# Round 2—Neg vs Houston JJ

## 1NC

### 1

#### Introducing “armed forces” only refers to human troops, not weapons systems

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As is evident from a textual analysis, n177 an examination of the legislative history, n178 and the broad policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that only members of the armed forces count for the purposes of the definition under the WPR. Though not dispositive, the term "member" connotes a human individual who is part of an organization. n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that expression of one thing (i.e., members) implies the exclusion of others (such as non-members constituting armed forces). n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.

An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that Congress conceptualized "armed forces" to mean U.S. combat troops.

The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.

This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). Applied to offensive cyber operations, such a definition leads to the conclusion that the War Powers Resolution likely does not cover such activities. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities. Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Voting issue - they explode the topic, including weapons systems turns this topic into an arms control topic – nuclear weapons, space weaponization, or the CWC and BWC could all be their own topics. Their interpretation makes being negative impossible

### 2

#### Facts are meaningless and bad. Their internal link chains are factoids, which are worse. 1ac was detrimental to the cause of their position. This is not a critique of the law.

Schlag ’13 Pierre Schlag, “Facts (The),” his blog, 1/28/2013, http://brazenandtenured.com/2013/01/28/facts-the/

But let me explain about the facts. First, notice, that the most factish of facts (apologies to Latour) are actually factoids—trivial data bits shorn of any actual narrative. CNN had it down cold: “America has had five presidents who ate fish for breakfast.” What, I ask you, could you possibly do with that qua fact? Still, Americans like facts. It was Joe Friday on Dragnet who first said, “all we want are the facts, ma’am.” Really? That’s all? I don’t think so. He was on a mission. He wanted facts on a mission. And we, the viewers, did too. So I have to say, as a preliminary matter, things already don’t look too good for the facts. Indeed, the possibility that in their most prototypical factishisness, facts are nearly useless while in their most desirable state they are on a mission—well, that’s not an auspicious start. Things get worse. In law and social science (that’s my domain limit here—I feel really cramped) facts generally function as poseurs. The facts, are nearly always posing as the truth about “what-is-actually-going-on.” Facts are frequently presented as “the-real-story” or “the bottom line.” One is no doubt supposed to conclude from this that “facts are facts”—that they are the veritable bedrock of truth. But notice that this doesn’t make any sense. Notice that the “bottom line” is an accounting metaphor. Consider that, “the real story” is an oxymoron deliberately composed of both truth and fiction. Note that “what-is-actually-going-on” is a problematic state hanging precariously on the ungrounded and notoriously unreliable reality/appearance pair. All of this is to say, that the appeal of “getting down to the facts,” (or some such thing) often rests on situating the facts in some initially alluring rhetorical space (e.g. “the real story” “the bottom line”) that turns out, upon further inspection, to be constructed of images, metaphors or fictions of questionable philosophical countenance. (See, Nietzsche, On Lies and Truth in a Non-Moral Sense) Now, it’s not that these metaphors, images or fictions turn facts into non-facts. But still, I ask you: what could be more humbling to a fact then to learn that its appeal rests upon a fiction? Not only do facts frequently function as poseurs, but, when they are at their most factish, they’re often not all that interesting. Factish facts don’t really tell you much of anything you want to know. Imagine a party. Here are some exemplary factish facts: There were 19 people at the party. 9 were women. 10 were men. While the party was happening, gravity exercised a constant force of 32 feet per second/per second. Everyone standing stayed connected to the ground. Not the greatest narrative is it? And notice here that if you stick strictly to the facts (if you admit only of truly factish facts) adding more of these little items will not markedly improve your story line. (For you editors of university press books and law review articles, please pay special attention here.) The only time facts are really interesting (remember law and social science is the domain limit) is when they’re something more than just the facts. Go back to the party. Here’s another fact: Jill left the party with Tom. This fact is more interesting. Well, mildly so. With this sort of fact, you can start imagining possible implications (amorous, murderous, whathaveyou). But note that now we’re no longer talking about “just the facts.” We’re talking about facts with implications, facts with attitude. Why then are facts ever interesting? Well, ironically it’s because they’re not functioning as “just facts,” but something more.

#### Information is uniquely dissuasive—vote neg.

Baudrillard, ’92 (Jean, *Pataphysics of Year 2000*, [online])

