### 1NC

#### 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.

### 1NC

#### Interpretation – Authority means “authorization” – topical affirmatives must remove the permission to act, not just regulate the President

**Hohfeld 19 –** Yale Law,1919(Wesley, <http://www.hku.hk/philodep/courses/law/HohfeldRights.htm>)

Many examples of legal powers may readily be given. Thus, X, the owner of ordinary personal property "in a tangible object" has the power to extinguish his own legal interest (rights, powers, immunities, etc.) through that totality of operative facts known as abandonment; and-simultaneously and correlatively-to create in other persons privileges and powers relating to the abandoned object,-e. g., the power to acquire title to the latter by appropriating it. Similarly, X has the power to transfer his interest to Y, that is to extinguish his own interest and concomitantly create in Y a new and corresponding interest. So also X has the power to create contractual obligations of various kinds. Agency cases are likewise instructive. By the use of some metaphorical expression such as the Latin, qui facit per alium, facit per se\* the true nature of agency relations is only too frequently obscured. The creation of an agency relation involves, inter alia, the grant of legal powers to the so-called agent, and the creation of correlative liabilities in the principal. That is to say, one party, P, has the power to create agency powers in another party, A,-for example, the power to convey P's property, the power to impose (so called) contractual obligations on P, the power to discharge a debt owing to P, the power to "receive" title to property so that it shall vest in P, and so forth. In passing, it may be well to observe that the term "authority," so frequently used in agency cases, is very ambiguous and slippery in its connotation. Properly employed in the present connection, the word seems to be an abstract or qualitative term corresponding to the concrete "authorization," the latter consisting of a particular group of operative facts taking place between the principal and the agent. All too often, however, the term in question is so used as to blend and confuse these operative facts with the powers and privileges thereby created in the agent. A careful discrimination in these particulars would, it is submitted, go far toward clearing up certain problems in the law of agency.

#### Violation – Restriction on authority must limit presidential discretion

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

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

#### Violation—they don’t simply modify the presidential discretion, they also affect the funding mechanism for war which is distinct from authority –

**Paulsen, 10** - Distinguished University Chair & Professor of Law, The University of St. Thomas (Michael, “The War Power”, 114 Harvard Journal of Law & Public Policy [Vol. 33, <http://www.harvard-jlpp.com/wp-content/uploads/2010/01/paulsen.pdf>)

Some folks mistakenly take this to mean that Congress’s real war power is the appropriations power and that the “declare War” clause is either toothless, mere surplusage, or must mean something other than a war‐authorization power.51 Not at all. The power to declare war—or not—remains the relevant substantive power of Congress. The power over appropriations is merely Congress’s trump‐card, “shoot‐out” power—a different substantive power, but a powerful one that Congress may em‐ ploy to effectuate its other constitutional powers, including its substantive constitutional power to initiate war. But note that de‐funding does not de‐authorize; a resumption of funding would return to the President the practical ability to continue to wage war without need for re‐authorization. There remains a legitimate debate over the propriety of Congress using its appropriations power so as to leverage it into impairment of the President’s Commander‐in‐Chief Clause powers—but without having repealed a declaration or authorization of war. This may be unfair, but it too would seem to be a part of the separation‐of‐powers game. The branches may attempt to leverage the powers they have in order to press their respective positions with respect to the Constitution’s (sometimes debatable) allocations of the war power. And the branches may, and should, resist such leveraging by the others with the powers at their disposal. Put concretely, Congress may push but the President should push back.52

#### Vote neg—Destroys equitable ground and explodes limits by allowing any reassertion of a branches role instead of restricting what those branches have authorized the President to do.

Extra t is a voter – allows unpredictable advantage ground that we could never fairly debate

### 1NC

#### The United States federal government should offer Iran a gradual easing of sanctions in exchange for meaningful and verifiable constraints on Iran’s nuclear program, including technical constraints on nuclear breakout, regular inspections, converting the Arak heavy water reactor to a light water reactor, stopping enrichment at 20 percent, and reducing the number of centrifuges to 3.5 percent. The Executive Branch should communicate to Iran and allies that the option of military force remains on the table if diplomacy fails. The United States federal government should not impose new sanctions on Iran unless diplomacy fails, and should reduce existing sanctions upon certification of Iranian compliance.

#### Limited easing of sanctions, conditioning new sanctions on a deal, and assuring allies that force is on the table is vital to securing both Iranian and allied support for a deal

**Ross,** 11/14/**13 -** Dennis Ross is the Counselor at the Washington Institute for Near East Policy. He served as special assistant to President Obama on Middle East issues from 2009-2011 (“How to Fix the Iran Nuclear Deal” The New Republic, http://www.newrepublic.com/article/115548/iran-nuclear-deal-dennis-ross-its-history

I believe so. First, we must be clear that the easing of sanctions will, in fact, be limited and will not affect our enforcement of existing sanctions and those who try to evade them. We will continue to vigorously pursue all loopholes and efforts to work around sanctions. This also means that we must continue to emphasize the reputational costs to any businesses that seek to resume commerce directly or indirectly with Iran.

Second, while the Administration has asked Congress to hold back on adopting new sanctions for now so as not to undercut Rouhani, I think we must also recognize the importance of signaling the Iranians and everyone else that there will be an intensification of sanctions if the diplomacy fails to produce an end-game agreement. Rouhani is president precisely because of the high cost of sanctions. There should be no illusions about what happens if diplomacy fails to significantly roll back the Iranian nuclear program. We don’t do Rouhani any favors if the appearance takes hold that there will be no more sanctions—even if there are no more agreements. From that standpoint, why not accept an approach in which the Congress adopts the next wave of sanctions but agree that they will not be implemented until the end of the six month period of the first step agreement or a clear break down of diplomacy.

Third, at least with our friends who are concerned about what they perceive as our eagerness for any deal with the Iranians—and this perception is held even more deeply among our Arab friends than the Israelis—we should be clearer about what we mean by rolling-back the Iranian nuclear program. I understand not wanting to negotiate among ourselves and not giving away bottom lines, but one reason the first step deal seems so alarming to the Israelis and others is they don’t know what we mean by a bad deal at the end of the day. They seem to think that we are so eager to avoid the use of force, given public opinion, that we will accept anything. We need to let others know, at least privately, that prevention remains the objective and has always meant that if diplomacy fails, force is the likely result. In addition, we should also make clear that we have a number of absolute requirements for any nuclear end-state agreement: Iran must dramatically reduce the number of centrifuges, ship out essentially all of its enriched uranium and, at a minimum, convert its heavy water plant into a light water reactor. In short, we must convey more clearly that we know where we are going on the nuclear issue with Iran.

The benefit of leveling in this fashion is that it puts not only the Iranians on notice but also reassures our friends in the area. That may be especially important at a time when the Administration needs to send a message other than that it is lessening our interests and stakes in the region and has bigger fish to fry elsewhere in the world.

#### A limited nuclear deal with sufficient verification is sufficient to deter an Iranian nuclear breakout – and it requires a credible option of military force to stay on the table. A maximalist agreement is impossible and risks war

**Kahl, 11/15/13** - Dr. Colin H. Kahl is a Senior Fellow and Director of the Middle East Security Program at the Center for a New American Security and an Associate Professor at the Edmund A. Walsh School of Foreign Service at Georgetown University, and was an NDT finalist for the University of Michigan (“Requirements for an Enduring Diplomatic Solution to the Iranian Nuclear Challenge” <http://www.cnas.org/sites/default/files/publications-pdf/CNAS_InflectionPoint_Kahl_0.pdf>)

According to U.S. intelligence officials, Iran has already mastered the basic knowledge and technology required to eventually develop nuclear weapons, should the regime decide to do so.2 Nothing, including the complete dismantling of Iran’s nuclear infrastructure, will put this technological genie back in the bottle. Instead, negotiations should focus on a more concrete and achievable objective: placing meaningful and verifiable constraints on Iran’s ability to translate its accumulated knowledge and civilian nuclear capabilities into nuclear weapons.

