# 1ac

Same as Kentucky

# 2ac

## Wars of Choice Adv

### 2AC A2: Heg Unsustainable

***Leadership is sustainable – that’s Haas – but avoiding intervention key – more evidence – they are too pessimistic:***

**Robinson 6-26-13**, Don Robinson, a retired professor of government at Smith College, June 26, 2013, Gazette Net, Donald Robinson: The arguments for and against intervening in Syria, <http://www.gazettenet.com/home/7163738-95/donald-robinson-the-arguments-for-and-against-intervening-in-syria>, jj

Nasr’s case for a stronger American commitment to the Middle East is countered by Richard Haass, president of the Council on Foreign Relations and author of “Foreign Policy Begins at Home: The Case for Putting America’s House in Order.” **What America needs now**, he writes, **is to “take a breather” from foreign engagements**.¶ **This would be an opportune moment for an American respite**, he argues. **We face no great-power rival. No one can challenge our primacy, not China, Russia, Europe, Japan, India. We are by far the richest, most powerful nation on Earth. We are politically stable. We enjoy “healthy demographics**” (not too many elders**), a widely shared commitment to the rule of law, a “rich endowment” of energy, minerals, water and arable land and** an openness to immigration that is a continuing source of **innovation**.¶ **Our good fortune gives us an opportunity**, Haass says. ***To seize it, we must avoid “wars of choice*** and wholesale efforts to remake societies like the invasion of Iraq in 2003 and the surge in Afghanistan in 2009.” **We could use the pause to “restore the foundations of American power” — for example, by repairing a health care system that spends nearly twice as much as other industrialized nations per citizen, and rebuilding public education, where we spend more per student than most other wealthy countries**.¶ **There is another reason to “take a breather” from foreign interventions**. We need to think through the data collection issues exposed by Edward Snowden’s disclosures. Obama contends that we need this debate, but who thinks we would be having it if Snowden hadn’t spilled the beans on the NSA? He is the Daniel Berrigan of the Obama era.¶ What we desperately need is a thorough airing of this data-gathering, conducted in a spirit of profound skepticism. Who is on this Foreign Intelligence Surveillance “court”? What do they do? Is anyone at this “court” responsible to present the argument against a claim of necessity to analyze this data? And what did Congress (its intelligence committees and other members) know about this program, and why have they not shared what they know with the country? Is that not the function of Congress? And where is the loyal opposition?¶ Have members traded their obligation to exercise checks and balances for a chance to play statesman?¶ **It is indeed time to take a breather and to renew our constitutional liberties.**

### A2: china impact turn

#### Withdrawal from the global commons causes China war

Robert D. **Kaplan**, national correspondent for The Atlantic and a senior fellow at the Center for a New American Security, in Washington, D.C. His latest book is Monsoon: The Indian Ocean and the Future of American Power (Random House, 2010). Kaplan is the best-selling author of twelve previous books on international affairs and travel, translated into many languages. In the 1980s, he was the first American writer to warn in print about a future war in the Balkans. Balkan Ghosts was chosen by The New York Times Book Review as one of the “best books” of 1993, and by Amazon.com as one of the best travel books of all time. The Arabists, The Ends of the Earth, An Empire Wilderness, Eastward to Tartary, and Warrior Politics were all chosen by The New York Times as “notable” books of the year. Kaplan is a provocative essayist whose more than three-decades' worth of traveling and reporting experience, much of which he has accumulated in the world's most difficult and dangerous places, informs even his briefest contributions. His article, “The Coming Anarchy,” in the February 1994 Atlantic, about how population rises, urbanization, and resource depletion are undermining governments, was widely translated and debated. So was his December 1997 Atlantic cover story, “Was Democracy Just A Moment?” New York Times columnist Thomas Friedman calls Kaplan among the four “most widely read” authors defining the post-Cold War (along with Francis Fukuyama, Harvard Prof. Samuel Huntington, and Yale Prof. Paul Kennedy). In addition to his written work, Kaplan has been a consultant to the U. S. Army’s Special Forces Regiment, the U. S. Air Force, and the U. S. Marines. From 2006 to 2008, he was the Class of 1960 Distinguished Visiting Professor in National Security at the United States Naval Academy. He has also lectured at the FBI, the National Security Agency, the Pentagon's Joint Staff, major universities, the CIA, and business forums. 4-4-**12**, STRATFOR, America's Pacific Logic, <http://www.stratfor.com/analysis/americas-pacific-logic-robert-d-kaplan>, jj

**The Indian Ocean is the world's energy interstate, across which passes crude oil and natural gas from the Arabian Peninsula and Iranian Plateau to** the burgeoning, middle-class urban sprawls of **East Asia**. Though we live in a jet and information age, **90 percent of all commercial goods** that **travel** from one continent to another do so **by container ship, and half of those goods** in terms of global tonnage -- **and one-third in terms of monetary value -- traverse the South China Sea**, which connects the Indian Ocean with the Western Pacific. Moreover, **the** supposedly energy-rich **South China Sea is the economic hub of world commerce**, where international sea routes coalesce. **And it is the U.S. Navy and Air Force**, more than any other institutions, **that have kept those sea lines of communication secure, thus allowing for post-Cold War globalization in the first place**. This is the real public good that the United States provides the world. But now a new challenge looms for the United States: a rising China as demonstrated by the totality of its power -- its geographical proximity to the South China Sea and environs; its economic heft, making it the largest trading partner of most if not all of the littoral nations (despite economic troubles in China itself); and its expanding submarine fleet. Beijing has been buying smart, investing in subs, ballistic missiles, and space and cyber warfare as part of a general defense build-up. **China** has no intention of going to war with the United States, but it **does seek to impede in time of crisis U.S. military access to the South China Sea and the rest of maritime Asia.** From my travels I have seen that this has led to the use of the term "Finlandization" throughout Southeast Asia, whereby China, through the combination of its economic and military power, will undermine the sovereignty of countries such as Vietnam, Malaysia, the Philippines and Singapore, all of which are de facto or de jure U.S. allies. The country that is the biggest target for China is Vietnam, whose seaboard forms the western edge of the South China Sea and whose economically dynamic population of 87 million makes it a future maritime Turkey, a midlevel power in its own right. If China can "Finlandize" Vietnam, Beijing will in practical terms capture the South China Sea. This explains Washington's increasing military and interest in Hanoi. Whereas Vietnam and other littoral countries claim parts of the South China Sea, China cites a "historic" nine-dashed line that encompasses almost the entire sea itself. Governmental and policy elites in Beijing recognize the need to compromise on the "cow's tongue," as the nine-dashed line is called, but nationalistic elements in China won't let them, at least not yet. The Chinese are simply unable to psychologically divorce their claims on the nearby South China Sea from the territorial depredations directed against China by the West in the 19th and early 20th centuries. To Chinese officials, the South China Sea represents blue national soil. Of course, American diplomacy has been active on these matters for years, but **U.S. diplomats would lack credibility if they were not backed by a robust military presence in the future**. This is what the pivot is all about: The United States does not intend to desert maritime Asia in its hour of need. As one high-ranking diplomat of a South China Sea country told me, **if the United States were to withdraw an aircraft carrier strike group from the region it would be a "game-changer," ushering the region toward Finlandization.** Additionally, China is helping to build state-of-the-art port facilities all along the Indian Ocean, on the other side of the Malacca Strait from the South China Sea, in Myanmar, Sri Lanka, Bangladesh, Pakistan and Kenya. These projects all have specific commercial motives promoted by individual Chinese companies, and in some cases, such as Gwadar in Pakistan, are in the middle of politically unstable areas, making their use problematic. But this is how most empires begin -- as speculative-commercial and policing ventures. The Venetian empire in the Mediterranean began as an attempt to suppress piracy along the Adriatic coast, something Chinese warships are doing near the Horn of Africa. Then there were the purely commercial ventures of the British and Dutch East India companies in their early days, which led to full-fledged imperial domains. A profound socio-economic crisis in China itself -- something that by no means can be ruled out -- might have the effect of slowing this quasi-imperial rise. But that hasn't happened quite yet, and in the meantime, the United States is forced to react to China's growing military and commercial capabilities. But the change in U.S. policy focus is not literally about containing China. "Containment" is a word of Cold War vintage related to holding ground against the Soviet Union, a country with which the United States had a one-dimensional, hostile relationship. The tens of thousands of American students and corporate executives in Beijing attest to the rich, multi-dimensional relationship the United States enjoys with China. China is so much freer than the former Soviet Union that to glibly state that China is "not a democracy" is to miss the point of China's rise entirely. China is an altogether dynamic society that is naturally expanding its military and economic reach in the Indo-Pacific region much as the United States expanded in the Atlantic and Greater Caribbean following the Civil War. But **the rise of any new great power needs to be managed, especially as it is accompanied by the rise of Indian, Vietnamese, Malaysian, Singaporean and Australian sea power, even as Japan and South Korea modernize their sea and air fleets with the latest combat systems. Make no mistake, the Indo-Pacific is in the midst of an arms race that complicates the security of the region's sea lanes. Were the United States not now to turn to the Indo-Pacific, it would risk a multipolar military order arising up alongside an already existent multipolar economic and political order. Multipolar military systems are more unstable than unipolar and bipolar ones because there are more points of interactions and thus more opportunities for miscalculations, as each country seeks to readjust the balance of power in its own favor. U.S. military power in the Indo-Pacific is needed not only to manage the peaceful rise of China but also to stabilize a region witnessing the growth of indigenous civil-military post-industrial complexes. If American power was diminished, China, India and other powers would be far more aggressive toward each other than they are now, for they all benefit from the secure sea lines of communication provided by the U. S. Navy and Air Force.**