Outside of this gravitational pull which keeps bodies in orbit, all the atoms of meaning lose themselves or self-absolve in space. Every single atom follows its own trajectory towards infinity and dissolves in space. This is precisely what we are living in our present societies occupied with the **acceleration of all** bodies, all **messages, all processes** in all possible senses and wherein, via modern media, each event, each narrative, each image gets endowed with the simulation of an infinite trajectory. Every political, historical, cultural fact is invested with a kinetic energy which spreads over its own space and thrusts these facts into a hyperspace where they **lose all meaning** by way of an inability to attain their meaning. It is useless to turn to science-fiction: from this point on, from the here and now, through our computer science, our circuits and our channels, this particle accelerator has definitively disrupted and broken the referential orbit of things. With respect to history, the narrative has become impossible since by definition it is the **potential re-narrativization of a sequence of meaning**. Through the impulse of total diffusion and circulation **each event is liberated for itself only** — each event becomes atomized and nuclear as it follows its trajectory into the void. In order to diffuse itself *ad infinitum,* it has to be fragmented like a particle. This is the way it attains a speed of no-return, distancing it from history once and for all. Every cultural, eventual group needs to be fragmented, disarticulated to allow for its entry into the circuits, each language must be absolved into a binary mechanism or device to allow for its circulation to take place — not in our memory, but in the electronic and luminous memory of the computers. There is no human language or speech (*langage*) that could compete with the speed of light. There is no event that could withstand its own diffusion across the planet. No meaning stands a chance once offered the means of its own acceleration. There is no history that will resist the centrifugal pull of facts or its short-circuiting in real time (in the same order of ideas: no sexuality will resist its own liberation, not a single culture will foreclose its own advancement, no truth will defy its own verification, etc.). Even theory is no longer in the state of "reflecting" on anything anymore. All it can do is to snatch concepts from their critical zone of reference and transpose them to the point of no return, in the process of which theory itself too, passes into the hyperspace of simulation as it loses all "objective" validity, while it makes significant gains by acquiring real affinity with the current system. The second hypothesis, with respect to the vanishing of history, is the opposite of the first, i.e., it pertains not to the acceleration but to the slowing down of processes. This too is derived directly from physics. Matter slows the passage of time. More precisely, time seems to pass very slowly upon the surface of a very dense body of matter. The phenomenon increases in proportion to growth in density. The effect of this slowing down (*ralentissement*) will raise the wavelength of light emitted by this body in a way that will allow the observer to record this phenomenon. Beyond a certain limit, time stops, the length of the wave becomes infinite. The wave no longer exists. Light extinguishes itself. The analogy is apparent in the way history slows down as it brushes up against the astral body of the "silent majorities". Our societies are governed by this process of the mass, and not only in the sociological or demographical sense of the word, but also in the sense of a "critical mass", of going beyond a certain point of no-return. That is where the crucially significant event of these societies is to be found: the advent of their revolutionary process along the lines of their mobility, (they are all revolutionary with respect to the centuries gone by), of their equivalent force of inertia, of an immense indifference, and of the silent power of this indifference. This inert matter of the social is not due to a lack of exchanges, of information or of communication; on the contrary, it is the result of the multiplication and saturation of exchanges. It is borne of the hyperdensity of cities, of merchandise, messages and circuits. It is the cold star of the social, a mass at the peripheries of which history cools out. Successive events attain their annihilation in indifference. **Neutralized and bullet-sprayed by information**, the masses neutralise history retrospect and act as a screen of absorption. They themselves have no history, no meaning, no conscience, no desire. They are potential residues of all history, of all meaning, of all desire. By **inserting themselves into modernity**, all these wonderful things managed to invoke **a mysterious counterpart**, the misappreciation of which has unleashed all current political and social strategies. This time, it's the opposite: history, meaning, progress are no longer able to find their speed or tempo of liberation. They can no longer pull themselves out of this much too dense body which slows down their trajectory, slows down their time to the point from whereon perception and imagination of the future escapes us. All social, historical and temporal transcendence is absorbed via this mass's silent immanence. Already, political events no longer conduct sufficient autonomous energy to rouse us and can only run their course as a silent movie in front of which we all sit collectively irresponsible. That is where history reaches its end, not because of the lack of actors or participants, not due to a lack of violence (with respect to violence, there is always an increasing amount), not due to a lack of events (as for events, there will always be more of them thanks to the role of the media and information!) — but because of a slowing down or deceleration, because of indifference and stupefaction. History can no longer go beyond itself, it can no longer envisage its own finality or dream of its own end, it shrouds or buries itself in its immediate effect, it self-exhausts in special effects, it implodes in current events. Essentially, one can no longer speak of the end of history since it has no time to rejoin its own end. **As its effects accelerate, its meaning inexorably decelerates**. It will end up stopping and extinguishing itself like light and time at the peripheries of an infinitely dense mass... Humanity too, had its big-bang: a certain critical density, a certain concentration of people and exchanges that compel this explosion we call *history* and which is none other than the dispersal of dense and hieratic cores of earlier civilizations. Today, we are living an effect of reversal: we have overstepped the threshold of critical mass with respect to populations, events, information, control of the inverse process of inertia of history and politics. At the cosmic level of things, we don't know anymore whether we have reached this speed of liberation wherein we would be partaking of a permanent or final expansion (this, no doubt, will remain forever uncertain). At the human level, where prospects are more limited, it is possible that the energy itself employed for the liberation of the species (acceleration of birthrates, of techniques and exchanges in the course of the centuries) have contributed to an excess of mass and resistance that bear on the initial energy as it drags us along a ruthless movement of contraction and inertia. Whether the universe infinitely expands or retracts to an infinitely dense and infinitely small core will hinge upon its critical mass (with respect to which speculation itself is infinite in view of the discovery of newer particles). Following the analogy, whether our human history will be evolutionary or involuted will presumably depend upon the critical mass of humanity. Are we to see ourselves, like the galaxies, on a definitive orbit that distances us from each other under the impact of a tremendous speed, or is this dispersal to infinity itself destined to reach an end, and the human molecules bound to draw closer to each other by way of an inverse effect of gravitation? The question is whether a human mass that grows day by day is able to control a pulsation of this genre? Third hypothesis, third analogy. But we are still dealing with a point of disappearance, a point of evanescence, a *vanishing-point,* this time however along the lines of music. This is what I call the stereophonic effect. We are all obsessed with high fidelity, with the quality of musical "transmission" (*rendu*). On the console of our channels, equipped with our tuners, our amplifiers and our baffles, we mix, regulate and multiply soundtracks in search of an infallible or unerring music. Is this, though, still music? Where is the threshold of high fidelity beyond the point of which music as such would disappear? Disappearance would not be due to the lack of music, it would disappear for having stepped beyond this boundary, it would disappear into the perfection of its materiality, into its own special effect. Beyond this point, neither judgement nor aesthetic pleasure could be found anymore. Ecstasy of musicality procures its own end. The disappearance of history is of the same order: there too, we have gone beyond this limit or boundary where, subjected to *factual* and *information-al* sophistication, history as such ceases to exist. Large doses of immediate diffusion, of special effects, of secondary effects, of fading — and this famous Larsen effect produced in acoustics by an excessive proximity between source and receiver, in history via an excessive proximity, and therefore the disastrous interference of an event with its diffusion — create a short-circuit between cause and effect, similarly to what takes place between the object and the experimenting subject in microphysics (and in the human sciences!). All things entailing a certain radical uncertainty of the event, like excessive high fidelity, lead to a radical uncertainty with respect to music. Elias Canetti says it well: "as of a certain point", nothing is true anymore. This is also why the soft music of history escapes us, it disappears under the microscope or into the stereophony of information.

