# 1NC

### Off

Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

Increase means from a baseline - this means a topical aff must result in a SUBSTANTIE CHANGE in presidential policy.

Rogers 5 Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis

 [\*\*48]  Statutory Interpretation. HN16While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. 42 U.S.C. § 7411(a)(4). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004); Bluewater Network, 370 F.3d at 13; Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

Violation - our interpretation is that a topical affirmative must a restriction on EXISTING war powers, not a limitation on future potential aggression - cx proves the aff is the latter.

Af is also anti topical because they increase presidential WPA by expanding the scope of people he can target

Voter

1.) Ground - Aff eliminates core topic controversey - negative doesnt get any DAs to a change from the status quo because the aff merely affirms what the prez has been doing for the last 15 years. Also makes for bad debate - I/L link chains are speculative, we control best i/l to aff ground - these affs lose

2.) Limits - everything on the topic in addition to every aff that is the status quo - Their interp renders the topic "Kritiks vs the aff"

### Off

The affirmative represents a strategy of lip service restraint re-affirms executive power granting legitimacy to sovereign manipulation of law

**Posner & Vermeule 10** Eric A. Posner [Kirkland & Ellis Distinguished Service Professor of Law] AND Adrian Vermeule [Jr. Professor of Law at Harvard Law School] “The Executive Unbound: After the Madisonian Republic”, Oxford: Oxford University Press, USA, 2010 [Questia] pp 3-5

Some commentators argue that the federal courts have taken over Congress’s role as aninstitutional check. It is true that the Supreme Court has shown little compunction about striking down statutes (although usually state statutes), and that it rejected some of the legal theories that the Bush administration used to justify its counterterrorism policies. However, the Court remains a marginal player. The Court ducked any legal rulings on counter terror policies until the 2004 Hamdi decision, and even after the Boumediene decision in 2008, no detainee has been released by final judicial order, from Guantánamo or elsewhere, except incases where the government chose not to appeal the order of a district judge. The vast majorityof detainees have received merely another round of legal process. Some speculate that judicialthreats to release detainees have caused the administration to release them preemptively. Yetthe judges would incur large political costs for actual orders to release suspected terrorists, andthe government knows this, so it is unclear that the government sees the judicial threats ascredible or takes them very seriously. The government, of course, has many administrativeand political reasons to release detainees, quite apart from anything the courts do. So the executive submits to judicial orders in part because the courts are careful not to give orders that the executive will resist.¶ In general, judicial opposition to the Bush administration’s counterterrorism policies took the form of incremental rulings handed down at a glacial pace, none of which actually stopped any of the major counterterrorism tactics of that administration, including the application of military power against Al Qaeda, the indefinite detention of members of Al Qaeda, targeted assassinations, the immigration sweeps, even coercive interrogation. The (limited)modifications of those tactics that have occurred resulted not from legal interventions but from policy adjustments driven by changed circumstances and public opinion, and by electoral victory of the Obama administration. However, the Obama administration has mostly confirmed and in some areas even expanded the counterterrorism policies of the Bush administration. Strong executive government is bipartisan. The 9/11 attack provided a reminder of just how extensive the president’s power is. The executive claimed the constitutional authority to, in effect, use emergency powers. Because Congress provided redundant statutory authority, and the Supreme Court has steadfastly refused to address the ultimate merits of the executive’s constitutional claims, these claims were never tested in a legal or public forum. But it is worth trying to imagine what would have happened if Congress had refused to pass the Authorization for Use of Military Force and the Supreme Court had ordered the¶ executive to release detainees in a contested case. We think that the executive, backed up as it was by popular opinion, would have refused to obey. And, indeed, for just that reason, Congress would never have refused its imprimatur and the Supreme Court would never have stood in the executive’s way. The major check on the executive’s power to declare an emergency and to use emergency powers is—political. The financial crisis of 2008–2009 also revealed the extent of executive power. Acting together, the Fed, the Treasury, and other executive agencies spent hundreds of billions of dollars, virtually nationalizing parts of the financial system. Congress put up a fuss, but it could not make policy and indeed hardly even influenced policy. Congress initially refused to supply a blank check, then in world-record time changed its mind and gave the blank check, then watched helplessly as the administration adopted policies different from those for which it said the legislation would be needed. Courts played no role in the crisis except to ratify executive actions in tension with the law.2'

The justifications for restrictions presuppose that the suspension of legal rights is the exception and not, for many people, the rule. This logic perpetuates the logic of legal black holes that subject us to the state of exception

**Fabbri 9** Lorenzo Fabbri [PhD in Romance Studies, professor of Italian @ University of Minnesota –areas of research Biopolitics, Continental Philosphy, Humanities, Italian Studies, Critical Theory, Film Studies, and Post-Colonial Studies] ¶ “Chronotopologies of the Exception: Agamben and Derrida before the Camps”¶ Diacritics, Volume 39, Number 3, Fall 2009, pp. 77-95 (Article) Published by The Johns Hopkins University Press

I begin with Bruce Ackerman who in “The Emergency Constitution” tried to demarcate ¶ an unmistakable threshold between the normal functioning of a constitutional democracy and its exceptional suspension. After having separated these two realms, Ackerman ¶ concerns himself with determining the actor who should have the authority to switch ¶ from normality to exceptionality (and vice versa). From this perspective he argues for ¶ the necessity of a statutory reform that would unmistakably preserve the legislature authority over the exception threshold, and therefore prevent the executive from turning ¶ a transitional emergency regime into a permanent police state. However imperative or ¶ praiseworthy such an attempt may be, I argue that Ackerman’s legalist framework fails ¶ to notice that the exception is not something that—sometimes and somewhere, in a local ¶ and transitory context—needs to be enforced in order to deal with national emergencies. ¶ Following Adrian Vermeule, my first critical intervention consists in showing that any ¶ defense of classic legalism overlooks the inevitable existence, within a system of rights, ¶ of legal black and grey holes that always allow for negotiations with the rule of law. ¶ Against Vermeule, I claim that these loopholes are not created by the judicial discretion ¶ inscribed in administrative law, but provoked by the naked formality of laws, i.e., by the ¶ very form of law. Inspired by Jacques Derrida’s description of the textual structure of our ¶ relation to law and Agamben’s identifying the state of exception as the paradigm of government, I argue that spectacular exceptions granted to the executive when emergencies ¶ transpire should not distract us from the micro-exceptions that are produced every time ¶ the meaning of a certain law is decided upon. In other words, the executive’s reactions ¶ to national crises should not prevent us from acknowledging that, for certain segments ¶ of the population, freedom is normally, and strategically, negated. After highlighting the ¶ structural affinities between Derrida and Agamben’s topologies of the exception, I will ¶ show why, according to Agamben, deconstruction’s eternal and tactical negotiation with a ¶ law recognized to always be in force without any fixed meaning is insufficient. In order to ¶ improve our position in the struggle against an emergency that has always been the rule, ¶ the task before us is the creation of truly extra-juridical spaces that might function as real ¶ exceptions to sovereign power.

The 1ac concerns itself with appearance and the spectacle of the law - this legitimizes state violence.

Giorgio Agamben 2000 [Phd., Baruch Spinoza Chair at European Graduate School EGS, is a professor of aesthetics at the University of Verona, Italy and teaches philosophy at the Collège International de Philosophie in Paris and at the University of Macerata in Italy] “Means Without End: Notes on Politics”, p. 93-95)

Because human beings neither are nor have to be any essence, any nature, or any specific destiny, their condition is the most empty and the most insub­stantial of all: it is the truth. What remains hidden from them is not something behind appearance, but rather appearing itself, that is, their being nothing other than a face. The task of politics is to return appearance itself to appearance, to cause appearance itself to appear. The face, truth, and exposition are today the objects of a global civil war, whose battlefield is social life in its en­tirety, whose storm troopers are the media, whose victims are all the peoples of the Earth. Politicians, the media establishment, and the advertising industry have under­stood the insubstantial character of the face and of the community it opens up, and thus they transform it into a miserable secret that they must make sure to control at all costs. State power today is no longer founded on the monopoly of the legitimate use of violence — a mo­nopoly that states share increasingly willingly with other nonsovereign organizations such as the United Nations and terrorist organizations; rather, it is founded above all on the control of appearance (of doxa). The fact that politics constitutes itself as an autonomous sphere goes hand in hand with the separation of the face in the world of spectacle — a world in which human communication is being separated from itself. Exposition thus transforms itself into a value that is accumulated in images and in the media, while a new class of bureaucrats jealously watches over its management.

This presentation of legitimacy continues crumbling the distinction between democracy and totalitarianism and reinforces death-centered thanatopolitics causeing genocide on the global scale.

**Hall 7** Lindsay Anne Hall [MA Political Science] “Death, Power, and the Body: A Bio-political Analysis of Death and Dying” May 7, 2007 (Research paper presented to faculty of the Virginia Polytechnic Institute and State University)¶ http://scholar.lib.vt.edu/theses/available/etd-05152007-134833/unrestricted/etd.pdf

Agamben, on the other hand, addresses the intertwinement of medicine, death, ¶ and power through his analysis of the modern individualís exposure to death. According ¶ to Agamben, Western culture has become “thanatopolitical,” which means that it is ¶ dominated by a politics of death that leaves us more and more exposed to both death and ¶ operations of power. For Agamben, death has become indistinct. It is both meaningful ¶ and meaningless, both individual and anonymous, both visible and invisible. Moreover, ¶ because modern society increasingly exposes individuals to death, liberal democracy ¶ becomes increasingly indistinguishable from totalitarian regimes, an issue I will explore ¶ in more detail in Chapter Three. While the issues that I am addressingólife sustaining ¶ technologiesóare merely one symptom of the greater problem that Agamben is himself ¶ concerned with, I hope that shedding more light on this particular space of power can ¶ allow us to think about and eventually challenge the greater politics of death operating in ¶ modern society.¶ In this study I will focus specifically on reconsidering the relations of power ¶ surrounding the decision to stop preserving life in the particular space of the hospital ¶ room. According to Foucaultís view, terminating life is nearly unthinkable in a biopolitical society. Thus, as Benjamin Noys elaborates, we ìtry so hard to preserve life, ¶ even at the cost of terrible suffering, because death is the limit to [bio-political] powerî ¶ (2005, 54). For Foucault, death has become ìshameful,î it is paramount to giving up, to ¶ letting go, or to admitting defeat (all things given a negative connotation in Western ¶ society) (2003c, 247). In this study I would like to reconsider these claims through ¶ Giorgio Agambenís argument that death has become more political as the boundary ¶ between life and death has become blurred. Such a state of being, he claims, exposes the ¶ body to death, and yetóas I am primarily concerned withóìsaturatesî the body with ¶ power (Agamben 1995, 164). ¶ As suggested by this synopsis, I am using Foucault as the starting point for my ¶ study. Though I ultimately bring in Agamben who question aspects of his analysis of ¶ power, I begin my first chapter with an in depth account of the ways in which Foucault ¶ believed power to be exercised upon the body. In this chapter I begin to hammer out the ¶ theoretical framework that I will then both use and challenge in order to analyze the ¶ space of the hospital room as a space of power. In The Birth of the ClinicóFoucaultís ¶ only sustained analysis of the medical disciplineóhe claimed that the body was suddenly ¶ made ìexhaustively legibleî with the birth of modern medicine. More precisely, he ¶ claims that it was ìfrom the integration of death into medicineÖthat Western man could ¶ [at last] constitute himself in his own eyes as an object of science,î grasping himself ¶ within his own language, and giving himself his own discursive existence (Foucault ¶ 1973, 197). In his later writings on power, however, Foucault gives this constitutive ¶ capacity of individuals to sexuality, not death, and as I have previously suggested, ¶ Foucault begins to look at death as a limit to power itself. Throughout this study I have ¶ attempted to reconcile this seeming contradiction in Foucaultís work through the work of ¶ Giorgio Agamben. ¶ My second chapter is an examination of what Agamben terms the ìzone of ¶ indistinctionî between life and death. For Agamben, the line between life and death has ¶ become increasingly blurred by a whole series of ìwaveringsî around both the time of¶ death and the question of who decides on this time. As Agamben claims, this decision is ¶ increasingly taken up by the medical profession, thus in the conclusion of this chapter I ¶ return to Foucaultís only sustained engagement with medical power, The Birth of the ¶ Clinic. In this section I argue that Agambenís analysis of the intertwinement between the ¶ medical discipline and power might benefit from some of the historical insights provided ¶ in Foucaultís analysis. While Agamben centers his analysis on post-World War II ¶ society, Foucaultís work demonstrates that the entanglement of medicine and sovereign ¶ power have a far longer history than perhaps Agamben realizes or is willing to engage ¶ with. ¶ In the third and final chapter of this study I examine how death is politicized. As ¶ Agamben argues, death is not a natural or biological moment but a political decision. In ¶ order to tackle the nature of this decision I look at the work of Peter Singer who ¶ compares two seemingly contradictory ethics, the ethics of the sanctity of life and the ¶ quality of life ethic. An Agambenean analysis of these ethics however, suggest some ¶ problems that Singer may have not been able to articulate because he fails to take into ¶ account the political nature of death. One of the criticisms that has been lodged against ¶ Singer is that his ethics closely parallels Nazi eugenics programs in which the medical ¶ establishment made decisions on whose life was worth living. This criticism bridges the ¶ gap between Singerís work and the point I have been making through this piece- biopower is intimately enmeshed with sovereignty. ¶ Foucault saw this combination at work primarily in totalitarian regimes. ¶ However, as Agamben argues, the distinctions between totalitarian regimes and ¶ democracies are crumbling. I argue in my Conclusion that modern power is increasingly ¶ an amalgamation between the bio-political and the thanatopolitical. For power can both ¶ manage life and expose us to death. What is crucial to take from this analysis is that we ¶ must formulate some sort of individual resistance to this power, even though techniques ¶ of modern bio-power (bureaucratic planning, statistical analysis, population control) may ¶ xpose us to death as a population rather than as individuals. This resistance must be ¶ something greater than simply a call for physician assisted suicide or an appeal for ¶ individual ownership of our bodies, it must first center on an engagement with what ¶ about life is really worth preserving.

Our alternative is to shake out the rug from under the 1ac's mode of legal analysis - this is preferable to actualizing new and less oppressive societal formulations.