## Deterrence Adv

### A2: rogue state-ish arg

#### Preventative intervention kills deterrence – causes global instability & proliferation

Korb & Bergmann ’07, Lawrence J. Korb, a former assistant secretary of defense, is a senior fellow at the Center for American Progress. Max A. Bergmann is the deputy policy director at the National Security Network. Center for American Progress, December 2007, RestoRing AmeRicAn ¶ militARy PoweR, <http://www.americanprogress.org/issues/2007/12/pdf/defense_strategy.pdf>, jj

The United States should not engage in wars based on preventing the ¶ emergence of some distant threat. ¶ The war in Iraq is often incorrectly ¶ referred to as “pre-emption,” instead ¶ of what it actually was—a preventive ¶ war. Pre-emption, otherwise known as ¶ anticipatory self-defense, is a legitimate attack launched in self-defense ¶ against an imminent threat. A preventive war is an attack upon another ¶ state aimed at destroying the rising ¶ capabilities of that state in order to ¶ prevent a future, but not imminent, ¶ threat. In the case of Iraq, the United ¶ States lost support of many of its allies and came under heavy criticism ¶ ß¶ ß¶ from member countries of the United ¶ Nations. It also lost critical partners ¶ in its war against terrorism and valuable credibility and moral standing ¶ among the international community. ¶ Preventative wars undermine international stability because they weaken ¶ deterrence by encouraging countries ¶ to adopt precarious “launch-on-warning” force postures.16

#### Rogue states can be deterred --- they care about survival

Record, 2004 (July 8th, Jeffrey Record is a former professional staff member of the Senate Armed Services Committee and author of Bounding the Global War on Terrorism and Dark Victory: America’s Second War against Iraq, Policy Analysis, No.519, “Nuclear Deterrence, Preventive War, and Counterproliferation,” http://object.cato.org/sites/cato.org/files/pubs/pdf/pa519.pdf)

The wisdom and necessity of preventive war as a substitute for nuclear deterrence are, however,¶ highly questionable. The evidence strongly suggests that credible nuclear deterrence remains effective against rogue state use of WMD, if not¶ against attacks by fanatical terrorist organizations; unlike terrorist groups, rogue states have critical assets that can be held hostage to the threat of devastating retaliation, and no rogue state has ever used WMD against an enemy capable of such retaliation. Additionally, preventive war is not only contrary to the traditions of American statecraft that have served U.S. security¶ interests so well but also anathema to many long- standing friends and allies.

#### Requiring Congressional approval doesn’t hurt flexibility in a crisis

The plan helps flex --- knee-jerk decisions made by the executive limit flexibility in the long term

Streichler ’08, Stuart Streichler, Adjunct Faculty, Seattle University School of Law. Ph.D., Johns Hopkins University; J.D., University of Michigan Law School; B.S., Bowling Green State University, Winter, 2008¶ Journal Of Law And Politics¶ 24 J. L. & Politics 93, ARTICLE: Mad about Yoo, or Why Worry about the Next Unconstitutional War, Lexis, jj

[\*123] When Yoo discusses the need for flexibility in the process for warmaking, he creates a false dilemma. He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a "fixed, legalistic process." n230 For Yoo, the latter would inevitably hamper the government's ability to respond to terrorist threats. n231 Yet even if Congress has the power to decide whether to go to war, the presi-dent retains substantial powers to respond quickly to defend the country. No lawmaker would insist on Congress delib-erating while terrorists set off weapons of mass destruction in the United States. Americans who lived with the risk of nuclear attack during the Cold War accepted the president's authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, Congress has demonstrated that it can move quickly to authorize the use of military force. Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks, n232 and the House approved the measure a few hours later (420-1). n233 Another four days passed before the president signed it. n234 The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so. The Senate (82-0) and the House (388-1) issued a declaration of war thirty-three minutes after President Franklin D. Roosevelt's "Day of Infamy" speech. n235 Furthermore, whatever their capacity for dynamic response, presidents do not always react to security threats with speed and energy. While Yoo cleverly aligns his position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners.

## Solvency

### A2: security arg on case

#### Legal restraints on use of force are the best check against militarism —- rejecting all intervention goes too far, won’t be accepted, and risks real security threats

Falk 1 – Richard Falk, Professor Emeritus of International Law at Princeton University, "Defining a Just War", The Nation, 10-11, http://www.thenation.com/article/defining-just-war~~23