### 3

#### The 1ac is an attempt to command and control a situation whose destructive power is inherently outside of the possibility of comprehension, implicitly accepting the terms of a rigged game that makes a new kind of nuclear biopower that results in the destruction of all others and one’s own suicide possible.

Masco 12. Joseph Masco, Professor of Anthropology and of the Social Sciences at the University of Chicago, “The Ends of Ends,” Anthropological Quarterly [Volume 85, Number 4, Fall 2012](http://muse.jhu.edu/journals/anthropological_quarterly/toc/anq.85.4.html), pg. 1118

The scale of destruction detailed in sIOP-62 is a distinctive moment in human history and is, in Kant’s strict technical sense of the term, sublime. It is beyond comprehension, which raises a crucial issue about how the nuclear state resolves such terror/complexity. In national security plan- ning, the compensation for this experience of cognitive overload was a fixation on command and control, as well as the articulation of specific war calculations, marking degrees of violence for different nuclear war scenarios (see Kahn 1960, Eden 2004). What would likely be an unknown chaos of missiles and bombs launched for the first time from a vast range of technologies, located all over the planet under deeply varied condi- tions, appears on paper as a rational program of cause and effect, threat and preemption, attack and counter attack. this was an apocalyptic vi- sion presented simply as math. From 1962 until today, the sIOP nuclear war plan has been continually revised and rationalized for different global political contexts but never truly abandoned (McKinzie, cochran, Norris, and Arkin 2001). the US maintains the ability to destroy all major popula- tion centers outside the continental US within a few minutes of nuclear conflict. It is important to recognize that this technical capacity to deliver overwhelming violence to any part of the world in mere minutes has relied on structures of the imagination as well as on machines, threat projec- tions, and fantasies, as well as physics and engineering.

US policymakers have experienced many moments of rupture in their global vision, shocks that might have recalibrated how threat, security, fears, and technology were organized. After U-2 pilot Gary Powers was shot down over the soviet Union in 1960, covert spy flights over the Ussr were stopped, leaving policy makers in the Us with no definitive intelligence on soviet military activities. It is difficult today to imagine a period more fraught, more susceptible to paranoid fantasy and projection, and more primed for nuclear conflict. US policymakers lacked basic information about Soviet society and military capabilities, creating a huge information gap that invited speculation and fantasy, as well as paranoia. In a national security culture rehearsing surprise attack, and negotiating increasing confrontations in Europe, southeast Asia, Africa, and Latin America, what could provoke a de-escalation in this nuclear system, which by the early 1960s was already primed for nuclear war on a minute-to-minute basis? the corona system offered a radically new perspective on cold War reali- ties but its role has been historically and culturally limited to revealing the objective facts of soviet nuclear capabilities, not the American fantasies that generated the “missile gap” in the first place.

the corona system was both cutting edge technology and a new form of expressive culture, an early planetary technology mobilized to com- bat official panic. The missed opportunity provided by the first corona photographs was to evaluate the fantasies and paranoia of an American military system that had so thoroughly misjudged the scale of the soviet technological capabilities that preemptive nuclear war was under consid- eration. Instead, the “missile gap” narrative was never publicly retracted, and the satellite photographs that proved this major discourse of the cold War to be false were classified top secret until 1995. Classification pro- tected the technology, but also the self-critique that corona photographs might have generated of official US projections. thus, an opportunity for a public discussion of how national fears are constituted out of a lack of information, fantasy, and political demonology was lost. Instead, a new effort to normalize nuclear crisis was pursued. the Us nuclear stockpile grew to over 30,000 weapons by the end of the 1960s, and space became an increasingly militarized domain. the sIOP target list would continue to grow through the 1980s, eventually including tens of thousands of global targets and constituting a nuclear war system so complex that it is very likely that no single human being understood its internal logics or likely effects. American ideologies of nuclear fear constantly threaten to over- whelm the material evidence of danger, and have become a core part of a now multigenerational commitment to militarism for its own sake. by 2011, the result is that the US spends as much as the rest of the world combined on military matters but has not yet achieved anything like “security.”

The corona system offers us, in Benjamin’s terms, an important oppor- tunity to “brush history against the grain” as it was both a technological marvel—a demonstration of the power of instrumental rationality—and a stark reality check on Us national security culture itself, offering a new optics on the psychopolitics of cold War (Orr 2006). the first photographic survey of the soviet Union from outer space showed that US policymakers took the world to the brink of nuclear war in response to their fantasies of soviet power, not the reality of soviet capabilities. this well documented insight might have produced a fundamental rethinking of how threat, secu- rity, and nuclear power were organized in the Us, establishing a caution- ary tale at the very least. but instead the corona photographs remained a highly classified set of facts through the cold War. this secrecy enabled a system of nuclear normalization to be reinforced rather than interrogated, securing the project of cold War for the next 30 years. In the end, the new optics offered by corona (on both soviet machines and American fanta- sies) were reduced simply to a push for new space technology—higher resolution photographs, better real time transition of data, and so on. In other words, the structure of the security state did not change even when confronted with evidence of its own fantasy projections and error. the “success” of corona ultimately produced an American cold War project even more focused on technological innovation and the projection of nu- clear power rather than one capable of re-thinking its own cultural terms, expert logics, or institutional practices.