Singer 84 - Associate Professor of Law (Joseph William Singer, Associate Professor of Law at Boston University, 1984, [“The Player and the Cards: Nihilism and Legal Theory,” Yale Law Journal (94 Yale L.J. 1)

What shall we do then about legal theory? I think we should abandon the idea that what we are supposed to be doing is applying or articulating a rational method that will tell us once and for all (or even for our generation) what we are supposed to believe and how we are supposed to live. We should no longer view the project of giving a "rational foundation" for law as a worthwhile endeavor. If morality and law are matters of conviction rather than logic, we have no reason to be ashamed that our deeply felt beliefs have no "basis" that can be demonstrated through a rational decision procedure or that we cannot prove them to be "true" or "right." Rorty has distinguished between two broad types of theory: systematic and edifying. n165 Systematic philosophers build systems of thought that they claim explain large bodies of material, guide theoretical development, and generate answers to difficult questions. Systematizers can be either normal or revolutionary philosophers. The normal systematizers work within established tradition; the revolutionary systematizers seek to replace the established paradigm with a new, better, or truer paradigm of thought. Both try to establish a framework that will set bounds on the legitimate content of discourse. Edifying philosophers, on the other hand, seek to shake the rug out from under existing normal or abnormal systems of thought. They seek to make us doubt the necessity and coherence of our views. They seek to free us from feeling that we have "gotten" the answer and that we no longer need to question ourselves about what we stand for. Edifying philosophers do not seek to induce people to give up their moral views. They do not [\*58] argue against profound political commitment. Rather, they strive to make us realize that our views are matters of commitment rather than knowledge. n166 Legal scholars can perform an edifying role by broadening the perceived scope of legitimate institutional alternatives. n167 One way to do this is to demonstrate the contingent and malleable nature of legal reasoning and legal institutions. The greatest service that legal theorists can provide is active criticism of the legal system. Criticism is initially reactive and destructive, rather than constructive. But our mistaken belief that our current ways of doing things are somehow natural or necessary hinders us from envisioning radical alternatives to what exists. To exercise our utopian imagination, it is helpful first to expose the structures of thought that limit our perception of what is possible. Judges rationalize their decisions as the results of reasoned elaboration of principles inherent in the legal system. Instead of choosing among available descriptions, theories, vocabularies, and course of action, the official who feels "bound" reasons from nonexistent "grounds" and hides from herself the fact that she is exercising power. n168 By systematically and constantly criticizing the rationalizations [\*59] of traditional legal reasoning, we can demonstrate, again and again, that a wider range of alternatives is available to us. I therefore advocate the persistent demonstration in all doctrinal fields that both the legal rules in force and the arguments that are presented to justify and criticize them are incoherent. n169 They are incoherent because they are constructed in ways that make it impossible for them to satisfy their own claims to determinacy, objectivity and neutrality. n170 Legal theory is at war with itself. This kind of criticism would be useful even if we could not imagine a satisfactory alternative to traditional legal theory. Such criticism reminds us that legal theory cannot answer the question of how we are going to live together. We are going to have to answer that question ourselves.

### Off

The 1AC exemplifies human chauvinism: formulating our ethics around minimizing [death] is informed by a nature-loathing philosophy.

Callicott 89 (J Baird, Prof of Phil @ U of Wisconsin—Steven’s Point, In Defense of Land Ethics)

The "shift of values" which results from our "reappraising things unnatural, tame, and confined in terms of things natural, wild, and free" is especially dramatic when we reflect upon the definitions of good and evil espoused by Bentham and Mill and uncritically accepted by their contemporary followers. Pain and pleasure seem to have nothing at all to do with good and evil if our appraisal is taken from the vantage point of ecological biology. Pain in particular is primarily information. In animals, it informs the central nervous system of stress, irritation, or trauma in outlying regions of the organism. A certain level of pain under optimal organic circumstances is indeed desirable as an indicator of exertion--of the degree of exertion needed to maintain fitness, to stay in shape, and of a level of exertion beyond which it would be dangerous to go. An arctic wolf in pursuit of a caribou may experience pain in her feet or chest because of the rigors of the chase. There is nothing bad or wrong in that. Or, consider a case of injury. Suppose that a person in the course of a wilderness excursion sprains an ankle. Pain informs him or her of the injury and by its intensity the amount-of further stress the ankle may endure in the course of getting to safety. Would it be better if pain were not experienced upon injury or, taking advantage of recent technology, anaesthetized? Pleasure appears to be, for the most part (unfortunately it is not always so) a reward accompanying those activities which contribute to organic maintenance, such as the pleasures associated with eating, drinking, grooming, and so on, or those which contribute to social solidarity like the pleasures of dancing, conversation, teasing, and so forth, or those which contribute to the continuation of the species, such as the pleasures of sexual activity and of being parents. The doctrine that life is the happier the freer it is from pain and that the happiest life conceivable is one in which there is continuous pleasure uninterrupted by pain is biologically preposterous. A living mammal which experienced no pain would be one which had a lethal dysfunction of the nervous system. The idea that pain is evil and ought to be minimized or eliminated is as primitive a notion as that of a tyrant who puts to death messengers bearing bad news on the supposition that thus his well-being and security is improved. More seriously still, the value commitments of the humane movement seem at bottom to betray a world-denying or rather a life-loathing philosophy. The natural world as actually constituted is one in which one being lives at the expense of others, as Each organism, in Darwin's metaphor, struggles to maintain it own organic integrity. The more complex animals seem to experience (judging from our own case, and reasoning from analogy) appropriate and adaptive psychological ac¬companiments to organic existence. There is a palpable passion for self-preservation. There are desire, pleasure in the satisfaction of desires, acute agony attending injury, frustration, and chronic dread of death. But these experiences are the psychological substance of living. To live is to be anxious about life, to feel pain and pleasure in a fitting mixture, and sooner or later to die. That is the way the system works. If nature as a whole is good, then pain and death are also good. Environmental ethics in general require people to play fair in the natural system. The neo-Benthamites have in a sense taken the uncourageous approach. People have attempted to exempt themselves from the life/death reciprocities of natural processes and from ecological limitations in the name of a prophylactic ethic of maximizing rewards (pleasure) and minimizing unwelcome information (pain). To be fair, the humane moralists seem to suggest that we should attempt to project the same values into the nonhuman animal world and to widen the charmed circle--no matter that it would be biologically unrealistic to do so or biologically ruinous if, per impossible, such an environmental ethic were implemented.

Anthropocentrism allows the destruction of all forms of being by allowing it to be reengineered for human purposes.

Lee 99 (Keekok, Visiting Chair in Philosophy at Lancaster University, The Natural and the Artefactual)

To appreciate this dimension one needs to highlight the distinction between the artefactual and the natural. The former is the material embodiment of human intentionality--an analysis in terms of Aristotle's causes shows that all four causes, since late modernity, may be assigned to human agency.'- The latter, ex hypothesi, has nothing to do with human agency in any of its four causes. This shows that the artefactual and the natural belong to two very different ontological categories—one has come into existence and continues to exist only because of human purpose and design while the other has come into existence and continues to exist independently of human purpose and design. In the terminology of this book, the artefactual embodies extrinsic/imposed teleology while the natural (at least in the form of individual living organisms) embodies intrinsic/immanent teleology. However, the more radical and powerful technologies of the late twentieth and the twenty-first centuries are capable of producing artefacts with an ever increasing degree of artefacticity. The threat then posed by modem homo faber is the systematic elimination of the natural, both at the empirical and the ontological levels, thereby generating a narcissistic civilization. In this context, it is, therefore, appropriate to remind ourselves that beyond Earth, nature, out there, exists as yet unhumanized. But there is a strong collective urge, not merely to study and understand that nature, but also ultimately to exploit it, and furthermore, even to transform parts of it into ersatz Earth, eventually making it fit for human habitation. That nature, as far as we know, has (had) no life on it. These aspirations raise a crucial problem which environmental philosophy ought to address itself, namely, whether abiotic nature on its own could be said to be morally considerable and the grounds for its moral considerability. If no grounds could be found, then nature beyond Earth is ripe for total human control and manipulation subject to no moral but only technological and/or economic constraints. The shift to ontology in grounding moral considerability will, it is argued, free environmental philosophy from being Earthbound in the millennium about to dawn. In slightly greater detail, the aims of this book may be summarized as follows 1. To show how modem science and its technology, in controlling and manipulating (both biotic and abiotic) nature, transform it to become the~  artefactual. It also establishes that there are degrees of 'artefacticity  depending on the degree of control and precision with which science and  technology manipulate nature. An extant technology such as biotechnology already threatens to imperil the existence of biotic natural kinds. Furthermore  technologies of the rising future, such as molecular nanotechnology, i~  synergistic combination with biotechnology and microcomputer technology,.  could intensify this tendency to eliminate natural kinds, both biotic and abiotic~  as well as their natural processes of evolution or change. 2. To consider the implications of the above for environmental philosophy, and in so doing, to point out the inadequacy of the extant accounts about intrinsic value in nature. By and large (with some honorable exceptions), these concentrate on arguing that the biotic has intrinsic value but assume that the~ undeniable contingent link between the abiotic and the biotic on Earth would~ take care of the abiotic itself. But the proposed terraformation of Mars (and even of Earth's moon only very recently) shows the urgent need to develop a much more comprehensive environmental philosophy which is not merely Earthbound but can include the abiotic in its own right. 3. The book also raises a central inadequacy of today's approaches in  environmental philosophy and movements. They concentrate predominantly  on the undesirable polluting aspects of extant technologies on human an~  nonhuman life, and advocate the introduction of more ecologically sensitive  technology (including this author's own earlier writing). If this were the most  important remit of environmental philosophy, then one would have to admit  that nature-replacing technologies (extant and in the rising future) could be  the ultimate 'green' technologies as their proponents are minded to maintain  in spite of their more guarded remarks about the environmental risks that ma'  be incurred in running such technologies.' Such technologies would also~  achieve what is seemingly impossible, as they promise to make possible ~  world of superabundance, not only for the few, but for all, without straining  and stressing the biosphere as a sink for industrial waste. But this book argue  that environmental philosophy should not merely concern itself with the  virtuous goal of avoiding pollution risks to life, be that human or nonhuman It should also be concerned with the threat that such radically powerful technologies could render nature, both biotic and abiotic, redundant. A totally artefactual world customized to human tastes could, in principle, be designed and manufactured. When one can create artefactual kinds (from what Aristotle calls 'first. matter,' or from today's analogue, what we call atoms and molecules of familiar elements like carbon, nitrogen, hydrogen, etc.) which in other relevant respects are indistinguishable from natural kinds (what Aristotle calls 'second matter'), natural kinds are in danger of being superseded. The ontological category of the artefactual would replace that of the natural. The upholding of the latter as a category worth preserving constitutes, for this book, the most fundamental task in environmental philosophy. Under this perspective, the worrying thing about modem technology in the long run may not be that it threatens life on Earth as we know it to be because of its polluting effects, but that it could ultimately humanize all of nature. Nature, as 'the Other,' would be eliminated. 4. In other words, the ontological category of the natural would have to be delineated and defended against that of the artefactual, and some account of 'intrinsic' value would have to be mounted which can encompass the former. The book argues for the need to maintain distinctions such as that between human/nonhuman, culture/nature, the artefactual/the natural. In other words, ontological dyadism is required, though not dualism, to combat the transformation of the natural to become the artefactual. The book also argues that the primary attribute of naturally-occurring entities is an ontological one, namely, that of independence as an ontological value. Such an attribute is to be distinguished from secondary attributes like intricacy, complexity, interests-bearing, sentience, rationality, etc., which are said to provide the grounds for assigning their bearers intrinsic value. In this sense, ontology precedes axiology.

Your impact calculus should transcend human value: the alternative is to vote negative to endorse an eco-centric ethic that sees the universe as having intrinsic value independent of humanity.

Lee 99 (Keekok, Visiting Chair in Philosophy at Lancaster University, The Natural and the Artefactual, 1999)

We should not delude ourselves that the humanization of nature will stop at biotic nature or indeed be confined only to planet Earth. Other planets in our solar system, too, may eventually be humanized; given the technological possibility of doing so, the temptation to do so appears difficult to resist on the part of those always on the lookout for new challenges and new excitement. To resist the ontological elimination of nature as 'the Other,' environmental philosophy must not merely be earthbound but, also, astronomically bounded (at least to the extent of our own solar system). We should bear in mind that while there may be little pristine nature left on Earth, this does not mean that nature is not pristine elsewhere in other planets. We should also be mindful that while other planets may not have life on them, this does not necessarily render them only of instrumental value to us. Above all, we should, therefore, bear in mind that nature, whether pristine or less than fully pristine, biotic or abiotic, is ontologically independent and autonomous of humankind—natural forms and natural processes are capable of undertaking their own trajectories of existence. We should also remind ourselves that we are the controllers of our science and our technology, and not allow the products of our intellectual labor to dictate to us what we do to nature itself without pause or reflection. However, it is not the plea of this book that humankind should never transform the natural to become the artefactual, or to deny that artefacticity is not a matter of differing degrees or levels, as such claims would be silly and indefensible. Rather its remit is to argue that in systematically transforming the natural to become the artefactual through our science and our technology, we are at the same time systematically engaged in ontological simplification. Ontological impoverishment in this context is wrong primarily because we have so far failed to recognize that nature embodies its own funda­mental ontological value. In other words, it is not true, as modernity alleges, that nature is devoid of all value and that values are simply humanly conferred or are the projections of human emotions or attitudes upon nature. Admittedly, it takes our unique type of human consciousness to recognize that nature possesses ontological value; however, from this it would be fallacious to conclude that human consciousness is at once the source of all values, or even the sole locus of axiologically-grounded intrinsic values. But most important of all, human con­sciousness does not generate the primary ontological value of independence in nature; nature's forms and processes embodying this value exist whether human­kind is around or not.

