorization for President George W. Bush to use force in Iraq was not an authorization for the preemptive war Bush actually fought is an instructive illustration of how Congress tries to have it both ways.

Even courts have found that Congress has abdicated its power to the executive. In his famous concurrence in [Youngstown Sheet and Tube v. Sawyer](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0343_0579_ZC2.html), a case that involved President Harry Truman's seizure of steel mills during the Korean War, Justice Robert Jackson noted that the Court "may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers." Statutes passed by Congress matter only if Congress asserts its power in showdowns with the president. Generally, it hasn't.

As Posner and Vermuele point out, Congress has occasionally reacted after the fact to presidential abuses of power. The post-Vietnam War Powers Resolution, for example, only authorizes the president to send troops abroad for up to 60 days without congressional approval. But these legislative exercises have been toothless, if not dead letters. Without any enforcement mechanism, the War Powers Resolution and other congressional acts are essentially symbolic. More recently, the reaction to the airstrikes against Libya is quite typical: Individual legislators may grumble, but there's no legislative action.

### Dmcrcy

#### Plan text doesn’t solve – covert ops are not “armed forces into hostilities” – no hostilities and covert =/= “armed forces”

#### Hassan ev:

“**does not seem to fully protect democratic values at home”**

The plan doesn’t solve that—due process for drones/detention, citizens united, VRA etc. obviously outweigh their solvency

#### They don’t access broader legitimacy impacts:

#### A. Ikenberry is describing broader, enduring features of the US as a democracy—not the sort of thing that lives or dies with the plan—otherwise the last 60 years would take out the aff

#### B. Requires grand strategy overhaul—here’s the 1ac

Ikenberry 11 – G. John Ikenberry, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “A World of Our Making”, Democracy: A Journal of Ideas, Issue #21, Summer, <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>

Grand Strategy as Liberal Order Building

American dominance of the global system will eventually yield to the rise of other powerful states. The unipolar moment will pass. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?

Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. Given the great shifts in the global system and the crisis of liberal hegemonic order, how should the United States pursue grand strategy in the coming years? The answer is that the United States should work with others to rebuild and renew the institutional foundations of the liberal international order and along the way re-establish its own authority as a global leader. The United States is going to need to invest in alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and democratic security communities. That is, the United States will need to return to the great tasks of liberal order building.

It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary.

The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, the United States and other countries face a host of diffuse and evolving threats. Global warming, nuclear proliferation, jihadist terrorism, energy security, health pandemics—these and other dangers loom on the horizon. Any of these threats could endanger Americans’ lives and way of life either directly or indirectly by destabilizing the global system upon which American security and prosperity depends. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And if several of these threats materialize at the same time and interact to generate greater violence and instability, then the global order itself, as well as the foundations of American national security, would be put at risk.

What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When states are in a situation of security interdependence, they cannot go it alone. They must negotiate and cooperate with other states and seek mutual restraints and protections. The United States can-not hide or protect itself from threats under conditions of rising security interdependence. It must get out in the world and work with other states to build frameworks of cooperation and leverage capacities for action against this unusually diverse, diffuse, and unpredictable array of threats and challenges.

This is why a milieu-based grand strategy is attractive. The objective is to shape the international environment to maximize your capacities to protect the nation from threats. To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. To build international order is to increase the global stock of “social capital”—which is the term Pierre Bourdieu, Robert Putnam, and other social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.

If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, the United States needs to lead in the building of an enhanced protective infrastructure that helps prevent the emergence of threats and limits the damage if they do materialize. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. What is needed here is institutional cooperation to strengthen the capacity of governments and the international com-munity to prevent epidemics or food shortages or mass migrations that create global upheaval—and mitigate the effects of these upheavals if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure.

Second, the United States should recommit to and rebuild its security alliances. The idea is to update the old bargains that lie behind these security pacts. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. The United States gives up some autonomy in strategic decision-making, although it is more an informal restraint than a legally binding one, and in exchange it gets cooperation and political support.

Third, the United States should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the United Nations, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail adding new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reforming the voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the United Nations and thereby strengthen the primacy of the UN as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, uses of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action.

Fourth, the United States should accommodate and institution-ally engage China. China will most likely be a dominant state, and the United States will need to yield to it in various ways. The United States should respond to the rise of China by strengthening the rules and institutions of the liberal international order—deepening their roots, integrating rising capitalist democracies, sharing authority and functional roles. The United States should also intensify cooperation with Europe and renew joint commitments to alliances and multilateral global governance. The more that China faces not just the United States but the entire world of capitalist democracies, the better. This is not to argue that China must face a grand counterbalancing alliance against it. Rather, it should face a complex and highly integrated global system—one that is so encompassing and deeply entrenched that it essentially has no choice but to join it and seek to prosper within it.

The United States should also be seeking to construct a regional security order in East Asia that can provide a framework for managing the coming shifts. The idea is not to block China’s entry into the regional order but to help shape its terms, looking for opportunities to strike strategic bargains at various moments along the shifting power trajectories and encroaching geopolitical spheres. The big bargain that the United States will want to strike is this: to accommodate a rising China by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core strategic interests, which include remaining a dominant security provider within East Asia. In striking this strategic bargain, the United States will also want to try to build multilateral institutional arrangements in East Asia that will tie China to the wider region.

Fifth, the United States should reclaim a liberal internationalist public philosophy. When American officials after World War II championed the building of a rule-based postwar order, they articulated a distinctive internationalist vision of order that has faded in recent decades. It was a vision that entailed a synthesis of liberal and realist ideas about economic and national security, and the sources of stable and peaceful order. These ideas—drawn from the experiences with the New Deal and the previous decades of war and depression—led American leaders to associate the national interest with the building of a managed and institutionalized global system. What is needed today is a renewed public philosophy of liberal internationalism—a shift away from neoliberal-ism—that can inform American elites as they make trade-offs between sovereignty and institutional cooperation.

Under this philosophy, the restraint and the commitment of American power went hand in hand. Global rules and institutions advanced America’s national interest rather than threatened it. The alternative public philosophies that have circulated in recent years—philosophies that champion American unilateralism and disentanglement from global rules and institutions—did not meet with great success. So an opening exists for America’s postwar vision of internationalism to be updated and rearticulated today.

The United States should embrace the tenets of this liberal public philosophy: Lead with rules rather than dominate with power; provide public goods and connect their provision to cooperative and accommodative policies of others; build and renew international rules and institutions that work to reinforce the capacities of states to govern and achieve security and economic success; keep the other liberal democracies close; and let the global system itself do the deep work of liberal modernization.

As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security. It will not be able to depend on unipolar power or airtight borders. It will need, above all else, authority and respect as a global leader. The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.

#### Their impact is bogus

Azar **Gat**, July/August **2009**, is a researcher and author on military history, he was the Chair of the Department of Political Science at Tel Aviv University, Foreign Affairs, “Which Way Is History Marching?,”<http://www.foreignaffairs.com/articles/65162/azar-gat-daniel-deudney-and-g-john-ikenberry-and-ronald-inglehar/which-way-is-history-marching?page=show>

UNDILUTED OPTIMISM to the sweeping, blind forces of globalization. A message need not be formulated in universalistic terms to have a broader appea When it comes to the question of how to deal with a nondemocratic superpower China in the international arena, Deudney and Ikenberry, as well as Inglehart and Welzel, exhibit undiluted liberal internationalist optimism. China's free access to the global economy is fueling its massive growth, thereby strengthening the country as a potential rival to the United States -- a problem for the United States not unlike that encountered by the free-trading British Empire when it faced other industrializing great powers in the late nineteenth century. According to Inglehart and Welzel, there is little to worry about, because rapid development will only quicken China's democratization. But it was the United Kingdom's great fortune -- and liberal democracy's -- that its hegemonic status fell into the hands of another liberal democracy, the United States, rather than into those of nondemocratic Germany and Japan, whose future trajectories remained uncertain at best. The liberal democratic countries could have made China's access to the global economy conditional on democratization, but it is doubtful that such a linkage would have been feasible or desirable. After all, China's economic growth has benefited other nations and has made the developed countries -- and the United States in particular -- as dependent on China as China is dependent on them. Furthermore, economic development and interdependence in themselves -- in addition to democracy -- are a major force for peace. Democracies' ability to promote internal democratization in countries much smaller and weaker than China has been very limited, and putting pressure on China could backfire, souring relations with China and diverting its development to a more militant and hostile path. Deudney and Ikenberry suggest that China's admission into the institutions of the liberal international order established after World War II and the Cold War will oblige the country to transform and conform to that order. But large players are unlikely to accept the existing order as it is, and their entrance into the system is as likely to change it as to change them. The Universal Declaration of Human Rights provides a case in point. It was adopted by the United Nations in 1948, in the aftermath of the Nazi horrors and at the high point of liberal hegemony. Yet the UN Commission on Human Rights, and the Human Rights Council that replaced it, has long been dominated by China, Cuba, and Saudi Arabia and has a clear illiberal majority and record. Today, more countries vote with China than with the United States and Europe on human rights issues in the General Assembly of the United Nations. Critics argue that unlike liberalism, nondemocratic capitalist systems have no universal message to offer the world, nothing attractive to sell that people can aspire to, and hence no "soft power" for winning over hearts and minds. But there is a flip side to the universalist coin: many find liberal universalism dogmatic, intrusive, and even oppressive. Resistance to the unipolar world is a reaction not just to the power of the United States but also to the dominance of human rights liberalism. There is a deep and widespread resentment in non-Western societies of being lectured to by the West and of the need to justify themselves according to the standards of a hegemonic liberal morality that preaches individualism to societies that value community as a greater good. Compared to other historical regimes, the global liberal order is in many ways benign, welcoming, and based on mutual prosperity.