The constant slippages between crisis, expertise, and failure are now well established in an American political culture. the cultural history of cold War nuclear crisis helps us understand why. Derrida (1984), work- ing with the long running theoretical discourse on the sublimity of death (which links Kant, Freud, and benjamin), describes the problem of the nuclear age as the impossibility of contemplating the truly “remainderless event” or the “total end of the archive.” For him, nuclear war is “fabulously textual” because until it occurs all you can do is tell stories about it, and because to write about it is to politically engage in a form of future making that assumes a reader, thus performing a kind of counter-militarization and anti-nuclear practice. In the early 1960s, the US nuclear war policy was officially known as “overkill,” referencing the redundant use of hydrogen bombs to destroy targets (rosenberg 1983). This “overkill” installs a new kind of biopower, which fuses an obliteration of the other with collective suicide. the means to an end here constitutes an actual and total end, making the most immediate problem of the nuclear age the problem of dif- ferentiating comprehension from compensation in the minute-to-minute assessment of crisis.

this seems to be a fundamental problem in Us national security cul- ture—an inability to differentiate the capacity for war with the act itself, or alternatively to evaluate the logics of war from inside war. today, space is filled with satellites offering near perfect resolution on the surface of the earth and able to transmit that data with great speed and precision to com- puters and cell phones, as well as early warning systems, missiles, and drones. What we cannot seem to do is find an exterior viewpoint on war itself—a perspective that would allow an assessment not only of the real- ity of conflict but also of the motivations, fantasies, and desires that sup- port and enable it. Indeed expert systems of all sorts—military, economic, political, and industrial—all seem unable to learn from failure and instead in the face of crisis simply retrench and remobilize longstanding and obvi- ously failed logics. War, for example, is not the exception but the norm in the US today—which makes peace “extreme.” so what would it take for Americans to consider not only the means to an end—that is, the tactics, the surges, the preemptions, and surgical strikes—but also to reevaluate war itself? What would it take to consider an actual end to such ends?

#### The 1ac’s invocation of the legal norm forcloses responding to nuclear weapons from the extreme, offering a leveling critique from the periphery and instead relying on the same legal-national security alliance that produced the atomic situation in an attempt to regulate it

Masco 12. Joseph Masco, Professor of Anthropology and of the Social Sciences at the University of Chicago, “The Ends of Ends,” Anthropological Quarterly [Volume 85, Number 4, Fall 2012](http://muse.jhu.edu/journals/anthropological_quarterly/toc/anq.85.4.html), pg. 1107

The concept of the extreme is relational, assuming a counterpoint to ev- eryday experience marked regular, unexceptional, banal. Yet, American life for decades has been founded on machines (and accompanying log- ics and affects) that are simultaneously infrastructural (and thus part of a normalized everyday) and extreme, in the sense of being unprecedentedly violent. Instrumental rationality has—in the form of the atomic bomb—pro- duced a world that is simultaneously normal and extreme, at once capable of informing everyday life or of ending it in a flash. In the atomic bomb, technological means and ends combine in a new constellation: one that exceeds modernist rationality, creating epistemic problems that are em- blematic of our moment. The kind of technical expertise responsible for producing the atomic bomb has engineered an industrialized, globalized, networked world, one now experiencing the combined pressures of politi- cal, military, economic, and environmental crises. In such a world—which relies on a highly developed social commitment to normalizing extremes in the effort to secure profit—self-knowledge and reflexive critique become both ever more vital, yet also more inherently fraught.

In an extreme age, we might well ask: what are the possibilities for a productive shock, an experience or insight that would allow us to rethink the terms of everyday life? In the discipline of biology, the recent discov- ery of microbial extremophiles in deep-sea volcanic vents has fundamen- tally challenged longstanding scientific definitions of life (Helmreich 2008). Living under conditions of extreme heat and pressure, these methane- eating beings have redefined the very limits of life on planet Earth and beyond. What could produce a similar effect in the domain of security? Opportunities for such a critique are ever present, an endless stream of moments in fact, yet constantly subsumed by the normalizing effects of a national security culture committed to a constant state of emergency. A return to basic questions of how to define profit, loss, and sustainability is a key concern today in the Us and this paper asks what kind of analy- sis could begin to redefine the limits of a collective security? What kind of de-familiarization and/or productive shock might allow insight into the cultural terms of expert judgment today in the Us, allowing us to rethink the logics and practices that have simultaneously produced a global war on terror, a global financial meltdown, and a planetary climate crisis? How can Americans—extremophiles of the national sort—assess their own his- tory within a national-cultural formation devoted to the normalization of violence (as war, as boom and bust capitalism, as environmental ruin) as the basis for everyday life?

This short paper does not provide an answer to these questions (would that it could!), but rather seeks to offer a provocation and a meditation on paths constantly not taken in US national security culture. It asks: how can we read against the normalizing processes of the security state to assess alternative futures, alternative visions rendered invisible by the complex logistics of military science, economic rationality, and global governance? to do so is to break from the normalizing force of everyday national secu- rity/capitalism, and interrogate the assumed structures of security and risk that support a global American military deployment and permanent war posture. To accomplish this kind of critical maneuver, however, one needs to be able to recognize the alternative futures rendered void by the specific configurations of politics and threat empowering military industrial action at a given moment. An extreme critique requires the ability to assess the alternative costs and benefits that remain suspended within the spaces of an everyday American life constantly rehearsing (via media, political culture, and military action) terror as normality. What follows then is both an examination and a performance of extremity—pushing a critical history and theory well beyond the usual scholarly comfort level. It seeks less to settle and explain than to agitate and provoke.

### Solvency

#### Restrictions are nothing but scraps of paper. The aff is politically useless.

**Fatovic 9**—Director of Graduate Studies for Political Science at Florida International University [added the word “is” for correct sentence structure—denoted by brackets]

(Clement, *Outside the Law: Emergency and Executive Power* pg 1-5, dml)

But the problem for any legal order is that law aims at fixity in a world beset by flux. The greatest challenge to legally established order comes not from the resistance of particular groups or individuals who object to any of its substantive aims but from the unruliness of the world itself. The stability, predictability, and regularity sought by law eventually runs up against **the unavoidable instability, unpredictability, and irregularity of the world**. Events constantly threaten to disrupt and destabilize the artificial order established by law. Emergencies-sudden and extreme occurrences such as the devastating terrorist attacks of September 11, an overwhelming natural disaster like Hurricane Katrina, a pandemic outbreak of avian flu, a catastrophic economic collapse, or a severe food shortage, to name just a few-dramatize **the limitations of the law** in dealing with unexpected and incalculable contingencies. Designed for the ordinary and the normal, law cannot always provide for such extraordinary occurrences in spite of its aspiration to comprehensiveness. When such events arise, the responsibility for formulating a response usually falls to the executive.