Specifically, diplomacy should aim to prevent Iran from achieving a nuclear “breakout capability,” defined as the point at which Iran could produce fissile material for one or more nuclear weapons so quickly or so secretly that the international community could not detect it and respond in time. A final diplomatic agreement sufficient to prevent breakout should seek to:

• Lengthen breakout timelines. The final agreement should include sufficient technical constraints to ensure the timeframe between the initiation of breakout and the production of fissile material for one or more weapons is sufficient to allow interdiction.

• Shorten detection timelines. Verification mechanisms must be in place to ensure that breakout activities would be detected by International Atomic Energy Agency (IAEA) inspectors and through other means at the earliest possible stage.

• Provide assurances against a covert nuclear infrastructure. Transparency and verification mechanisms should be sufficient to detect construction of covert fuel-cycle facilities and weaponization activities.

In the aftermath of any agreement, the United States (and the international community) must also maintain the will and capability to take effective action, including the use of military force if necessary, to prevent the acquisition of enough fissile material for a nuclear weapon if breakout is detected.3

An agreement that met these conditions would prevent and deter Iran from racing to a nuclear bomb and, should the regime nevertheless decide to do so, provide ample time for the United States and the international community to interdict the process before it was completed.

The Dangers of Pushing for a Maximalist Deal

Some analysts argue that U.S. negotiators should capitalize on the existing leverage created by crippling economic sanctions and Iran’s apparent willingness to negotiate to insist on a maximalist deal. Maximalists contend that nothing short of a complete dismantling of Iran’s fuel-cycle activities – including its current uranium enrichment activities, as well as facilities that could eventually enable Iran to produce weapons-grade plutonium – can achieve the objective of preventing nuclear breakout, and nothing short of this ideal outcome would merit lessening pressure on Iran.4 This approach is reflected in Israeli Prime Minister Benjamin Netanyahu’s “Four No’s”: no uranium enrichment at any level; no stockpile of enriched uranium; no centrifuges or centrifuge facilities; and no Arak heavy water reactor.5 Iran would also have to acquiesce to intrusive inspections to verify the dismantling of these capabilities and provide a full accounting of “past military dimensions” of its nuclear program.6 Incentivizing Iran to accept such an agreement, proponents argue, requires a steady escalation of U.S. sanctions and a credible threat of military action if Iran fails to agree.7

Attempting to keep Iran as far away from nuclear weapons as possible by demanding that the country completely abandon fuel-cycle activities, particularly the demand for zero enrichment, seems prudent and reasonable. All else being equal, the total absence of enrichment activities puts Iran further away from nuclear weapons than allowing some limited enrichment, and it would be easier to verify. Moreover, most countries with civilian nuclear power plants forgo domestic enrichment. (Although it is also the case that Argentina, Brazil, Germany, Japan and the Netherlands have domestic enrichment capabilities while remaining compliant with the Nuclear Non- Proliferation Treaty.) But in reality, the quest for an optimal deal that requires a permanent end to Iranian enrichment at any level would likely doom diplomacy, making the far worse outcomes of unconstrained nuclearization or a military showdown over Tehran’s nuclear program much more likely.

Regardless of pressure from the United States, U.S. allies, and the wider international community, the Iranian regime is unlikely to agree to permanently end all enrichment. Khamenei, the ultimate decider on the nuclear file, has invested far too much of the regime’s domestic legitimacy in defending Iran’s “rights” (defined as domestic enrichment) to completely capitulate now, even in the face of withering economic sanctions. The Islamic Republic has spent more than $100 billion over decades and enormous amounts of political capital to master the knowledge and centrifuge technology associated with uranium enrichment.8 The nuclear program and “resistance to arrogant powers” are firmly imbedded in the regime’s ideological raison d’etre. Khamenei and hardliners within the Revolutionary Guard are therefore unlikely to sustain support for further negotiations, let alone acquiesce to a final nuclear deal, if the end product reflects a total surrender for the regime. If Khamenei cries uncle and dismantles the entire Iranian program, how will he explain the tremendous expense and justify the years of sanctions and isolation to his people? What would it all have been for? Khamenei likely fears such a humiliation more than he fears economic collapse or targeted military strikes against his nuclear facilities. As RAND Corporation Iran analyst Alireza Nader observes, “[s]anctions are a danger to their rule, but weakness in the face of pressure might be no less a threat.”9

Nor are President Rouhani and his negotiating team likely to agree to halt enrichment and advocate for such a policy within the regime, since doing so would be political suicide. In 2003, during Rouhani’s previous role as Iran’s chief nuclear negotiator, he convinced Khamenei to accept a temporary suspension of enrichment. But further talks with the international community stalled in early 2005 over a failure to agree on Iran’s asserted right to enrichment, and Tehran ended its suspension shortly thereafter. Rouhani believes – as do the supreme leader and Rouhani’s critics in the Revolutionary Guard – that the West pocketed Iranian concessions and Tehran got nothing in return. The failure of Iran’s earlier approach under Rouhani facilitated the rise of Mahmoud Ahmadinejad and his hardline policies, including the development of a much more robust uranium enrichment capability. Rouhani is unlikely to make that mistake again. And even if Rouhani and his lead negotiator, foreign minister Javad Zarif, were somehow convinced to do so, the Iranian president would be savaged by his right flank.10

#### 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.

#### 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.

#### A limited deal prevents Iranian weaponization

**Stephens,** 11/14**/13** – columnist for the Financial Times (Phillip, Financial Times, “The four big truths that are shaping the Iran talks” <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>

The first of these is that Tehran’s acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.

Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.

The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel’s prime minister, can offer the rest of the world a watertight insurance policy.

It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran’s future intentions.

By the same token, bombing Iran’s nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it.

You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.

The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.

The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy demands a willingness to take risks.

The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

#### Iran prolif causes nuclear war

**Edelman, 11 -** Distinguished Fellow at the Center for Strategic and Budgetary Assessments; he was U.S. Undersecretary of Defense for Policy in 2005-9 (Eric, “The Dangers of a Nuclear Iran,” Foreign Affairs, Jan/Feb, proquest)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention ofWeapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates- all signatories to the Nuclear Nonproliferation Treaty (npt)-have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel.Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium-the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability.

Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads effectively.

There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer.Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own.

Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India.

The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the npt.

N-PLAYER COMPETITION

Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack.

More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### 1NC

#### The 1AC’s quick-fix solution to the coming apocalypse glosses over the ontological questioning of the human subject. The drive to prevent our inevitable extinction is an example of the same human hubris which has caused these problems.