### Terrosim

#### Doesn’t solve terrorism

John Arquilla 13, professor of defense analysis at U.S. Naval Postgraduate School, 6/3, “Drones Are Too Slow to Kill Terrorists,” Foreign Policy

Sadly, political acumen all too often makes for poor strategy -- as it surely does in this case. In the matter of drones, the problem is that the instrument itself -- an unmanned but armed aircraft -- has very serious operational and ethical constraints. During the past decade, over 400 drone attacks have taken place -- the vast majority on President Obama's watch, most of them striking on sovereign Pakistani territory. This is simply too slow a tempo, allowing enemy networks plenty of time to absorb whatever losses are inflicted and to recover from them. The problematic aerial offensive also comes at the serious cost of creating both outrage and instability in the countries where innocents are sometimes killed in drone attacks -- particularly in places targeted for "signature strikes," where those in the crosshairs simply fit a suspicious profile. The focus on "high-value targets" is closely related to the dependence on the use of drones, as the air attacks generally aim at hitting al Qaeda leaders. But this, too, is a case of going down a rabbit hole. For in a network -- a loose-jointed, very flat organizational form -- everybody is No. 3. Even the loss of No. 1, Osama bin Laden, has had little overall effect on al Qaeda, which has been able to return to Iraq, join the fight in Syria, keep up operations in Yemen and Somalia, and expand to Libya, Mali, and Nigeria -- among other places. Former Secretary of Defense Leon Panetta was fond of saying that al Qaeda was "on the verge of strategic defeat." Hardly. As the State Department's Country Reports on Terrorism, released late last week, points out, al Qaeda remains a serious threat, mostly due to its "decentralized, dispersed structure." Another pillar of President Obama's strategy, the call to address the grievances that give rise to terrorism, is a real head-scratcher, too. If all the people around the world who were subject to chronic poverty, misrule, and sheer, unrelenting injustice were to turn to terrorism, there would be more terrorists than ordinary citizens in any global census. The fact of the matter is that most who suffer do so without resort to the murder of innocents as a means of expressing their outrage. And the sources of grievances are so deeply rooted in specific cultures and their historical paths of development that to "address" them, as the president wishes, would call for nothing short of creating the kind of "new world order" that Bush the Elder envisioned and briefly thought might be possible some 20 years ago. The idea was DOA. It's still dead. Further, the notion of mending grievances, to my mind the most troubling aspect of the Obama strategy, was advanced in the speech at the National Defense University without reference at all to the possibility that American actions in the world might possibly be a real source of grievance. For example, the invasion of Iraq in 2003 remains a highly questionable use of force, and images from the conflict there have no doubt proved valuable recruiting tools for al Qaeda. And the president's rather obtuse insistence that the war in Iraq has ended can only inflame the wound and deepen the sense of grievance, given the continuing, rising level of violence plaguing that very sad land. For all the flawed thinking reflected in President Obama's speech and the strategy it described, he made one powerful point: Our fundamental goal must be to "dismantle terrorist networks." However, his insight was watered down by a seeming lack of urgency in pursuing this goal and an apparent willingness to scale down our efforts in the war on terror while relying more on allies. Truly, allies are good to have, and they should be cultivated and motivated. But not with the idea that this somehow allows the United States to do less. For it will take all the best efforts of a global counterterrorism coalition operating in high gear to disrupt and destroy the rising dark networks spawned by al Qaeda. And it should be realized that time is on the terrorists' side. The longer they stay on their feet and fighting, the closer they come to acquiring true weapons of mass destruction. Radiological, chemical, or biological attack capabilities in the hands of a dispersed network would upend any notion of world order, because a network is simply not susceptible to the kind of retaliatory punitive threats that nations are. The prospect of mutual assured destruction may keep the thousands of Russian and American nuclear warheads safely locked away forever, but an al Qaeda network with just a few nukes would enjoy enormous coercive power over the world's nations. The irony of the situation is that President Obama has identified the right goal -- focusing on enemy networks -- but he has chosen almost all the wrong means by which to seek their disruption. Drones are too slow-acting, strategically, and create their own "drag" in the form of outrage at collateral damage. Targeting enemy leaders is highly unlikely to defeat networks whose cells operate with high degrees of autonomy. And the effort to identify and ameliorate grievances is inherently quixotic and, in fact, undercut by the damage caused by some of our own policies (like the invasion of Iraq).

#### Strikes are bad for Yemen - turns the aff.

Mayborn 11 - Master’s degree at the Bush School of Government and Public Service at Texas A&M University in College Station (William, http://satsa.syr.edu/wp-content/uploads/2011/04/WilliamMayborn.pdf, April 2011, Creating More Turmoil: Why UAV strikes Will Be Counterproductive in Yemen)

The above policy indicators of increased military assistance and training, combined with greater intelligence gathering capabilities show that the Obama administration is moving towards increased UAV use in the next 12 to 18 months.37 This paper recommends that expanded UAV use to launch tactical strikes is not an advisable course of action given the fragile political situation in Yemen. UAVs may bring about tactical success, but will hamper the long-term strategic goals of defeating AQAP for several reasons. First, UAV targeted killings should not be used in Yemen because counter-terrorism needs to be performed by a police force, not the military. The UAVs should be used for intelligence collection purposes to support the police mission. It should be noted that the Yemeni police were largely responsible for bringing an end to a previous Yemeni terrorist group, Mohammed’s Army.38 Effective policing in Iraq’s Anbar Province in 2006 offers another example of how a state can successfully eradicate al Qaeda’s presence. The U.S. assisted Anbar police force gained legitimacy from the local tribal sheikhs that formed the Anbar Salvation Council who were willing to fight al Qaeda in Iraq.39 This supports the testimony of Mark Cochrane, Former Chief of Training for the Police Service of Northern Ireland, when he asserted that counter-terrorism is a police issue.40 To support police efforts Yemeni law makers will need to stop stalling and pass effective counterterrorism laws. It has been cited that the absence of counter-terrorism legislation enhances Yemen’s appeal as a terrorist safe haven and operational base. Yemeni prosecutors often use other vague laws to prosecute terrorists, such as fraudulent document charges or gang membership charges.41 In addition, the Yemen government will need to invest in secure prisons because they have a history of prison escapes freeing dangerous operatives.42 For example, in 2006 a group of al Qaeda leaders escaped from a Yemeni prison.43 The second reason that the U.S. should avoid expansion of Predator attacks in Yemen is that intervention in the area could create a significant backlash from a population that is “often hostile to the United States.”44 Middle East expert Joost Hiltermann explains that foreign backing of the President Ali Abdallah Salih’s regime makes him appear ineffective in controlling the affairs of the country; therefore, the use of UAVs would damage the Yemeni government’s legitimacy.45 Foreign military presence or evidence of their attacks can exacerbate the already hostile attitudes towards the United States and Western allies. In his work, Dying to Win, Robert Pape stated: Although multiple factors are at work, consideration of the most prominent suicide attacks in 2005 shows that the strategic logic of suicide terrorism—and especially the presence of Western combat forces in Iraq and on the Arabian Peninsula—remains the core factor driving the threat we face.46 Robert Pape’s position can be seen in the Yemeni context when looking at the effects of the May 2010 cruise missile strikes against AQAP. The attack had deleterious effects on U.S.-Yemen relations because a Yemeni deputy governor was killed who was purportedly was having disarmament negotiations with al Qaeda. Also, locals staged mass protests in Marib Province after they found U.S. markings on cluster munitions. President Salih was forced to respond with troops to quell the tribal protests.47 Yemen state officials speak to the drawbacks of potential UAV strikes as being counterproductive. As Mohammed A. Abdulahoum, a senior Yemeni official asked, “Why gain enemies right now? Americans are not rejected in Yemen; the West is respected. Why waste all this for one or two strikes when you don't know who you're striking?” Conclusion The U.S. should avoid use of UAVs for targeted killing in Yemen to avoid harming the legitimacy of the Yemen central government and keep counterterrorism in the hands of law enforcement rather than the military. The Yemen state has serious political, social, and economic issues that are compounded by insurgents and terrorists and cannot afford increased instability. To keep the Salih regime as an ally, the U.S. cannot use tools that create local animosity and instability.48 The U.S. should engage in constructive efforts to build an effective Yemeni police force and counter-terrorism units that can pursue AQAP operatives. These constructive efforts could include UAVs for intelligence gathering purposes, rather than counterproductive missile strikes.

#### No scenario for nuclear terror---consensus of experts

Matt Fay 13, PhD student in the history department at Temple University, has a Bachelor’s degree in Political Science from St. Xavier University and a Master’s in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, “The Ever-Shrinking Odds of Nuclear Terrorism”, webcache.googleusercontent.com/search?q=cache:HoItCUNhbgUJ:hegemonicobsessions.com/%3Fp%3D902+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a

For over a decade now, one of the most oft-repeated threats raised by policymakers—the one that in many ways justified the invasion of Iraq—has been that of nuclear terrorism. Officials in both the Bush and Obama administrations, including the presidents themselves, have raised the specter of the atomic terrorist. But beyond mere rhetoric, how likely is a nuclear terrorist attack really?¶ While pessimistic estimates about America’s ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of scholars in recent years have pushed back against this trend. Frank Gavin has put post-9/11 fears of nuclear terrorism into historical context (pdf) and argued against the prevailing alarmism. Anne Stenersen of the Norwegian Defence Research Establishment has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon. John Mueller ridiculed the notion of nuclear terrorism in his book Atomic Obsessions and highlighted the numerous steps a terrorist group would need to take—all of which would have to be successful—in order to procure, deliver, and detonate an atomic weapon. And in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a “system of systems” could be developed to interdict potential materials smuggled into the United States—citing a “Murphy’s law of nuclear terrorism” that could possibly dissuade terrorists from even trying in the first place.¶ But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein’s regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use.¶ Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, “Why States Won’t Give Nuclear Weapons to Terrorists.” Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists, this article is the first to tackle the subject with an empirical analysis.¶ The title of their article nicely sums up their argument: states will not turn over nuclear weapons terrorists. To back up this claim, Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a “return address.” Based on an examination of attribution following conventional terrorist attacks, the authors conclude:¶ [N]either a terror group nor a state sponsor would remain anonymous after a nuclear attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from the constraints of deterrence.¶ From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation.¶ This is a key point. While there are other reasons nuclear proliferation is undesirable, fears of nuclear terrorism have been used to justify a wide-range of policies—up to, and including, military action. Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants the type of exertions many alarmist assessments indicate it should.

#### Biological weapons won’t be used and won’t cause extinction

Mueller, 2005 (John, Professor of political science at Ohio State University, “Simplicity and Spook: Terrorism and the Dynamics of Threat Exaggeration,” International Studies Perspectives, 6, 208-234)

Properly developed and deployed, biological weapons could indeed, if thus far only in theory, kill hundreds of thousands, perhaps even millions, of people. The discussion remains theoretical because biological weapons have scarcely ever been used even though the knowledge about their destructive potential as weapons goes back decades, even centuries in some respects (the English, e.g., made some efforts to spread smallpox among American Indians in the French and Indian War) (Christopher, Cieslak, Pavlin, and Eitzen, 1997:412). Belligerents have eschewed such weapons with good reason:biological weapons are extremely difficult to deploy and to control. Terrorist groups or rogue states may be able to solve such problems in the future with advances in technology and knowledge, but the record thus far is unlikely to be very encouraging to them. For example, Japan reportedly infected wells in Manchuria and bombed several Chinese cities with plague-infested fleas before and during the Second World War. These ventures may have killedthousands of Chinese, but they apparently alsocaused thousands of unintended casualties among Japanese troops and seem to have had little military impact.18 In the 1990s, AumShinrikyo, a Japanese cult that had some300 scientists in its employ and an estimated budget of $1 billion, reportedly tried at least nine times over 5 years to set off biological weapons by spraying pathogens from trucks and wafting them from rooftops, hoping fancifully to ignite an apocalyptic war. These efforts failed to create a single fatalityin fact,nobody even noticed that the attacks had taken place (Broad, 1998; Rapoport, 1999:57). For the most destructive results, biological weapons need to be dispersed in very lowaltitude aerosol clouds: aerosols do not appreciably settle, and anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed near nose level (Meselson, 1995; Panofsky, 1998; Terry, 1998). Explosive methods of dispersion may destroy the organisms. Moreover, except for anthrax spores, long-term storage of lethal organisms in bombs or warheads is difficult, and, even if refrigerated, most of the organisms have a limited lifetime. The effects of such weapons can take days or weeks to have full effect, during which time they can be countered with civil defense measures. And their impact is very difficult to predict and in combat situationsmay spread back on the attacker (OTA, 1993:48–49, 62; Broad and Miller, 1998; Easterbrook, 2002).

#### Growth causes eco-collapse and extinction – only collapse now ensures civilization can survive the inevitable transition.

Barry 8 – Glen, PhD in Land Resources from UW-Madison and President and Founder of Ecological Internet, “Economic Collapse and Global Ecology,” Counter-Currents, Jan. 14, http://www.countercurrents.org/barry140108.htm

Humanity and the Earth are faced with an enormous conundrum -- sufficient climate policies enjoy political support only in times of rapid economic growth. Yet this growth is the primary factor driving greenhouse gas emissions and other environmental ills. The growth machine has pushed the planet well beyond its ecological carrying capacity, and unless constrained, can only lead to human extinction and an end to complex life. With every economic downturn, like the one now looming in the United States, it becomes more difficult and less likely that policy sufficient to ensure global ecological sustainability will be embraced. This essay explores the possibility that from a biocentric viewpoint of needs for long-term global ecological, economic and social sustainability; it would be better for the economic collapse to come now rather than later. Economic growth is a deadly disease upon the Earth, with capitalism as its most virulent strain. Throw-away consumption and explosive population growth are made possible by using up fossil fuels and destroying ecosystems. Holiday shopping numbers are covered by media in the same breath as Arctic ice melt, ignoring their deep connection. Exponential economic growth destroys ecosystems and pushes the biosphere closer to failure. Humanity has proven itself unwilling and unable to address climate change and other environmental threats with necessary haste and ambition. Action on coal, forests, population, renewable energy and emission reductions could be taken now at net benefit to the economy. Yet, the losers -- primarily fossil fuel industries and their bought oligarchy -- successfully resist futures not dependent upon their deadly products. Perpetual economic growth, and necessary climate and other ecological policies, are fundamentally incompatible. Global ecological sustainability depends critically upon establishing a steady state economy, whereby production is right-sized to not diminish natural capital. Whole industries like coal and natural forest logging will be eliminated even as new opportunities emerge in solar energy and environmental restoration. This critical transition to both economic and ecological sustainability is simply not happening on any scale. The challenge is how to carry out necessary environmental policies even as economic growth ends and consumption plunges. The natural response is going to be liquidation of even more life-giving ecosystems, and jettisoning of climate policies, to vainly try to maintain high growth and personal consumption. We know that humanity must reduce greenhouse gas emissions by at least 80% over coming decades. How will this and other necessary climate mitigation strategies be maintained during years of economic downturns, resource wars, reasonable demands for equitable consumption, and frankly, the weather being more pleasant in some places? If efforts to reduce emissions and move to a steady state economy fail; the collapse of ecological, economic and social systems is assured. Bright greens take the continued existence of a habitable Earth with viable, sustainable populations of all species including humans as the ultimate truth and the meaning of life. Whether this is possible in a time of economic collapse is crucially dependent upon whether enough ecosystems and resources remain post collapse to allow humanity to recover and reconstitute sustainable, relocalized societies. It may be better for the Earth and humanity's future that economic collapse comes sooner rather than later, while more ecosystems and opportunities to return to nature's fold exist. Economic collapse will be deeply wrenching -- part Great Depression, part African famine. There will be starvation and civil strife, and a long period of suffering and turmoil. Many will be killed as balance returns to the Earth. Most people have forgotten how to grow food and that their identity is more than what they own. Yet there is some justice, in that those who have lived most lightly upon the land will have an easier time of it, even as those super-consumers living in massive cities finally learn where their food comes from and that ecology is the meaning of life. Economic collapse now means humanity and the Earth ultimately survive to prosper again. Human suffering -- already the norm for many, but hitting the currently materially affluent -- is inevitable given the degree to which the planet's carrying capacity has been exceeded. We are a couple decades at most away from societal strife of a much greater magnitude as the Earth's biosphere fails. Humanity can take the bitter medicine now, and recover while emerging better for it; or our total collapse can be a final, fatal death swoon. A successful revolutionary response to imminent global ecosystem collapse would focus upon bringing down the Earth's industrial economy now. As society continues to fail miserably to implement necessary changes to allow creation to continue, maybe the best strategy to achieve global ecological sustainability is economic sabotage to hasten the day. It is more fragile than it looks.