The executive has a unique relationship to the law and the order that it seeks, especially in a liberal constitutional system committed to the rule of law. Not only is the executive the authority most directly responsible for enforcing the law and maintaining order in ordinary circumstances, it is also the authority most immediately responsible for restoring order in extraordinary circumstances. But while the executive is expected to uphold and follow the law in normal times, **emergencies** sometimes **compel the executive to** exceed the strict letter of the law. Given the unique and irrepressible nature of emergencies, the law often provides **little effective guidance**, leaving executives to their own devices. Executives possess special resources and characteristics that enable them to **formulate responses more** rapidly**,** flexibly**, and** decisively **than can legislatures, courts, and bureaucracies**. Even where the law seeks to anticipate **and** provide **for emergencies by** specifying the kinds of actions **that** public **officials are permitted or required to take**, **emergencies create** unique opportunities **for the executive to** exercise an extraordinary degree of discretion. And when the law seems to be inadequate to the situation at hand, executives often claim that it [is] necessary to **go beyond its dictates** by consolidating those powers ordinarily exercised by other branches of government or **even by expanding the range of powers ordinarily permitted**. But in seeking to bring order to the chaos that emergencies instigate, executives who take such action also **bring attention to** the deficiencies of the law **in maintaining order**, often with serious consequences for the rule of law.

The kind of extralegal action that executives are frequently called upon to take in response to emergencies **is** deeply problematic **for liberal constitutionalism**, which gives pride of place to the rule of law, both in its self-definition and in its standard mode of operation. If emergencies test the limits of those general and prospective rules that are designed to make governmental action limited and predictable, that is because **emergencies are** largely unpredictable **and** potentially limitless.1 Yet the rule of law, which has enjoyed a distinguished position in constitutional thought going back to Aristotle, has always sought to place limits on what government may do by substituting the arbitrariness and unpredictability of extemporary decrees with the impartiality and regularity of impersonal rules promulgated in advance. The protection of individual freedom within liberal constitutionalism has come to be unimaginable where government does not operate according to general and determinate rules.2 The rule of law has achieved primacy within liberal constitutionalism because it is considered vital to the protection of individual freedom. As Max Weber famously explained of the modern bureaucratic state, legitimacy in the liberal state is not based on habitual obedience to traditions or customs sanctified by time or on personal devotion to a charismatic individual endowed with superhuman gifts but on belief in the legality of a state that is functionally competent in administering highly impersonal but "rational rules." 3 In fact, its entire history and aim can be summed up as an attempt to curtail the kind of discretionary action associated with the arbitrary "rule of men"-by making government itself subject to the law.

The apparent primacy of law in liberal constitutionalism has led some critics to **question its capacity to deal with emergencies**. Foremost among these critics is German political and constitutional theorist Carl Schmitt, who concluded that liberalism is incapable of dealing with the "exception" or "a case of extreme peril" that poses "a danger to the existence of the state" without resorting to measures that contradict and undermine its commitments to the rule of law, the separation of powers, the preservation of civil liberties, and other core values.4 In Schmitt's view, liberalism is wedded to a "normativistic" approach that seeks to regulate life according to strictly codified legal and moral rules that not only **obscure the "decisionistic" basis of all law** but also **deny the role of** personal decision-making **in the** interpretation**,** enforcement**, and** application **of law**. 5 Because legitimacy in a liberal constitutional order is based largely on adherence to formal legal procedures that restrict the kinds of actions governments are permitted to take, actions that have not been specified or authorized in advance **are simply ruled out**. According to Schmitt, the liberal demand that governmental action always be controllable **is** **based on the naive belief that the world is thoroughly calculable**. 6 If it expects regularity and predictability in government, it is because it understands the world in those terms, **making it** oblivious **to the problems of contingency**. Not only does this belief that the world is subject to a rational and predictable order make it difficult for liberalism to justify actions that stand outside that order, it also **makes it difficult for liberalism** even to acknowledge emergencies when they do arise. But Schmitt's critique goes even further than this. When liberal constitutionalism does acknowledge the exception, its commitment to the rule of law forces it to choose between potential suicide if it adheres strictly to its legalistic ideals and undeniable hypocrisy if ignores those ideals? Either way, the argument goes, **emergencies expose the inherent shortcomings and weaknesses of liberalism**.

It is undeniable that the rule of law occupies a privileged position within liberal constitutionalism, but it is a mistake to identify liberal constitutionalism with an excessively legalistic orientation that renders it incapable of dealing effectively with emergencies. Schmitt is correct in pointing out that liberal normativism seeks to render government action as impersonal and predictable as possible in normal circumstances, but the history of liberal 'I· constitutional thought leading up to the American Founding reveals that its main proponents recognized the need to supplement the rule of law with a personal element in cases of emergency. The political writings of John Locke, David Hume, William Blackstone, and those Founders who advocated a strong presidency indicate that many early liberal constitutionalists were **highly attuned** to the limitations of law in dealing with events that disrupt the regular order. They were well aware that rigid adherence to the formalities of law, both in responding to emergencies and in constraining the official who formulates the response, **could undermine important substantive aims and values**, thereby sacrificing the ends for the means.