I. ANTIWAR/PACIFIST APPROACH The pacifist position opposing even limited military action overlooks the nature of the threat and is thus irrelevant to meeting the central challenge of restoring some sense of security among our citizenry and in the world generally. ¶ Also, in the current setting, unlike in the civil rights movement and the interventionist conflicts of the cold war era (especially Vietnam), antiwar and pacifist stands possess little or no cultural resonance with the overwhelming majority of Americans. It may be that at later stages of the war this assessment will prove to have been premature, and even now Quaker, Christian, Gandhian and Buddhist forms of pacifism offer a profound critique of wars. These critiques should be seriously heeded, since they lend weight to the the view that the use of force should be marginal and kept to an absolute minimum. Certainly the spiritually motivated pacifist witness can be both inspirational and instructive, and help to mitigate and interrogate militarist postures. ¶ Another form of antiwar advocacy rests on a critique of the United States as an imperialist superpower or empire. This view also seems dangerously inappropriate in addressing the challenge posed by the massive crime against humanity committed on September 11. Whatever the global role of the United States--and it is certainly responsible for much global suffering and injustice, giving rise to widespread resentment that at its inner core fuels the terrorist impulse--it cannot be addressed so long as this movement of global terrorism is at large and prepared to carry on with its demonic work. These longer-term concerns--which include finding ways to promote Palestinian self-determination, the internationalization of Jerusalem and a more equitable distribution of the benefits of global economic growth and development--must be addressed. Of course, much of the responsibility for the failure to do so lies with the corruption and repressive policies of governments, especially in the Middle East, outside the orbit of US influence. A distinction needs to be drawn as persuasively as possible between inherently desirable lines of foreign policy reform and retreating in the face of terrorism. ¶ II. LEGALIST/UN APPROACH International treaties that deal with terrorism on civil aircraft call for cooperation in apprehending suspects and allow for their subsequent indictment and prosecution by national courts. Such laws could in theory be invoked to capture Osama bin Laden and his leading associates and charge them with international crimes, including crimes against humanity. A tribunal could be constituted under the authority of the United Nations, and a fair trial could then be held that would avoid war and the ensuing pain, destruction and associated costs. The narrative of apocalyptic terrorism could be laid before the world as the crimes of Nazism were bared at Nuremberg. But this course is unlikely to deal effectively with the overall threat. A public prosecution would give bin Laden and associates a platform to rally further support among a large constituency of sympathizers, and conviction and punishment would certainly be viewed as a kind of legal martyrdom. It would be impossible to persuade the United States government to empower such a tribunal unless it was authorized to impose capital punishment, and it is doubtful that several of the permanent members of the Security Council could be persuaded to allow death sentences. Beyond this, the evidence linking bin Laden to the September 11 attacks and other instances of global terrorism may well be insufficient to produce an assured conviction in an impartial legal tribunal, particularly if conspiracy was not among the criminal offenses that could be charged. European and other foreign governments are unlikely to be willing to treat conspiracy as a capital crime. And it strains the imagination to suppose that the Bush Administration would relinquish control over bin Laden to an international tribunal. On a more general level, it also seems highly improbable that the US government can be persuaded to rely on the collective security mechanisms of the UN even to the unsatisfactory degree permitted during the Gulf War. To be sure, the UN Security Council has provided a vague antiterrorist mandate as well as an endorsement of a US right of response, but such legitimizing gestures are no more than that. For better and worse, the United States is relying on its claimed right of self-defense, and Washington seems certain to insist on full operational control over the means and ends of the war that is now under way. Such a reliance is worrisome, given past US behavior and the somewhat militaristic character of both the leadership in Washington and the broader societal orientation in America toward the use of overwhelming force against the nation's enemies. ¶ Yet at this stage it is unreasonable to expect the US government to rely on the UN to fulfill its defensive needs. The UN lacks the capability, authority and will to respond to the kind of threat to global security posed by this new form of terrorist world war. The UN was established to deal with wars among states, while a transnational actor that cannot be definitively linked to a state is behind the attacks on the United States. Al Qaeda's relationship to the Taliban regime in Afghanistan is contingent, with Al Qaeda being more the sponsor of the state rather than the other way around. ¶ Undoubtedly, the world would be safer and more secure with a stronger UN that had the support of the leading states in the world. The United States has for years acted more to obstruct than to foster such a transformation. Surely the long-term effects of this crisis should involve a new surge of support for a reformed UN that would have independent means of financing its operations, with its own peacekeeping and enforcement capabilities backed up by an international criminal court. Such a transformed UN would generate confidence that it could and would uphold its charter in an evenhanded manner that treats people equally. But it would be foolish to pretend that the UN today, even if it were to enjoy a far higher level of US support than it does, could mount an effective response to the September 11 attacks. ¶ III. MILITARIST APPROACH Unlike pacifism and legalism, militarism poses a practical danger of immense proportions. Excessive reliance on the military will backfire badly, further imperiling the security of Americans and others, spreading war and destruction far afield, as well as emboldening the government to act at home in ways that weaken US democracy. So far the Bush Administration has shown some understanding of these dangers, going slowly in its reliance on military action and moving relatively cautiously to bolster its powers over those it views as suspicious or dangerous, so as to avoid the perception of waging a cultural war against Islam. The White House has itself repeatedly stressed that this conflict is unlike previous wars, that nonmilitary means are also important, that victory will come in a different way and that major battlefield encounters are unlikely to occur. ¶ Such reassurances, however, are not altogether convincing. The President's current rhetoric seems to reflect Secretary of State Colin Powell's more prudent approach, which emphasizes diplomacy and nonmilitary tactics, and restricts military action to Al Qaeda and the Taliban regime. Even here, there is room for dangerous expansion, depending on how the Al Qaeda network is defined. Some maximalists implicate twenty or more countries as supporters of terrorism. Defense Secretary Donald Rumsfeld, his deputy Paul Wolfowitz and others are definitely beating the drums for a far wider war; they seem to regard the attacks as an occasion to implement their own vision of a new world, one that proposes to rid the world of "evil" and advances its own apocalyptic vision. This vision seeks the destruction of such organizations as Hezbollah and Hamas, which have only minimal links to Al Qaeda and transnational terror, and which have agendas limited mainly to Palestinian rights of self-determination and the future of Jerusalem. These organizations, while legally responsible for terrorist operations within their sphere of concerns, but also subject to terrorist provocations, have not shown any intention of pursuing bin Laden's apocalyptic undertaking. Including such groups on the US target list will surely undermine the depth and breadth of international support and engender dangerous reactions throughout the Islamic world, and possibly in the West as well. ¶ Beyond this, there is speculation that there will be a second stage of response that will include a series of countries regarded as hostile to the United States, who are in possession of weapons of mass destruction but are not currently related to global terrorism in any significant fashion. These include Iraq, Libya and possibly even Syria, Iran and Sudan. To expand war objectives in this way would be full of risks, require massive military strikes inflicting much destruction and suffering, and would create a new wave of retaliatory violence directed against the United States and Americans throughout the world. If military goals overshoot, either by becoming part of a design to destroy Israel's enemies or to solve the problem of proliferation of weapons of mass destruction, the war against global terrorism will be lost, and badly. ¶ Just as the pacifist fallacy involves unrealistic exclusion of military force from an acceptable response, the militarist fallacy involves an excessive reliance on military force in a manner that magnifies the threat it is trying to diminish or eliminate. It also expands the zone of violence in particularly dangerous ways that are almost certain to intensify and inflame anti-Americanism. It should be kept in mind that war occasions deep suffering, and recourse to international force should be both a last resort and on as limited a scale as possible. ¶ But there is a fourth response, which has gained support among foreign policy analysts and probably a majority of Americans. ¶ IV. LIMITING MEANS AND ENDS Unlike in major wars of the past, the response to this challenge of apocalyptic terrorism can be effective only if it is also widely perceived as legitimate. And legitimacy can be attained only if the role of military force is marginal to the overall conduct of the war and the relevant frameworks of moral, legal and religious restraint are scrupulously respected.¶ Excessive use of force in pursuing the perpetrators of September 11 will fan the flames of Islamic militancy and give credence to calls for holy war. What lent the WTC/Pentagon attack its quality of sinister originality was the ability of a fanatical political movement to take advantage of the complex fragility and vulnerability of advanced technology. Now that this vulnerability has been exposed to the world, it is impossible to insure that other extremists will not commit similar acts--even if Osama bin Laden is eliminated. ¶ The only way to wage this war effectively is to make sure that force is used within relevant frameworks of restraint. Excessive force can take several forms, like the pursuit of political movements remote from the WTC attack, especially if such military action is seen as indirectly doing the dirty work of eliminating threats to Israel's occupation of Palestinian territories and Jerusalem. Excessiveness would also be attributed to efforts to destroy and restructure regimes, other than the Taliban, that are hostile to the United States but not significantly connected with either the attack or Al Qaeda. ¶ The second, closely related problem of successfully framing a response is related to the US manner of waging war: The US temperament has tended to approach war as a matter of confronting evil. In such a view, victory can be achieved only by the total defeat of the other, and with it, the triumph of good. ¶ In the current setting, goals have not been clarified, and US leaders have used grandiose language about ending terrorism and destroying the global terrorist network. The idea of good against evil has been a consistent part of the process of public mobilization, with the implicit message that nothing less than a total victory is acceptable. What are realistic ends? Or put differently, what ends can be reconciled with a commitment to achieve an effective response? What is needed is extremely selective uses of force, especially in relation to the Taliban, combined with criminal law enforcement operations--cutting off sources of finance, destroying terrorist cells, using policing techniques abetted, to the extent necessary, by paramilitary capabilities. ¶ Also troubling is the Bush Administration's ingrained disdain for multilateralism and its determination to achieve security for the United States by military means--particularly missile defense and space weaponization. This unilateralism has so far been masked by a frantic effort to forge a global coalition, but there is every indication that the US government will insist on complete operational control over the war and will not be willing to accept procedures of accountability within the UN framework. ¶ The Administration has often said that many of the actions in this war will not be made known to the public. But an excessive emphasis on secrecy in the conduct of military operations is likely to make the uses of force more difficult to justify to those who are skeptical about US motives and goals, thus undercutting the legitimacy of the war. ¶ In building a global coalition for cooperative action, especially with respect to law enforcement in countries where Al Qaeda operates, the US government has struck a number of Faustian bargains. It may be necessary to enter into arrangements with governments that are themselves responsible for terrorist policies and brutal repression, such as Russia in Chechnya and India in Kashmir. But the cost of doing so is to weaken claims that a common antiterrorist front is the foundation of this alliance. For some governments the war against apocalyptic terrorism is an opportunity to proceed with their own repressive policies free from censure and interference. The US government should weigh the cost of writing blank checks against the importance of distinguishing its means and ends from the megaterrorist ethos that animated the September 11 attacks. There are some difficult choices ahead, including the extent to which Afghan opposition forces, particularly the Northern Alliance, should be supported in view of their own dubious human rights record. ¶ How, then, should legitimacy be pursued in the current context? The first set of requirements is essentially political: to disclose goals that seem reasonably connected with the attack and with the threat posed by those who planned, funded and carried it out. In this regard, the destruction of both the Taliban regime and the Al Qaeda network, including the apprehension and prosecution of Osama bin Laden and any associates connected with this and past terrorist crimes, are appropriate goals. In each instance, further specification is necessary. With respect to the Taliban, its relation to Al Qaeda is established and intimate enough to attribute primary responsibility, and the case is strengthened to the degree that its governing policies are so oppressive as to give the international community the strongest possible grounds for humanitarian intervention. We must make a distinction between those individuals and entities that have been actively engaged in the perpetration of the visionary program of international, apocalyptic terrorism uniquely Al Qaeda's and those who have used funds or training to advance more traditional goals relating to grievances associated with the governance of a particular country and have limited their targets largely to the authorities in their countries, like the ETA in Spain and the IRA in Ireland and Britain. ¶ Legitimacy with respect to the use of force in international settings derives from the mutually reinforcing traditions of the "just war" doctrine, international law and the ideas of restraint embedded in the great religions of the world. The essential norms are rather abstract in character, and lend themselves to debate and diverse interpretation. The most important ideas are: ¶ § the principle of discrimination: force must be directed at a military target, with damage to civilians and civilian society being incidental; ¶ § the principle of proportionality: force must not be greater than that needed to achieve an acceptable military result and must not be greater than the provoking cause; ¶ § the principle of humanity: force must not be directed even against enemy personnel if they are subject to capture, wounded or under control (as with prisoners of war); ¶ § the principle of necessity: force should be used only if nonviolent means to achieve military goals are unavailable. ¶ These abstract guidelines for the use of force do not give much operational direction. In each situation we must ask: Do the claims to use force seem reasonable in terms of the ends being pursued, including the obligation to confine civilian damage as much as possible? Such assessments depend on interpretation, but they allow for debate and justification, and clear instances of violative behavior could be quickly identified. The justice of the cause and of the limited ends will be negated by the injustice of improper means and excessive ends. Only the vigilance of an active citizenry, alert to this delicate balance, has much hope of helping this new war to end in a true victory.