### 1NC SOP Adv.

#### SOP resilient

Rosman 96 [Michael E. Rosman (General Counsel @ Center for Individual Rights; JD from Yale); Review of “FIGHTING WORDS: INDIVIDUALS, COMMUNITIES AND LIBERTIES OF SPEECH”; Constitutional Commentary 96 (Winter, p. 343-345)]

Of course, the other branches also shove at the boundaries of branch power--FDR's Court-packing plan being one notable example of this practice. Sometimes the law of unintended consequences grabs hold. Perhaps the Court-packing plan concentrated the Justices' minds on finding ways to hold New Deal legislation constitutional, but it also blew up in FDR's face politically.

At least for the last two hundred years, however, no branch has managed to expand its power to the point of delivering an obvious knock-out blow to another branch. Seen from this broader perspective, cases such as Morrison,(33) Bowsher v. Synar,(34) and Mistretta v. United States(35) surely alter the balance of branch power at a given historical moment, but do not change the fundamental and brute fact that the Constitution puts three institutional heavyweights into a ring where they are free to bash each other.

Judicialocentrism tends to obscure this obvious point because it causes people to dwell on the hard cases that reach the Supreme Court. The power of separation of powers, however, largely resides in its ability to keep the easy cases from ever occurring. For instance, Congress, although it tries to weaken the President from time to time, has not tried to reduce the President to a ceremonial figurehead a la the Queen of England. Similarly, Congress does not make a habit of trying cases that have been heard by the courts. This list could be continued indefinitely.

The Supreme Court has had two hundred years to muck about with separation-of-powers doctrine. Over that time, scores of Justices--each with his or her own somewhat idiosyncratic view of the law--have sat on the bench. Scholars have denounced separation-of-powers jurisprudence as a mess. But the Republic endures, at least more or less. These historical facts tend to indicate that the Court need not rush to change its approach to separation of powers to prevent a slide into tyranny.

#### Heg inevitable

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We are now in an America- centric age. To understand this age, we must understand the United States, not only because it is so powerful but because its culture will permeate the world and deﬁne it. Just as French culture and British culture were deﬁnitive during their times of power, so American culture, as young and barbaric as it is, will deﬁne the way the world thinks and lives. So studying the twenty- ﬁrst century means studying the United States. If there were only one argument I could make about the twenty- ﬁrst century, it would be that the European Age has ended and that the North American Age has begun, and that North America will be dominated by the United States for the next hundred years. The events of the twentyﬁrst century will pivot around the United States. That doesn’t guarantee that the United States is necessarily a just or moral regime. It certainly does not mean that America has yet developed a mature civilization. It does mean that in many ways the history of the United States will be the history of the twenty- ﬁrst century. There is a deep- seated belief in America that the United States is approaching the eve of its destruction. Read letters to the editor, peruse the Web, and listen to public discourse. Disastrous wars, uncontrolled deﬁcits, high gasoline prices, shootings at universities, corruption in business and government, and an endless litany of other shortcomings—all of them quite real—create a sense that the American dream has been shattered and that America is past its prime. If that doesn’t convince you, listen to Europeans. They will assure you that America’s best day is behind it. The odd thing is that all of this foreboding was present during the presidency of Richard Nixon, together with many of the same issues. There is a continual fear that American power and prosperity are illusory, and that disaster is just around the corner. The sense transcends ideology. Environmentalists and Christian conservatives are both delivering the same message. Unless we repent of our ways, we will pay the price—and it may be too late already. It’s interesting to note that the nation that believes in its manifest destiny has not only a sense of impending disaster but a nagging feeling that the country simply isn’t what it used to be. We have a deep sense of nostalgia for the 1950s as a “simpler” time. This is quite a strange belief. With the Korean War and McCarthy at one end, Little Rock in the middle, and Sputnik and Berlin at the other end, and the very real threat of nuclear war throughout, the 1950s was actually a time of intense anxiety and foreboding. A widely read book published in the 1950s was entitled The Age of Anxiety. In the 1950s, they looked back nostalgically at an earlier America, just as we look back nostalgically at the 1950s. American culture is the manic combination of exultant hubris and profound gloom. The net result is a sense of conﬁdence constantly undermined by the fear that we may be drowned by melting ice caps caused by global warming or smitten dead by a wrathful God for gay marriage, both outcomes being our personal responsibility. American mood swings make it hard to develop a real sense of the United States at the beginning of the twentyﬁrst century. But the fact is that the United States is stunningly powerful. It may be that it is heading for a catastrophe, but it is hard to see one when you look at the basic facts. Let’s consider some illuminating ﬁgures. Americans constitute about 4 percent of the world’s population but produce about 26 percent of all goods and services. In 2007 U.S. gross domestic product was about $14 trillion, compared to the world’s GDP of $54 trillion—about 26 percent of the world’s economic activity takes place in the United States. The next largest economy in the world is Japan’s, with a GDP of about $4.4 trillion—about a third the size of ours. The American economy is so huge that it is larger than the economies of the next four countries combined: Japan, Germany, China, and the United Kingdom. Many people point at the declining auto and steel industries, which a generation ago were the mainstays of the American economy, as examples of a current deindustrialization of the United States. Certainly, a lot of industry has moved overseas. That has left the United States with industrial production of only $2.8 trillion (in 2006): the largest in the world, more than twice the size of the next largest industrial power, Japan, and larger than Japan’s and China’s industries combined. There is talk of oil shortages, which certainly seem to exist and will undoubtedly increase. However, it is important to realize that the United States produced 8.3 million barrels of oil every day in 2006. Compare that with 9.7 million for Russia and 10.7 million for Saudi Arabia. U.S. oil production is 85 percent that of Saudi Arabia. The United States produces more oil than Iran, Kuwait, or the United Arab Emirates. Imports of oil into the country are vast, but given its industrial production, that’s understandable. Comparing natural gas production in 2006, Russia was in ﬁrst place with 22.4 trillion cubic feet and the United States was second with 18.7 trillion cubic feet. U.S. natural gas production is greater than that of the next ﬁve producers combined. In other words, although there is great concern that the United States is wholly dependent on foreign energy, it is actually one of the world’s largest energy producers. Given the vast size of the American economy, it is interesting to note that the United States is still underpopulated by global standards. Measured in inhabitants per square kilometer, the world’s average population density is 49. Japan’s is 338, Germany’s is 230, and America’s is only 31. If we exclude Alaska, which is largely uninhabitable, U.S. population density rises to 34. Compared to Japan or Germany, or the rest of Europe, the United States is hugely underpopulated. Even when we simply compare population in proportion to arable land—land that is suitable for agriculture—America has ﬁve times as much land per person as Asia, almost twice as much as Europe, and three times as much as the global average. An economy consists of land, labor, and capital. In the case of the United States, these numbers show that the nation can still grow—it has plenty of room to increase all three. There are many answers to the question of why the U.S. economy is so powerful, but the simplest answer is military power. The United States completely dominates a continent that is invulnerable to invasion and occupation and in which its military overwhelms those of its neighbors. Virtually every other industrial power in the world has experienced devastating warfare in the twentieth century. The United States waged war, but America itself never experienced it. Military power and geographical reality created an economic reality. Other countries have lost time recovering from wars. The United States has not. It has actually grown because of them. Consider this simple fact that I’ll be returning to many times. The United States Navy controls all of the oceans of the world. Whether it’s a junk in the South China Sea, a dhow off the African coast, a tanker in the Persian Gulf, or a cabin cruiser in the Caribbean, every ship in the world moves under the eyes of American satellites in space and its movement is guaranteed—or denied—at will by the U.S. Navy. The combined naval force of the rest of the world doesn’t come close to equaling that of the U.S. Navy. This has never happened before in human history, even with Britain. There have been regionally dominant navies, but never one that was globally and overwhelmingly dominant. This has meant that the United States could invade other countries—but never be invaded. It has meant that in the ﬁnal analysis the United States controls international trade. It has become the foundation of American security and American wealth. Control of the seas emerged after World War II, solidiﬁed during the ﬁnal phase of the European Age, and is now the ﬂip side of American economic power, the basis of its military power. Whatever passing problems exist for the United States, the most important factor in world affairs is the tremendous imbalance of economic, military, and political power. Any attempt to forecast the twenty- ﬁrst century that does not begin with the recognition of the extraordinary nature of American power is out of touch with reality. But I am making a broader, more unexpected claim, too: the United States is only at the beginning of its power. The twenty ﬁrst century will be the American century.

#### Empirics prove heg no solve war

**Fettweis 10** – Professor of national security affairs @ U.S. Naval War College (Chris, Georgetown University Press, “Dangerous times?: the international politics of great power peace” Google Books) Jacome

Simply stated, the hegemonic stability theory proposes that international peace is only possible when there is one country strong enough to make and enforce a set of rules. At the height of Pax Romana between 27 BC and 180 AD, for example, Rome was able to bring unprecedented peace and security to the Mediterranean. The Pax Britannica of the nineteenth century brought a level of stability to the high seas. Perhaps the current era is peaceful because the United States has established a de facto Pax Americana where no power is strong enough to challenge its dominance, and because it has established a set of rules that a generally in the interests of all countries to follow. Without a benevolent hegemony, some strategists fear, instability may break out around the globe. Unchecked conflicts could cause humanitarian disaster and, in today’s interconnected world economic turmoil that would ripple throughout global financial markets. If the United States were to abandon its commitments abroad, argued Art, the world would “become a more dangerous place” and, sooner or later, that would “rebound to America’s detriment.” If the massive spending that the United States engages in actually produces stability in the international political and economic systems, then perhaps internationalism is worthwhile. There are good theoretical and empirical reasons, however, the belief that U.S. hegemony is not the primary cause of the current era of stability.