Their reflections on the chronic instability and irregularity of politics reveal an appreciation for the **inescapable**-albeit temporary-**need** for the sort of discretionary action that the law ordinarily seeks to circumscribe. As Locke explained in his classic formulation, that "it is impossible to foresee, and so by laws to provide for, all Accidents and Necessities, that may concern the publick means that the formal powers of the executive specified in law must be supplemented with "prerogative," the "Power to act according to discretion, for the publick good, without the prescription of the Law, and sometimes even against it." 8 Unlike the powers of the Hobbesian sovereign, which are effectively absolute and unlimited, the exercise of prerogative is, in principle, limited in scope and duration to cases of emergency. The power to act outside and even against the law **does not mean that the executive is "above the law”**—morally or politically unaccountable—**but it does mean that** executive power isultimately irreducible to law**.**

### China

#### Their evidence doesn’t make a modernization claim—asks a rhetorical question, what if china modernized—doesn’t say they will

#### No impact—cooperation’s impossible but so is hostility

**Blackwill 2009** – former US ambassador to India and US National Security Council Deputy for Iraq, former dean of the Kennedy School of Government at Harvard (Robert D., RAND, “The Geopolitical Consequences of the World Economic Recession—A Caution”, http://www.rand.org/pubs/occasional\_papers/2009/RAND\_OP275.pdf, WEA)

Alternatively, will the current world economic crisis change relations between China and the United States in a much more positive and intimate direction, producing what some are calling a transcendent G-2? This seems improbable for seven reasons. First, the United States and China **have profoundly different visions** of Asian security. For Washington, maintaining U.S. alliances in Asia is the hub of its concept of Asian security, whereas, for Beijing, America’s alliance system is a destabilizing factor in Asian security and over time should wither away. These opposing concepts will be an **enduring source** of tension between the two sides. Second, these two countries systematically prepare for war against one another, which is reflected in their military doctrines, their weapons procurement and force modernization, and their deployments and military exercises. As long as this is the case, it will provide a formidable psychological and material barrier to much closer bilateral relations. Third, the United States is critical of China’s external resource acquisition policy, which Washington believes could threaten both American economic and security interests in the developing world. Fourth, despite their deep economic dependence on each other, U.S.-China economic relations are **inherently** fragile. China sells too much to the United States and buys too little, and the United States saves too little and borrows too much from China. This will inevitably lead to a backlash in the United States and a Chinese preoccupation with the value of its American investments. Fifth, Chinese environmental policy will be an increasing problem, both for U.S. policymakers who are committed to bringing China fully into global efforts to reduce climate degradation and for Chinese leaders who are just as determined to emphasize domestic economic growth over international climate regimes. Sixth, China and the United States have wholly different **domestic political arrangements** that make a sustained entente difficult to manage. Americans continue to care about human rights in China, and Beijing resents what it regards as U.S. interference in its domestic affairs. This will be a drag on the bilateral relationship for the foreseeable future. And seventh, any extended application by Washington of “Chimerica,” as Moritz Schularick of Berlin’s Free University has called it,23 would so alarm America’s Asian allies, beginning with Japan, that the United States would soon retreat from the concept.24

**Nevertheless**, these factors are unlikely to lead to a substantial downturn in U.S.-China bilateral ties. In addition to their economic interdependence, both nations have important reasons to keep their interaction more or less stable. As Washington wants to concentrate on its many problems elsewhere in the world, especially in the Greater Middle East, Beijing prefers to keep its focus on its domestic economic development and political stability. Neither wants the bilateral relationship **to get out of hand**. In sum, a positive strategic breakthrough in the U.S.-China relationship or a serious deterioration in bilateral interaction both seem doubtful in the period ahead. And the current economic downturn will not essentially affect the abiding primary and constraining factors on the two sides. Therefore, the U.S.-China relationship in five years will probably look pretty much as it does today—part cooperation, part competition, part suspicion—unaffected by today’s economic time of troubles, except in the increasing unlikely event of a cross-strait crisis and confrontation.

#### China won’t nuke

Moore 6 (Scott; Research Assistant – East Asia Nonproliferation Program – James Martin Center for Nonproliferation Studies – Monterey Institute of International Studies, “Nuclear Conflict in the 21st Century: Reviewing the Chinese Nuclear Threat,” 10/18, http://www.nti.org/e\_research/e3\_80.html)

Despite the tumult, there is broad consensus among experts that the concerns generated in this discussion are exaggerated. The size of the Chinese nuclear arsenal is small, estimated at around 200 warheads;[3] Jeffrey Lewis, a prominent arms control expert, claims that 80 is a realistic number of deployed warheads.[4] In contrast, the United States has upwards of 10,000 warheads, some 5,700 of which are operationally deployed.[5]

Even with projected improvements and the introduction of a new long-range Intercontinental Ballistic Missile, the DF-31A China's nuclear posture is likely to remain one of "minimum deterrence."[6] Similarly, despite concern to the contrary, there is every indication that China is extremely unlikely to abandon its No First Use (NFU) pledge.[7] The Chinese government has continued to deny any change to the NFU policy, a claim substantiated by many Chinese academic observers.[8] In sum, then, fears over China's current nuclear posture seem somewhat exaggerated.

This document, therefore, does not attempt to discuss whether China's nuclear posture poses a probable, general threat to the United States; most signs indicate that even in the longer term, it does not. Rather, it seeks to analyze the most likely scenarios for nuclear conflict. Two such possible scenarios are identified in particular: a declaration of independence by Taiwan that is supported by the United States, and the acquisition by Japan of a nuclear weapons capability.

Use of nuclear weapons by China would require a dramatic policy reversal within the policymaking apparatus, and it is with an analysis of this potential that this brief begins. Such a reversal would also likely require crises as catalysts, and it is to such scenarios, involving Taiwan and Japan, that this brief progresses. It closes with a discussion of the future of Sino-American nuclear relations.

#### Their portrayal of a Chinese threat is not a descriptive claim, but one that is value laden and draws lines between the American self and the Chinese Other.