**Scranton 13**—department of English at Princeton (Roy, November 10th, “Learning How to Die in the Anthropocene”, <http://opinionator.blogs.nytimes.com/2013/11/10/learning-how-to-die-in-the-anthropocene/?_r=1&>,)

The challenge the Anthropocene poses is a challenge not just to national security, to food and energy markets, or to our “way of life” — though these challenges are all real, profound, and inescapable. The greatest challenge the Anthropocene poses may be to our sense of what it means to be human. Within 100 years — within three to five generations — we will face average temperatures 7 degrees Fahrenheit higher than today, rising seas at least three to 10 feet higher, and worldwide shifts in crop belts, growing seasons and population centers. Within a thousand years, unless we stop emitting greenhouse gases wholesale right now, humans will be living in a climate the Earth hasn’t seen since the Pliocene, three million years ago, when oceans were 75 feet higher than they are today. We face the imminent collapse of the agricultural, shipping and energy networks upon which the global economy depends, a large-scale die-off in the biosphere that’s already well on its way, and our own possible extinction. If homo sapiens (or some genetically modified variant) survives the next millenniums, it will be survival in a world unrecognizably different from the one we have inhabited.

Geological time scales, civilizational collapse and species extinction give rise to profound problems that humanities scholars and academic philosophers, with their taste for fine-grained analysis, esoteric debates and archival marginalia, might seem remarkably ill suited to address. After all, how will thinking about Kant help us trap carbon dioxide? Can arguments between object-oriented ontology and historical materialism protect honeybees from colony collapse disorder? Are ancient Greek philosophers, medieval theologians, and contemporary metaphysicians going to keep Bangladesh from being inundated by rising oceans?

Of course not. But the biggest problems the Anthropocene poses are precisely those that have always been at the root of humanistic and philosophical questioning: “What does it mean to be human?” and “What does it mean to live?” In the epoch of the Anthropocene, the question of individual mortality — “What does my life mean in the face of death?” — is universalized and framed in scales that boggle the imagination. What does human existence mean against 100,000 years of climate change? What does one life mean in the face of species death or the collapse of global civilization? How do we make meaningful choices in the shadow of our inevitable end?

These questions have no logical or empirical answers. They are philosophical problems par excellence. Many thinkers, including Cicero, Montaigne, Karl Jaspers, and The Stone’s own Simon Critchley, have argued that studying philosophy is learning how to die. If that’s true, then we have entered humanity’s most philosophical age — for this is precisely the problem of the Anthropocene. The rub is that now we have to learn how to die not as individuals, but as a civilization.

III.

Learning how to die isn’t easy. In Iraq, at the beginning, I was terrified by the idea. Baghdad seemed incredibly dangerous, even though statistically I was pretty safe. We got shot at and mortared, and I.E.D.’s laced every highway, but I had good armor, we had a great medic, and we were part of the most powerful military the world had ever seen. The odds were good I would come home. Maybe wounded, but probably alive. Every day I went out on mission, though, I looked down the barrel of the future and saw a dark, empty hole.

“For the soldier death is the future, the future his profession assigns him,” wrote Simone Weil in her remarkable meditation on war, “The Iliad or the Poem of Force.” “Yet the idea of man’s having death for a future is abhorrent to nature. Once the experience of war makes visible the possibility of death that lies locked up in each moment, our thoughts cannot travel from one day to the next without meeting death’s face.” That was the face I saw in the mirror, and its gaze nearly paralyzed me.

I found my way forward through an 18th-century Samurai manual, Yamamoto Tsunetomo’s “Hagakure,” which commanded: “Meditation on inevitable death should be performed daily.” Instead of fearing my end, I owned it. Every morning, after doing maintenance on my Humvee, I’d imagine getting blown up by an I.E.D., shot by a sniper, burned to death, run over by a tank, torn apart by dogs, captured and beheaded, and succumbing to dysentery. Then, before we rolled out through the gate, I’d tell myself that I didn’t need to worry, because I was already dead. The only thing that mattered was that I did my best to make sure everyone else came back alive. “If by setting one’s heart right every morning and evening, one is able to live as though his body were already dead,” wrote Tsunetomo, “he gains freedom in the Way.”

I got through my tour in Iraq one day at a time, meditating each morning on my inevitable end. When I left Iraq and came back stateside, I thought I’d left that future behind. Then I saw it come home in the chaos that was unleashed after Katrina hit New Orleans. And then I saw it again when Sandy battered New York and New Jersey: Government agencies failed to move quickly enough, and volunteer groups like Team Rubicon had to step in to manage disaster relief.

Now, when I look into our future — into the Anthropocene — I see water rising up to wash out lower Manhattan. I see food riots, hurricanes, and climate refugees. I see 82nd Airborne soldiers shooting looters. I see grid failure, wrecked harbors, Fukushima waste, and plagues. I see Baghdad. I see the Rockaways. I see a strange, precarious world.

Our new home.

The human psyche naturally rebels against the idea of its end. Likewise, civilizations have throughout history marched blindly toward disaster, because humans are wired to believe that tomorrow will be much like today — it is unnatural for us to think that this way of life, this present moment, this order of things is not stable and permanent. Across the world today, our actions testify to our belief that we can go on like this forever, burning oil, poisoning the seas, killing off other species, pumping carbon into the air, ignoring the ominous silence of our coal mine canaries in favor of the unending robotic tweets of our new digital imaginarium. Yet the reality of global climate change is going to keep intruding on our fantasies of perpetual growth, permanent innovation and endless energy, just as the reality of mortality shocks our casual faith in permanence.

The biggest problem climate change poses isn’t how the Department of Defense should plan for resource wars, or how we should put up sea walls to protect Alphabet City, or when we should evacuate Hoboken. It won’t be addressed by buying a Prius, signing a treaty, or turning off the air-conditioning. The biggest problem we face is a philosophical one: understanding that this civilization is already dead. The sooner we confront this problem, and the sooner we realize there’s nothing we can do to save ourselves, the sooner we can get down to the hard work of adapting, with mortal humility, to our new reality.

The choice is a clear one. We can continue acting as if tomorrow will be just like yesterday, growing less and less prepared for each new disaster as it comes, and more and more desperately invested in a life we can’t sustain. Or we can learn to see each day as the death of what came before, freeing ourselves to deal with whatever problems the present offers without attachment or fear.

#### You shouldn’t vote affirmative, embrace the possibility of the extinction of the human subject as an ethical stance

Kochi and Ordan 8 – Lecturer in Law and International Security at the U of Sussex, and \*Research in Translation Studies at Bar Ilan U, (Tarik and Noam, “An argument for the global suicide of humanity” borderlands”, http://findarticles.com/p/articles/mi\_6981/is\_3\_7/ai\_n31524968/