#### Collapse now key—prevents future environmental destruction and wars caused by growth

**Trainer 2**—Senior Lecturer, School of Social Work, University of New South Wales (Ted, Debating the significance of the Global Eco-village Movement; A reply to Takis Fotopoulos, Democracy & Nature: the International Journal of Inclusive Democracy, vol.8, no.1, (March 2002), http://www.democracynature.org/vol8/takis\_trainer.htm, AMiles)

It is conceivable to me that this general strategic beginning point could achieve a more or less peaceful replacement of the capitalist system. Remember that it is very likely that within 20 years capitalist-consumer society will have run into huge problems, especially to do with environmental deterioration, Third World squalor, armed conflict, deteriorating social cohesion, and above all a sudden, major and insoluble petroleum crisis. It is in other words quite possible that we will soon enter conditions that will both jolt people in general towards recognising the need for change to The Simpler Way, and dramatically undercut the system's capacity to persuade or force people to adhere to the capitalist way. Traditional Left theoreticians must realise that if this happens all will be lost if we have not by then sufficiently developed the new ways and built the examples that could be rapidly taken up. The window of opportunity will soon close.

### Hegemony

#### Hegemonic decline causes peaceful retrenchment—prevents great power war.

MacDonald and Parent 11 – Asst Prof. of PoliSci @ Williams College and Parent, Asst Prof. PoliSci @ U of Miami, Paul and Joseph, “Graceful Decline?” International Security, 35.4, Project MUSE

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a comprehensive study of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by systematically examining the relationship between acute relative decline and the responses of great powers. We examine eighteen cases of acute relative decline since 1870 and advance three main arguments.¶ First, we challenge the retrenchment pessimists' claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, peaceful retrenchment is the most common response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61-83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations.¶ Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but [End Page 9] necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state's rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined.¶ Third, we argue that the rate of decline helps explain what forms great power retrenchment will take. How fast great powers fall contributes to whether these retrenching states will internally reform, seek new allies or rely more heavily on old ones, and make diplomatic overtures to enemies. Further, our analysis suggests that great powers facing acute decline are less likely to initiate or escalate militarized interstate disputes. Faced with diminishing resources, great powers moderate their foreign policy ambitions and offer concessions in areas of lesser strategic value. Contrary to the pessimistic conclusions of critics, retrenchment neither requires aggression nor invites predation. Great powers are able to rebalance their commitments through compromise, rather than conflict. In these ways, states respond to penury the same way they do to plenty: they seek to adopt policies that maximize security given available means. Far from being a hazardous policy, retrenchment can be successful. States that retrench often regain their position in the hierarchy of great powers. Of the fifteen great powers that adopted retrenchment in response to acute relative decline, 40 percent managed to recover their ordinal rank. In contrast, none of the declining powers that failed to retrench recovered their relative position.

#### Retrenchment is stabilizing—it solves nuclear war with Russia and China.

Macdonald and Parent 11—Paul Macdonald, Assistant Professor of Political Science at Wellesley College AND Joseph Parent, Assistant Professor of Political Science at the University of Miami, The Wisdom of Retrenchment, Foreign Affairs, November/December

Retrenchment works in several ways. One is by shifting commitments and resources from peripheral to core interests and preserving investments in the most valuable geographic and functional areas. This can help pare back the number of potential flashpoints with emerging adversaries by decreasing the odds of accidental clashes, as well as reducing the incentives of regional powers to respond confrontationally. Whereas primacy forces a state to defend a vast and brittle perimeter, a policy of retrenchment allows it to respond to significant threats at the times and in the places of its choosing. Conflict does not become entirely elective, as threats to core interests still must be met. But for the United States, retrenchment would reduce the overall burden of defense, as well as the danger of becoming bogged down in a marginal morass.¶ It would also encourage U.S. allies to assume more responsibility for collective security. Such burden sharing would be more equitable for U.S. taxpayers, who today shoulder a disproportionate load in securing the world. Every year, according to Christopher Preble of the Cato Institute, they pay an average of $2,065 each in taxes to cover the cost of national defense, compared with $1,000 for Britons, $430 for Germans, and $340 for Japanese.¶ Despite spending far less on defense, the United States' traditional allies have little trouble protecting their vital interests. No state credibly threatens the territorial integrity of either western European countries or Japan, and U.S. allies do not need independent power-projection capabilities to protect their homelands. NATO's intervention in Libya has been flawed in many respects, but it has demonstrated that European member states are capable of conducting complex military operations with the United States playing a secondary role. Going forward, U.S. retrenchment would compel U.S. allies to improve their existing capabilities and bear the costs of their altruistic impulses.¶ The United States and its allies have basically the same goals: democracy, stability, and trade. But the United States is in the awkward position of both being spread too thin around the globe and irritating many states by its presence on, or near, their soil. Delegating some of its responsibilities to allies would permit the U.S. government to focus more on critical objectives, such as ensuring a stable and prosperous economy. Regional partners, who have a greater stake in and knowledge of local challenges, can take on more responsibility. With increased input from others and a less invasive presence, retrenchment would also allow the United States to restore some luster to its leadership.¶ A MORE FRUGAL FUTURE¶ TO IMPLEMENT a retrenchment policy, the United States would have to take three main steps: reduce its global military footprint, change the size and composition of the U.S. military, and use the resulting "retrenchment dividend" to foster economic recovery at home.¶ First, the United States must reconsider its forward deployments. The top priority should be to deter aggression against its main economic partners in Europe and Asia. This task is not especially burdensome; there are few credible threats to U.S. allies in these regions, and these states need little help from the United States.¶ Although Russia continues to meddle in its near abroad and has employed oil and gas embargoes to coerce its immediate neighbors, western Europe's resources are more than sufficient to counter an assertive Russia. A more autonomous Europe would take some time to develop a coherent security and defense policy and would not always see events through the same lens as Washington. But reducing Europe's dependence on the United States would create a strong incentive for European states to spend more on defense, modernize their forces, and better integrate their policies and capabilities. U.S. forces in the European theater could safely be reduced by 40-50 percent without compromising European security.¶ Asia is also ready for a decreased U.S. military presence, and Washington should begin gradually withdrawing its troops. Although China has embarked on an ambitious policy of military modernization and engages in periodic saber rattling in the South China Sea, its ability to project power remains limited. Japan and South Korea are already shouldering greater defense burdens than they were during the Cold War. India, the Philippines, and Vietnam are eager to forge strategic partnerships with the United States. Given the shared interest in promoting regional security, these ties could be sustained through bilateral political and economic agreements, instead of the indefinite deployments and open-ended commitments of the Cold War.¶ In the event that China becomes domineering, U.S. allies on its borders will act as a natural early warning system and a first line of defense, as well as provide logistical hubs and financial support for any necessary U.S. responses. Yet such a state of affairs is hardly inevitable. For now, there are many less expensive alternatives that can strengthen the current line of defense, such as technology transfers, arms sales, and diplomatic mediation. Defending the territorial integrity of Japan and South Korea and preventing Chinese or North Korean adventurism demands rapid-response forces with strong reserves, not the 30,000 soldiers currently stationed in each country. Phasing out 20 percent of those forces while repositioning others to Guam or Hawaii would achieve the same results more efficiently.¶ Reducing these overseas commitments would produce significant savings. A bipartisan task force report published in 2010 by the Project on Defense Alternatives estimated that the demobilization of 50,000 active-duty soldiers in Europe and Asia alone could save as much as $12 billion a year. Shrinking the U.S. footprint would also generate indirect savings in the form of decreased personnel, maintenance, and equipment costs.¶ Retrenchment would also require the United States to minimize its presence in South Asia and the Middle East. The United States has an interest in ensuring the flow of cheap oil, yet armed interventions and forward deployments are hardly the best ways to achieve that goal. These actions have radicalized local populations, provided attractive targets for terrorists, destabilized oil markets, and inflamed the suspicions of regional rivals such as Iran. Similarly, the United States has a strong incentive to deny terrorist groups safe havens in ungoverned spaces. It is unclear, however, whether large troop deployments are the most cost-effective way to do so. The U.S.-led NATO mission in Afghanistan has established temporary pockets of stability, but it has enjoyed little success in promoting good governance, stamping out corruption, or eradicating the most dangerous militant networks. Nor have boots on the ground improved relations with or politics in Pakistan.¶ More broadly, the Pentagon should devote fewer resources to maintaining and developing its capabilities for engaging in peripheral conflicts, such as the war in Afghanistan. Nation building and counter-insurgency operations have a place in U.S. defense planning, but not a large one. The wars in Afghanistan and Iraq have raised the profile of counterinsurgency doctrine and brought prominence to its advocates and practitioners, such as David Petraeus, the retired general who is now director of the CIA. This is an understandable development, considering that the defense establishment was previously unprepared to wage a counterinsurgency war. But such conflicts require enormous commitments of blood and treasure over many years, rarely result in decisive victory, and seldom bring tangible rewards. A retrenching United States would sidestep such high-risk, low-return endeavors, especially when counterterrorism and domestic law enforcement and security measures have proved to be effective alternatives. Although they cannot solve every problem, relatively small forces that do not require massive bases can nevertheless carry out significant strikes--as evidenced by the operation that killed Osama bin Laden.¶ Curbing the United States' commitments would reduce risks, but it cannot eliminate them. Adversaries may fill regional power vacuums, and allies will never behave exactly as Washington would prefer. Yet those costs would be outweighed by the concrete benefits of pulling back. A focus on the United States' core interests in western Europe would limit the risk of catastrophic clashes with Russia over ethnic enclaves in Georgia or Moldova by allowing the United States to avoid commitments it would be unwise to honor. By narrowing its commitments in Asia, the United States could lessen the likelihood of conflict over issues such as the status of Taiwan or competing maritime claims in the South China Sea. Just as the United Kingdom tempered its commitments and accommodated U.S. interests in the Western Hemisphere at the turn of the last century, the United States should now temper its commitments and cultivate a lasting compromise with China over Taiwan.

#### Hege kills the economy—high deficits and rising powers make it unsustainable.

Layne 6 – Prof IR @ Texas A&M, Chris, “Impotent Power”, The National Interest, Sep, http://findarticles.com/p/articles/mi\_m2751/is\_85/ai\_n16832448/pg\_6/?tag=content;col1

There already are indications that things are changing: American hegemony is beginning to wane and new great powers already are in the process of emerging. This is what the current debate about the implications of China's rise is all about in the United States. But China isn't the only factor in play, and transition from U.S. primacy to multipolarity may be much closer than primacists want to admit. For example, in its survey of likely international developments up until 2020, the CIA's National Intelligence Council's report Mapping the Global Future notes: The likely emergence of China and India as new major global players--similar to the rise of Germany in the 19th century and the United States in the early 20th century--will transform the geopolitical landscape, with impacts potentially as dramatic as those of the previous two centuries. In the same way that commentators refer to the 1900s as the American Century, the early 21st century may be seen as the time when some in the developing world led by China and India came into their own. (3) In a similar vein, a recent study by the CIA's Strategic Assessment Group projects that by 2020 both China (which Mapping the Global Future pegs as, "by any measure a first-rate military power" around 2020), andtheEuropean Union will come close to matching the United States in terms of their respective shares of world power

. (4) For sure, there are always potential pitfalls in projecting current trends several decades into the future (not least that it is not easy to convert economic power into effective military power). But if the ongoing shift in the distribution of relative power continues, new poles of power in the international system are likely to emerge during the next decade or two.The real issue is not if American primacy will end, but how soon it will end. In answering this question the key factor may well be whether the United States can afford economically to maintain the overwhelming military superiority necessary to dissuade other states from emerging as peer competitors. Paul Kennedy's 1987 book, The Rise and Fall of the Great Powers, ignited an important debate about the sustainability of American primacy. In a nutshell, Kennedy argued that the United States was doomed to repeat a familiar pattern of imperial decline, because the excessive costs of military commitments abroad were eroding the economic foundations of American power**.** An important backdrop to Kennedy's book was the so-called "twin deficits": endless federal-budget deficits and a persistent balance-of-trade deficit. The late 1980s debate about possible American decline was terminated abruptly, however: first, by the Soviet Union's collapse, and then by U.S. economic revival during the Clinton Administration, which also saw the yearly federal budget deficits give way to annual budget surpluses. This had led many of the proponents of American hegemony to assert that the American economy is fairly robust and that, as a result, the United States can afford this grand strategy. These claims might come as news to most Americans, however. When a company like General Motors--historically one of the flagship corporations of the U.S. economy--teeters on the edge of bankruptcy and sheds some 126,000 jobs, rosy descriptions about the strength of the U.S. economy ring hollow. Similarly, the notion that the U.S. economy is healthy certainly would not be shared by the hundreds of thousands of U.S. workers who have lost their jobs in America's ever-contracting manufacturing sector--often because their jobs have been outsourced to China or India. Even more worrisome, future outsourcing of American jobs is not likely to be confined just to blue collar workers. Rather, an increasing number of high skill and high education jobs will flow from the United States to other countries. Another warning sign that all is not well with the U.S. economy is the "middle class squeeze"--the fact that middle class incomes in the United States have been stagnant since the early 1970s. The hollowing out of America's manufacturing industrial base, the outsourcing of American jobs, and stagnant middle class incomes are flashing red lights, warning that all is far from well with the U.S. economy. Indeed, the economic vulnerabilities that Kennedy pinpointed in the late 1980s may have receded into the background during the 1990s, but they did not disappear. Once again, the United States is running endless federal budget deficits, and the trade deficit has grown worse and worse. The United States still depends on capital inflows from abroad--with China fast replacing Japan as America's most important creditor--to: finance its deficit spending; finance private consumption; and maintain the dollar's position as the international economic system's reserve currency. Because of the twin deficits, the underlying fundamentals of the U.S. economy are out of alignment. The United States cannot continue to live beyond its means indefinitely. Sooner or later, the bill will come due in theform of sharply higher taxes and interest rates--and,consequently, economic slowdown. And, as the United States borrows more and more to finance its budget and trade deficits, private investment is likely to be"crowded-out" of the marketplace, with predictable effects on the economy's long-term health. In a word (or two), the United States is suffering from "fiscal overstretch." (5) During the Cold War, Japan (and, during the 1970s, West Germany) subsidized U.S. budget and trade deficits as a quid pro quo for American security guarantees. It will be interesting to see if an emerging geopolitical rival like China--or, for that matter, the European Union--will be as willing to underwrite American primacy in coming decades. Second, there have been big changes on the economic side of the ledger that cast a long shadow over America's long-term economic prospects. For one thing, the willingness of other states to cover America's debts no longer can be takenfor granted. Already, key central banks are signaling their lack of confidence in the dollar by diversifying their currency holdings. There are rumblings, too, that OPEC may start pricing oil in euros, and that the dollarcould be supplanted by the euro as the international economy's reserve currency. Should this happen, the United States no longer could afford to maintain its primacy.