First of all, the hegemonic stability argument overstates the role that the United States plays in the system. No country is strong enough to police the world on its own. The only way there can be stability in the community of great powers is if self-policing occurs, ifs **states have decided that their interest are served by peace**. If no pacific normative shift had occurred among the great powers that was filtering down through the system, then no amount of international constabulary work by the United States could maintain stability. Likewise, if it is true that such a shift has occurred, then most of what the hegemon spends to bring stability would be wasted. The 5 percent of the world’s population that live in the United States simple could not force peace upon an unwilling 95. At the risk of beating the metaphor to death, the United States may be patrolling a neighborhood that has already rid itself of crime. Stability and unipolarity may be simply coincidental.

In order for U.S. hegemony to be the reason for global stability, the rest of the world would have to expect reward for good behavior and fear punishment for bad. Since the end of the Cold War, the United States has not always proven to be especially eager to engage in humanitarian interventions abroad. Even rather incontrovertible evidence of genocide has not been sufficient to inspire action. Hegemonic stability can only take credit for influence those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. Ethiopia and Eritrea are hardly the only states that could go to war without the slightest threat of U.S. intervention. Since most of the world today is free to fight without U.S. involvement, something else must be at work. Stability exists in many places where no hegemony is present.

Second, the limited empirical evidence we have suggests that there is little connection between the relative level of U.S. activism and international stability. During the 1990s the United States cut back on its defense spending fairly substantially, By 1998 the United States was spending $100 billion less on defense in real terms than it had in 1990. To internationalists, defense hawks, and other believers in hegemonic stability this irresponsible "peace dividend" endangered both national and global security "No serious analyst of American military capabilities," argued Kristol and Kagan, "doubts that the defense budget has been cut much too far to meet Americas responsibilities to itself and to world peace."" If the pacific trends were due not to U.S. hegemony but a strengthening norm against interstate war, however, one would not have expected an increase in global instability and violence.

The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable Pentagon, or at least none took any action that would suggest such a belief. No militaries were enhanced to address power vacuums; no security dilemmas drove mistrust and arms races; no regional balancing occurred once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat ofinternational war was not a pressing concern, despite the reduction in U.S. capabilities. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and it kept declining as the Bush Administration ramped spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. It is also worth noting for our purposes that the United States was no less safe.

#### No solve anything

**Preble 10 -** director of foreign policy studies at the Cato Institute, taught history at St. Cloud State University and Temple University, was a commissioned officer in the U.S. Navy, Ph.D. in history from Temple University (Christopher, 8/13, “U.S. Military Power: Preeminence for What Purpose?”) <http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/>)

Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose — or gain — the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealistic to expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions. But while there are credible alternatives to the United States serving in its current dual role as world policeman / armed social worker, the foreign policy establishment in Washington has no interest in exploring them. The people here have grown accustomed to living at the center of the earth, and indeed, of the universe. The tangible benefits of all this military spending flow disproportionately to this tiny corner of the United States while the schlubs in fly-over country pick up the tab. In short, we shouldn’t have expected that a group of Washington insiders would seek to overturn the judgments of another group of Washington insiders. A genuinely independent assessment of U.S. military spending, and of the strategy the military is designed to implement, must come from other quarters.

#### Regional actors fill in

**Bandow 11** – senior fellow at the Cato Institute. A former special assistant to Ronald Reagan, he is the author of Foreign Follies: America's New Global Empire (Xulon) [1-31-2011, Doug Bandow, “Solving the Debt Crisis: A Military Budget for a Republic”, January 31st, <http://www.cato.org/pub_display.php?pub_id=12746>]

More than two decades after the Cold War dramatically ended, the U.S. maintains a Cold War military. America has a couple score allies, dozens of security commitments, hundreds of overseas bases, and hundreds of thousands of troops overseas. Yet international hegemonic communism has disappeared, the Soviet Union has collapsed, Maoist China has been transformed, and pro-communist Third World dictatorships have been discarded in history's dustbin.

The European Union has a larger economy and population than America does. Japan spent decades with the world's second largest economy. South Korea has 40 times the GDP and twice the population of North Korea. As Colin Powell exclaimed in 1991, "I'm running out of demons. I'm running out of enemies. I'm down to Castro and Kim Il-sung."

Yet America accounts for roughly half of the globe's military outlays. In real terms the U.S. government spends more on the military today than at any time during the Cold War, Korean War, or Vietnam War. It is difficult for even a paranoid to concoct a traditional threat to the American homeland.

Terrorism is no replacement for the threat of nuclear holocaust. Commentator Philip Klein worries about "gutting" the military and argued that military cuts at the end of the Cold War "came back to haunt us when Sept. 11 happened." Yet the reductions, which still left America by far the world's most dominant power, neither allowed the attacks nor prevented Washington from responding with two wars.

And responding with two wars turned out to be a catastrophic mistake. Evil terrorism is a threat, but existential threat it is not. Moreover, the best response is not invasions and occupations — as the U.S. has learned at high cost in both Afghanistan and Iraq. Rather, the most effective tools are improved intelligence, Special Forces, international cooperation, and restrained intervention.

Attempts at nation-building are perhaps even more misguided than subsidizing wealthy industrialized states. America's record isn't pretty. The U.S. wasn't able to anoint its preferred Somali warlord as leader of that fractured nation. Washington's allies in the still unofficial and unstable nation of Kosovo committed grievous crimes against Serb, Roma, and other minorities. Haiti remains a failed state after constant U.S. intervention. The invasion of Iraq unleashed mass violence, destroyed the indigenous Christian community, and empowered Iran; despite elections, a liberal society remains unlikely. After nine years most Afghans dislike and distrust the corrupt government created by the U.S. and sustained only by allied arms.

The last resort of those who want America to do everything everywhere is to claim that the world will collapse into various circles of fiery hell without a ubiquitous and vast U.S. military presence. Yet there is no reason to believe that scores of wars are waiting to break out. And America's prosperous and populous allies are capable of promoting peace and stability in their own regions.

#### Liberalism is inevitable – hegemony isn’t key

**Ikenberry 11** – (May/June issue of Foreign Affairs, G. John, PhD, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, “The Future of the Liberal World Order,” http://www.foreignaffairs.com/articles/67730/g-john-ikenberry/the-future-of-the-liberal-world-order?page=show)

For all these reasons, many observers have concluded that world politics is experiencing not just a changing of the guard but also a transition in the ideas and principles that underlie the global order. The journalist Gideon Rachman, for example, says that a cluster of liberal internationalist ideas -- such as faith in democratization, confidence in free markets, and the acceptability of U.S. military power -- are all being called into question. According to this worldview, the future of international order will be shaped above all by China, which will use its growing power and wealth to push world politics in an illiberal direction. Pointing out that China and other non-Western states have weathered the recent financial crisis better than their Western counterparts, pessimists argue that an authoritarian capitalist alternative to Western neoliberal ideas has already emerged. According to the scholar Stefan Halper, emerging-market states "are learning to combine market economics with traditional autocratic or semiautocratic politics in a process that signals an intellectual rejection of the Western economic model."

Today's international order is not really American or Western--even if it initially appeared that way.

But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order -- benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system.

In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system -- the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession -- the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it.

To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

### 1NC Prolif Adv.

#### No Iran prolif – bureaucratic failures

**Hymans 12** – is Associate Professor of International Relations at the University of Southern California (Jacques, May/June, “Botching the Bomb” <http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb>) Jacome

THE CHRONIC problem of nuclear proliferation is once again dominating the news. A fierce debate has developed over how to respond to the threat posed by Iran's nuclear activities, which most experts believe are aimed at producing a nuclear weapon or at least the capacity to assemble one. In this debate, one side is pushing for a near-term military attack to damage or destroy Iran's nuclear program, and the other side is hoping that strict sanctions against the Islamic Republic will soften it up for a diplomatic solution. Both sides, however, share the underlying assumption that unless outside powers intervene in a dramatic fashion, it is inevitable that Iran will achieve its supposed nuclear goals very soon.

Yet there is another possibility. The Iranians had to work for 25 years just to start accumulating uranium enriched to 20 percent, which is not even weapons grade. The slow pace of Iranian nuclear progress to date strongly suggests that Iran could still need a very long time to actually build a bomb -- or could even **ultimately fail** to do so. Indeed, **global trends** in proliferation suggest that either of **those outcomes might be more likely than Iranian success in the near future.** Despite regular warnings that proliferation is spinning out of control, the fact is that since the 1970s, there has been a persistent slowdown in the pace of technical progress on nuclear weapons projects and an equally dramatic decline in their ultimate success rate.

The great proliferation slowdown can be attributed in part to U.S. and international nonproliferation efforts. But it is mostly the result of the dysfunctional management tendencies of the states that have sought the bomb in recent decades. Weak institutions in those states have permitted political leaders to unintentionally undermine the performance of their nuclear scientists, engineers, and technicians. The harder politicians have pushed to achieve their nuclear ambitions, the less productive their nuclear programs have become. Meanwhile, military attacks by foreign powers have tended to unite politicians and scientists in a common cause to build the bomb. Therefore, taking radical steps to rein in Iran would be not only risky but also potentially counterproductive, and much less likely to succeed than the simplest policy of all: getting out of the way and allowing the Iranian nuclear program's worst enemies -- Iran's political leaders -- to hinder the country's nuclear progress all by themselves.

#### Here’s the theoretical evidence to back our claim

**Hymans 12** – is Associate Professor of International Relations at the University of Southern California (Jacques, May/June, “Botching the Bomb” <http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb>) Jacome

[NUCLEAR DOGS THAT HAVE NOT BARKED](http://web.ebscohost.com.ezproxy.library.wisc.edu/ehost/detail?vid=3&hid=8&sid=7585163c-914e-4787-9fd6-b2e36f800b43%40sessionmgr12&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#toc)

"TODAY, ALMOST any industrialized country can produce a nuclear weapon in four to five years," a former chief of Israeli military intelligence recently wrote in The New York Times, echoing a widely held belief. Indeed, the more nuclear technology and know-how have diffused around the world, the more the timeline for building a bomb should have shrunk. But in fact, rather than speeding up over the past four decades, proliferation has gone into slow motion.