### 2AC A2: Statutory Restrictions Fail

#### External checks are effective

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

Paulson ’ s genuflection and Obama ’ s reticence, I will contend here, are symptomatic of our political system ’ s operation rather than being aberration al . It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme , legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies. 20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders. 21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short - circuit negotiations with unilateral action. 22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23¶ That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive ” in more subtle ways (p 5). The conventional narrative of executive dominance , in other words, is at best incomplete and demands supplementing .¶ This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration.¶ Notwithstanding this emerging space for analys i s, t here is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “ mechanism question. ” Future studies of the executive branch will ignore its i mportant and trenchant analysis at their peril. 24 Following PV ’ s lead, I focus on the descriptive , positive question of how the executive is constrained . I do speak briefly and in concluding to normative matters . B ut f irst and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted.¶ Articulating and answering the question “ W hat binds the executive ?” , The Executive Unbound draws a sharp line between legal and political constraints on discretion — a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand . While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/ politics dichotomy. ” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law ’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority. 25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

### 2AC – I-Law

#### Plan’s key to creating an international norm against war

Martin ’11, Craig Martin, Visiting Assistant Professor, University of Baltimore School of Law, Winter, 2011¶ Brooklyn Law Review¶ 76 Brooklyn L. Rev. 611, ARTICLE: Taking War Seriously: A Model for Constitutional Constraints on the Use of Force in Compliance with In-ternational Law, Lexis, jj

The requirement to consider the legality of the proposed action under international law, as mandated by the first element of the Model, would of course inject precisely the kind of exogenous criteria and divergent perspectives that could operate to reduce the effects of the domestic causes of war. And conversely, the requirement for legislative approval, bringing to bear the foregoing parliamentary functions on the considerations of legality, would vastly increase the traction of that aspect of the process. Evidence has recently emerged, for instance, on the extent to which disputes within the British cabinet over the legality of the contemplated invasion of Iraq [\*685] severely complicated the prime minister's decision making, even in the absence of any constitutional or statutory to consider such issues. Had there been such a legal obligation, and in addition a requirement to take the debate of that issue to parliament, it is quite conceivable that the decision would have gone the other way. n272¶ Finally, the requirement to obtain legislative approval will also serve to enhance international law objectives and engage the Image III causes of war. Thus far in our discussion of this element of the Model we have been looking pri-marily at the domestic perspective--the extent to which legislative involvement assists the state in avoiding the ruinous costs of military misadventure. But Kant in particular contemplated the benefits that such a government structure would provide to the international system as a whole. n273 The spread of a constitutional system that included representative government and a separation of powers between the executive and the legislature would lead to an ever-widening circle of peace among these like-minded states. It is ironic that he has been proved prescient, with the actual spread of constitutional democracy and the realization of the democratic peace, while at the same time the feature of his model involving the separation of powers with respect to the decision to go war has been very imperfectly realized among the world's community of liberal democracies. n274 It has been argued that this is changing, and indeed as already discussed, there is some significant evidence that a trend is developing, with legislatures in many liberal democracies around the world increasingly addressing the [\*686] issue and mobilizing for change. n275 The proposed Model merely builds on the theory and seeks to encourage this actual trend.

***Extinction***

**Krieger** 20**02** (David, Current President of the Nuclear Age Peace Foundation and former Professor at the University of Hawaii and San Francisco State University)

<http://www.wagingpeace.org/articles/2002/07/10_krieger_law-force.htm>

**An important marker of civilization has always been the ascendancy of law over the unbridled use of force. At the outset of the 21st century, we are faced with a pervasive dilemma. Reliance on force given the power of our destructive technologies could destroy civilization as we know it.** The trials at Nuremberg and Tokyo following World War II were an attempt to elevate the force of law over the law of force. The newly created International Criminal Court, which will bring the Principles of Nuremberg into the 21st century, is supported by all major US allies. Unfortunately US leaders are opposing the Court and seem to fear being held to the same level of accountability as they would demand for other leaders. Of course, law does not prevent all crime. It simply sets normative standards and provides that those who violate these standards will be punished. In the case of the most heinous crimes, the remedies of law are inadequate. But even inadequate remedies of law are superior to the unbridled use of force that compounds the injury by inflicting death and suffering against other innocent people. Perpetrators of crime must be brought before the bar of justice, but there must also be safeguards that protect the innocent from being made victims of generalized retribution. When an individual commits a crime, there should be clear liability. When a state commits a crime, however, who is to be held to account? According to the Principles of Nuremberg that were applied to the Axis leaders after World War II, it should be the responsible parties, whether or not they were acting in the service of the state. At Nuremberg, it was determined that sovereignty has its limits, and that leaders of states who committed serious crimes under international law would be held to account before the law. These crimes included crimes against peace, crimes against humanity and war crimes. **Without the international** norms **that are established by law, the danger exists of reverting to international anarchy, in which each country seeks its own justice by its own means. Only established legal norms, upheld by the international community and supported by the most powerful nations, can prevent such chaos and the ultimate resort to war to settle disputes. International legal norms are essential in a world in which violence can have even more fearful results than were first experienced at Hiroshima and Nagasaki.** International law is needed if we are to abolish war before war abolishes us. We cannot have it both ways. If we choose law, the nations of the world must join together in a common effort to support and enforce the law. Albert Einstein, the great 20th century scientist and humanitarian, wrote, “Anybody who really wants to abolish war must resolutely declare himself in favor of his own country’s resigning a portion of its sovereignty in favor of international institutions: he must be ready to make his own country amenable, in case of a dispute, to the award of an international court. He must in the most uncompromising fashion support disarmament all around….” In recent years, the United States has pulled away from international law by disavowing treaties, particularly in the area of disarmament, and by withdrawing its support from the International Criminal Court. **Without US leadership in support of international law, force rather than law will gain strength as the international norm. Relying on force may be tempting to the most powerful country on the planet, but it portends disaster, not least for the United States itself.**