Pan 04. Chengxin Pan, professor of political science and international relations at Australian National University, “The ‘China Threat’ in American Self-Imagination: The Discursive Construction of Other as Power Politics,” Alternatives 29, 2004, pg. 305-331

More specifically, I want to argue that U.S. conceptions of China as a threatening other are always **intrinsically linked** to how U.S. policymakers/mainstream China specialists see themselves (as representatives of the indispensable, security-conscious nation, for example). As such, **they are not value-free, objective descriptions of an independent, preexisting Chinese reality** out there, but are better understood as a kind of normative, meaning-giving practice that often legitimates power politics in U.S.-China relations and helps transform the "China threat" into social reality. In other words, it is **self-fulfilling in practice**, and is always *part* of the "China threat" problem it purports merely to describe. In doing so, I seek to bring to the fore two interconnected themes of self/other constructions and of theory as practice inherent in the "China threat" literature—themes that have been overridden and rendered largely invisible by those common positivist assumptions. These themes are of course nothing new nor peculiar to the "China threat" literature. They have been identified elsewhere by critics of some conventional fields of study such as ethnography, anthropology, oriental studies, political science, and international relations.\* Yet, so far, the China field in the West in general and the U.S. "China threat" literature in particular have shown remarkable resistance to systematic critical reflection on both their normative status as discursive practice and their enormous practical implications for international politics. It is in this context that this article seeks to make a contribution.

#### This skews their application of law, which is itself grounded in policing the color line

Cho and Gott 10. Sumi Cho, professor of law at DePaul University, and Gil Gott, professor of international studies at DePaul University, “The Racial Sovereign,” Sovereignty, Emergency, Legality, ed. Austin Sarat, Cambridge University Press 2010: pg. 190

Sovereignty and other foundational legal principles in the United States developed homologously with the structures of societal racial formation.24 So, for example, how federalism would be defined, who could be a “citi- zen,” or what is meant by “military necessity” or “national security” all “grew up” next to the question of what it meant to be white, what it meant for “America” to be white, and what it meant to lack whiteness in the United States. Courts developed the lofty but racially contingent foundational legal principles in a way that effectively solidified the stratifications of racial caste. These foundational legal principles transcended legal rationales or distinc- tions, and asked the big questions of what it meant to be a nation, what the relationship was between state and federal governments, and how private property became constructed in the United States. National sovereignty,25 federalism,26 separation of powers,27 and plenary power 28 are all central legal principles on which the United States was founded. Each term embeds a racialized history in which race and law were mutually constructed. That these foundational legal principles originate in racial contingency and become defined and refined in the context of racial conflict reveals the his- torical processes by which race and law have been mutually constitutive in the United States.29

#### Don’t let them into the house.

Memmi 2k. Albert Memmi, Professor Emeritus of Sociology at the University of Paris, Naiteire, Racism, Translated by Steve Martinot, pg. 163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved.  Yet for this very reason, it is a struggle to be undertaken without surcease and without concessions**.**  One cannot be indulgent toward racism.  One cannot even let the monster in the house, especially not in a mask.  To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human.  To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.   It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themself] himself an outsider relative to someone else?). Racism illustrates in sum, the inevitable negativity of the  condition of the dominated;  that is it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is. and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one's moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences.  Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is  the very negation.  This is almost a redundancy.  One cannot found a moral order, let alone a legislative order, on racism because racism signifies the exclusion of the other and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is "the truly capital sin."fn22 It is not an accident that almost all of humanity's spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed, All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. "Recall," says the Bible, "that you were once a stranger in Egypt," which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. It is an ethical and a practical appeal -- indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality. Because, in the end. The ethical choice commands the political choice. A just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot.  If it is accepted, we can hope someday to live in peace.  True, it is a wager, but the stakes are irresistible.

## 2NC

### nukes k

#### Weapons are only part of the problem—the more crucial question is the universality of nuclear threat discourse that justifies the use of exceptional violence—only the alternative solves

Masco 12. Joseph Masco, Professor of Anthropology and of the Social Sciences at the University of Chicago, “The Ends of Ends,” Anthropological Quarterly [Volume 85, Number 4, Fall 2012](http://muse.jhu.edu/journals/anthropological_quarterly/toc/anq.85.4.html), pg. 1118

Today we can see that in addition to the new weapons systems built at the end of the 1950s, there was also an important political discovery crucial to the evolving cold War: namely, the universal utility of threat pro- liferation in US security culture. The raw political value of existential threat as a motivating narrative became a well-worn domestic strategy in the Us, one linking the “missile gap” of the 1950s to the “window of vulner- ability” of the 1970s, to the “strategic defense initiative” of the 1980s to the “space based Pearl Harbor” narratives of the 1990s to the terrorist “WMD” discourses of the 2000s as illustrations of a nuclear culture. In each of these cases, we can see how the bomb (as a consolidated form of existen- tial threat) has been good for Americans to think with, becoming the basis for building a nuclear state and a global military system but also for trans- forming raw military ambition into a necessary form of “defense.” but if the bomb has been crucial to constituting US “superpower” status, it has also produced a complex new domestic affective political domain, allowing images of, and appeals to, existential threat to become a central means of establishing and expanding a militarized national security culture.

## 1NR

### solvency

#### congress will defer – plan’s artificial restriction on the executive makes things worse

**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. 47-48)

The concern we have just articulated, that Congress will block or delay justified security measures, itself explains congressional practice. Legislators themselves know that Congress is not well suited for emergency action. Rather than trying to legislate for emergencies during emergencies, legislators act beforehand, authorizing the president and executive agencies to act if an emergency arises and generally granting them massive discretion.53 Legislative action during emergencies consists predominantly of ratifications of what the executive has done, authorizations of whatever it says needs to be done, and appropriations so that it may continue to do what it thinks is right. Aware of their many institutional disadvantages—lack of information about what is happening, lack of control over the police and military, inability to act quickly and with one voice—legislators confine themselves to expressions of support or concern.

The historical record of emergency-driven ratifications, authorizations, and appropriations does not show that the deliberative processes of Congress have been engaged. The more plausible explanation is that Congress, knowing itself helpless before the emergency, looks to the executive for leadership, gratefully defers to its judgment, and provides it with any legislation that it may desire. On this view, unauthorized executive action ought to be rare—and indeed it is, as we shall note below. When it does occur, one does not know whether to blame the executive for acting hastily or Congress for failing to overcome its institutional disabilities despite an emergency.