#### Hegemony destroys effective institutions and global public goods.

Ikenberry et al 9 **-** G. John Ikenberry is a professor of politics and international affairs at Princeton University, Michael Mastanduno is a professor of government and associate dean for social sciences at Dartmouth College, William C. Wohlforth is a professor of government at Dartmouth College, “Unipolarity, State Behavior, and Systemic Consequences”, World Politics, 61.1, Jan, MUSE

Unipolarity and Revisionism: Is the Unipole a Satisfied State? The stability of any international system depends significantly on the degree to which the major powers are satisfied with the status quo.17 In War and Change in World Politics, Robert Gilpin argued that leading states “will attempt to change the international system if the expected benefits exceed the expected costs.”18 In the quarter century since that book’s publication, international relations scholars have never seriously debated whether the “expected net gain” of systemic revisionism might be positive for the United States. It is hardly surprising that scholars set aside the question of revising the territorial status quo—it is hard to imagine plausible arguments for the utility of large-scale conquest in an age of nuclear weapons and economic globalization. But the territorial status quo is only a part of what Gilpin meant by “international system.” The other part comprises the rules, institutions, and standards of legitimacy that frame daily interactions. Why has there been no scholarly debate on whether the United States might seek to revise that aspect of the system? In the 1980s, to be sure, the question did not seem relevant. Scholars believed that the United States was in relative decline, so the costs of changing the system were simply assumed to be high, and a U.S. preference for the status quo appeared obvious. The transition from bipolarity to unipolarity arguably represented a dramatic power shift in favor of the United States, altering Gilpin’s equation toward revisionism. Yet the question of whether, as a new unipole, the United States might adopt a more revisionist stance has not figured centrally in international relations research. The reason was a key assumption built into almost all research on hegemonic stability and power transition theory: that the leading state in any international system is bound to be satisfied. Hence, research on the origins of satisfaction and revisionism is soverwhelmingly about subordinate states, not the dominant state.19 [End Page 12] Robert Jervis’s article in this issue demonstrates that this assumption is no longer tenable. While the case can be made that a unipole—particularly one that achieved this status in an international system already strongly shaped by its power and preferences—might rationally opt for conservatism,20 international relations scholarship is rich with hypotheses proposing that the opposite is equally if not more likely. Jervis argues that unipolarity offers powerful structural incentives for the leading state to be revisionist. These include the absence of countervailing power, the tendency for both the interests and the fears of the leading state to increase as its relative capabilities increase, and the psychological tendency to worry more about the future to the extent the present situation is desirable. Jervis also suggests that these structural incentives are reinforced by particular features of the American approach to unipolarity—the sense after the attacks of September 11, 2001, that the world could and must be transformed and the enduring and widespread belief that international peace and cooperation will be sustained only when all other important states are democratic. The structural and contingent features of contemporary unipolarity point plausibly in the direction of a revisionist unipole, one simultaneously powerful, fearful, and opportunistic. Unipolarity and the Provision of Public Goods Public or collective goods may be consumed by multiple actors without those actors necessarily having to pay the full costs of producing them. The classic theoretical insight is that if enough actors follow their rational self-interest and choose to free ride on the efforts of others, public goods will be underproduced or not produced at all.21 Overcoming the free-rider problem therefore requires cooperation among self-interested actors.22 A good part of the ir literature, in particular that associated with hegemonic stability theory, hypothesizes that cooperation in international relations requires the leadership of a dominant state.23 [End Page 13] Given its preponderance of economic and military resources, the dominant state has the ability to bear a disproportionate share of the costs of providing international collective goods such as an open world economy or a stable security order. The dominant state has an interest in bearing those costs because it benefits disproportionately from promoting systemwide outcomes that reflect its values and interests. During the cold war the United States took on the responsibilities that Kindleberger argued were needed to promote international economic stability, such as serving as an open market of last resort and allowing the use of its currency for exchange and reserve purposes. International economic stability among the Western powers reinforced their security alliance against the Soviet Union. The United States also bore a disproportionate share of the direct costs of Western alliance security. The Soviet Union, on its side of the international divide, ultimately shouldered disproportionate alliance costs as well.24 Waltz took the argument a step further, arguing that in the bipolar system the United States and the Soviet Union may have been adversaries but, as the two dominant powers, shared a mutual interest in system stability, an interest that prompted them to cooperate in providing public goods such as nuclear nonproliferation.25 Hedley Bull makes a similar point in his classic study of the international system as a society of states.26 How might the shift from a bipolar to a unipolar system affect the inclination of the now singularly dominant state to provide international public goods? Two hypotheses arise, with contradictory behavioral expectations. First, we might expect a unipole to take on an even greater responsibility for the provision of international public goods. The capabilities of a unipole relative to other major states are greater than those of either dominant power in a bipolar structure. The unipole’s incentive should be stronger as well, since it now has the opportunity to influence international outcomes globally, not just in its [End Page 14] particular subsystem. We should expect the unipole to try to “lock in” a durable international order that reflects its interests and values.27 A second hypothesis, however, suggests the opposite. We should expect a unipolar power to underproduce public goods despite its preponderant capabilities. The fact that it is unthreatened by peer competitors and relatively unconstrained by other states creates incentives for the unipole to pursue more parochial interests even at the expense of a stable international order. The fact that it is extraordinarily powerful means that the unipole will be more inclined to force adjustment costs on others, rather than bear disproportionate burdens itself. Two of the contributions below address these issues. Michael Mastanduno’s analysis of the global political economy shows that the dominant state will be both system maker and privilege taker—it will seek simultaneously to provide public goods and to exploit its advantageous structural position for parochial gain. It enlists the cooperation of other states and seeks, with varying degrees of success, to force adjustment burdens upon them. Jervis suggests that because the unipole has wide discretion in determining the nature and the extent of the goods provided, its efforts are likely to be perceived by less powerful states as hypocritical attempts to mask the actual pursuit of private goods.

# 2NC

The impact is serial policy failure - view their impact scenarios as suspect because they operate under a problematic legalist framework.

Michael Dillon [Professor of Politics at the University of Lancaster, UK]AND Julian Reid [Lecturer in International Relations at Kings College London, UK, and Professor of International Relations at the University of Lapland, Finland] 2000, “Global Governance, Liberal Peace, and Complex Emergency,” Alternatives: Social Transformation & Humane Governance, Jan-Mar 2000, Vol. 25, Issue 1, [Ebsco Host]

As a precursor to global governance, governmentality, according to Foucault's initial account, poses the question of order not in terms of the origin of the law and the location of sovereignty, as do traditional accounts of power, but in terms instead of the management of population. The management of population is further refined in terms of specific problematics to which population management may be reduced. These typically include but are not necessarily exhausted by the following topoi of governmental power: economy, health, welfare, poverty, security, sexuality, demographics, resources, skills, culture, and so on. Now, where there is an operation of power there is knowledge, and where there is knowledge there is an operation of power. Here discursive formations emerge and, as Foucault noted, in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality. More specifically, where there is a policy problematic there is expertise, and where there is expertise there, too, a policy problematic will emerge. Such problematics are detailed and elaborated in terms of discrete forms of knowledge as well as interlocking policy domains. Policy domains reify the problematization of life in certain ways by turning these epistemically and politically contestable orderings of life into "problems" that require the continuous attention of policy science and the continuous resolutions of policymakers. Policy "actors" develop and compete on the basis of the expertise that grows up around such problems or clusters of problems and their client populations. Here, too, we may also discover what might be called "epistemic entrepreneurs." Albeit the market for discourse is prescribed and policed in ways that Foucault indicated, bidding to formulate novel problematizations they seek to "sell" these, or otherwise have them officially adopted. In principle, there is no limit to the ways in which the management of population may be problematized. All aspects of human conduct, any encounter with life, is problematizable. Any problematization is capable of becoming a policy problem. Governmentality thereby creates a market for policy, for science and for policy science, in which problematizations go looking for policy sponsors while policy sponsors fiercely compete on behalf of their favored problematizations. Reproblematization of problems is constrained by the institutional and ideological investments surrounding accepted "problems," and by the sheer difficulty of challenging the inescapable ontological and epistemological assumptions that go into their very formation. There is nothing so fiercely contested as an epistemological or ontological assumption. And there is nothing so fiercely ridiculed as the suggestion that the real problem with problematizations exists precisely at the level of such assumptions. Such "paralysis of analysis" is precisely what policymakers seek to avoid since they are compelled constantly to respond to circumstances over which they ordinarily have in fact both more and less control than they proclaim. What they do not have is precisely the control that they want. Yet serial policy failure--the fate and the fuel of all policy--compels them into a continuous search for the new analysis that will extract them from the aporias in which they constantly find themselves enmeshed. Serial policy failure is no simple shortcoming that science and policy--and policy science--will ultimately overcome. Serial policy failure is rooted in the ontological and epistemological assumptions that fashion the ways in which global governance encounters and problematizes life as a process of emergence through fitness landscapes that constantly adaptive and changing ensembles have continuously to negotiate. As a particular kind of intervention into life, global governance promotes the very changes and unintended outcomes that it then serially reproblematizes in terms of policy failure. Thus, global liberal governance is not a linear problem-solving process committed to the resolution of objective policy problems simply by bringing better information and knowledge to bear upon them. A nonlinear economy of power/knowledge, it deliberately installs socially specific and radically inequitable distributions of wealth, opportunity, and mortal danger both locally and globally through the very detailed ways in which life is variously (policy) problematized by it. In consequence, thinking and acting politically is displaced by the institutional and epistemic rivalries that infuse its power/ knowledge networks, and by the local conditions of application that govern the introduction of their policies. These now threaten to exhaust what "politics," locally as well as globally, is about.[36] It is here that the "emergence" characteristic of governance begins to make its appearance. For it is increasingly recognized that there are no definitive policy solutions to objective, neat, discrete policy problems. The "subjects" of policy increasingly also become a matter of definition as well, since the concept population does not have a stable referent either and has itself also evolved in biophilosophical and biomolecular as well as Foucauldian "biopower" ways.

Resolved means mental decision, not fiat.

AHD 06. American Heritage Dictionary

resolved v. To cause (a person) to reach a decision.

no reason to vote affirmative—there is no connection between the recommendations of the 1AC and material agency.

Schlag ‘90 (Pierre, professor of law at the University of Colorado, Stanford Law Review, lexis, AM)

In fact, normative legal thought is so much in a hurry that it will tell you what to do even though there is not **the slightest chance** that you might actually be in a position to do it. For instance, when was the last time you were in a position to put the difference principle n31 into effect, or to restructure [\*179] the doctrinal corpus of the first amendment? "In the future**, we should.** . . ." When was the last time you were in a position to rule whether judges should become pragmatists, efficiency purveyors, civic republicans, or Hercules surrogates? Normative legal thought doesn't seem overly concerned with such worldly questions about the character and the effectiveness of its own discourse. It just goes along and proposes, recommends, prescribes, solves, and resolves. Yet despite its obvious desire to have worldly effects, worldly consequences, normative legal thought remains seemingly unconcerned that for all **practical purposes,** its only consumers are legal academics and perhaps a few law students -- persons who are virtually never in a position to put any of its wonderful normative advice into effect.

Our model of debate engages in the core question of ‘what is the political?’- it is an ongoing process that opens space for micro political resistance to domination. This fluid approach is essential in academic debates, means we

Casas-Cortés, María Isabel et al. 11 [Michal Osterweil- lecturer and director of internships, PhD in Cultural Anthropology with a certificate in Cultural Studies from UNC Chapel Hill, Dana E. Powell- Assistant Professor of Anthropology Ph.D. 2011 University of North Carolina-Chapel Hill M.A. 2005 University of North Carolina-Chapel Hill, María Isabel Casas-CortésMA, currently PhD student in Anthropology at University of North Carolina   
Chapel Hill] Blurring Boundaries: Recognizing Knowledge-Practices in the Study of Social Movements. 2008 Institute for Ethnographic Research. Anthropological Quarterly 81.1 (2008) 17-58

In sum, when movements are understood as knowledge-practitioners, and not simply as campaigners, or subjects to be understood by social movement researchers, their importance is rearticulated, challenging our habits of practice and modes of engagement as researchers. Even beyond the specific cases we have described above, we can understand many movement-related activities as knowledge-practices, which not only critically engage and redraw the map of what comprises the political, but also produce practices and subjects according to different logics. As such, knowledge-practices are part of the investigative and creative work necessary for (re)making politics, both from the micro-political inscribed on our bodies and lived in the everyday, to broader institutional and systemic change. It is in this sense that movements can be understood in and of themselves as spaces for the production of situated knowledges of the political. Despite these multiple and rich expressions of knowledge-practice, many social movements' visibility in public and academic debates is still confined to media-grabbing mobilizations, concrete and measurable victories, or moments when bodily repression is suffered and sustained. The methodological and theoretical shift in social movement studies that we propose makes visible different goals and effects of knowledge production. Instead of detached, academic knowledge about movements that operate "out there," we argue for the value of seeing the continuous generation, circulation and networked nature of heterogeneous knowledges, which in themselves work to make different futures possible—futures that do not exist in a narrow or campaign-specific space that closes once a certain demand has been met or a mobilization realized. In fact, rather than engage solely or primarily with the macro-political, knowledge-practices seem to work as much on the level of the micro-political, a level of experimentation, memory, analysis and intentional and ongoing critique, rather than the production [End Page 51] of new and final solutions (Deleuze and Guattari 1987; see also D'Iganazio 2004). We, too, offer not a new and final solution, but what we hope is an opening for greater recognition, valorization and engagement with the conceptual praxis of movements themselves.