The global suicide of humanity

How might such a standpoint of dialectical, utopian anti-humanism reconfigure a notion of action which does not simply repeat in another way the modern humanist infliction of violence, as exemplified by the plan of Hawking, or fall prey to institutional and systemic complicity in speciesist violence? While this question goes beyond what it is possible to outline in this paper, we contend that **the thought experiment of global suicide helps to locate this question--the question of modern action itself--as residing at the heart of the** modern environmental problem. In a sense perhaps the only way to understand what is at stake in ethical action which responds to the natural environment is to come to terms with the logical consequences of ethical action itself. **The point operates** then not as the end, but **as the starting point of a standpoint which attempts to reconfigure our notions of action, life-value, and harm**. For some, guided by the pressure of moral conscience or by a practice of harm minimisation, the appropriate response to historical and contemporary environmental destruction is that of action guided by abstention. For example, one way of reacting to mundane, everyday complicity is the attempt to abstain or opt-out of certain aspects of modern, industrial society: to not eat non-human animals, to invest ethically, to buy organic produce, to not use cars and buses, to live in an environmentally conscious commune. Ranging from small personal decisions to the establishment of parallel economies (think of organic and fair trade products as an attempt to set up a quasi-parallel economy), a typical modern form of action is that of a refusal to be complicit in human practices that are violent and destructive. Again, however, at a practical level, to what extent are such acts of nonparticipation rendered banal by their complicity in other actions? In a grand register of violence and harm the individual who abstains from eating non-human animals but still uses the bus or an airplane or electricity has only opted out of some harm causing practices and remains fully complicit with others. **One response**, however, **which bypasses** the problem of **complicity** and the banality **of action is to take the non-participation solution to its most extreme** level. In this instance, the only way to truly be non-complicit in the violence of the human heritage would be to opt-out altogether. Here, then, the modern discourse of reflection, responsibility and action runs to its logical conclusion--the **global suicide of humanity**--as a free-willed and 'final solution'. While we are not interested in the discussion of the 'method' of the global suicide of humanity per se, one method that would be the least violent is that of humans choosing to no longer reproduce. [10] The case at point here is that the global suicide of humanity would be a moral act; it would take humanity out of the equation of life on this earth and remake the calculation for the benefit of everything nonhuman. While suicide in certain forms of religious thinking is normally condemned as something which is selfish and inflicts harm upon loved ones, the global suicide of humanity would be the highest act of altruism. That is, global suicide would involve the taking of responsibility for the destructive actions of the human species. By eradicating ourselves we end the long process of inflicting harm upon other species and offer a human-free world. If there is a form of divine intelligence then surely the human act of global suicide will be seen for what it is: a profound moral gesture aimed at redeeming humanity. Such an act is an offer of sacrifice to pay for past wrongs that would usher in a new future. Through the death of our species we will give the gift of life to others. It should be noted nonetheless that our proposal for the global suicide of humanity is based upon the notion that such a radical action needs to be voluntary and not forced. In this sense, and given the likelihood of such an action not being agreed upon, it operates as a thought experiment which may help humans to radically rethink what it means to participate in modern, moral life within the natural world. In other words, whether or not the act of global suicide takes place might well be irrelevant. What is more important is the form of critical reflection that an individual needs to go through before coming to the conclusion that the global suicide of humanity is an action that would be worthwhile. The point then of a thought experiment that considers the argument for the global suicide of humanity is the attempt to outline an anti-humanist, or non-human-centric ethics. Such an ethics attempts to take into account both sides of the human heritage: the capacity to carry out violence and inflict harm and the capacity to use moral reflection and creative social organisation to minimise violence and harm. Through the idea of global suicide **such an ethics reintroduces a central question to the heart of moral reflection: To what extent is the value of the** continuation of **human** life worth the total harm inflicted upon the life of all others? Regardless of whether an individual finds the idea of global suicide abhorrent or ridiculous, this question remains valid and relevant and will not go away, no matter how hard we try to forget, suppress or repress it.

### 1nc solvency

#### Congressional restrictions fail

Gene Healy 2009 (vice president at the Cato Institute) “Reclaiming the War Power” http://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2009/9/hb111-10.pdf

Each of these proposals has the merit of demanding that Congress carry the burden the Constitution places upon it: responsibility for the decision to go to war. The Gelb-Slaughter plan shows particular promise. Although Congress hasn’t declared war since 1942, reviving the formal declaration would make it harder for legislators to punt that decision to the president, as they did in Vietnam and Iraq. Hawks should see merit in making declarations mandatory, since a declaration commits those who voted for it to support the president and provide the resources he needs to prosecute the war successfully. Doves too should find much to applaud in the idea: forcing Congress to take a stand might concentrate the mind wonderfully and reduce the chances that we will find ourselves spending blood and treasure in conflicts that were not carefully examined at the outset. But we should be clear about the difficulties that comprehensive war powers reform entails. Each of these reforms presupposes a Congress eager to be held accountable for its decisions, a judiciary with a stomach for interbranch struggles, and a voting public that rewards political actors who fight to put the presidency in its place. Representative Jones’s Consti- tutional War Powers Resolution, which seeks to draw the judiciary into the struggle to constrain executive war making, ignores the Court’s resistance to congressional standing, as well as the 30-year history of litigation under the War Powers Resolution, a history that shows how adept the federal judiciary is at constructing rationales that allow it to avoid picking sides in battles between Congress and the president. Even if Jones’s Constitutional War Powers Resolution or Ely’s Combat Authorization Act could be passed today, and even if the courts, defying most past practice, grew bold enough to rule on whether hostilities were imminent, there would be still another difficulty; as Ely put it: ‘‘When we got down to cases and a court remanded the issue to Congress, would Congress actually be able to follow through and face the issue whether the war in question should be permitted to proceed? Admittedly, the matter is not entirely free from doubt.’’ It’s worth thinking about how best to tie Ulysses to the mast. But the problem with legislative schemes designed to force Congress to ‘‘do the right thing’’ is that Congress seems always to have one hand free. Statutory schemes designed to precommit legislators to particular procedures do not have a terribly promising track record. Historically, many such schemes have proved little more effective than a dieter’s note on the refrigerator. No mere statute can truly bind a future Congress, and in areas ranging from agricultural policy to balanced budgets, Congress has rarely hesitated to undo past agreements in the pursuit of short-term political advantage. A : 14431$CH10 11-11-08 14:18:58 Page 113 Layout: 14431 : Odd 113 C ATO H ANDBOOK FOR P OLICYMAKERS If checks on executive power are to be restored, we will need far less Red Team–Blue Team politicking—and many more legislators than we currently have who are willing to put the Constitution ahead of party loyalty. That in turn will depend on a public willing to hold legislators accountable for ducking war powers fights and ceding vast authority to the president. Congressional courage of the kind needed to reclaim the war power will not be forthcoming unless and until American citizens demand it.

#### Ackerman’s remedy ignores that future Congresses won’t enforce framework statutes

**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. 167-168)

Third, Ackerman’s statute is a poorly designed cure for the ailment that he diagnoses. If his framework statute is needed to prevent panicking legislators from deferring to bad executive actions, then it seems unlikely that it can have that effect. A panicky Congress can simply ignore the supermajoritarian escalator and approve new statutory powers or a new statutory framework by majority rule; the PATRIOT Act, which Ackerman abhors, could have simply included one panicky section sweeping away any extant framework statutes limiting presidential power. Ackerman needs a stronger commitment mechanism than a statute; but he fails to supply one.

#### The executive will arbitrarily define words, they don’t care

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### Aff results in a shift towards PMC use – circumvents regulation

Michaels 4 (Jon – Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School, “ARTICLE: BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, 2004, 82 Wash. U. L. Q. 1001, lexis)

[\*1008] Military privatization of combat duties, on the other hand, decidedly does. It has the potential to introduce a range of novel constitutional, democratic, and strategic harms that have few, if any, analogues in the context of domestic, commercial outsourcing. Military privatization can be, and perhaps already has been, used by government policymakers under Presidents Bill Clinton and George W. Bush to operate in the shadows of public attention, domestic and international laws, and even to circumvent congressional oversight. For a variety of political and legal reasons, the Executive may at times be constrained in deploying U.S. soldiers. The public's aversion to a military draft, the international community's disdain for American unilateralism, and Congress's reluctance to endorse an administration's hawkish foreign goals may each serve to inhibit, if not totally restrict, the president's ability to use U.S. troops in a given zone of conflict. In such scenarios, resorting to private contractors, dispatched to serve American interests without carrying the apparent symbolic or legal imprimatur of the United States, may be quite tempting. In those instances, it would not necessarily be the cheaper price tag or specialized expertise that makes private contractors desirable. Rather, it might be the status of the actors (as private, non-governmental agents) vis-a-vis public opinion, congressional scrutiny, and international law that entices policymakers to turn to contracting. Indeed, "tactical privatization," as I call it, is motivated at least in part by a desire to alter substantive policy: Private agents would be used to achieve public policy ends that would not otherwise be attainable, were the government confined to relying exclusively on members of the U.S. Armed Forces. Tactical privatization thus stands in contradistinction to what is widely understood to be the conventional privatization agenda, driven by economic goals, that strives for verisimilitude in replicating government responsibilities (only more efficiently). n19 To elude public debate, circumvent Congress's coordinate role in conducting military affairs, and evade Security Council dictates may help an administration achieve short-term, realpolitik ends; but in the process, the structural damage to the vibrancy and authenticity of public deliberation, to the integrity of America's constitutional architecture of separation of powers, and to the legitimacy of collective security may prove irreparable.