## A2: DA’s

### A2: afghan da

#### No Obama backlash---The president perceives the plan will be effective

Prakash and Ramsey, 12­– professor of law at the University of Virginia and professor of law at San Diego (Saikrishna and Michael, “The Goldilocks Executive” Feb, SSRN)

6. The Executive’s Perception of Legal Constraint.—A final feature of modern practice that is inconsistent with Posner and Vermeule’s description is that the Executive Branch feels constrained by law. In part this can be seen from the way it behaves. As discussed above, the Executive Branch asks Congress to enact legislation and make appropriations, rather than doing so independently. The Executive Branch brings alleged wrongdoers before courts for punishment, rather than punishing independently. The Executive Branch obeys court orders to act or refrain from acting, as implicitly required by the Constitution.

But also of significance is the Executive Branch’s internal recognition of legal constraints. The President employs an enormous and growing staff of lawyers spread among all executive offices and agencies. Anecdotal evidence suggests that legal determinations made within the Executive Branch have the effect of constraining Executive Branch action. In one particular episode in the Bush Administration, the Office of Legal Counsel (OLC) reportedly refused to approve the legality of a surveillance program strongly favored by the White House, culminating in a showdown in the Attorney General’s hospital room.98 Apparently, when the Attorney General backed the OLC conclusions, the President acquiesced. More generally, Trevor Morrison argues that OLC legal conclusions are reached with a sense of independence from presidential policy preferences and have substantially influenced presidential decisionmaking.99 To be sure, Executive Branch lawyers often may seek to justify presidential actions under law. They may identify with the Executive and hope to expand its legal discretion. But that role in itself undermines Posner and Vermeule’s claims, for if the President is truly unbound by law, why expend resources dealing with the law’s nonexistent bounds?

We accept that the President’s lawyers search for legal arguments to justify presidential action, that they find the President’s policy preferences legal more often than they do not, and that the President sometimes disregards their conclusions. But the close attention the Executive pays to legal constraints suggests that the President (who, after all, is in a good position to know) believes himself constrained by law. Perhaps Posner and Vermeule believe that the President is mistaken. But we think, to the contrary, it represents the President’s recognition of the various constraints we have listed, and his appreciation that attempting to operate outside the bounds of law would trigger censure from Congress, courts, and the public.

#### Obama will comply

David J Barron 8, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential practice was otherwise. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed.¶ Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some modern Presidents, like their predecessors, have acknowledged the constitutionality of legislative regulation. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps most importantly, until recently there has been almost no actual defiance of statutory limitations predicated on such a constitutional theory.¶ This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander to guard his supervisory powers over the military chain of command jealously, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - but that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions.¶ In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

#### Afghanistan stable now and troops aren’t key—government has control

The World Outline 10/2, Drones development and the drawdown: 3 keys to victory in Afghanistan, <http://theworldoutline.com/2013/10/drones-development-drawdown-3-keys-victory-afghanistan/>, jj

It isn’t all doom and gloom, though – Afghanistan is far more stable than it was in the mid-2000’s, when Washington’s focus on Iraq allowed a resurgent Taliban to regain critical mass. Using a refined counterinsurgency (COIN) strategy, the kinetic action of conventional warfare is now tempered by an increased emphasis on relationship building, and has helped to reverse the Taliban’s grip on the country. A May report by General Allen reveals that nearly 50% of violence in Afghanistan is now limited to just 17 of the country’s 397 districts, with firm government control over the rest. While President Obama continues to liaise with Kabul in order to determine the arc of US involvement post-2014, there are 3 key areas that require close attention in order to maintain forward momentum.

#### China stops escalation

China Daily 9/25, Chen Weihua (China Daily), Can China and the US cooperate on fixing Afghanistan?, <http://usa.chinadaily.com.cn/opinion/2013-09/25/content_16993314.htm>, jj

Wang believes China and the US have very important common interests in Afghanistan. "We both hope Afghanistan will continue to maintain stability after next year, or the US troop pull-out," he said. "We both hope to see the reconstruction of Afghanistan and we both don't want to see the resurgence of terrorism." Noting widespread concern over the situation in Afghanistan post-2014, Wang called for cooperation among China, the US and other countries linked to Afghanistan. He cited the joint China-US training program for Afghan diplomats as a "small but very good example". A group of 15 Afghan diplomats just finished two weeks of training in the US last week and will go to China later this year for the second leg of the program. It is the second year for the training program, which was first unveiled in May of last year at the China Foreign Affairs University in Beijing. Ten days ago, US special representative for Afghanistan and Pakistan James Dobbins described the training program as "only one of several areas in which the US and China are collaborating in this kind of advisory and capacity-building for the Afghans". Wang also expressed China's willingness to contribute to the economic recovery of Afghanistan. He described the political reconciliation as a tough issue that involves different ethnicities and religions. "But," Wang said, "I feel China and the US can still play a role, including joining hands with Pakistan and other neighbors of Afghanistan. "Afghanistan is now in a phase of crucial transition. Whether the country can proceed smoothly with domestic reconciliation and reconstruction concerns the common interests of China, the US and other countries in the region," he added. Wang believes China-US cooperation on Afghanistan has just started and there is great potential and room for enhanced cooperation. "If our two countries can work with each other and bring out our respective strengths, we can turn the issue into a new highlight in our bilateral cooperation," Wang said. Dobbins said the US has consulted regularly and closely with China on issues related to Afghanistan and Pakistan. "We support greater Chinese involvement in the stabilization of Afghanistan and in the economic development of Afghanistan, including investments that China has made and investments that China might make in the future," he said. Acknowledging that China has a close relationship with Pakistan, Dobbins said that Chinese and American interests in this respect are largely aligned. "I think China, like the United States, is concerned about the growth of violent militancy in the region. China, like the US, would like to see Afghanistan stabilized and no longer becoming a source for potential instability in the region," said Dobbins, who was picked by Secretary of State John Kerry for the job on May 10 of this year and who also served as the George W. Bush administration's first special envoy to Afghanistan in the wake of the Sept 11, 2001 terrorists attacks. "The United States and China have collaboration," he said.

#### SCO checks instability

Sergey Markedonov 9/9, visiting fellow at the Center for Strategic and International Studies, Russia and Eurasia Program, 2013-9-9, Global Times, SCO key foundation of stable Central Asia, <http://www.globaltimes.cn/content/809872.shtml#.UkyGt9Ksim4>, jj

Ultimately, the SCO is a valuable regional organization because of its pragmatism. It is an effective channel of cooperation and interaction between East and West. The SCO has no real ideological platform and this neutrality is appealing even to NATO member states. This is critical since after all, no matter how the West reacts to the future of Afghanistan, it will maintain an interest there. As the US and NATO continue to reduce their military presence in Afghanistan, they will seek other means to establish stability in the region, likely by coordinating with the SCO, which is ready to play a role in the peace process and in Central Asia's security and development issues.