#### education about the process of the law is detrimental to topic education and displaces our ethical agency

Rozo 4

(MA in philosophy and Cultural Analysis, 2004 Diego, Forgiving the Unforgivable: On Violence, Power, and the Possibility of Justice p 19-21)

Within the legal order the relations between individuals will resemble this logic where suffering is exchanged for more, but ‘legal’ suffering, because these relations are no longer regulated by the “culture of the heart” [*Kultur des Herzens*]. (CV 245) As Benjamin describes it, the “legal system tries to erect, in all areas where individual ends could be usefully pursued by violence, legal ends that can be realized only by legal power.” (CV 238) The individual is not to take law in his own hands; no conflict should be susceptible of being solved without the direct intervention of law, lest its authority will be undermined. Law has to present itself as *indispensable* for any kind of conflict to be solved. The consequence of this infiltration of law throughout the whole of human life is paradoxical: the more inescapable the rule of law is, the less responsible the individual becomes**.** Legal and judicial institutions act as avengers in the name of the individual. Even the possibility of forgiveness is monopolized by the state under the ‘right of mercy’. Hence the responsibility of the person toward the others is now delegated on the authority and justness of the law. The legal institutions, the very agents of (legal) vengeance exonerate mefrom my essential responsibility towards the others, breaking the moral proximity that makes every ethics possible.20 Thus I am no longer obliged to an other that by his/her very presence would demand me to be worthy of the occasion (of every occasion), because law, by seeking to regulate affairs between individuals, makes this other anonymous, *virtual:* his otherness is equaled to that of every possible other. The Other becomes faceless, making it all too easy for me to ignore his demands of justice, and even to exert on him violence just for the sake of legality. The logic of evil, then, becomes not a means but an end in itself**:**21 state violence for the sake of the state’s survival. Hence, the ever-present possibility of the worst takes the form of my unconditional responsibility towards the other being delegated on the ideological and totalitarian institutions of a law gone astray in the (its) logic of self- preserving vengeance. The undecidability of the origin of law, and its consequent meddling all across human affairs makes it possible that the worst could be exerted in the name of law. Even the very notion of crimes against humanity, which seeks to protect the life of the population, can be overlooked by the state if it feels threatened by other states or by its own population.22 From now on, my responsibility towards the Other is taken from me, at the price of my own existence being constantly threatened by the imminent and fatal possibility of being signaled as guilty of an (for me) indeterminate offence. In this picture, the modern state protects my existence while bringing on the terror of state violence – the law infiltrates into and seeks to rule our most private conflicts.

Exposing the law as violence is necessary to create space for rethinking that makes social relations outside violence possible

Neocleous 3

[Mark, Teaches politics @ Brunel, Imagining the state, Philadelphia: Open University Press, 6-7)

The last point should indicate to the reader that this is a polemical book about a polemical topic. As such, I should be clear about my intentions. If a hidden agenda seems nasty, then an exposed one looks downright impudent.13 Writers these days increasingly like to stand aside from the affray. This is nowhere more obvious than in books in which affray is a central issue-namely books on issues such as the state, power and capital. On the one hand, this is no doubt due to the fate of the academy in contemporary capitalism-academic research assessment exercises which seem to have knocked the political stuffing out of seemingly political writers (best not write anything too political about this political topic, in case it damages one's promotion prospects). On the other hand, it is also clearly connected to the demise of any coherence the Left once had. Writers on the Left appear to be happier to retreat into ever more exegetical work on text after text, with little sense as to the purpose of reading political writers in the first place. Or, worse, they have bought into the stunningly naive socio-political claim that we have moved into a world in which there is politics without enemies.4 (And if there are no enemies, then there is no ground for any fundamental disagreement and thus no real need to say anything interesting at all.) Too many intellectuals on the Left have thus developed an instrumental inability to think beyond the instructions and parameters provided for them by the state and one of its key ideological apparatuses - the university. So let me say that this book is written from outside the statist political imaginary (or at least as much as one can be outside it), and also against it. To write against the statist imaginary is thus intended as an act of resistance - though admittedly not the bravest act of resistance one might imagine, since the state aims to dominate the thought of even those who oppose it (indeed, one might say especially those who oppose it). Pierre Bourdieu has argued that `to endeavour to think the state is to risk either taking over, or being taken over by, the thought of the state','~ and as I argue in Chapter 2, as part of its administration of civil society the state aims to structure the way we view the world by generating the categories through which citizens come to imagine collective identity and thus their own political subjectivity. One of the implications of this is that the statist political imaginary has assisted the state in setting limits on the theoretical imagination, acting as a block on the possibility of conceiving of a society beyond the state.This is a book that tries to think the state without either taking over or being taken over by the thought of the state. It therefore rests on a different political imaginary, one which I mention here and return to only briefly at the very end of the book, which arises out of the tradition of the oppressed which teaches us that the `state of exception' in which we live is not the exception but the rule. As Walter Benjamin recognized, to write against the state of exception in this way is to aim to bring about a real state of emergency which imagines the end of the state, and thus an end to the possibility of fascism.

#### Multilaterialism through legal frameworks are doomed to fail - the alt is a pre-req for global governance.

**Langenhove, 11** – Luk Van, Director of the Comparative Regional Integration Studies Institute of the United Nations University (“Multilateralism 2.0: The transformation of international relations,” UN University, 5/31/11, http://unu.edu/publications/articles/multilateralism-2-0-the-transformation-of-international-relations.html)

Two major developments are currently transforming the multilateral system. The first is the trend towards multi-polarity as expressed by the rising number of states that act as key players. There have been times when only a few or even one player dominated the geopolitical game. But today it seems that several states are becoming dominant players as global or regional actors. The (voting) behavior of the BRICS countries (Brazil, Russia, India, China and South Africa) in the UN and their presence in the G20 illustrates this trend. The second development, meanwhile, is that new types of actors are changing the nature of the playing multilateral field. Regions with statehood properties are increasingly present in the area of international relations. Since 1974, the European Union (EU) for instance has been an observer in the United Nations General Assembly (UNGA). But on 3 May 2011, UNGA upgraded the EU’s status by giving it speaking rights. And that same resolution opens the door for other regional organizations to request the same speaking rights. Undoubtedly, this is what is what will happen in the near future. But as stated by some UN members in discussions on this resolution, this could unbalance the ‘one state, one vote’ rule within the UN. On the other hand, this opening towards regional organizations brings with it new opportunities. Together these two developments illustrate that multilateralism is no longer only a play between states: various regions as well as other actors are present and are profoundly changing the multilateral game. **But thinking about multilateralism is still very much based upon the centrality of states**: they are regarded as the constitutive elements of the multilateral system and it is their interrelations that determine the form and content of multilateralism. This implies that international politics is regarded as a closed system in at least two ways: firstly, it spans the whole world; and, secondly, there are huge barriers to enter the system. Many authors have pointed to all kinds of dys-functions such as the complexity of the UN system with its decentralized and overlapping array of councils and agencies, or to the divides between developed and developing countries. The emergence of truly global problems such as climate change, proliferation of weapons of mass destruction and many others have indeed **led to an increasing paradox** of governance. As Thakur and Van Langenhove put it in Global Governance (2006, 12:3) “[t]he policy authority for tackling global problems still belong to the states, while the sources of the problems and potential solutions are situated at transnational, regional or global level”. As such the building blocks of multilateralism, the states, seem to be **less and less capable of dealing with the challenges** of globalization. But because the multilateral world order is so dependent on the input of states, **multilateralism itself is not functioning well.** From an open to a closed system One way to capture the above-mentioned developments is to use the metaphor of ‘multilateralism 2.0’ in order to stress how the playing field and the players in multilateralism are changing. The essence of the Web 2.0 metaphor is that it stresses the emergence of network thinking and practices in international relations, as well as the transformation of multilateralism from a closed to an open system. In multilateralism 1.0 the principle actors in the inter-state space of international relations are states. National governments are the ‘star players’. Intergovernmental organizations are only dependent agents whose degrees of freedom only go as far as the states allow them to go. The primacy of sovereignty is the ultimate principle of international relations. In contrast, in multilateralism 2.0, there are players other than sovereign states that play a role and some of these players challenge the notion of sovereignty. Regions are one such type of actor. Conceived by states, other players can have statehood properties and as such aim to be actors in the multilateral system. Regional organizations especially are willing and able to play such a role. But sub-national regions as well increasingly have multilateral ambitions as demonstrated by their efforts towards para-diplomacy. As a result ‘international relations’ is becoming much more than just inter-state relations. Regions are claiming their place as well. This has major consequences for how international relations develop and become institutionalized, as well as for how international relations ought to be studied. What was once an exclusive playing ground for states has now become a space that states have to share with others. It is a fascinating phenomenon: both supra- and sub-national governance entities are largely built by states and can therefore be regarded as ‘dependent agencies’ of those states. However, once created, these entities start to have a life of their own and are not always totally controllable by their founding fathers. These new sub- and supra-entities are knocking on the door of the multilateral system because the have a tendency to behave ‘as if’ they were states. This actorness gives them, at least in principle, the possibility to position themselves against other actors, including their founding fathers! All of this has weakened the Westphalian relation between state and sovereignty. ‘One state, one vote’ Organizing multilateralism in a state-centric would only be possible if all states are treated as equal. This means that irrespective of the differences in territorial size, population size, military power or economic strength, all states have the same legal personality. Or in other words, the Westphalian principle of sovereign equality means working with the principle of ‘one state, one vote’, although it is universally acknowledged that this principle does not correspond to the reality. In multilateralism 2.0 this could be balanced through a more flexible system that compares actors in terms of certain dimensions (such as economic power) regardless of the type of actors they are. In other words, one can for instance compare big states with regions or small states with sub-national regions. This allows not only a more flexible form of multilateralism. It could perhaps also lead to a more just system with a more equal balance of power and representation. Within the present multilateral system, the UN occupies a major position. But, in order to adapt to the emerging ‘mode 2.0’ of multilateralism, it needs to open up to regions. This is a problem, as the UN is a global organization with sovereign states as members. Indeed, the way the UN is organized, only sovereign states, the star players, can be full members (see Article four of the UN Charter). Even though the EU was granted speaking rights, it was not granted voting rights. Chapter VIII of the Charter also mentions the possibility of cooperation with regional organizations and right from its conception there have been attempts to go beyond a state-centric approach. However, for many years now, the UN has struggled with the question of what place supra-national regional organizations should and could take in achieving UN goals. On one end of the spectrum is the position that regionalism blocks the necessary global and universal approach needed to solve the problems of today. At the other end there is the position that regionalism can serve the overall goals of the UN. Obviously, the question is not only a philosophical one. Rather, it is also about power of institutions. Are regional organizations weakening the UN or can they be considered as allies of the UN in dealing with supra-national problems? Further recognition required The key issue in relation to any institutional reform aimed at reinforcing multilateralism is how to create a balance of power among UN members and a balance of responsibilities and representation for the people of our planet. **Such a complex set of balances cannot be found if reform propositions continue to be based upon states as the sole building blocks of multilateralism. A radical rethinking is needed**, which recognizes that, next to states, world regions based upon integration processes between states have to play a role in establishing an effective multilateralism. Today’s reality is that, next to states, world regions are becoming increasingly important tools of global governance. There needs to be, however, a lot of creative and innovative thinking based upon careful analysis of the regional dimensions of ongoing conflicts and of existing cooperation between the UN and regional organizations. The upgrading of the EU’s status in the UN is an important step forward. But it is not enough. Other regional organizations such as the African Union, ASEAN or the League of Arab States should follow. And next to speaking rights, collaboration between the UN and regional organizations needs to be further developed. This is the only way to increase regional ownership of what the UN and its Security Council decide. As a matter of fact, this recently happened with the UNSC resolution 1973 regarding Libya: explicit reference is made to the African Union, the League of Arab States and the Organization of Islamic Conference. Moreover, the League of Arab States’ members are requested to act in the spirit of Chapter VIII of the UN Charter in implementing the resolution. Reviving Chapter VIII seems to be a promising way to combine global concerns with local (regional) legitimacy and capacity to act. The challenge is that in line with the complexity of the emerging new world order, any proposal to rethink multilateralism in such a way that it incorporates regionalism needs to be flexible. A simplistic system of regional representations that replace the national representations will not work. And not only the UN, but also the regional organizations themselves need to adjust to the reality of multilateralism 2.0. In this respect it remains to be seen to what extent the EU Member States will allow the EU to speak with one vision. And above all, in order to become politically feasible, the idea of a multi-regional world order needs to be supported and promoted by civil society. As long as this is not the case, **old habits and organizational structures will not change, and the world will not become a more secure place to live in.**

This strategy of reform is a means to shoreup criticism against totaltiarianism and results in massive violence agianst the Other.