#### Their iran impact is answered by the CP/DA and cards on the democracy advantage.

### 1nc Democracy

#### 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.

#### Can’t implement SOP norms

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

**Can't solve SOP: drones**

**Noonan 13** (Raymond, “Law School prof addresses drone legality”, 2/22, http://yaledailynews.com/blog/2013/02/22/law-school-prof-addresses-drone-legality/)

Hathaway, who directs the Center for Global Legal Challenges at Yale Law School, said drone strikes are **difficult to defend legally**, though she added that some uses of drones by the American military could be justified under international law. She said the drone strikes in Pakistan could be one such example because Pakistan has probably consented to the strikes, although the country has denied such allegations. Hathaway also warned that the **U**nited **S**tates’ drone strike policy **compromises** the **government’s separation of powers.** “[Drone strikes] make it easier for the president to exercise war-making power **without any checks**,” she said. “[Drone strikes] **threaten to very much upset** traditional powers over use of military force.”

#### Notions of US legal prestige and modeling solidify global inequality by replacing political violence with legal violence---turns the case because it subordinates effective domestic systems to predatory rule of law models

Ugo Mattei 3, Alfred and Hanna Fromm Professor of International and Comparative Law, ¶ U.C. Hastings; Professore Ordinario di Diritto Civile, Università di Torino A Theory of Imperial Law: A Study on U.S. Hegemony and the Latin Resistance, ic.ucsc.edu/~rlipsch/pol160A/Mattei.pdf

This essay attempts to develop a theory of imperial law that is able to explain postCold War changes in the general process of Americanization in legal thinking. My claim is that “imperial law” is now a dominant layer of world-wide legal systems.1 Imperial law is produced, in the interest of international capital, by a variety of both public and private institutions, all sharing a gap in legitimacy, sometimes called the “democratic deficit.” Imperial law is shaped by a spectacular process of exaggeration, aimed at building consent for the purpose of hegemonic domination. Imperial law subordinates local legal arrangements world-wide, reproducing on the global scale the same phenomenon of legal dualism that thus far has characterized the law of developing countries. Predatory economic globalization is the vehicle, the all-mighty ally, and the beneficiary of imperial law. Ironically, despite its absolute lack of democratic legitimacy, imperial law imposes as a natural necessity, by means of discursive practices branded “democracy and the rule of law,” a reactive legal philosophy that outlaws redistribution of wealth based on social solidarity.2 At the core of imperial law there is U.S. law, as transformed and adapted after the Reagan-Thatcher revolution, in the process of infiltrating the huge periphery left open after the end of the Cold War. A study of imperial law requires a careful discussion of the factors of penetration of U.S. legal consciousness world-wide, as well as a careful distinction between the context of production and the context of reception3 of the variety of institutional arrangements that make imperial law. Factors of resistance need to be fully appreciated as well.

I. AMERICAN LAW: FROM LEADERSHIP TO DOMINANCE The years following the Second World War have shown a dramatic change in the pattern of world hegemony in the law. Leading legal ideas, once produced in Continental Civilian Europe and exported through the periphery of the world, are now for the first time produced in a common law jurisdiction: the United States.4 There is little question that the present world dominance of the United States has been economic, military, and political first, and legal only in a more recent moment, so that a ready explanation of legal hegemony can be found with a simple Marxist explanation of law as a superstructure of the economy.5 Nevertheless, the question of the relationship between legal, political, and economic hegemony is not likely to be correctly addressed within a cause-and-effect paradigm.6 Ultimately, addressing this question is a very important area of basic jurisprudential research because it reveals some general aspects about the nature of law as a device of global governance.

Observing historical patterns of legal hegemony allows us to critique the distinction between two main patterns of governance through the law (and of legal transplants).7 Scholars of legal transplants have traditionally distinguished two patterns. The first is law as dominance without hegemony, in which the legal system is ultimately a coercive apparatus asserting political and economic power without consent. This area of inquiry and this model have been used to explain the relationship between the legal system of the motherland and that of the colonies within imperialistic colonial enterprises. The opposing pattern, telling a story of consensual voluntary reception by an admiring periphery of legal models developed and provided for at the center, is usually considered the most important pattern of legal transplants. It is described by stressing on the idea of consent within a notion of “prestige.”8

Little effort is necessary to challenge the sufficiency of this basic taxonomy in introducing legal transplants. Law is a detailed and complex machinery of social control that cannot function with any degree of effectiveness without some cooperation from a variety of individuals staffing legal institutions. These individuals usually consist of a professional elite which either already exists or is created by the hegemonic power. Such an elite provides the degree of consent to the reception of foreign legal ideas that is necessary for any legal transplant to occur. Hence, the distinction between imperialistic and non-imperialistic transplants is a matter only of degree and not of structure. In order to understand the nature of present legal hegemony, it is necessary to capture the way in which the law functions to build a degree of consent to the present pattern of international economic and political dominance.9

In this essay I suggest that a fundamental cultural construct of presumed consent is the rhetoric of democracy and the rule of law utilized by the imperial model of governance, 10 triumphant worldwide together with the neo-American model of capitalism developed by the Reagan and Thatcher revolution early in the 1980s. I argue that the last twenty years have produced the triumph in global governance of reactive, politically irresponsible institutions, such as the courts of law, over proactive politically accountable institutions such as direct administrative apparatuses of the State.11

This essay attempts to open a radical revision of some accepted modes of thought about the law as they appear today, at what has been called “the end of history.”12 Its aim is to discuss some ways in which global legality has been created in the present stage of world-wide legal development. It will show how democracy and the rule of law, in the present legal landscape, are just another rhetoric of legitimization of a given international dynamic of power. It will also denounce the present unconscious state in which the law is produced and developed by professional “consent building” elites. The consequences of such unconsciousness are creating a legal landscape in which the law is “naturally” giving up its role of constraining opportunistic behavior of market actors. This process results in the development of faked rules and institutions that are functional to the interests of the great capital and that dramatically enlarge inequality within society. I predict that such a legal environment is unable to avoid tragic results on a global scale such as those outlined in the well-known parable of the tragedy of the commons.13

My object of observation is a legal landscape in transition. I wish to analyze this path of transition from one political setting (the local state) to another political setting (world governance) in which American-framed reactive institutions are asserting themselves as legitimate and legitimating governing bodies, which I call imperial law. Imperial law is the product of a renowned alliance between state and economic institutions, a cooperative game in which a very limited number of powerful players are at play.14 While in the ages of colonialism such political battles for international hegemony were mostly carried on with an open use of force and political violence (in such a way that final extensive conflict between superpowers was unavoidable), in the age of globalization and of economic Empire political violence has been transformed into legal violence.

#### Decision-rule is bad political model

**Singer 72** – professor of philosophy, Monash (Peter, Practical Ethics, p 80)

In unusual situations, simple rules conflict; and even when they do not, following a rule can lead to disaster. It may normally be wrong to lie, but if you were living in Nazi Germany and the Gestapo came to your door looking for Jews, it would surely be right to deny the existence of the Jewish family hiding in your attic.