**CMR 2ac**

***1. CMR down now – disconnect & media***

**Munson, 2012** (November 12, Peter J., a Marine officer, author, and Middle East specialist.  He is the author of [War, Welfare, and Democracy: Rethinking America's Quest for the End of History](http://www.amazon.com/War-Welfare-Democracy-Rethinking-Americas/dp/1612345395) (Potomac, 2013) and [Iraq in Transition: The Legacy of Dictatorship and the Prospects for Democracy](http://www.amazon.com/Iraq-Transition-Dictatorship-Prospects-Democracy/dp/1597973009/ref=sr_1_1?ie=UTF8&s=books&qid=1274467323&sr=8-1), “A Caution on Civil-Military Relations,” http://smallwarsjournal.com/jrnl/art/a-caution-on-civil-military-relations)

This brief post represents only a few quickly dashed thoughts in the hope of getting something on paper that might morph into a longer and more useful essay on civil-military relations. I believe that **civil-military relations in the United States are deeply troubled.** The issues are lurking mostly in the background right now. **On the surface, our leadership—civilian and military—has been able to negotiate some relatively complex rapids without any** of the **major drama** that has cropped up in the past. The falling out between Truman and MacArthur comes to mind. **Nonetheless, there are serious background issues that will only get worse in 2014 and beyond.** There are several reasons for concern.

**The all-volunteer force has fought two brutal wars for over a decade while** a (guilty or thankful) **American population has stood by with very little involvement. There have been no war bonds, no victory gardens, no bandage wrapping drives, no air raid drills—nothing to make them feel a part of the conflict** other than the human interest stories about killed and wounded veterans and the once-nightly footage of shattered HMMWVs and burning convoys.  **This has created an inequality in experience and sacrifice that the public has generally attempted to repay through extreme deference and ever-multiplying shows of thankfulness**, the likes of which have never been seen in American society. Part of this is as a corrective to the disgraceful treatment of our Vietnam veterans, to be sure, but it has consequences nonetheless. **In the face of such an inequality of experience and service and in such a deferential environment, public criticism of the military is all too easily dismissed as unpatriotic**. **Not only is this foil used to deflect criticism, but its threat deters many from bringing up much needed commentary and dissent.** Likewise, **unquestioning support of the military plays no small factor in making any discussion of rationalizing military budgets and targeting wasteful military spending** difficult, if not **impossible.**

Late addition: **This dynamic plays out in media coverage of the military**, as well**, leading to an insufficient criticality, or at least a lack of perspective, in much coverage.** **At worst, the media becomes a propaganda arm** or engages in a cult of hero worship that perpetuates the dynamics above. **As this coverage creates narratives that impact critical national security decisions, it likewise skews civil-military relations**. The media is a central part of any civil-military dynamic in a democracy, providing the information that informs public discourse and shapes the decision-making space. **If the media is incapable of being a relatively objective arbiter, this contributes to a flawed civil-military dynamic.**

***2. plan is key to CMR***

**Yingling, 2010** (Februrary, LT. COL. PAUL L. YINGLING is an Army officer who has served three tours of duty in Iraq and who is currently a professor of security studies at the George C. Marshall Center in Garmisch, Germany. The views expressed here are the author’s own and do not necessarily reflect those of the Army or Defense Department., “The Founders’ wisdom“ http://armedforcesjournal.com/article/2010/02/4384885)

**The Founders also extended legislative oversight to the conduct of war itself. By vesting the power to declare war with Congress, the Founders ensured that America would choose its wars carefully.** While **Congress** may be less well-suited to vigorous unitary action than the executive, it **is far better-suited to engage in deliberation over the purpose and necessity of committing the nation to war**. **At the same time, entrusting Congress with the power to declare war ensured that America would prosecute its wars vigorously**. The Founders expected that the prosecution of war would require the mobilization of the militia under federal service paid for under the federal budget.

**The president alone is the commander in chief, but he is dependent on the Congress to raise and maintain military forces and to mobilize the militia. T**he president may appoint officers to positions of command, but such appointments are dependent on Senate confirmation**. Most importantly, the president cannot commit the nation to war without congressional authority.** While in practice the president may act in the interest of public safety, Congress’ power of the purse limits such actions to brief expeditionary operations.

**Many of the difficulties in civil-military relations today are attributable to our departure from the elegant system of checks and balances established in the Constitution.** **Congress has all but abdicated many of its war powers, including** raising forces, confirming the appointment of officers, **providing oversight to operations and declaring war. This has made the U.S. weaker by allowing hasty, ill-considered and poorly supported executive actions to imperil national security.** The remedy for these failures requires not innovation, but rather a return to the time-tested principles of America’s founding.

***3. Their impact claims are hype that have been consistently empirically disproven .***

**Feaver and Kohn ‘5** [Peter Feaver, professor of Political Science and Public Policy and the director of the Triangle Institute for Security Studies at Duke University, and Richard H. Kohn, Professor of History at the University of North Carolina, 2005, “The Gap: Soldiers, Civilians, and Their Mutual Misunderstanding,” in American Defense Policy, 2005 edition, ed. Paul J. Bolt, Damon V. Coletta, Collins G. Shackelford, p. 339]

**Concerns about a** troublesome **divide between the armed forces and** the **society** they serve **are hardly new** and in fact **go back to the beginning of the Republic**. Writing in the 1950s, Samuel Huntington argued that the divide could best be bridged by civilian society tolerating, if not embracing, the conservative values that animate military culture. Huntington also suggested that politicians allow the armed forces a substantial degree of cultural autonomy. Countering this argument, the sociologist Morris Janowitz argued that in a democracy, military culture necessarily adapts to changes in civilian society, adjusting to the needs and dictates of its civilian masters.2 The end of the Cold War and the extraordinary changes in American foreign and defense policy that resulted have revived the debate. The **contemporary heirs** of Janowitz **see the all volunteer military as drifting too far away from the norms of American society, thereby posing problems for civilian control. They make tour principal assertions. First, the military has grown out of step ideologically with the public,** showing itself to be inordinately right-wing politically, and much more religious (and fundamentalist) than America as a whole, having a strong and almost exclusive identification with the Republican Party. Second, **the military has become increasingly alienated from,** disgusted with, **and sometimes even explicitly hostile to, civilian culture. Third, the armed forces have resisted change**, particularly the integration of women and homosexuals into their ranks, and have generally proved reluctant to carry out constabulary missions. Fourth, civilian control and military effectiveness will both suffer as the military—seeking ways to operate without effective civilian oversight and alienated from the society around it—loses the respect and support of that society. By contrast, the heirs of Huntington argue that a degenerate civilian culture has strayed so far from traditional values that it intends to eradicate healthy and functional civil-military differences, particularly in the areas of gender, sexual orientation, and discipline. This camp, too, makes four key claims. First, its members assert that the military is divorced in values from a political and cultural elite that is itself alienated from the general public. Second, it believes this civilian elite to be ignorant of, and even hostile to, the armed forces—eager to employ the military as a laboratory for social change, even at the cost of crippling its warfighting capacity. Third, it discounts the specter of eroding civilian control because it sees a military so thoroughly inculcated with an ethos of subordination that there is now too much civilian control, the effect of which has been to stifle the military's ability to function effectively Fourth, because support for the military among the general public remains sturdy, any gap in values is inconsequential. The problem, if anything, is with the civilian elite. The debate has been lively (and inside the Beltway, sometimes quite vicious), but it **has rested on very thin evidence**—(tunneling anecdotes and claims and counterclaims about the nature of civilian and military attitudes. Absent has been a body of systematic data exploring opinions, values, perspectives, and attitudes inside the military compared with those held by civilian elites and the general public. Our project provides some answers.