Seven countries launched dedicated nuclear weapons projects before 1970, and all seven succeeded in relatively short order. By contrast, of the ten countries that have launched dedicated nuclear weapons projects since 1970, **only three have achieved a bomb**. And only one of the six states that failed -- Iraq -- had made much progress toward its ultimate goal by the time it gave up trying. (The jury is still out on Iran's program.) What is more, even the successful projects of recent decades have needed a long time to achieve their ends. The average timeline to the bomb for successful projects launched before 1970 was about seven years; the average timeline to the bomb for successful projects launched after 1970 has been about 17 years.

International security experts have been unable to convincingly explain this remarkable trend. The first and most credible conventional explanation is that the Nuclear Nonproliferation Treaty (NPT) has prevented a cascade of new nuclear weapons states by creating a system of export controls, technology safeguards, and on-site inspections of nuclear facilities. The NPT regime has certainly closed off the most straightforward pathways to the bomb. However, the NPT became a formidable obstacle to would-be nuclear states only in the 1990s, when its export-control lists were expanded and Western states finally became serious about enforcing them and when international inspectors started acting less like tourists and more like detectives. Yet the proliferation slowdown started at least 20 years before the system was solidified. So the NPT, useful though it may be, cannot alone account for this phenomenon.

A second conventional explanation is that although the NPT regime may not have been very effective, American and Israeli bombs have been. Syria's nascent nuclear effort, for instance, was apparently dealt a major setback by an Israeli air raid on its secret reactor construction site in 2007. But the record of military strikes is mixed. Contrary to the popular myth of the success of Israel's 1981 bombing of the Osiraq reactor in Iraq, the strike actually spurred Iraqi President Saddam Hussein to move beyond vague intentions and commit strongly to a dedicated nuclear weapons project, which lasted until the 1990-91 Gulf War. Moreover, the bombs that the United States dropped on Iraq during that conflict mostly missed Saddam's nuclear sites.

Finally, some analysts have asserted that nuclear weapons projects become inefficient due to political leaders' flagging levels of commitment. But these analysts are reversing cause and effect: leaders lose interest when their nuclear programs are not running well. And some nuclear weapons projects, such as France's, have performed well despite very tepid support from above. The imperfect correlation between the commitment of leaders and the quality of nuclear programs should not be surprising, for although commentators may speak casually of "Mao's bomb" or "Kim Jong Il's bomb," the real work has to be carried out by other people.

[ARRESTED DEVELOPMENT](http://web.ebscohost.com.ezproxy.library.wisc.edu/ehost/detail?vid=3&hid=8&sid=7585163c-914e-4787-9fd6-b2e36f800b43%40sessionmgr12&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#toc)

A MORE CONVINCING explanation of the proliferation slowdown begins with the observation that during the early days of the nuclear age, most states with nuclear ambitions were in the developed world, whereas since the mid-1960s, most would-be nuclear states have been in the developing world. As proliferation has become a mainly developing-world phenomenon, timelines to the bomb have slowed down dramatically. But the relevant difference here is not primarily economic. Some nuclear programs in very poor states have fared rather well, such the one undertaken by famine-stricken China in the 1950s and 1960s. Conversely, wealthy oil states, such as Iraq and Libya, spent vast amounts on decades-long nuclear quests but still failed.

National income is only one dimension of development, however, and in this case it is not the most important one. As the political scientist Francis Fukuyama has stressed, despite strong rates of economic growth, most developing countries struggle to establish high-quality state bureaucracies. And a dysfunctional bureaucracy is likely to produce a dysfunctional nuclear weapons project.

Nuclear research and development organizations depend heavily on intense commitment, creative thinking, and a shared spirit of cooperation among large numbers of highly educated scientific and technical workers. To elicit this positive behavior, management needs to respect their professional autonomy and facilitate their efforts, and not simply order them around. Respect for professional autonomy was instrumental to the brilliant successes of the earliest nuclear weapons projects. Even in Stalin's Soviet Union, as the historian David Holloway has written, "it is striking how the apparatus of the police state fused with the physics community to build the bomb.… [The physics community's] autonomy was not destroyed by the creation of the nuclear project. It continued to exist within the administrative system that was set up to manage the project."

By contrast, most rulers of recent would-be nuclear states have tended to rely on a coercive, authoritarian management approach to advance their quest for the bomb, using appeals to scientists' greed and fear as the primary motivators. That coercive approach is a major mistake, because it produces a sense of alienation in the workers by removing their sense of professionalism. As a result, **nuclear programs lose their way**. Moreover, underneath these bad management choices lie bad management cultures. In developing states with inadequate civil service protections, every decision tends to become politicized, and state bureaucrats quickly learn to keep their heads down. Not even the highly technical matters faced by nuclear scientific and technical workers are safe from meddling politicians. The result is precisely the reverse of what the politicians intend: not heightened efficiency but rather a mixture of bureaucratic sloth, corruption, and endless blame shifting.

Although it is difficult to measure the quality of state institutions precisely, the historical record strongly indicates that the more a state has conformed to the professional management culture generally found in developed states, the less time it has needed to get its first bomb and the lower its chances of failure. Conversely, the more a state has conformed to the authoritarian management culture typically found in developing states, the more time it has needed to get its first bomb and the **higher its chances of failure.**

#### No impact – deterrence checks

Waltz 12 – Senior Research Scholar at the Saltzman Institute of War and Peace Studies and Adjunct Professor of Political Science at Columbia University (Kenneth, “Why Iran Should Get the Bomb” <http://www.foreignaffairs.com/articles/137731/kenneth-n-waltz/why-iran-should-get-the-bomb>) Jacome

UNFOUNDED FEARS

One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction. It would be a grave error for policymakers in the United States and Israel to assume otherwise.

Yet that is precisely what many U.S. and Israeli o/cials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear.

Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the eu announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not want to provoke what would surely have been a swiftand devastating American response to such a move.

Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold.

## 2NC

### 2NC Overview

#### And if we win the thesis of the kritik they have no offense – The system is destroying itself now, making the only appropriate question whether to reform it or let it die—all the system is capable of is the inflicting of death and doing nothing

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1065

In a later work, Agamben generalizes this logic and transforms it into a basic ethical imperative of his work: ‘[There] is often nothing reprehensible about the individual behavior in itself, and it can, indeed, express a liberatory intent. What is disgraceful – both politically and morally – are the apparatuses which have diverted it from their possible use. We must always wrest from the apparatuses – from all apparatuses – the possibility of use that they have captured.’32 As we shall discuss in the following section, this is to be achieved by a subtraction of ourselves from these apparatuses, which leaves them in a jammed, inoperative state. What is crucial at this point is that the apparatuses of nihilism themselves prepare their demise by emptying out all positive content of the forms-of-life they govern and increasingly running on ‘empty’, capable only of (inflict- ing) Death or (doing) Nothing.

On the other hand, this degradation of the apparatuses illuminates the ‘inoperosity’ (worklessness) of the human condition, whose originary status Agamben has affirmed from his earliest works onwards.33 By rendering void all historical forms-of-life, nihi- lism brings to light the absence of work that characterizes human existence, which, as irreducibly potential, logically presupposes the lack of any destiny, vocation, or task that it must be subjected to: ‘Politics is that which corresponds to the essential inoperability of humankind, to the radical being-without-work of human communities. There is pol- itics because human beings are argos-beings that cannot be defined by any proper oper- ation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust.’34

Having been concealed for centuries by religion or ideology, this originary inoperos- ity is fully unveiled in the contemporary crisis, in which it is manifest in the inoperative character of the biopolitical apparatuses themselves, which succeed only in capturing the sheer existence of their subjects without being capable of transforming it into a positive form-of-life:

[T]oday, it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. It was evident start- ing with the end of the First World War that the European nation-states were no longer capa- ble of taking on historical tasks and that peoples themselves were bound to disappear.35

Agamben’s metaphor for this condition is bankruptcy: ‘One of the few things that can be

declared with certainty is that all the peoples of Europe (and, perhaps, all the peoples of the Earth) have gone bankrupt’.36 Thus, the destructive nihilistic drive of the biopolitical machine and the capitalist spectacle has itself done all the work of emptying out positive forms-of-life, identities and vocations, leaving humanity in the state of destitution that Agamben famously terms ‘bare life’. Yet, this bare life, whose essence is entirely con- tained in its existence, is precisely what conditions the emergence of the subject of the coming politics: ‘this biopolitical body that is bare life must itself be transformed into the site for the constitution and installation of a form-of-life that is wholly exhausted in bare life and a bios that is only its own zoe.’37

The ‘happy’ form-of-life, a ‘life that cannot be segregated from its form’, is nothing but bare life that has reappropriated itself as its own form and for this reason is no longer separated between the (degraded) bios of the apparatuses and the (endangered) zoe that functions as their foundation.38 Thus, what the nihilistic self-destruction of the appara- tuses of biopolitics leaves as its residue turns out to be the entire content of a new form-of-life. Bare life, which is, as we recall, ‘nothing reprehensible’ aside from its con- finement within the apparatuses, is reappropriated as a ‘whatever singularity’, a being that is only its manner of being, its own ‘thus’.39 It is the dwelling of humanity in this irreducibly potential ‘whatever being’ that makes possible the emergence of a generic non-exclusive community without presuppositions, in which Agamben finds the possi- bility of a happy life.

[If] instead of continuing to search for a proper identity in the already improper and sense- less form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity, then they would for the first time enter into a community without presuppositions and without subjects.40

Thus, rather than seek to reform the apparatuses, we should simply leave them to their self-destruction and only try to reclaim the bare life that they feed on. This is to be achieved by the practice of subtraction that we address in the following section.