#### Democracy doesn’t solve war

**Rosato 3** -, international relations theory, international security, and qualitative methods, B.A., Cambridge University; M.Phil. Oxford University; M.A., Ph.D., University of Chicago, University of Chicago, (Sebastian, November 2003, “The flawed logic of democratic peace theory” <http://www.scribd.com/doc/15229024/Rosato-Flawed-Logic-of-Democratic-Peace-Theory> ) Jacome

Norm Externalization

The historical record indicates that democracies have often failed to adopt their internal norms of conflict resolution in an international context. This claim rests, first, on determining what democratic norms say about the international use of force and, second, on establishing whether democracies have generally adhered to these prescriptions.

Liberal democratic norms narrowly circumscribe the range of situations in which democracies can justify the use of force. As Doyle (1997, 25) notes, “Liberal wars are only fought for popular, liberal purposes.”This does not mean that they will go to war less often than other kinds of states; it only means that there are fewer reasons available to them for waging war.

Democracies are certainly justified in fighting wars of self-defense. Locke ([1690] 1988), for example, argues that states, like men in the state of nature, have a right to destroy those who violate their rights to life, liberty, and property (269–72). There is considerable disagreement among liberal theorists regarding precisely what kinds of action constitute self-defense, but repulsing an invasion, preempting an impending military attack, and fighting in the face of unreasonable demands all plausibly fall under this heading.Waging war when the other party has not engaged in threatening behavior does not. In short, democracies should only go to war when “their safety and security are seriously endangered by the expansionist policies of outlaw states” (Rawls 1999, 90–91).

Another justification for the use of force is intervention in the affairs of other states or peoples, either to prevent blatant human rights violations or to bring about conditions in which liberal values can take root. For Rawls (1999, 81), as for many liberals, human rights violators are “to be condemned and in grave cases may be subjected to forceful sanctions and even to intervention” (see also Doyle 1997, 31–32, and Owen 1997, 34–35). Mill ([1859] (1984)) extends the scope of intervention, arguing that “barbarous” nations can be conquered to civilize them for their own benefit (see also Mehta 1990). However, if external rule does not ensure freedom and equality, it will be as illiberal as the system it seeks to replace. Consequently, intervention can only be justified if it is likely to “promote the development of conditions in which appropriate principles of justice can be satisfied” (Beitz 1979, 90).

The imperialism of Europe’s great powers between 1815 and 1975 provides good evidence that liberal democracies have often waged war for reasons other than self-defense and the inculcation of liberal values. Although there were only a handful of liberal democracies in the international system during this period, they were involved in 66 of the 108 wars listed in the Correlates of War (COW) dataset of extrasystemic wars (Singer and Small 1994). Of these 66 wars, 33 were “imperial,” fought against previously independent peoples, and 33 were “colonial,” waged against existing colonies. It is hard to justify the “imperial” wars in terms of self-defense. Several cases are clear-cut: The democracy faced no immediate threat and conquered simply for profit or to expand its sphere of influence. A second set of cases includes wars waged as a result of imperial competition: Liberal democracies conquered non-European peoples in order to create buffer states against other empires or to establish control over them before another imperial power could move in. Thus Britain tried to conquer Afghanistan (1838) in order to create a buffer state against Russia, and France invaded Tunisia (1881) for fear of an eventual Italian occupation. Some commentators describe these wars as defensive because they aimed to secure sources of overseas wealth, thereby enhancing national power at the expense of other European powers. There are three reasons to dispute this assessment. First, these wars were often preventive rather than defensive: Russia had made no move to occupy Afghanistan and Italy had taken no action in Tunisia.Awar designed to avert possible action in the future, but for which there is no current evidence, is not defensive. Second, there was frequently a liberal alternative to war. Rather than impose authoritarian rule, liberal great powers could have offered non-European peoples military assistance in case of attack or simply deterred other imperial powers. Finally, a substantial number of the preventive occupations were a product of competition between Britain and France, two liberal democracies that should have trusted one another and negotiated in good faith without compromising the rights of non-Europeans if democratic peace theory is correct.

A third set of cases includes wars waged directly against non-Europeans whose territory bordered the European empires. Because non-Europeans sometimes initiated these wars contemporaries tended to justify them as defensive wars of “pacification” to protect existing imperial possessions. Again, there are good reasons to doubt the claim that such wars were defensive. In the first place, non-Europeans often attacked to prevent further encroachment on their lands; it was they and not the Europeans that were fighting in self-defense. Moreover, there is considerable evidence that the imperial powers often provoked the attacks or acted preventively and exploited local instabilities as a pretext for imposing control on the periphery of their empires (Table 1).

Nor were any of the extrasystemic wars fought to prevent egregious abuses of human rights or with the express purpose of replacing autocratic rule with a more liberal alternative. The “colonial” wars, by definition, were conflicts in which imperial powers sought to perpetuate or reimpose autocratic rule. The “imperial” wars simply replaced illiberal indigenous government with authoritarian rule. When imperial rule was not imposed directly, the European powers supported local elites but retained strict control over their actions, thereby underwriting unjust political systems and effectively implementing external rule. In short, despite protestations that they were bearing the “white man’s burden,” there is little evidence that liberal states’ use of force was motivated by respect for human rights or that imperial conquest enhanced the rights of nonEuropeans.5

There are, then, several examples of liberal states violating liberal norms in their conduct of foreign policy and therefore the claim that liberal states generally externalize their internal norms of conflict resolution is open to question.

#### And even if they win the impact – the timeframe for solvency is generations – a country has to fully transition first…

### 1nc deliberation

#### No realistic scenario

Pillar, 13 -- Brookings Foreign Policy Senior Fellow

[Paul, "The Danger of Groupthink," The National Interest, 2-26-13, webcache.googleusercontent.com/search?q=cache:6rnyjYlVKY0J:www.brookings.edu/research/opinions/2013/02/26-danger-groupthink-pillar+&cd=3&hl=en&ct=clnk&gl=us, accessed9-21-13, mss]

David Ignatius has an interesting take on national security decision-making in the Obama administration in the wake of the reshuffle of senior positions taking place during these early weeks of the president's second term. Ignatius perceives certain patterns that he believes reinforce each other in what could be a worrying way. One is that the new team does not have as much “independent power” as such first-term figures as Clinton, Gates, Panetta and Petraeus. Another is that the administration has “centralized national security policy to an unusual extent” in the White House. With a corps of Obama loyalists, the substantive thinking may, Ignatius fears, run too uniformly in the same direction. He concludes his column by stating that “by assembling a team where all the top players are going in the same direction, he [Obama] is perilously close to groupthink.” We are dealing here with tendencies to which the executive branch of the U.S. government is more vulnerable than many other advanced democracies, where leading political figures with a standing independent of the head of government are more likely to wind up in a cabinet. This is especially true of, but not limited to, coalition governments. Single-party governments in Britain have varied in the degree to which the prime minister exercises control, but generally room is made in the cabinet for those the British call “big beasts”: leading figures in different wings or tendencies in the governing party who are not beholden to the prime minister for the power and standing they have attained. Ignatius overstates his case in a couple of respects. Although he acknowledges that Obama is “better than most” in handling open debate, he could have gone farther and noted that there have been egregious examples in the past of administrations enforcing a national security orthodoxy, and that the Obama administration does not even come close to these examples. There was Lyndon Johnson in the time of the Vietnam War, when policy was made around the president's Tuesday lunch table and even someone with the stature of the indefatigable Robert McNamara was ejected when he strayed from orthodoxy. Then there was, as the most extreme case, the George W. Bush administration, in which there was no policy process and no internal debate at all in deciding to launch a war in Iraq and in which those who strayed from orthodoxy, ranging from Lawrence Lindsey to Eric Shinseki, were treated mercilessly. Obama's prolonged—to the point of inviting charges of dithering—internal debates on the Afghanistan War were the **polar opposite** of this. Ignatius also probably underestimates the contributions that will be made to internal debate by the two most important cabinet members in national security: the secretaries of state and defense. He says John Kerry “has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so.” The heft matters, and Kerry certainly qualifies as a big beast. Moreover, the discreet way in which a member of Congress would carry any of the administration's water, as Kerry sometimes did when still a senator, is not necessarily a good indication of the role he will assume in internal debates as secretary of state. As for Chuck Hagel, Ignatius states “he has been damaged by the confirmation process and will need White House cover.” But now that Hagel's nomination finally has been confirmed, what other “cover” will he need? It's not as if he ever will face another confirmation vote in the Senate. It was Hagel's very inclination to flout orthodoxy, to arrive at independent opinions and to voice those opinions freely that led to the fevered opposition to his nomination.