Spanos 2K (William, Prof of English and Comparative Literature at Binghamton University, America’s Shadow, pg 141-144)

With this symbolic denouement, the “wound” suffered by “America” has been utterly, if not explicitly, healed. To invoke an analogous metaphor, the ghost that has haunted the collective American psyche is exorcised. The internal divisions within the American body politic have not only been reconciled; the reconciliation has rendered the res publica stronger and more dedicated to the principles of American democracy in its struggle against radicals and communist imperialism. But what, in the context of the emergence of the end-of-the-Cold War discourse, needs to be thematized is that the metaphor of trauma has undergone a telling metamorphosis: the metaphor of the wound, which implies healing, that is, ideological reconciliation, has become – or is at the threshold of being represented as – a collective psychological illness, a national “syndrome,” which implies the imperative to blame a negative ideological cause. The fourth and “final” phase of the American culture industry’s renarrativization of the Vietnam War was inaugurated on the concurrent occasion of the collapse of the Soviet Union and the United States’s surgically executed “victory” against Saddam Hussein in the Gulf War. What is especially telling about the official representation of this historical conjecture, especially by the television networks, is that, from beginning to end, it was this contrasting negative measure of Vietnam that utterly determined its narrative shape: the linear/circular structure of decisive victory. From the inaugural debates about the question of legitimacy of America’s intervention in the face of Iraq’s invasion of Kuwait through the brief period of the war itself to its immediate aftermath, it was the specter of the Vietnam War – the “divisive” and “self-defeating” national anxiety precipitated by its radical indeterminacy – that the narrative structure of closure, enabled by a “victory” by the United States in the Cold War, was intended to decisively efface. This transformation of a national anxiety into a productive negative image was symptomatically reflected by President Bush’s virtually unchallenged guarantee to the American public on the eve of the war that it would not be “another Vietnam” and, more strategically, by the exclusive mediation of the events of the Gulf War by the American military information agencies in a way that the events of the Vietnam War had made unthinkable. And it was the long process of cultural forgetting, which had ostensibly (re)constituted the actual defeat of the United States into a drastically mistaken withdrawal from Vietnam, that had prepared the ground for this cultural transformation. In short, the representational forgetting of the actualities of the war systematically undertaken by the ideological state apparatuses had generally arrived at a form of remembering it that attributed the defeat of America to the infectious impact of the multisituated protest movement in the United States on the American public and its intellectual deputies. In this “final” phase, that is, the earlier public need to “heal the wound” – a recuperative and conciliatory gesture of forgetting – became, in the words of President George Bush and official Washington, a matter of “kicking the Vietnam syndrome.” Aided and abetted by the culture industry, this early gesture of forgetting metamorphosed at the time of the Gulf “crisis” into a virulently assured assumption that the resistance to America’s intervention and conduct of the war in Vietnam in the 1960s was a symptom of the national neurosis. (This interpretation of the active resistance to the Vietnam War was not a sudden reactionary political initiative enabled by the circumstances of the Gulf War. Its origins can be traced back to the period of the Vietnam War itself, to the reaction against the protest movement by such influential conservative and liberal humanist intellectuals as George Kennan, Walter Jackson Bate, and Allan Bloom, among many others. The disruptions of the traditional white Anglo-American and male-dominated cultural value system in American colleges and universities – whether in the form of the common body of shared knowledge informing the general education program [the litterae humaniores] or the canon of great books – were undertaken in the name of relevance. In the name of high seriousness, these anxious traditionalists reduced this emancipator initiative to an unhealthy or neurotic obsession with novelty and/or vulgarity and represented it – as Arnold had represented the rise of working-class consciousness in late Victorian Britain – as a symptom not simply of a “centrifugal” process precipitating a dangerous cultural “heterogeneity,” but as a collective “death wish” [Bate] on the part of the American academy.) Whatever its limitations, the protest movement in the Vietnam decade was, in fact, a symptomatic manifestation of a long-overdue and promising national self-doubt about the alleged legitimacy of America’s representation of its internal constituencies (blacks, women, gays, ethnic minorities, the poor, the young, and so on) and about the alleged benignity of its historically ordained exceptionalist mission to transform the world (the barbarous Others) in its own image. In this last phase of the amnesiac process, this healthy and potentially productive self-examination of the American cultural identity came to be represented as a collective psychological sickness that, in its disintegrative momentum, threatened to undermine “America’s” promised end. By this I mean the end providentially promised to the original Puritans and later, after the secularization of the body politic, by History: the building of “the city on the hill” in the “New World,” which is to say, the advent of the New World Order and the end of history. In the wake of the Cold War, and especially the defeat of Saddam Hussein’s army – and the consequent representation of the shattered American consensus occasioned by the Vietnam War as a recovery of a collective mental illness – there came in rapid and virtually unchallenged succession a floodtide of “reforms,” reactionary in essence, intended to annul the multiply situated progressive legacy of the protest movement(s) of the Vietnam decade by overt abrogation or accommodation. Undertaken in the name of the “promise” of “America,” these reforms were intended to reestablish the ontological, cultural, and political authority of the enlightened, American “vital center” and its circumference and thus to recontain the dark force of the insurgent differential constituencies that had emerged at the margins in the wake of the disclosures of the Vietnam War. At the domestic site, these included the coalescence of capital (the Republican Party) and the religious and political Right into a powerful dominant neoconservative culture (a new “Holy Alliance,” as it were) committed to an indissolubly linked militantly racist, antifeminist, antigay, and anti-working class agenda; the dominant liberal humanist culture’s massive indictment of deconstructive and destructive theory as complicitous with fascist totalitarianism; the nationwide legislative assault on the post-Vietnam public university by way of programs of economic retrenchment affiliated with the representation of its multicultural initiative as a political correctness of the Left; the increasing subsumption of the various agencies of cultural production and dissemination (most significantly, the electronic information highways) under fewer and fewer parent, mostly American, corporations; the dismantling of the welfare program; and, symptomatically, the rehabilitation of the criminal president, Richard Nixon. At the international site, this “reformist” initiative has manifested itself as the rehabilitation of the American errand in the world, a rehabilitation exemplified by the United States’s virtually uncontested moral/military interventions in Panama, Somalia, Haiti, Bosnia, the Middle East, and Kosovo; its interference in the political processes of Russia by way of providing massive economic support for Boris Yeltsin’s democratic/capitalist agenda against the communist opposition; its unilateral assumption of the lead in demanding economic/political reforms in Southeast Asian countries following the collapse of their economies in 1998; its internationalization of the “free market”; and, not least, its globalization of the instrumentalist version of the English language. What needs to be foregrounded is that these global post-Cold War “reformist” initiatives are not discontinuous processes, a matter of historical accident. Largely enabled by the “forgetting” of Vietnam – and of the repression or accommodation or self-immolation of the emergent decentered modes of thinking the Vietnam War precipitated – they are, rather, indissolubly, however unevenly, related. Indeed, they are the multisituated practical consequences of the planetary triumph (the “end”) of the logical economy of the imperial ontological discourse that has its origins in the founding of the idea of the Occident and its fulfilled end in the banal instrumental/technological reasoning in the discourse of “America.” In thus totally colonizing thinking, that is, this imperial “Americanism” has come to determine the comportment toward being of human beings, in all their individual and collective differences, at large – even of those postcolonials who would resist its imperial order. This state of thinking, which has come to be called the New World Order (though to render its rise to ascendancy visible requires reconstellating the Vietnam War into this history), subsumes the representative, but by no means complete, list of post-Cold War practices to which I have referred above. And it is synecdochically represented by the massive mediatization of the amnesiac end-of-history discourse and the affiliated polyvalent rhetoric of the Pax Americana. Understood in terms of this massive effort to endow hegemonic status to the transformation of the metaphorics of the “wound” to (neurotic) “syndrome,” the forgotten of the systematic process of forgetting apparently accomplished by the renarrativization of history since the humiliatingly visible fall of Saigon in 1975 takes on a spectral resonance of epochal and planetary significance. As such, it calls on the differential community of oppositional intellectuals to undertake a genealogy of this end-of-history discourse that would retrieve (wiederholen) as precisely as possible the essence of that which the United States’s intervention in Vietnam and its conduct of the war disclosed, that which the American Cultural Memory, in the form of a “new Holy Alliance,” has feverishly attempted to bury in oblivion by way of its multisituated and long-term labor to hegemonize a demonic representation of this (self-)disclosure.

The overall CT strategy will remain the same even IF the AUMF is changed - the plan is just a facade.

Wittes 13 (Benjamin, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution, member of the Hoover Institution’s Task Force on National Security and Law, “

Coming at the AUMF Debate from a Different Angle,” March 19, 2013, <http://www.lawfareblog.com/2013/03/coming-at-the-aumf-debate-from-a-different-angle/>)

In his last post, Jack made the point that the fundamental difference seemed to be that Jen and Steve believed that peacetime authorities were adequate to the terrorist threat while we harbored doubts on that point. I agree that this is a fundamental division, but there’s another one—one I suspect is equally, if not, more important: Steve and Jen seem to believe that **not reauthorizing the AUMF** will, in fact, trigger a **cessation or diminution** **of the use of lethal force** in counterterrorism activities. In other words, they argue that **without a new AUMF, lethal counterterrorism activities would be**, if not eliminated, **severely constricted** and limited to, for example, an immediate response to a new major attack. They contend further that while Congress might act piecemeal to authorize particular uses of force in certain extreme cases, the basic framework would be one of peace and law enforcement—in other words, an absence of military force. On the other hand, they argue, a new AUMF would allow for the continuation of lethal counterterrorism activities, and even the expansion of them—as presidents add ever more groups to a list from which removal would be nearly impossible. In other words, the stakes are high because this is a choice between war and peace. The spirit that animates our paper, by contrast, is the suspicion that this belief is a bit less than realistic. In my view, to sketch the alternative, whoever is president is going to **continue our current counterterrorism policies** for the foreseeable future. Barring a Rand Paul presidency (and it will be interesting to see if either Jen or Steve endorses that prospect in the name of peace), any president is going to feel **obliged to maintain counterterrorism on offense**, and Congress—whining, carping, complaining all the way both that the president is being too aggressive and that he is not being aggressive enough—**will go along with it**, indeed, will insist upon it. That’s just the political reality. And it’s the political reality for a very simple reason that is, at its core, not about a point of law: Americans overwhelmingly prefer killing terrorists overseas to allowing them operating wiggle-room with which to attack Americans. This counterterrorism on offense will be justified, as it has been so far, by aggressive interpretation of the AUMF as covering associated forces in geographic locales far from hot battlefields. Or it will be justified by an **expansive view of Article II powers**. Or it will be justified by **whatever other legal means may be available.** The critical point, however, is that the core strategy is simply not going to be walked back, unless there is some dramatic political shift, and most fundamentally, it’s not going to be walked back because a group of lawyers think the AUMF is no longer a vital instrument—any more than the absence of a congressional action precluded the Libya operation.

Only ev specific to the aff- Obama wants to strike terrorists wherever he can

Xinhua, 9 ["U.S. targets terrorists "wherever they take root": Obama," news.xinhuanet.com/english/2009-10/07/content\_12189089.htm, accessed 9-22-13, mss]

The U.S. anti-terror efforts are not restricted in Afghanistan and Pakistan, and terrorists will be targeted "wherever they take root," U.S. President Barack Obama said Tuesday. "The United States and our partners have sent an unmistakable message: We will target al-Qaida wherever they take root," he said during a tour of the National Counterterrorism Center in McLean, Virginia, near Washington D.C.. "It should now be clear," he added. The president noted that terror threats to the United States not only come from Afghanistan and Pakistan, but from places around the world, including East Africa, Southeast Asia, Europe and the Persian Gulf. He said the United States is determined to fight terrorism "relentlessly." "We will not yield in our pursuit; and we are developing the capacity and the cooperation to deny a safe haven to any who threaten America and its allies."

#### Military lawyers are much more clever than you and I and will turn the law into swiss cheese.

Goldsmith 13 (Jack, Henry L. Shattuck Professor at Harvard Law School, served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003, “Response to Jennifer and Steve on Statutory Authority and Next-Generation Threats,” March 18, 2013 <http://www.lawfareblog.com/2013/03/response-to-jennifer-and-steve-on-statutory-authority-and-next-generation-threats/>)

Extra-AUMF threats directed at the United States are a problem today, and are **will only grow worse over time.** No administration will ignore these threats. The only issues are how the threats will be addressed, and on what legal basis. Jennifer and Steve agree with us that such problems should be addressed through some combination of law enforcement authorities and military authorities. And we all agree on the legal basis for law enforcement authorities. That leaves only the question of the legal foundation for the exercise of military authorities against extra-AUMF threats. Jennifer and Steve prefer a combination of the current AUMF and Article II. They think that such an approach will be more **limited or cabined** than the one we propose. I am skeptical. As the administration’s “associates of associates” gambit suggests, and as the history of the past dozen years shows, and as the unilateral opening of the Niger base implies, **Executive branch lawyers have many tricks up their sleeves for** secret expansion of the AUMF. Especially if these AUMF authorities are deployed only for targeting, they will likely never be reviewed by a court. Jennifer’s and Steve’s **limitation of statutory authorities** to the current AUMF is thus **not a recipe for ending armed conflict** – it is, in light of the realities of ever-present threats, **a recipe for** continued armed conflict **via secret and ever-more-tenuous expansions of the AUMF.** (I am a bit surprised about the ease with which Steve and Jennifer conclude that AQAP is covered by the current AUMF, so perhaps they, like the administration, embrace a relatively open-ended interpretation of the AUMF; but I note, for reasons stated in our piece, that such interpretive expansions of the AUMF are not a stable solution and are increasingly illegitimate.) Moreover, I agree with Steve and Jennifer that Article II is a possible solution to terrorist threats; but I also believe, as we said in our piece, that “presidential action based on statutory authority has more political and legal legitimacy than action based on Article II alone.” In addition, Steve’s and Jennifer’s proposal would include none of the clarifying (or potentially narrowing) interventions by Congress that our proposal contains. Nor would their proposal contain the accountability mechanisms that we propose, including the relatively robust and public and deliberate administrative process for adding threatening new groups (as opposed to the secret and ad hoc way they are added now), and much “more thorough ex post reporting and auditing” than is currently the case.