### 2NC Framework

#### As an individual, you must adopt the role of “the new attorney,” to study and deactivate the force of law – voting negative is an instance of resisting the sovereign’s current deployment of the laq in favor of an alternative

Agamben 05. Giorgio Agamben, famous philosopher, The State of Exception, pg. 63

In the Kafka essay, the enigmatic image of a law that is studied but no longer practiced corresponds, as a sort of remnant, to the unmasking of mythico-juridical violence effected by pure violence. There is, therefore, still a possible figure of law after its nexus with violence and power has been deposed, but it is a law that no longer has force or application, like the one in which the “new attorney,” leafing through “our old books,” buries himself in study, or like the one that Foucault may have had in mind when he spoke of a “new law” that has been freed from all disci- pline and all relation to sovereignty.

What can be the meaning of a law that survives its deposition in such a way? The difficulty Benjamin faces here corresponds to a problem that can be formulated (and it was effectively formulated for the first time in primitive Christianity and then later in the Marxian tradition) in these terms: What becomes of the law after its messianic fulfillment? (This is the controversy that opposes Paul to the Jews of his time.) And what becomes of the law in a society without classes? (This is precisely the de- bate between Vyshinsky and Pashukanis.) These are the questions that Benjamin seeks to answer with his reading of the “new attorney.” Obvi- ously, it is not a question here of a transitional phase that never achieves its end, nor of a process of infinite deconstruction that, in maintain- ing the law in a spectral life, can no longer get to the bottom of it. The decisive point here is that the law—no longer practiced, but studied— is not justice, but only the gate that leads to it. What opens a passage toward justice is not the erasure of law, but its deactivation and inactivity [inoperosità]—that is, another use of the law. This is precisely what the force-of-law (whichkeepsthelawworking[inopera]beyonditsformal suspension) seeks to prevent. Kafka’s characters—and this is why they interest us—have to do with this spectral figure of the law in the state of exception; they seek, each one following his or her own strategy, to “study” and deactivate it, to “play” with it.

One day humanity will play with law just as children play with dis- used objects, not in order to restore them to their canonical use but to free them from it for good. What is found after the law is not a more proper and original use value that precedes the law, but a new use that is born only after it. And use, which has been contaminated by law, must also be freed from its own value. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin’s posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical (Benjamin 1992, 41).

### 2NC Alternative

#### The alternative is not some utopian dream, quite the opposite – we do not need to create a new form of politics, simply re-appropriate the state of exception as a chance to highlight the arbitrariness of law in order to de-activate the sovereign’s power

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1057

The second principle of Agamben’s optimism is best summed up by Ho ̈lderlin’s phrase, made famous by Heidegger: ‘where danger grows, grows saving power also’.20 Accord- ing to Agamben, radical global transformation is actually made possible by nothing other than the unfolding of biopolitical nihilism itself to its extreme point of vacuity. On a number of occasions in different contexts, Agamben has asserted the possibility of a radi- cally different form-of-life on the basis of precisely the same things that he initially set out to criticize. Agamben paints a convincingly gloomy picture of the present state of things only to undertake a majestic reversal at the end, finding hope and conviction in the very despair that engulfs us.21 Our very destitution thereby turns out be the condition for the possibility of a completely different life, whose description is in turn entirely devoid of fantastic mirages. Instead, as Agamben repeatedly emphasizes, in the redeemed world ‘everything will be as is now, just a little different’,22 no momentous transformation will take place aside from a ‘small displacement’ that will nonetheless make all the difference. While we shall deal with this ‘small displacement’ in the follow- ing section, let us now elaborate the logic of redemption through the traversal of ‘danger’ in more detail.

It is evident that the danger at issue in Agamben’s work is nihilism in its dual form of the sovereign ban and the capitalist spectacle. If, as we have shown in the previous sec- tion, the reign of nihilism is general and complete, we may be optimistic about the pos- sibility of jamming its entire apparatus since there is nothing in it that offers an alternative to the present ‘double subjection’. Yet, where are we to draw resources for such a global transformation? It would be easy to misread Agamben as an utterly utopian thinker, whose intentions may be good and whose criticism of the present may be valid if exaggerated, but whose solutions are completely implausible if not outright embarras- sing.23 Nonetheless, we must rigorously distinguish Agamben’s approach from utopian- ism. As Foucault has argued, utopias derive their attraction from their discursive structure of a fabula, which makes it possible to describe in great detail a better way of life, precisely because it is manifestly impossible.24 While utopian thought easily pro- vides us with elaborate visions of a better future, it cannot really lead us there, since its site is by definition a non-place. In contrast, Agamben’s works tell us quite little about life in a community of happy life that has done away with the state form, but are remark- ably concrete about the practices that are constitutive of this community, precisely because these practices require nothing that would be extrinsic to the contemporary condition of biopolitical nihilism. Thus, Agamben’s coming politics is manifestly anti-utopian and draws all its resources from the condition of contemporary nihilism.

Moreover, this nihilism is the only possible resource for this politics, which would otherwise be doomed to continuing the work of negation, vainly applying it to nihilism itself. Given the totality of contemporary biopolitical nihilism, any ‘positive’ project of transformation would come down to the negation of negativity itself. Yet, as Agambens demonstrates conclusively in Language and Death, nothing is more nihilistic than a negation of nihilism.25 Any project that remains oblivious to the extent to which its valorized positive forms have already been devalued and their content evacuated would only succeed in plunging us deeper into nihilism. As Heidegger adds in his commentary on Ho ̈lderlin, ‘It may be that any other salvation than that, which comes from where the danger is, is still within non-safety’.26 Moreover, as Roberto Esposito’s work on the par- adox of immunity in biopolitics demonstrates, any attempt to combat danger through ‘negative protection’ (immunization) that seeks to mediate the immediacy of life through extrinsic principles (sovereignty, liberty, property) necessarily introjects within the social realm the very negativity that it claims to battle, so that biopolitics is always at risk of collapsing into thanatopolitics.27 In contrast, Agamben’s coming politics does not attempt to introduce anything new or ‘positive’ into the condition of nihilism but to use this condition itself in order to reappropriate human existence from its biopolitical confinement.28

Thus, while the aporia of the negation of negativity might lead other thinkers to res- ignation about the possibilities of political praxis, it actually enhances Agamben’s opti- mism. Renouncing any project of reconstructing social life on the basis of positive principles, his work illuminates the way the unfolding of biopolitical nihilism itself pro- duces the conditions of possibility for radical transformation. We can now see that the state of total crisis that Agamben has diagnosed must be understood in the strict medical sense. In pre-modern medicine, the crisis of the disease is its kairos, the moment in which the disease truly manifests itself and allows for the doctor’s intervention that might finally defeat it.29 For this reason, the crisis is not something to be feared and avoided but an opportunity that must be seized. Similarly, insofar as the sovereign state of excep- tion and the absolutization of exchange-value completely empty out any content of pos- itive forms-of-life, the contemporary biopolitical apparatus prepares its self-destruction by fully manifesting its own vacuity.

## 1NR

### democracy

Plan: The United States federal government should increase statutory restrictions on the war powers authority of the President in the area of introducing Armed Forces into hostilities with the Islamic Republic of Iran.

#### Their impact is bogus

Azar **Gat**, July/August **2009**, is a researcher and author on military history, he was the Chair of the Department of Political Science at Tel Aviv University, Foreign Affairs, “Which Way Is History Marching?,”<http://www.foreignaffairs.com/articles/65162/azar-gat-daniel-deudney-and-g-john-ikenberry-and-ronald-inglehar/which-way-is-history-marching?page=show>

UNDILUTED OPTIMISM to the sweeping, blind forces of globalization. A message need not be formulated in universalistic terms to have a broader appea When it comes to the question of how to deal with a nondemocratic superpower China in the international arena, Deudney and Ikenberry, as well as Inglehart and Welzel, exhibit undiluted liberal internationalist optimism. China's free access to the global economy is fueling its massive growth, thereby strengthening the country as a potential rival to the United States -- a problem for the United States not unlike that encountered by the free-trading British Empire when it faced other industrializing great powers in the late nineteenth century. According to Inglehart and Welzel, there is little to worry about, because rapid development will only quicken China's democratization. But it was the United Kingdom's great fortune -- and liberal democracy's -- that its hegemonic status fell into the hands of another liberal democracy, the United States, rather than into those of nondemocratic Germany and Japan, whose future trajectories remained uncertain at best. The liberal democratic countries could have made China's access to the global economy conditional on democratization, but it is doubtful that such a linkage would have been feasible or desirable. After all, China's economic growth has benefited other nations and has made the developed countries -- and the United States in particular -- as dependent on China as China is dependent on them. Furthermore, economic development and interdependence in themselves -- in addition to democracy -- are a major force for peace. Democracies' ability to promote internal democratization in countries much smaller and weaker than China has been very limited, and putting pressure on China could backfire, souring relations with China and diverting its development to a more militant and hostile path. Deudney and Ikenberry suggest that China's admission into the institutions of the liberal international order established after World War II and the Cold War will oblige the country to transform and conform to that order. But large players are unlikely to accept the existing order as it is, and their entrance into the system is as likely to change it as to change them. The Universal Declaration of Human Rights provides a case in point. It was adopted by the United Nations in 1948, in the aftermath of the Nazi horrors and at the high point of liberal hegemony. Yet the UN Commission on Human Rights, and the Human Rights Council that replaced it, has long been dominated by China, Cuba, and Saudi Arabia and has a clear illiberal majority and record. Today, more countries vote with China than with the United States and Europe on human rights issues in the General Assembly of the United Nations. Critics argue that unlike liberalism, nondemocratic capitalist systems have no universal message to offer the world, nothing attractive to sell that people can aspire to, and hence no "soft power" for winning over hearts and minds. But there is a flip side to the universalist coin: many find liberal universalism dogmatic, intrusive, and even oppressive. Resistance to the unipolar world is a reaction not just to the power of the United States but also to the dominance of human rights liberalism. There is a deep and widespread resentment in non-Western societies of being lectured to by the West and of the need to justify themselves according to the standards of a hegemonic liberal morality that preaches individualism to societies that value community as a greater good. Compared to other historical regimes, the global liberal order is in many ways benign, welcoming, and based on mutual prosperity.