#### No escalation—executives will be responsible

Weiner 2007

Michael Anthony, J.D. Candidate, Vanderbilt School of Law, 2007, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf

IV. CONCLUSION: THE EXONERATED WPR AND THE WOLF IN SHEEP'S CLOTHING The WPR is an effective piece of war powers legislation. As Part III made clear, no presidential unilateral use of force since 1973 has developed into a conflict that in any way resembles the WPR's impetus, Vietnam. Rather, the great majority of these conflicts have been characterized by their brevity, safety, and downright success. Yes, there have been tragic outcomes in Lebanon and Somalia; but what happened in response to those tragedies? In Lebanon, President Reagan actually submitted to being Congress's "messengerboy," 203 asking for its permission, per the WPR, to continue the operation. And in Somalia, at the first sight of a looming disaster, it was President Clinton who cut short the operation. Thus, from 1973 on, it is easy to argue that sitting Executives have made responsible use of their power to act unilaterally in the foreign affairs realm. The WPR has even contributed to a congressional resurgence in the foreign affairs arena. In many of these conflicts, we have seen Congress conducting numerous votes on whether and how it should respond to a unilaterally warring Executive. In some of the conflicts, Congress has come close to invoking the WPR against rather impetuous Executives. 20 4 In Lebanon, Congress actually succeeded in the task.20 5 It is this Note's contention, though, that even when Congress failed to legally invoke the WPR, these votes had normative effects on the Executives in power. Such votes demonstrate that Congress desires to be, and will try to be, a player in foreign affairs decisions. So, perhaps the enactment of the WPR, the rise of Congress (at least in the normative sense) and the successful string of unilateral presidential uses of force are just a series of coincidences. This Note, however, with common sense as its companion, contends that they are not. Rather, it is self-evident that the WPR has played a significant role in improving the implementation of presidential unilateral uses of force.

#### Congress can't solve groupthink

**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. 46-47)

The idea that Congress will, on net, weed out bad policies rests on an institutional comparison. The president is elected by a national constituency on a winner-take-all basis (barring the remote chance that the Electoral College will matter), whereas Congress is a summation of local constituencies and thus affords more voice to political and racial minorities. At the level of political psychology, decisionmaking within the executive is prone to group polarization and other forms of groupthink or irrational panic,51 whereas the internal diversity of legislative deliberation checks these forces. At the level of political structure, Congress contains internal veto gates and chokepoints—consider the committee system and the fi libuster rule—that provide minorities an opportunity to block harmful policies, whereas executive decisionmaking is relatively centralized and unitary.

The contrast is drawn too sharply, because in practice the executive is a they, not an it. Presidential oversight is incapable of fully unifying executive branch policies, which means that disagreement flourishes within the executive as well, dampening panic and groupthink and providing minorities with political redoubts.52 Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections.

It is not obvious, then, that statutory authorization makes any difference at all. One possibility is that a large national majority dominates both Congress and the presidency and enacts panicky policies, oppresses minorities, or increases security in ways that have ratchet effects that are costly to reverse. If this is the case, a requirement of statutory authorization does not help. Another possibility is that there are internal institutional checks, within both the executive branch and Congress, on the adoption of panicky or oppressive policies and that democratic minorities have real infl uence in both arenas. If this is the case, then a requirement of authorization is not necessary and does no good. Authorization only makes a difference in the unlikely case where the executive is thoroughly panicky, or oppressively majoritarian, while Congress resists the stampede toward bad policies and safeguards the interests of oppressed minorities.

Even if that condition obtains, however, the argument for authorization goes wrong by failing to consider both sides of the normative ledger. As for majoritarian oppression, the multiplicity of veto gates within Congress may allow minorities to block harmful discrimination, but it also allows minorities to block policies and laws which, although targeted, are nonetheless good. As for panic and irrationality, if Congress is more deliberative, one result will be to prevent groupthink and slow down stampedes toward bad policies, but another result will be to delay necessary emergency measures and slow down stampedes toward good policies. Proponents of the authorization requirement sometimes assume that quick action, even panicky action, always produces bad policies. But there is no necessary connection between these two things; expedited action is sometimes good, and panicky crowds can stampede either in the wrong direction or in the right direction. Slowing down the adoption of new policies through congressional oversight retards the adoption not only of bad policies, but also of good policies that need to be adopted quickly if they are to be effective.

#### No scs war

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In recent years, China became increasingly ready to assert and defend its territorial and maritime claims in the South China Sea, where six other nations have competing claims. Beijing publicly challenged the legality of foreign oil companies' investments in Vietnam's offshore energy industry, emphasized its own rights over islands and waters far from the Chinese mainland, detained hundreds of Vietnamese fishermen near the Chinese-held Paracel Islands, and harassed Vietnamese and Philippine vessels conducting seismic surveys in waters that Beijing claims. Many East Asian countries saw China's behavior as a sign of the country's new willingness to adopt a more unilateral and confrontational posture in the region.

Little noticed, however, has been **China's recent adoption of a new** -- and much more moderate -- approach. The primary goals of the friendlier policy are to restore China's tarnished image in East Asia and to reduce the rationale for a more active U.S. role there.

Beijing is also unlikely to be more assertive if that sustains Southeast Asian countries' desires to further deepen ties with the United States.

The first sign of China's new approach came last June, when Hanoi dispatched a special envoy to Beijing for talks about the countries' various maritime disputes. The visit paved the way for an agreement in July 2011 between China and the ten members of the Association of Southeast Asian Nations (ASEAN) to finally implement a declaration of a code of conduct they had originally drafted in 2002 after a series of incidents in the South China Sea. In that declaration, they agreed to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes."

Since the summer, senior Chinese officials, especially top political leaders such as President Hu Jintao and Premier Wen Jiabao, have repeatedly reaffirmed the late Deng Xiaoping's guidelines for dealing with China's maritime conflicts to focus on economic cooperation while delaying the final resolution of the underlying claims. In August 2011, for example, Hu echoed Deng's approach by stating that "the countries concerned may put aside the disputes and actively explore forms of common development in the relevant sea areas."