# 1NR

#### Drone strikes fuel terrorism--- laundry list

Blum and Heyman 10, (Gabriella Blum, Assistant Professor of Law, Harvard Law School, and Philip Heymann, James Barr Ames Professor of Law, Harvard Law School, Law and Policy of Targeted Killing, Harvard National Security Journal, Vol. 1, June 27, 2010, https://www.law.upenn.edu/institutes/cerl/conferences/targetedkilling/papers/BlumHeymannLawPolicy.pdf)

An immediate consequence of eliminating leaders of terrorist organizations will sometimes be what may be called the Hydra effect, the rise of more—and more resolute—leaders to replace them. The decapitating of the organization may also invite retaliation by the other members and followers of the organization. Thus, when Israel assassinated Abbas Mussawi, Hezbollah‘s leader in Lebanon, in 1992, a more charismatic and successful leader, Hassan Nassrallah, succeeded Mussawi. The armed group then avenged the assassination of its former leader in two separate attacks, blowing up Israeli and Jewish targets in Buenos Aires, killing over a hundred people and injuring hundreds more.¶ Targeted killing may also interfere with important gathering of critical intelligence. The threat of being targeted will drive current leaders into hiding, making the monitoring of their movements and activities by the counterterrorist forces more difficult. Moreover, if these leaders are found and killed, instead of captured, the counterterrorism forces lose the ability to interrogate them to obtain potentially valuable information about plans, capabilities, or organizational structure.¶ The political message flowing from the use of targeted killings may be harmful to the attacking country’s interest, as it emphasizes the disparity in power between the parties and reinforces popular support for the terrorists, who are seen as a David fighting Goliath. Moreover, by resorting to military force rather than to law enforcement, targeted killings might strengthen the sense of legitimacy of terrorist operations, which are sometimes viewed as the only viable option for the weak to fight against a powerful empire. If collateral damage to civilians accompanies targeted killings, this, too, may bolster support for what seems like the just cause of the terrorists, at the same time as it weakens domestic support for fighting the terrorists.

#### Drone strikes increase recruitment – leads to retaliation and terrorism.

Shah 10, (SIKANDER AHMED SHAH, J.D. Cum Laude, University of Michigan Ann Arbor; Assistant Professor of Law and Policy, LUMS University, Lahore, Pakistan, WAR ON TERRORISM: SELF DEFENSE, OPERATION ENDURING FREEDOM, AND THE LEGALITY OF U.S. DRONE ATTACKS IN PAKISTAN, WASHINGTON UNIVERSITY GLOBAL STUDIES LAW REVIEW, VOL. 9:77, 2010, http://law.wustl.edu/WUGSLR/Issues/Volume9\_1/Shah.pdf)

The use of force is unnecessary in self defense when, rather than diminishing the dangers involved, the gravity of the threat posed is augmented by the use of force. U.S. drone attacks exacerbate the threat of terrorism, both from a regional and global perspective, and intensely strengthen militancy and insurgency in the troubled Pak-Afghan region. The War on Terror that prompted U.S. military adventurism in the region has proven to be a blessing in disguise for extremist and militants groups. U.S. attacks have given birth to an unprecedented level of resentment and anger among the tribal populace, which has been craftily exploited by fanatical factions through organized propaganda to successfully recruit thousands of disillusioned and impressionable young fighters for their causes. Consequently, these burgeoning violent movements embedded in religious fanaticism have dangerously engulfed many parts of Pakistan propagating insurgency, civil unrest, and terrorism.¶ U.S. drone attacks are no different in causing this level of resentment and anger, and they have provided impetus to extremist recruitment and bolstered the resolve of militants. The resulting aggressiveness is apparent from recent terrorist attacks conducted by extremists in secure metropolises of Pakistan distant from the tribal areas, as retribution for the drone attacks.329 For instance, Baitullah Mehsud, the deceased leader of Tehrik-e-Taliban,330 the umbrella organization of all Pakistani Taliban outfits, had threatened that his fighters would continue to undertake terrorist attacks in secure parts of Pakistan on a weekly basis as reprisal for the continuing drone attacks.331 This proxy fight between the United States and the militants within Pakistan is dangerously destabilizing the country and increasing the dangers of international terrorism to all nations, including the United States. Therefore, the necessity of the drone attacks for eliminating the threat of terrorism emanating out of the tribal areas of Pakistan is highly questionable.

#### Drone strikes increase support for extremist groups—increases terrorism.

O’Connell 10, (Mary Ellen O’Connell, Robert and Marion Short Chair in Law, University of Notre Dame, Lawful Use of Combat Drones, House of Representatives Subcommittee on National Security and Foreign Affairs, Hearing: Rise of the Drones II: Examining the Legality of Unmanned Targeting, April 28, 2010, https://www.fas.org/irp/congress/2010\_hr/042810oconnell.pdf)

The use of military force in counter-terrorism operations has been counter-productive. Military force is a blunt instrument. Inevitably unintended victims are the result of almost any military action. Drone attacks in Pakistan have resulted in large numbers of deaths and are generally seen as fueling terrorism, not abating it. In Congressional testimony in March 2009, counter-terrorism expert, David Kilcullen, said drones in Pakistan are giving “rise to a feeling of anger that coalesces the population around the extremists and leads to spikes of extremism well outside the parts of the country where we are mounting those attacks.”18 Another expert told the New York Times, ‘’The more the drone campaign works, the more it fails—as increased attacks only make the Pakistanis angrier at the collateral damage and sustained violation of their sovereignty.’”19 A National Public Radio Report on April 26, 2010, pointed out that al Qaeda is losing support in the Muslim world because of its violent, lawless tactics.20 We can help eliminate the last of that support by distinguishing ourselves through commitment to the rule of law, especially by strict compliance with the rules governing lethal force.

Hege is unsustainable.

Layne 12—Professor and Robert M. Gates Chair in National Security at Texas A&M’s George H.W. Bush School of Government & Public Service, This Time It’s Real: The End of Unipolarity and the Pax American , International Studies Quarterly Volume 56, Issue 1, March

Some twenty years after the Cold War’s end, it now is evident that both the 1980s declinists and the unipolar pessimists were right after all. The Unipolar Era has ended and the Unipolar Exit has begun. The Great Recession has underscored the reality of US decline, and only “denialists” can now bury their heads in the sand and maintain otherwise. To be sure, the Great Recession itself is not the cause either of American decline or the shift in global power, both of which are the culmination of decades-long processes driven by the big, impersonal forces of history. However, it is fair to say the Great Recession has both accelerated the causal forces driving these trends and magnified their impact.

There are two drivers of American decline, one external and one domestic. The external driver of US decline is the emergence of new great powers in world politics and the unprecedented shift in the center of global economic power from the Euro-Atlantic area to Asia. In this respect, the relative decline of the United States and the end of unipolarity are linked inextricably: the rise of new great powers—especially China—is in itself the most tangible evidence of the erosion of the United States’ power. China’s rise signals unipolarity’s end. Domestically, the driver of change is the relative—and in some ways absolute—decline in America’s economic power, the looming fiscal crisis confronting the United States, and increasing doubts about the dollar’s long-term hold on reserve currency status.

Unipolarity’s demise marks the end of era of the post-World War II Pax Americana. When World War II ended, the United States, by virtue of its overwhelming military and economic supremacy, was incontestably the most powerful actor in the international system. Indeed, 1945 was the United States’first unipolar moment. The United States used its commanding, hegemonic position to construct the postwar international order—the Pax Americana—which endured for more than six decades. During the Cold War, the Pax Americana reflected the fact that outside the Soviet sphere, the United States was the preponderant power in the three regions of the world it cared most about: Western Europe, East Asia, and the Persian Gulf. The Pax Americana rested on the foundational pillars of US military dominance and economic leadership and was buttressed by two supporting pillars: America’s ideological appeal (“soft power”) and the framework of international institutions that the United States built after 1945.

Following the Cold War’s end, the United States used its second unipolar moment to consolidate the Pax Americana by expanding both its geopolitical and ideological ambitions. In the Great Recession’s aftermath, however, the economic foundation of the Pax Americana has crumbled, and its ideational and institutional pillars have been weakened. Although the United States remains preeminent militarily, the rise of new great powers like China, coupled with US fiscal and economic constraints, means that over the next decade or two the United States’ military dominance will be challenged. The decline of American power means the end of US dominance in world politics and a transition to a new constellation of world power. Without the “hard” power (military and economic) upon which it was built, the Pax Americana is doomed to wither in the early twenty-first century. Indeed, because of China’s great-power emergence, and the United States’ own domestic economic weaknesses, it already is withering.

Decline doesn’t cause lash out.

MacDonald and Parent 11 – Asst Prof. of PoliSci @ Williams College and Parent, Asst Prof. PoliSci @ U of Miami, Paul and Joseph, “Graceful Decline?” International Security, 35.4, Project MUSE

With regard to militarized disputes, declining great powers demonstrate more caution and restraint in the use of force: they were involved in an average of 1.7 fewer militarized disputes in the five years following ordinal change compared with other great powers over similar periods.67 Declining great powers also initiated fewer militarized disputes, and their disputes tended to escalate to lower levels of hostility than the baseline category (see figure 2).68 These findings suggest the need for a fundamental revision to the pessimist's argument regarding the war proneness of declining powers.69 Far from being more likely to lash out aggressively, declining states refrain from initiating and escalating military disputes. Nor do declining great powers appear more vulnerable to external predation than other great powers. This may be because external predators have great difficulty assessing the vulnerability of potential victims, or because retrenchment allows vulnerable powers to effectively recover from decline and still deter potential challengers.

We don’t need to win the US gives up hege—perception of impotence means allies abandon reliance on us—that’s stabilizing.

Hadar 9 – research fellow in foreign policy studies at the Cato Institute, Leon, “Old U.S. Allies Are Hedging Their Strategic Bets”, Huffington Post, 12/14, http://www.cato.org/pub\_display.php?pub\_id=11048

But while the United States will not collapse with a bang a la Soviet Union, a process of gradual waning of American power has been taking place for a while, with the notion of a U.S. monopoly in the international system being replaced with the concept of oligopoly of great powers. The United States will cease being Number One and will start playing the role of first among equals -- or primus inter pares -- for some years to come. In fact, that process is already taking place, and some of the governments that are sensing that America is starting to lose its mojo include two staunch U.S. allies, Japan and Turkey, whose leaders have beenr strategic bets and diversify their global portfolio in response to the waning Pax Americana. In Japan, the election defeat of the Liberal Democratic Party (LDP), which had ruled Japan for more than four decades, and the landslide victory of the Democratic Party of Japan (DPJ) led by Yukio Hatoyama,has marked a peaceful revolution in that nation's politics as well as the start of a transformation in the relationship between Tokyo and Washington and their 50-year-old bilateral security alliance that had been established at the beginning of the Cold War. In a way, both LDP's electoral dominance and the security agreement with the United States were seen as integral part of the same anachronistic order created after World War II and under which Japan's political and economic system was controlled by an iron triangle consisting of the LDP, the bureaucracy and big business while its foreign policy was based on the alliance with Washington which obliged the Japanese to comply with U.S. strategic dictates in exchange for an American nuclear umbrella. Notwithstanding the collapse of the Soviet Union, the U.S.-Japan alliance -- not unlike the Energizer Bunny -- kept going and going and going, as the two sides focused on new common threats, including China and North Korea; for Washington, the status-quo helped perpetuate its hegemony in Northeast Asia by maintaining its military presence, while for the Japanese it permitted continuing the free-riding on American military protection against China's strengthening military might and North Korean nuclear arms. But China's economic and military ascent at a time when United States seemed be shifting its attention from East Asia, coupled with American military blunders in the MiddleEast and the U.S.-made financial crisis, has ignited a debate in Japan about whether the time may have come to replace that nation's traditional dependency on Washington with a more Asian-oriented strategy that would place a new emphasis on the relationship with China and the rest of Asia and help create the foundations for an EU-type regional system (which may not include the United States as a member). That view seemed to be shared by Hatoyama and some of his advisors who decided to suspend an earlier agreement to relocate American Marine bases on the island of Okinawa, a move that ignited an angry response from the Pentagon and created a sense that the special relationship between Washington and Tokyo may be over. Like Japan, Turkey was a leading strategic ally of the United States during the Cold War. Turkey was not only an important member of NATO but it also helped the Americans contain the threat from the Soviet Union and its allies in the Middle East while maintaining close military ties with Israel. And like in the case of U.S.-Japan relationship, both Ankara and Washington seemed to be interested in maintaining their alliance after the Cold War had ended. While the Americans promised to assist Turkey in its efforts to join the European Union (EU), Turkey expressed its willingness to cooperate with the United States in containing the Islamic Republic of Iran and other radical Islamist forces in the Middle East. But dramatic political changes in Turkey in the form of the growing influence of political Islamic movement that challenged Turkey's traditional secular and pro-Western orientation, and in particular, the 2002 electoral victory of the Justice and Development Party (AKP)that is committed to an Islamist ideology, seemed to be raising doubts about the continuing viability of the U.S.-Turkey alliance while the failure of Washington to help bring Turkey into the EU played into the hands of those Turks who were questioning their nation's ties to the West. But it was the Turkish decision not to support the American invasion Iraq in 2003 and its refusal to allow U.S. forces to cross Turkish territory on their way to Iraq that marked a turning point in the relationship between the two countries. The AKP-led government headed by Prime Minister Recep Erdogan insisted that the ousting of Iraq's Saddam Hussein and the Americans attempts to 'remake" the Middle East ran contrary to Turkish interests by creating political instability and leading to new military conflicts in the Persian Gulf and the Levant (that prediction proved to be on target). Indeed, the collapse of the U.S. hegemonic project in the Middle East and the rise of Iran as the new regional power, has created incentives Turkey to fill the strategic vacuum by strengthening its political and economic ties with Saudi Arabia, Syria, Iraq and other Arab governments as well as with Iran (Erdogan has defended that country's nuclear program) and even with old-time foes like the Armenians and the Kurds, while distancing itself from Israel. In a way, not unlike Japan, Turkey seems to be in the process of reorienting its relationship from the United States as it attempts to re-establish itself as a regional power. But the new foreign policy direction that seems to be embraced by Turkey and Japan is not an indication that these two governments are pursuing an anti-American agenda or are embarking on a civilizational confrontation with a U.S.-led. Turkey is not about to join Iran or anti-American governments and groups to force the U.S. out of the Middle East. Instead, it is responding the erosion in the power of the U.S. there by creating new partnerships that could help stabilize the region: helping other Sunni governments to counter-balance the rising power of Shiite Iran's; trying to serve as a peace mediator (between Syria and Israel, for example); preventing the disintegration of Iraq by strengthening ties with the Kurds; and facilitating trade and investment. Similarly, there is clearly no support in Japan for becoming part of a Sinic-dominated regional system or for ejecting America from East Asia. Like Turkey, Japan does not want to put all its strategic and economic eggs in an American basket that seems to be full of so many holes. It has no interest in being perceived trying to adjust their policies to the realities of the changing balance of power, as they hedge thei as an American proxy intent on containing China. And it wants to benefit in terms of trade and investment from the economic rise of China and the integration of the region. Hence, Washington should welcome these steps towards strategic adjustment being pursued by its allies and refrain from any attempt to force them to re-embrace to the old subservient approach towards the United States. The United States lacks the power to impose its agenda on these allies. And if it insists on doing that, it could turn them from partners into rivals.