#### Rules fail

**Rojas 12**¸ Fabio, professor of sociology at Indiana University, “Rachel Maddow will not bring peace,” 4/16, http://orgtheory.wordpress.com/2012/04/16/rachel-maddow-will-not-bring-peace/

I agree in principle, but disagree on practice. Rules and institutions that end war are ineffective for two reasons. First, if you really want war, you can always vote to have a new rule for war or to make an exception. Also, most rules have wiggle room in them, which makes it easy to wage war under other guises. Secondly, there’s a consistent “rally around the leader effect.” It is incredibly hard for anyone to oppose leaders during war time. Elected leaders are in a particularly weak position. Simply put, legislatures can’t be trusted to assert their restraining role in most cases. So what actually ends war? Well, there’s a body of research in political science called “the democratic peace” literature, which was discussed in Steven Pinker’s new book. The idea is simple – for whatever reason, democracies almost never fight each other. Of course, democracies go to war against non-democracies. But for some reason, democracies just don’t fight each other. What’s the policy implication of all this? First, the sorts of rules that Maddow proposes are useless. People will just ignore the rules when they want to when they want war. Second, you have to reduce the population of non-democracies. Thus, if the Federal government wants to protect the United States by preventing war, the best, and cheapest, way to do it is to provide support and assistance for indigenous movements for democracy and tolerance. Once people have a genuine democracy at work, they just don’t want to fight with each other. They just don’t.

#### Liberal internationalism is marred in partisan bias and revisionism.

**Berkowitz, 2011**

Hoover Institute (Stanford) June 1, 2011 policy review » no. 167 » books, Liberal Internationalism and Freedom

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Although his state-of-the-art elaboration of liberal internationalism gracefully incorporates realist insights and responds to realist challenges, Ikenberry’s analysis suffers from weaknesses characteristic of his theoretical outlook and larger discipline. First, Ikenberry’s account is marred by partisan progressive bias, if relatively restrained, typical of the political science professoriate. Notwithstanding a few of President Bush’s more pithy and pungent public statements, Ikenberry wrongly presents Bush administration foreign policy as a deliberately sharp break with the principles of liberal internationalism. To be sure, the Bush administration pushed back against progressive interpretations of what international law and cooperation with the international community required — in regard to the detention, interrogation, and prosecution of enemy combatants; the role of the UN in authorizing the use of military force; and the value of particular international institutions such as the International Criminal Court and particular international agreements such as the Kyoto Protocol. At the same time, the Bush administration went to considerable lengths to establish that it was complying with its obligations under international law; aggressively collaborated with European allies in the war on terror; and, contrary to Ikenberry’s suggestion that it proceeded unilaterally, assembled a large coalition for Operation Iraqi Freedom comprising 40 nations, with crucial logistical support coming from, among other Arab Gulf monarchies, Kuwait, Qatar, and Bahrain. The determination to view the Bush administration as seeking to exit or upend the liberal international order reflects the progressive habit, on exhibit every now and again in President Obama’s rhetoric, of suggesting that conservative opinions are contrary to American principles. In the liberal order, no state, even the hegemon, is above the law. Ideally, the participation of all states in the system is based on the logic of consent. Second, Ikenberry displays a tendency to blame America for disagreements that arise between the U.S. and Europe and the ensuing instabilities in the international system. To take one telling example, following the progressive and French line of analysis, he faults President Bush for taking the United States to war with Iraq without formal Security Council approval. But, even beyond the formal coalition the U.S. assembled and the extensive cooperation of Arab Gulf states, there is more to consider. Ikenberry does not note that the Bush administration argued that its decision to invade Iraq drew support from no fewer than seventeen Security Council Resolutions over the course of more than a decade requiring Saddam to abandon his weapons of mass destruction and wmd programs; that in November 2002 the Bush administration won unanimous passage of Security Council Resolution 1441, which found Iraq “in ‘material breach’ of its obligations under previous resolutions” and promised “serious consequences” if Saddam failed to promptly comply with his obligations under international law; that the French, among others, had large commercial interests with Iraq that disinclined them to enforce the international law that Saddam was flouting; that failure to enforce international law against Iraq threatened to turn that law and the Security Council into toothless tigers; and that Saddam’s stealing of revenues from the un-sponsored Oil-for-Food program was producing a humanitarian crisis in Iraq among children and the ill. In other words, in the case of Iraq the Bush administration sought to respect international law and institutions and respond to a humanitarian crisis, and had a respectable argument that by removing Saddam it was doing just that. At the same time, some European criticism of the U.S. can be traced to the very envy and resentment that, as Ikenberry notes elsewhere, great powers inevitably engender among weaker and secondary states.

#### Strengthened international institutions fail to address global problems – Dyer is wrong

Gordon G. Chang, 1-18-2010, is a Cornel lawyer and author, best known for his book The Coming Collapse of China, in which he argued that the hidden non-performing loans of the "Big Four" Chinese State banks would likely bring down China's financial system and its communist government and China would collapse in 2006, The Weekly Standard, “The End of Multilateralism,” <http://www.weeklystandard.com/articles/end-multilateralism?page=3>

Just before Christmas, the U.N. Security Council adopted an arms embargo on Eritrea, which has been supplying weapons to Islamic insurgents in nearby Somalia. In one sense, the strictly worded measure is a symbol of the international community’s determination to stop tragic conflicts in the Horn of Africa. The resolution, however, is years late and could end up having little effect. A similar U.N. embargo on Somalia has not prevented weapons from being freely traded in Mogadishu. The concept of global collective security, unfortunately, has not worked well, either last century or this one. It is no surprise that the United Nations is not meeting important challenges, but even once-successful global institutions are losing effectiveness. The International Monetary Fund, for instance, completely failed to handle—or even anticipate—the global economic downturn. The G-7 and G-8 are now thought to be irrelevant, and the G-20, considered a replacement for these two groupings, has little to show for three grand gatherings in 2008 and 2009. The World Trade Organization has been unable to prevent a resurgence of protectionism, and its Doha Round negotiations, now more than eight years old, have stalled. These negotiations could be the first major trade talks to fail since the 1930s. Last month’s Copenhagen climate change summit, the 15th installment of the once-productive Conference of the Parties talks, flopped even though it was hailed as “the most important meeting in the history of the world.” Weak nuclear rogues like Syria are now getting the better of the once-mighty International Atomic Energy Agency. North Korea has already outsmarted the watchdog organization by covertly building plutonium-core weapons, and Iran is developing an atomic warhead with impunity. President Obama says the United States cannot solve the world’s problems alone. Maybe that’s true, but sooner or later he has to realize he’s not going to get the help of the world’s other powers. The “international community” is not coming together to solve common problems. This is not how we thought things would work out two decades ago. In the early 1990s, optimistic Western analysts predicted that, with the Soviet Union gone, the world would enter a generally harmonious era. As Francis Fukuyama famously argued, events would continue to occur, but “the evolution of human societies through different forms of government had culminated in modern liberal democracy and market-oriented capitalism.” Because democracies did not fight one another, the reasoning went, the international system would become more manageable. Nations would generally tend to agree with one another on the big issues—or at least manage to get along. In this type of world, multilateralism was not only considered possible, it was thought to be necessary and even desirable. Multilateralism, by its emphasis on consensual action, implicitly delegitimized America’s leading role in defending core Western values. So did the concept of globalization. Trade, the theory went, would lead to open -economies, open economies to prosperity, prosperity to representative governance, and representative governance to peace. In this extraordinarily benign environment, the impersonal forces of history, relentlessly grinding forward, would finish off Communists, autocrats, and bad actors of all stripes. As we now know, the opposite occurred. When the political barriers to trade fell, globalization indeed kicked into high gear, creating unprecedented amounts of wealth and liquidity. But global prosperity also strengthened hardline states, notably China and Russia, giving them the means to resist democratization, pursue aggressive foreign policies, and even bend the international system more to their liking. The Chinese, in particular, are displaying a newfound “sense of triumphalism” (as a senior U.S. official put it to the Washington Post last week) and are acting as if their economic success means they don’t have to listen to anybody. Developing democracies, such as India and Brazil, also gained prominence and a platform to pursue policies that differed from those of the more advanced nations. The result is a world with many different voices, one where consensus, or even agreement, on important issues is not possible. Simply put, among the 195 nations of the world there is no common view of the troubling events of the day and no accepted approach to handling them.

### SOP

#### The separation of powers is obsolete and is utterly incapable of regulating the executive – the executive is simply too large to effectively monitor

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 17-18)

We begin with the constitutional framework, and with the official constitutional theory of liberal legalism. In this theory lawmaking powers are separated among three different branches-legislature, executive, and judiciary-in order to promote an institutional division of labor and to protect liberty The liberty-protecting function of the separation of powers, Madison suggested, is that the combination of powers in one institution would be "the very definition of tyranny". Mutual checking and monitoring by the branches of government would prevent concentration of power suppress the evils of factionalism, and conduce to better policymaking overall.

This theory has collapsed. Its fit with reality is no longer merely imperfect, in the way that all regulative ideals are imperfect; rather it does not even approximate the political terrain it purports to cover. We will proceed to explain this conclusion in three steps. First, we examine the checking function of the separation of powers. Here Madison made two crucial mistakes: first in assuming that the individual ambitions of government officials would cause them to support the power of the institutions they occupy and second in assuming that some invisible-hand mechanism would cause the mutual contest among institutions to produce a socially beneficial system of mutual checks. Nothing in the actual separation-of-powers system, however, guarantees or even generally tends to produce socially beneficial results. In particular, we show that the system will predictably lead to suboptimal checking-to a political regime in which some institutions (such as legislature and judiciary) do too little to check the swelling power of others (such as the executive).