***4. CMR resilient – inherent patriotism and support for the troops***

**Carafano 8** (James Jay, senior research fellow for national security at The Heritage Foundation, “Soldiers, Civilians, and ‘The Great War’” accessed 7-22, http://www.heritage.org/press/commentary/ed050808b.cfm)JFS

Civil-military relations are back in the news. There could not be a better time for fresh views on this vital subject. Nancy Gentile Ford's The Great War and America: Civil-Military Relations During World War I is a welcome contribution. Ford, a professor of history at Bloomsburg University of Pennsylvania, provides a broad historical survey of the critical issues that confronted the United States leading up to, during and after World War I. In The Great War and America, Ford argues that this period of American history is worthy of particular attention—and she is absolutely right. The dawn of the 20th century was a turning point for how America's military and American society are interwoven. **Many of the fundamental military institutions that we rely on today, from recruiting military officers from civilian universities to relying on the National Guard, emanate from this era. The United States has traditionally enjoyed a remarkably resilient and healthy civil society. When civil society is strong, relations between soldiers and the state tend to remain pretty stable. The Great War and America supports this thesis. America's sudden entry into World War I and the rush of transforming a constabulary force scattered throughout the United States into a mass citizen army to fight on the world's first "high-tech" battlefield raised innumerable concerns and challenges. America survived them all—and helped win the war.**

## A2: CP

### A2: NMS CP

#### Unambiguous congressional re-definition key --- otherwise executive circumvents

Hemesath ‘2k, Paul A. Hemesath \*, \* J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996, Georgetown Law Journal¶ August, 2000¶ 88 Geo. L.J. 2473, NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era, Lexis, jj

Second, based on this consensus, the Congress must enact a new War Powers Act, perhaps of the style suggested by Professor Ely, with the goal of drafting a law that is unambiguous and not subject to subtle points of misinterpretation. Such a law would grant the Congress an unequivocal basis for opposing unilateral presidential military action that would not be vulnerable to definitional objections or timing ambiguities. n199 Explicit exceptions should be made, however, as was the intention of the Framers, for situations that require the Executive to repel sudden attacks. n200

#### Restoring national unity and deterrence key to prevent Taiwan crisis

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China’s perception of U.S. resolve is thus a critical determinant of the effectiveness of the U.S. extended deterrence posture and the state of U.S.-China relations. China can acknowledge U.S. military superiority but still question U.S. resolve to risk war and high costs, including the potential for incurring a large number of casualties, over the defense of Taiwan. Thus, the United States must compensate for U.S.-Chinese asymmetric interests in Taiwan to deter China’s use of force. Moreover, China’s assessment of U.S. resolve affects U.S. defense planning. U.S. concerns over the credibility of its extended deterrence posture could lead to a Taiwan policy that would be detrimental to American interests in U.S.-China cooperation.

#### Global nuclear war

**Hunkovic, 09** – American Military University (Lee, “The Chinese-Taiwanese Conflict,” <http://www.lamp-method.org/eCommons/Hunkovic.pdf>)

A war between China, Taiwan and the United States has the potential to escalate into a nuclear conflict and a third world war, therefore, many countries other than the primary actors could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great Britain, if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the United States and China are the two most dominant members. If China were able to successfully annex Taiwan, the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism in East and Southeast Asia, as well as the Pacific and even into India, which could in turn create an international standoff and deployment of military forces to contain the threat. In any case, if China and the United States engage in a full-scale conflict, there are few countries in the world that will not be economically and/or militarily affected by it. However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

#### NMS doesn’t work --- congress won’t do it – tons of warrants

Weitz, 11 (By [Richard Weitz](http://www.worldpoliticsreview.com/authors/102/richard-weitz), senior fellow and director of the Center for Political-Military Affairs at Hudson Institute. He analyzes mid- and long-term national and international political-military issues, including by employing scenario-based planning. His current areas of research include defense reform, counterterrorism, homeland security, and U.S. policies towards Europe, the former Soviet Union, Asia, and the Middle East.on 22 Feb 2011, “Global Insights: The Many Messages of National Strategy Documents,” ¶ <http://www.worldpoliticsreview.com/articles/7961/global-insights-the-many-messages-of-national-strategy-documents>)

Yet, like other U.S. government documents, the latest NMS affirms the right of the United States to act unilaterally for self-defense, stating, "[T]he United States will use military force in concert with allies and partners whenever possible, while preserving the right to act alone if necessary." Stepping back from the strategies they articulate, these national security documents serve both formal and informal functions for their multiple audiences, both within the United States as well as abroad. Within the United States, they offer government agencies, Congress, and analysts official guidance on policy and programs as well as unofficial tools for bureaucratic infighting, in budget battles with other agencies, for example. Overseas, they communicate implicit messages to foreign audiences, including allies, partners and adversaries.¶ In theory, the documents identify U.S. vital interests as well as the threats and opportunities to achieve them. They then describe particular U.S. strategies and indicate what capabilities the United States will need to implement them. Congress and independent analysts can then review these documents, probe their assumptions and conclusions, and decide whether to support them -- in the case of Congress, by enacting legislation. The documents are also theoretically organized in a rough hierarchy, with the higher-level strategies meant to be produced before the others in order to serve as inputs into them. In practice, their formal deadlines are often missed, especially the [National Security Strategy](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf) (.pdf), which is often required before the new presidential administration has its national security team in place. Furthermore, they can be updated by speeches by senior officials or superseded by congressional action or other events. Lower-level strategies can be more authoritative if they are more recent, especially under a new administration, or more specific. Another problem in practice is that the strategy documents generally lack mechanisms to enforce their guidance at lower levels. Because the higher-level strategies are written by a committee, they are also often vague or internally contradictory, reflecting the lowest common denominator of what their multiple authors can agree upon. Even when they do not have a classified section or version, limits of space and discretion as well as domestic politics create large gaps in the documents. The resulting texts provide bureaucratic actors considerable leeway in how they pursue the articulated goals and no strict rule for judging whether one office or agency's interpretation is more accurate than another's. Even the term "strategy" is a bit of a misnomer because they typically list a number of priorities and programs but refrain from establishing a clear hierarchy among them. They are rarely resource-constrained, even though, as the current NMS puts it, the "national debt poses a significant national security risk." In this regard, perhaps the most serious obstacle to the realization of all these comprehensive, well-organized and generally nicely written texts is the budget constraints facing the U.S. government. Many of the new members of Congress are torn between boosting national security spending and curbing the federal deficit. Unfortunately, the essential [nonmilitary elements of national power](http://www.politico.com/blogs/laurarozen/0211/Foreign_aid_groups_respond_to_proposed_budget_.html?showall) look most likely to suffer in the end.

#### Obama will veto & doesn’t solve courts

**Fisher ‘2k**, Louis Fisher, Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress. Ph.D., New School for Social Research, 1967; B.S., College of William and Mary, 1956., University of Pennsylvania Law Review¶ May, 2000¶ 148 U. Pa. L. Rev. 1637, POINT/COUNTERPOINT: UNCHECKED PRESIDENTIAL WARS, Lexis, jj