### china

#### their very understanding of China is locked in a mentality of paranoid threat construction in which containment and engagement become indistinguishable

**Seng 2—**Head of Research for Institute of Defence and Strategic Studies, Singapore. PhD (Tan See, What Fear Hath Wrought: Missile Hysteria and The Writing of “America”, July 2002, http://www.rsis.edu.sg/publications/WorkingPapers/WP28.PDF, AMiles)

In Kyle’s discourse we encounter, first, the partisan criticism levelled against the previous administration for its evidently erroneous belief that China could be “reformed” by the “civilizing influence of the West.” That this statement proceeds immediately from there to demonstrate why “this theory hasn’t proven out” is not to imply that the senator from Arizona therefore thinks that the entirety of the Clinton Administration’s purported logic is thereby flawed. Indeed, his discourse enacts precisely the same exclusionary practice, present in the logic that he has just criticized, so as to position China as a “lesser subject,” so to speak, relative to the US. Again, Butler’s thoughts are helpful here: “This exclusionary matrix by which subjects are formed thus requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects,’ but who form the constitutive outside to the domain of the subject.” 75 I would suggest that Butler’s “abject beings…who are not yet ‘subjects’” may possibly be construed as what I have termed “lesser subjects.” Hence, in much the same way that colonial or Orientalist discourses produced subaltern subjects in order to be known, domesticated, disciplined, conquered, governed, and of course civilized, 76 the figuration of “China” in Kyle’s discourse, evoking a genre of Otherness most moderns prefer to think has disappeared with the passing of colonialism, is that of an uncivilized barbaric nation and people. The previous Democratic administration, according to Kyle, erred in believing that the Chinese can be reformed and civilized, but no such hope – and it is, after all, a liberal hope – need be entertained by conservatives who know better than to even attempt to civilize “the natives.” This representation allows for the simultaneous production of the properly constituted subject, “America,” where human rights, the rule of law, democracy, and a track record of good neighbourliness are fully embraced along with capitalism. Here we may note that although this inventory of criteria has long been associated with how Americans perceive themselves – and, to be sure, how the world perceives America, positively as well as negatively – their own national history, however, is littered with as many spectacular failures as there have been successes in these very areas. Further, what is interesting to note, in terms of the redeployment – or, to paraphrase Foucault, a “re-incitement” – of Orientalist tropes in security discourse, is the shift from the sorts of axiomatic and practical axes that structure interrelated discourses on communism during and prior to the Cold War, to the axes that configure contemporary readings of communism or, more precisely, the latest variant of “socialism with Chinese characteristics.” As Campbell has pointed out, one of the dimensions upon which pivoted the construction of Soviet communism as the West’s Other was that of the organizing of economic relations: notably, in its most simplistic terms, central planning and collectivisation on the part of the communist bloc; and, laissez faire cum mixed economy and private ownership on the part of the Free World. 77 In the case of Senator Kyle’s narrative – which, in a key respect, reiterates and references norms and tropisms already present in security discourses on China during the Clinton presidency – that particular axis has become irrelevant in the wake of China’s “embrace of western capitalism” and growing integration with the global economy. 78 For a replacement, contemporary security discourse has mobilized other representational resources that, as we have seen, function within the senator’s discourse to domesticate and constitute China as a threat. And although China is described therein as “being led by a communist regime,” the choice of this particular adjective, deliberately circulated to invoke past articulations of fear, no longer refers to the same thing, however. Hence, much as China has “embraced western capitalism,” much as communism in its economic sense is no longer adhered to throughout all of China, the discursive construction of Otherness, to the extent that the figuration of communism is still being employed, now proceeds along the democratic/authoritarian axis, as well as along other axes (elaborated upon earlier) around which rogue states are constituted. **From this** fragment of **discourse** – reliant as it is on other discourses developmental, humanitarian, juridical, ethical, economic, political, ideological, cultural, and of course security in order to be effective – “**emerges” a China that can be perceived in no other way other than as a threat to the US**. Kyle concludes with a stirring endorsement of what may be for others symptomatic of American hubris and ethnocentricity: “We should hold China up to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy” 79 – words today that resonate ambivalently as Washington wages its “new war on terrorism” in the name of freedom and democracy while, at the same time, having to infringe upon the civil liberties of some Americans of particular ethno-religious backgrounds in the name of that war. Finally, it is not entirely clear why Chinese “military modernization and buildup of forces opposite Taiwan,” much less “Beijing’s threatening rhetoric” – as if Chinese leaders, unlike their US counterparts, do not ever employ rhetoric for purposes of domestic consumption – should automatically lead Americans to “the conclusion that China potentially poses a growing threat to [the US’s] national security.” To its credit, the **Bush** Administration has, for the most part, **avoided** any **forthright labelling** of **China as a threat**, much less a clear and present danger. **But the conditions of discursive possibility for such labelling are clear and present, so much so that policy options of containment, confrontation, and engagement,** in an important sense**, do not constitute fundamentally distinct ways of conceptualising China, but rather overlapping approaches to managing an already presumed Other, both dangerous and threatening**. As National Security Advisor Condoleeza Rice has argued, “China is not a ‘status quo’ power [because it] resents the role of the United States in the Asia-Pacific region” 80 – an ideological reduction that not only constitutes China as incorrigibly revisionist, but refuses the possibility that China may in fact accept (or, as a retired Chinese diplomat recently put it, “tolerate” 81 ) the international status quo owing to the benefits Beijing has accrued and desires to continuing accruing, thanks largely to America’s apparent stabilizing influence in the region. 82 Moreover, as one analyst has averred, “Beijing has a history of testing US presidents early to see what they’re made of.” 83 As in the above illustrations concerning rogue states, exclusionary practices along various axiomatic and practical axes construct a particular China that, in turn, legitimates the view of the Chinese and their missiles as threats. All the while, the contemporaneous production and reproduction of a particular American identity proceeds apace by way of the reiteration and reference of boundary producing performances that form the constitutive “outside” of danger, threat, and vulnerability.