Second, we examine the monitoring function of the separation of powers, focusing particularly on legislative and judicial monitoring of the executive. The vastly increased complexity and scale of the executive, since Madison's day ensures that the monitoring function is largely obsolete. In the administrative state, the scope of the executive's responsibility is vast, and legislative and judicial institutions lack the capacity to monitor any important fraction of what the executive does, even where opposing political parties occupy the executive and other branches, and even with the help of "fire alarms"-alerts from interest groups with stakes in particular issues.2 In many of the most important domains, and those most difficult to monitor-those involving intelligence, foreign affairs and national security or highly complex questions of economic policy-legislators and the courts are overmatched, for enduring structural reasons that prevail no matter what the contingent political constellation. We thus reject any strong version of the "congressional dominance" thesis-the idea that Congress, sometimes enlisting the aid of interest groups and the courts, exerts implicit but effective control over executive and administrative behavior.

#### de facto constraints are sufficient

**Posner and Vermeule, 9** - \* University of Chicago – Law School AND \*\*Harvard University – Harvard Law School (Eric and Adrian, “Tyrannophobia” 9/15, SSRN)

Demography and the Administrative State. The best explanation for the lack of dictatorship in America – at least in America today, as opposed to the 19th century – is neither psychological nor institutional, but demographic. Part III examined the strong comparative evidence that wealth is the best safeguard for democracy. Equality, homogeneity, and education matter as well. How does the United States, circa 2009, fare on these dimensions? Ethnic, religious and linguistic homogeneity have declined, but because of its high performance on other margins, there is little cause for concern about American democracy. The United States has an enormously rich, relatively well-educated population and multiple overlapping cleavages of class, race, religion and geography. Simply by virtue of its high per capita income, the likelihood of dictatorship in the United States is almost nil, at least if the historical pattern reflects causation. The highwater mark of the modern presidency’s approach to domestic dictatorship – Nixon’s “third-rate burglary” of the offices of his political opponents – was pathetic stuff in historical and comparative perspective, and immediately put Nixon on a slippery slope to disgrace. Likewise, comparisons between Weimar Germany and the United States of the Bush administration87 were worse than irresponsible; they were ignorant.

We add a less obvious point. Legal scholars, especially those of a libertarian or civil-libertarian bent, often express concern that the formal separation of powers has atrophied over the course of the 20th century. On this account, economic and security crises, the rise of the administrative state, the death of the nondelegation doctrine, the imperial presidency, the ineffectual character of the War Powers Resolution and the other framework statutes of the 1970s, all mean that in many domains presidents operate without substantial legal checks, although they have political incentives to cooperate with Congress and to seek statutory authorization for their actions. Among the framer’s miscalculations was their failure to understand the “presidential power of unilateral action”88 – the president’s power to take action in the real world, with debatable legal authority or none at all, creating a new status quo that then constrains the response of other institutions. In the most overheated version of this view, such developments are taken to pose a real risk of executive tyranny in the United States.89

We suggest, however, that the same large-scale economic and political developments that have caused a relaxation of the legal checks on the executive have simultaneously strengthened the nonlegal checks. Legal checks on the presidency have been relaxed largely because of the need for centralized, relatively efficient government under the complex conditions of a modern dynamic economy and a highly interrelated international order. Yet those economic and political conditions have themselves helped to create de facto constraints on presidential power that make democracy in the United States extremely stable.

The modern economy, whose complexity creates the demand for administrative governance, also creates wealth, leisure, education and broad political information, all of which strengthen democracy and make a collapse into authoritarian rule nearly impossible. Modern presidents are substantially constrained, not by old statutes or even by Congress and the courts, but by the tyranny of public and (especially) elite opinion. Every action is scrutinized, leaks from executive officials come in a torrent, journalists are professionally hostile, and potential abuses are quickly brought to light. The modern presidency is a fishbowl, in large part because the costs of acquiring political information have fallen steadily in the modern economy, and because a wealthy, educated and leisured population has the time to monitor presidential action and takes an interest in doing so. This picture implies that modern presidents are both more accountable than their predecessors and more responsive to gusts of elite sentiment and mass opinion, but they are not dictators in any conventional sense.

More tentatively, we also suggest that the relaxation of legal checks may itself have contributed to the growth of the political checks, rather than both factors simply being the common result of a complex modern economy. On this hypothesis, the administrative and presidential state of the New Deal and later has, despite all its inefficiencies, plausibly supplied efficiency-enhancing regulation, political stability, and a measure of redistribution, and these policies have both added to national economic and cultural capital and dampened political conflict. The administrative state has thus helped to create a wealthy, educated population and a super-educated elite whose members have the leisure and affluence to care about matters such as civil liberties, who are politically engaged to a fault, and who help to check executive abuses. While the direct effects of wealth, education and other factors on the stability of democracy are clear in comparative perspective, there is more dispute about the overall economic effects of regulation and the administrative state,90 so we offer this as a hypothesis for further research.

#### Preemption is inevitable even if it isn’t an official doctrine – no president will decide not to act in the face of intel confirming a threat

**Baker, 7 -** Chief Judge to the United States Court of Appeals for the Armed Forces, former Special Assistant to the President and Legal Advisor to the National Security Council (James, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES, p. 204)

Not surprisingly, after Iraq the preemption doctrine as a legal and policy prescript for force has been pronounced both dead and alive. Some argue, with hindsight, that the absence of WMD weapons in Iraq undermines the validity of a preemption doctrine. Certainly, the Iraq war has undermined public and international confidence in the U.S. capacity to accurately apply the doctrine, or perhaps alternatively, the capacity of the policy decisionmakers to effectively use intelligence in doing so. That is a matter of perspective.

Doctrine or not, legal concepts embedded in the concept of preemption are here to stay. First, as a synonym for anticipatory self-defense, preemption has always been part of the fabric of international law and U.S. legal policy. Second, whatever one calls the legal principle, after 9/11, no president will knowingly risk a WMD strike against America or an ally because they failed to act on incomplete intelligence that such an attack might occur. This trend was set in 1998, and it was repeated in 2003. It will continue. As Dean Acheson reminded, “The survival of states is not a matter of law.”

#### Preemption would only occur in response to an imminent threat – sometimes shit is just necessary

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The speed and severity possible today mean that the right to preempt today should be greater than in the past. Weapons of mass destruction have increased the potential harm caused by a single terrorist attack from hundreds or thousands of innocent lives to hundreds of thousands, or even millions. This is not even counting the profound, long-term destruction of cities or contamination of the environment and the resulting long-term death or disease for large segments of the civilian population. WMDs can today be delivered with ease—a suicide bomber could detonate a “dirty bomb” using a truck or spread a biological agent with a small airplane. These threats are difficult to detect, as no broad mobilization and deployment of regular armed forces will be visible. Probability, magnitude, and timing are relevant factors that must be considered in determining when to use force against the enemy.

#### Adler ev is backwards – plan makes wars more likely

**Rose 97** (Gary, Professor of political science at Sacred Heart, The American Presidency Under Siege, 1997, p. 169-170)

President Kennedy's decision to send military advisors to Vietnam and President Johnson's tremendous escalation of the war effort will forever remain the most blatant example of the dangers inherent in broad and unconstrained presidential authority. Indeed, the names of 58,000 servicemen etched into a black granite wall in Washington, D.C. are a haunting and somber reminder that broad grants of presidential power can have disastrous and extremely tragic consequences. Yet this is a risk that the American people must take if the presidency is once again to serve as a creative and energizing force for the American people. **On balance**, the evidence suggests that the nation is best served by powerful American presidents. Territorial expansion and international diplomacy; the political power for the common people; preservation of the Union; environmental protection; regulation of monopolies; the spread of democracy around the globe; a world forum committed to resolving international conflicts; the defeat of Hitler and fascist aggression; containment of communism; crisis management; repeat strides towards economic and social justice; and even men walking on the moon are among the many positive developments in American histroy that can be directly attributed to the actions of powerful presidents. The historical record supports Hamilton’s contention that “energy in the executive” is a prerequisite to good government. Those who express opposition or skepticism to calls for a restored presidency note the current absence of a cataclysmic crisis that demands impressive executive action. Why is it necessary, these critics ask, to restore the power of the American presidency when the specters of civil war, fascism, communist aggression, or economic depression are now behind us. This point of view, which at first glance seems valid, ignores the fact that current domestic and foreign policy crises are as threatening to the welfare and security of the United States as those that confronted the country in previous decades. What follows is a brief discussion of policy dilemmas that pose threats equal to those of war or economic depression—and which require, for the purpose of resolution, an empowered presidency.

#### Err neg—status quo bias

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 56)

Concerns about increasing executive power often rest on an implicit status quo bias, or naturalistic fallacy. The assumption is that the scope or level of executive power before the emergency was optimal. But this need not be so, and there is no general reason to think it will be so; consider the finding that the 7/7 attacks in London went unprevented because the United Kingdom’s intelligence services, who knew something about the plotters, had too few resources to investigate them adequately.82 Emergencies may release the polity from a sclerotic equilibrium in which executive power was too feeble to meet new challenges, as we illustrate in chapter 4. One interpretation of history is that emergencies allow presidents to obtain powers that are necessary to cope with new problems. Our original constitutional structure, with a relatively weak presidency, reflects the concerns of the eighteenth century and is not well adapted to current conditions.