Authoritative Chinese-language media, too, has begun to underscore the importance of cooperation. Since August, the international department of *People's Daily* (under the pen name Zhong Sheng) has published several columns stressing the need to be less confrontational in the South China Sea. In January 2012, for example, Zhong Sheng discussed the importance of "pragmatic cooperation" to achieve "concrete results." Since the *People's Daily* is the official paper of the Central Committee of the Chinese Communist Party, such articles should be interpreted as the party's attempts to explain its new policy to domestic readers, especially those working lower down in party and state bureaucracies.

In terms of actually setting aside disputes, China has made progress. In addition to the July consensus with ASEAN, in October China reached an agreement with Vietnam on "basic principles guiding the settlement of maritime issues." The accord stressed following international law, especially the UN Convention on the Law of the Sea. Since then, China and Vietnam have begun to implement the agreement by establishing a working group to demarcate and develop the southern portion of the Gulf of Tonkin near the disputed Paracel Islands.

China has also initiated or participated in several working-level meetings to address regional concerns about Beijing's assertiveness. Just before the East Asian Summit last November, China announced that it would establish a three billion yuan ($476 million) fund for China-ASEAN maritime cooperation on scientific research, environmental protection, freedom of navigation, search and rescue, and combating transnational crimes at sea. The following month, China convened several workshops on oceanography and freedom of navigation in the South China Sea, and in January it hosted a meeting with senior ASEAN officials to discuss implementing the 2002 code of conduct declaration. The breadth of proposed cooperative activities indicates that China's new approach is probably more than just a mere stalling tactic.

Beyond China's new efforts to demonstrate that it is ready to pursue a more cooperative approach, the country has also halted many of the more assertive behaviors that had attracted attention between 2009 and 2011. For example, patrol ships from the Bureau of Fisheries Administration have rarely detained and held any Vietnamese fishermen since 2010. (Between 2005 and 2010, China detained 63 fishing boats and their crews, many of which were not released until a hefty fine was paid.) And Vietnamese and Philippine vessels have been able to conduct hydrocarbon exploration without interference from China. (Just last May, Chinese patrol ships cut the towed sonar cable of a Vietnamese ship to prevent it from completing a seismic survey.) More generally, China has not obstructed any recent exploration-related activities, such as Exxon's drilling in October of an exploratory well in waters claimed by both Vietnam and China. Given that China retains the capability to interfere with such activities, its failure to do so suggests a conscious choice to be a friendlier neighbor.

The question, of course, is why did the Chinese shift to a more moderate approach? More than anything, Beijing has come to realize that its assertiveness was harming its broader foreign policy interests. One principle of China's current grand strategy is to maintain good ties with great powers, its immediate neighbors, and the developing world. Through its actions in the South China Sea, China had undermined this principle and tarnished the cordial image in Southeast Asia that it had worked to cultivate in the preceding decade. It had created a shared interest among countries there in countering China -- and an incentive for them to seek support from Washington. In so doing, China's actions provided a strong rationale for greater U.S. involvement in the region and inserted the South China Sea disputes into the U.S.-Chinese relationship.

By last summer, China had simply recognized that it had overreached. Now, Beijing wants to project a more benign image in the region to prevent the formation of a group of Asian states allied against China, reduce Southeast Asian states' desire to further improve ties with the United States, and weaken the rationale for a greater U.S. role in these disputes and in the region.

So far, Beijing's new approach seems to be working, especially with Vietnam. China and Vietnam have deepened their political relationship through frequent high-level exchanges. Visits by the Vietnamese Communist Party general secretary, Nguyen Phu Trong, to Beijing in October 2011 and by the Chinese heir apparent, Xi Jinping, to Hanoi in December 2011 were designed to soothe spirits and protect the broader bilateral relationship from the unresolved disputes over territory in the South China Sea. In October, the two also agreed to a five-year plan to increase their bilateral trade to $60 billion by 2015. And just last month, foreign ministers from both countries agreed to set up working groups on functional issues such as maritime search and rescue and establish a hotline between the two foreign ministries, in addition to starting talks over the demarcation of the Gulf of Tonkin.

Even if it is smooth sailing now, there could be choppy waters ahead. Months of poor weather have held back fishermen and oil companies throughout the South China Sea. But when fishing and hydrocarbon exploration activities resume in the spring, incidents could increase. In addition, China's new approach has raised expectations that it must now meet -- for example, by negotiating a binding code of conduct to replace the 2002 declaration and continuing to refrain from unilateral actions.

Nevertheless, because the new approach reflects a strategic logic, it might endure, signaling a more significant Chinese foreign policy shift. As the 18th Party Congress draws near, Chinese leaders want a stable external environment, lest an international crisis upset the arrangements for this year's leadership turnover. And even after new party heads are selected, they will likely try to avoid international crises while consolidating their power and focusing on China's domestic challenges.

China's more moderate approach in the South China Sea provides further evidence that China will seek to avoid the type of confrontational policies that it had adopted toward the United States in 2010. When coupled with Xi's visit to Washington last month, it also suggests that the United States need not fear Beijing's reaction to its strategic pivot to Asia, which entails enhancing U.S. security relationships throughout the region. Instead, China is more likely to rely on conventional diplomatic and economic tools of statecraft than attempt a direct military response. Beijing is also unlikely to be more assertive if that sustains Southeast Asian countries' desires to further deepen ties with the United States. Whether the new approach sticks in the long run, it at least demonstrates that China, when it wants to, can recalibrate its foreign policy. That is good news for stability in the region.

#### They can't stop pre-emption in the scenarios that matter

**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.

#### Alt cause: rest of the war on terror

**Horowitz, 2/6**/12 - As co-founder of PolicyMic, Jake is managing the writing and editing process and trying to spark thoughtful debate on important political issues. He graduated from Stanford University (Jake, “Why is the U.S. Constitution Losing Influence Across the World?,”

http://www.policymic.com/articles/3975/why-is-the-u-s-constitution-losing-influence-across-the-world

But, my sense is that the Constitution is slipping because America has lost its power and prestige as a shining democracy due to over a decade of constitutional excess. In particular, the Bush administration's War on Terror policies which interpreted the Constitution to permit torture, deprive suspected terrorists of due process, sanction wire-tapping and domestic spying, and amass unprecedented power in the hands of the executive eroded the credibility of the document and undermined our democracy. After a decade of America's imprisoning and torturing Arab citizens under the guise of the Constitution, it is no wonder that it no longer holds any weight in newly emerging democracies like Egypt and Tunisia. Moreover, the decline in influence is also a reflection of the all-too-often forgotten fact that American liberal democracy is not for every country. The U.S. Constitution guarantees certain rights, like the separation of religion and state, which may not neatly fit into other countries' models of democracy. Stanford democracy expert Larry Diamond has written often about public opinion polling of the Arab world, which indicates that although the majority of Arabs want democracy, they also believe Islam should play a strong role in governing their society. The U.S. Constitution, then, provides little guidance for structuring newly emer ging democracies with more devout populations. Although the decline of the Constitution is likely to unnerve the bevy of IR theorists and pundits who routinely lament America's decline, this study is not necessarily cause for concern. Rather, that emerging democracies are adapting democracy to fit their context serves as a powerful reminder that liberal democracy cannot be imposed from the outside, something the U.S. learned well this past decade in Iraq. It should also serve as a stark warning to President Barack Obama, however, that the longer Guantanamo remains open, and the more the administration chips away at our civil liberties by signing bills like the NDAA, the more U.S. influence, leadership, and credibility will wane across the globe.

#### Preventive norms are locked in and the AFF doesn’t change it

**Fisk et al., Claremont political science PhD, 2013**

(Kerstin, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm”, 4-15, International Studies Perspectives, Wiley, ldg)

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting. Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein. With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

#### Not enough to repudiate the doctrine

**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.”