### iran

First, our iran disad directly turns this advantage – if we win the uniqueness debate then that means that prolif will inevitably be solved because a deal would be made – only a risk of nuclear war through Israeli strikes

#### Here’s the theoretical evidence to back our claim

**Hymans 12** – is Associate Professor of International Relations at the University of Southern California (Jacques, May/June, “Botching the Bomb” <http://www.foreignaffairs.com/articles/137403/jacques-e-c-hymans/botching-the-bomb>) Jacome

[NUCLEAR DOGS THAT HAVE NOT BARKED](http://web.ebscohost.com.ezproxy.library.wisc.edu/ehost/detail?vid=3&hid=8&sid=7585163c-914e-4787-9fd6-b2e36f800b43%40sessionmgr12&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#toc)

"TODAY, ALMOST any industrialized country can produce a nuclear weapon in four to five years," a former chief of Israeli military intelligence recently wrote in The New York Times, echoing a widely held belief. Indeed, the more nuclear technology and know-how have diffused around the world, the more the timeline for building a bomb should have shrunk. But in fact, rather than speeding up over the past four decades, proliferation has gone into slow motion.

Seven countries launched dedicated nuclear weapons projects before 1970, and all seven succeeded in relatively short order. By contrast, of the ten countries that have launched dedicated nuclear weapons projects since 1970, **only three have achieved a bomb**. And only one of the six states that failed -- Iraq -- had made much progress toward its ultimate goal by the time it gave up trying. (The jury is still out on Iran's program.) What is more, even the successful projects of recent decades have needed a long time to achieve their ends. The average timeline to the bomb for successful projects launched before 1970 was about seven years; the average timeline to the bomb for successful projects launched after 1970 has been about 17 years.

International security experts have been unable to convincingly explain this remarkable trend. The first and most credible conventional explanation is that the Nuclear Nonproliferation Treaty (NPT) has prevented a cascade of new nuclear weapons states by creating a system of export controls, technology safeguards, and on-site inspections of nuclear facilities. The NPT regime has certainly closed off the most straightforward pathways to the bomb. However, the NPT became a formidable obstacle to would-be nuclear states only in the 1990s, when its export-control lists were expanded and Western states finally became serious about enforcing them and when international inspectors started acting less like tourists and more like detectives. Yet the proliferation slowdown started at least 20 years before the system was solidified. So the NPT, useful though it may be, cannot alone account for this phenomenon.

A second conventional explanation is that although the NPT regime may not have been very effective, American and Israeli bombs have been. Syria's nascent nuclear effort, for instance, was apparently dealt a major setback by an Israeli air raid on its secret reactor construction site in 2007. But the record of military strikes is mixed. Contrary to the popular myth of the success of Israel's 1981 bombing of the Osiraq reactor in Iraq, the strike actually spurred Iraqi President Saddam Hussein to move beyond vague intentions and commit strongly to a dedicated nuclear weapons project, which lasted until the 1990-91 Gulf War. Moreover, the bombs that the United States dropped on Iraq during that conflict mostly missed Saddam's nuclear sites.

Finally, some analysts have asserted that nuclear weapons projects become inefficient due to political leaders' flagging levels of commitment. But these analysts are reversing cause and effect: leaders lose interest when their nuclear programs are not running well. And some nuclear weapons projects, such as France's, have performed well despite very tepid support from above. The imperfect correlation between the commitment of leaders and the quality of nuclear programs should not be surprising, for although commentators may speak casually of "Mao's bomb" or "Kim Jong Il's bomb," the real work has to be carried out by other people.

[ARRESTED DEVELOPMENT](http://web.ebscohost.com.ezproxy.library.wisc.edu/ehost/detail?vid=3&hid=8&sid=7585163c-914e-4787-9fd6-b2e36f800b43%40sessionmgr12&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#toc)

A MORE CONVINCING explanation of the proliferation slowdown begins with the observation that during the early days of the nuclear age, most states with nuclear ambitions were in the developed world, whereas since the mid-1960s, most would-be nuclear states have been in the developing world. As proliferation has become a mainly developing-world phenomenon, timelines to the bomb have slowed down dramatically. But the relevant difference here is not primarily economic. Some nuclear programs in very poor states have fared rather well, such the one undertaken by famine-stricken China in the 1950s and 1960s. Conversely, wealthy oil states, such as Iraq and Libya, spent vast amounts on decades-long nuclear quests but still failed.

National income is only one dimension of development, however, and in this case it is not the most important one. As the political scientist Francis Fukuyama has stressed, despite strong rates of economic growth, most developing countries struggle to establish high-quality state bureaucracies. And a dysfunctional bureaucracy is likely to produce a dysfunctional nuclear weapons project.

Nuclear research and development organizations depend heavily on intense commitment, creative thinking, and a shared spirit of cooperation among large numbers of highly educated scientific and technical workers. To elicit this positive behavior, management needs to respect their professional autonomy and facilitate their efforts, and not simply order them around. Respect for professional autonomy was instrumental to the brilliant successes of the earliest nuclear weapons projects. Even in Stalin's Soviet Union, as the historian David Holloway has written, "it is striking how the apparatus of the police state fused with the physics community to build the bomb.… [The physics community's] autonomy was not destroyed by the creation of the nuclear project. It continued to exist within the administrative system that was set up to manage the project."

By contrast, most rulers of recent would-be nuclear states have tended to rely on a coercive, authoritarian management approach to advance their quest for the bomb, using appeals to scientists' greed and fear as the primary motivators. That coercive approach is a major mistake, because it produces a sense of alienation in the workers by removing their sense of professionalism. As a result, **nuclear programs lose their way**. Moreover, underneath these bad management choices lie bad management cultures. In developing states with inadequate civil service protections, every decision tends to become politicized, and state bureaucrats quickly learn to keep their heads down. Not even the highly technical matters faced by nuclear scientific and technical workers are safe from meddling politicians. The result is precisely the reverse of what the politicians intend: not heightened efficiency but rather a mixture of bureaucratic sloth, corruption, and endless blame shifting.

Although it is difficult to measure the quality of state institutions precisely, the historical record strongly indicates that the more a state has conformed to the professional management culture generally found in developed states, the less time it has needed to get its first bomb and the lower its chances of failure. Conversely, the more a state has conformed to the authoritarian management culture typically found in developing states, the more time it has needed to get its first bomb and the **higher its chances of failure.**

#### No impact – deterrence checks

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One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system. The first prominent concern, which undergirds many others, is that the Iranian regime is innately irrational. Despite a widespread belief to the contrary, Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just like any other leaders. Although Iran's leaders indulge in inflammatory and hateful rhetoric, they show no propensity for self-destruction. It would be a grave error for policymakers in the United States and Israel to assume otherwise.

Yet that is precisely what many U.S. and Israeli o/cials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. If Iran acquired a nuclear weapon, they warn, it would not hesitate to use it in a first strike against Israel, even though doing so would invite massive retaliation and risk destroying everything the Iranian regime holds dear.

Although it is impossible to be certain of Iranian intentions, it is far more likely that if Iran desires nuclear weapons, it is for the purpose of providing for its own security, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation.

Iran's leaders did not, for example, attempt to close the Strait of Hormuz despite issuing blustery warnings that they might do so after the eu announced its planned oil embargo in January. The Iranian regime clearly concluded that it did not want to provoke what would surely have been a swiftand devastating American response to such a move.

Nevertheless, even some observers and policymakers who accept that the Iranian regime is rational still worry that a nuclear weapon would embolden it, providing Tehran with a shield that would allow it to act more aggressively and increase its support for terrorism. Some analysts even fear that Iran would directly provide terrorists with nuclear arms. The problem with these concerns is that they contradict the record of every other nuclear weapons state going back to 1945. History shows that when countries acquire the bomb, they feel increasingly vulnerable and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action. Maoist China, for example, became much less bellicose after acquiring nuclear weapons in 1964, and India and Pakistan have both become more cautious since going nuclear. There is little reason to believe Iran would break this mold.

#### doesn’t snowball or cause aggression

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Of course, hard-line US neoconservatives reject this approach and argue that a nuclear-armed Iran would have three bad consequences: there could be a nuclear arms race in the Middle East; Iran might supply nuclear weapons to terrorists; and Tehran could use its nuclear weapons to blackmail other states in the region, or to engage in aggression. Each of these scenarios, however, is improbable.24 A nuclear Iran will not touch off a proliferation snowball in the Middle East. Israel, of course, already is a nuclear power. The other three states that might be tempted to go for a nuclear weapons capability are Egypt, Saudi Arabia, and Turkey. However, each of these states would be under strong pressure not to do so, and Saudi Arabia lacks the industrial and engineering capabilities to develop nuclear weapons indigenously. Notwithstanding the Bush administration’s hyperbolic rhetoric, Iran is not going to give nuclear weapons to terrorists. This is not to deny Tehran’s close links to groups like Hezbollah and Hamas. However, there are good reasons that states – even those that have ties to terrorists – draw the line at giving them nuclear weapons (or other WMD): if the terrorists were to use these weapons against the US or its allies, the weapons could be traced back to the donor state, which would be at risk of annihilation by an American retaliatory strike.25 Iran’s leaders have too much at stake to run this risk. Even if one believes the administration’s claims that rogue state leaders are indifferent to the fate of their populations, they do **care very much** about the survival of their regimes, which means that they can be deterred. For the same reason, Iran’s possession of nuclear weapons will not invest Tehran with options to attack, or intimidate its neighbours. Israel’s security with respect to Iran is guaranteed by its own formidable nuclear deterrent capabilities. By the same token, just as it did in Europe during the Cold War, the US can extend its own deterrence umbrella to protect its clients in the region – Saudi Arabia, the Gulf states, and Turkey. American security guarantees not only will dissuade Iran from acting recklessly, but also restrain proliferation by negating the incentives for states like Saudi Arabia and Turkey to acquire their own nuclear weapons. Given the overwhelming US advantage in both nuclear and conventional military capabilities, Iran is not going to risk national suicide by challenging America’s security commitments in the region. In short, while a nuclear-armed Iran hardly is desirable, neither is it ‘intolerable’, because it could be contained and deterred successfully by the US.