6. Funding As Congress's Primary Power¶ ¶ For Yoo, whenever the President initiates war, "Congress could express its opposition...only by exercising its powers over funding and impeachment." n164 He draws an analogy to European precedents: "legislatures of the eighteenth century controlled executive actions leading to war by using their appropriations power." n165 Noting that scholars argue that the power of the purse is a "permissible means" for Congress to participate in foreign affairs, Yoo "suggests that the spending power may be the only means for legislative control over war." n166 In establishing a framework for the exercise of war power, Yoo says that the Framers "intended to adopt the traditional system they knew - executive initiative in war combined with a legislative role via the spending power." n167¶ First, it cannot be the case that the President may exercise powers that are not granted by the Constitution until Congress successfully exercises its spending power to block him. If that were the case, after President Clinton in 1994 had failed to convince Congress of the merits of his health plan, he could simply have issued it as a proclamation and waited to see if Congress passed legislation to deny him the funds to implement the proclamation. Such a procedure would reverse the constitutional order. The burden is on the President to come through the front door and seek authorization from Congress for his legislative proposals. The same principle applies to taking the nation from a state of peace to a state of war. The framers expected the President to submit his proposal to Congress and await authorization from the legislative body.¶ Second, if Congress were forced to use the power of the purse to stop presidential war initiatives, it would have to place restrictive language in a bill presented to the President. Instead of the President having to muster a majority in each House to support his policy, each House would need a majority to stop the President. Moreover, when the bill reached the President, he could exercise his veto. Congress would then need an extraordinary majority - a two-thirds majority - in each House to override the veto and enforce the spending limitation. As long as the President could maintain a margin of one-third plus one in a single chamber, his veto would be upheld, even if the other [\*1667] chamber voted unanimously for the override.¶ This kind of impasse occurred during the Vietnam War. In 1973, Congress assembled a majority in each House to vote for a funds cutoff to stop the war. When President Nixon vetoed the measure, Congress was unable to find the two-thirds margin in each House for an override. n168 The two branches eventually reached a compromise, allowing President Nixon to bomb Cambodia for another forty-five days. n169¶ The political settlement affected litigation that had been progressing in the federal courts. In one lawsuit, a federal judge held that Congress had not authorized the bombing of Cambodia. n170 The judge said that the inability of Congress to override the veto and its subsequent adoption of the compromise language could not be taken as an affirmative grant of authority:¶ ¶ It cannot be the rule that the President needs a vote of only one-third plus one of either House in order to conduct a war, but this would be the consequence of holding that Congress must override a Presidential veto in order to terminate hostilities which it has not authorized. n171¶ ¶ Because the two branches had agreed to compromise language, appellate courts granted a stay on the district court's decision. n172¶ Third, Yoo argues that when President Bush mounted an offensive war against Iraq, all Congress had to do to check him through the appropriations power "was nothing." n173 This statement ignores the amount of money available to the President in the money pipeline: billions of dollars in previously appropriated funds that had yet to be obligated or expended. The President may also exercise statutory authority to transfer funds from one appropriations account to another and invoke emergency authority, such as the Feed and Forage [\*1668] Act, to incur obligations in advance of an appropriations. n174 A war initiated by the President can proceed for quite a period of time, independent of fresh appropriations granted by Congress.¶ Lastly, Yoo claims that when President Clinton decided to send 20,000 American troops to Bosnia in 1995, he "already had received funding for the Bosnia operation in the 1996 Defense Department appropriations." n175 In fact, Congress had appropriated nothing for Bosnia. Clinton's military commitment was financed not by funds specifically appropriated by Congress but rather by siphoning several billion dollars from other appropriations accounts without congressional deliberation or support. Approval for this prestigination came from a few legislative leaders, not from Congress nor statutory language. n176

## A2: K

**Security/militarism- ish 2ac**

***Prioritize policy relevance over theoretical investigation—key to hold the government accountable***

Ewan E. **Mellor** – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 20**13**, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

**This section of the paper considers** more generally **the need for** just war **theorists to engage with policy debate about the use of force**, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. **It draws on John Kelsay’s conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that **the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.**”37¶ Kelsay argues that:¶ [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38¶ He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 **This is important as it highlights the need for** just war **scholars to engage with the ongoing operations in war and the specific policies that are involved**. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. **Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”**40 **in terms of being able to discuss it and judge it in moral terms**.¶ Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. **The** just war **theorist, as a social critic, must be involved with his or her own society and its practices**. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 **the** just war **theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted**.42 **It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to**¶ **demonstrate its hypocrisy and to show the gap that exists between its practice and its values**.43 **The tradition** itself provides a set of values and principles and, as argued by Cian O’Driscoll, **constitutes a “language of engagement” to spur participation in public and political debate.**44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis**.¶ **Engaging with the reality of war requires recognising that war is**, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 **Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship**.48 **This engagement must bring** just war **theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers**, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power**. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition **the policy-makers will be forced to account for their decisions and justify them in just war language**. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 **it is incumbent upon** just war **theorists to ensure that the public are informed and are capable of holding their political leaders to account**. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, **it is precisely because it is “our country” that we are “especially obligated to criticise its policies**.”51

***Policy analysis should trump discourse – most effective way to challenge power***

**Taft-Kaufman 95** (Jill, Speech prof @ CMU, Southern Comm. Journal, Spring, v. 60, Iss. 3, “Other Ways”)

**The postmodern passwords of "polyvocality," "Otherness," and "difference," unsupported by substantial analysis of the concrete contexts of subjects, creates a solipsistic quagmire**. The political sympathies of the new cultural critics, with their ostensible concern for the lack of power experienced by marginalized people, aligns them with the political left. Yet, **despite their adversarial posture and talk of opposition, their discourses on intertextuality and inter-referentiality isolate them from and ignore the conditions that have produced leftist politics--conflict, racism, poverty, and injustice**. In short, as Clarke (1991) asserts, postmodern emphasis on new subjects conceals the old subjects, those who have limited access to good jobs, food, housing, health care, and transportation, as well as to the media that depict them. Merod (1987) decries **this** situation as one which **leaves no vision, will, or commitment to activism**. He notes that academic lip service to the oppositional is underscored by the absence of focused collective or politically active intellectual communities. Provoked by the academic manifestations of this problem Di Leonardo (1990) echoes Merod and laments: Has there ever been a historical era characterized by as little radical analysis or activism and as much radical-chic writing as ours? **Maundering on about Otherness:** phallocentrism or Eurocentric tropes **has become a lazy academic substitute for actual engagement with the detailed histories and contemporary realities** of Western racial minorities, white women, or any Third World population. (p. 530) Clarke's assessment of the **postmodern elevation of language to the "sine qua non"** of critical discussion **is an even stronger indictment against the trend.** Clarke examines Lyotard's (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the "realm of terror" and society falls apart. To this assertion, Clarke replies**:**  I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. **If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual's conception of terror** (what else do we do but speak?), **but its projection onto the rest of the world would be calamitous....(**pp. 2-27) **The** realm of the **discursive is derived from the requisites for human life,** which are in the physical world**, rather than in a world of ideas or symbols**.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. **Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstances hides the complex task of envisioning and working towards concrete social goals** (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that "**the justice that working people deserve is economic, not just textual"** (p. 571). Lopez (1992) states that "**the starting point for organizing the program content of education or political action must be the** present existential, **concrete situation"** (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. **People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities, because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice.** They do not appreciate being told they are living in a world in which there are no more real subjects. **Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas,** institutions, agencies, and the budgets that fuel them.

***3. Perm do both --- pure critique essentializes security and cedes the political***

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In fact, **a profound distrust towards security is present in the work of** Michael **Dillon**, **who understands security as** a ‘generative principle of formation’ (1996: 127), a register of meaning that entails **a politics of calculability, closure, exclusion and violence**. Dillon (1996: 130) identifies within Western thought a ‘metaphysical politics of security’ that makes ‘politics a matter of command; membership of a political community a matter of obedience; love synonymous with a policing order; order a function of discipline; and identity a narcissistic paranoia’. Similar concerns are present in the work of Didier Bigo, for whom security is a liberal political register that strives to make the world calculable, ‘makes a fantasy of homogeneity and seeks the end of any resistances or struggles’ (2008: 109). Mark **Neocleous** (2011: 186) **takes these concerns in a more radical direction by linking security to fascism.**

**In the works of these authors, one can identify a tendency to see security as inherently connected to exclusion, totalization and even violence**. The idea of a ‘logic’ of security is now widely present in the critical security studies literature. Claudia Aradau (2008: 72), for example, writes of an ‘exclusionary logic of security’ underpinning and legitimizing ‘forms of domination’. Rens van Munster (2007: 239) assumes a ‘logic of security’, predicated upon a ‘political organization on the exclusionary basis of fear’. Laura Shepherd (2008: 70) also identifies a liberal and highly problematic ‘organizational logic’ in security.

**Although there would probably be disagreement over the degree to which this logic is inescapable, it is symptomatic of an overwhelmingly pessimistic outlook that a great number of critical scholars are now making the case for moving away from security**. The normative preference for desecuritization has been picked up in attempts to contest, resist and ‘unmake’ security (Aradau, 2004; Huysmans, 2006; Bigo, 2007). **For these contributions, security cannot be reconstructed and political transformation can only be brought about when security and its logic are removed from the equation** (Aradau, 2008; Van Munster, 2009; Peoples, 2011).

**This tendency in the literature is problematic for the critique of security in at least three ways. First, it constitutes a blind spot in the effort of politicization**. **The assumption of an exclusionary, totalizing or violent logic of security can be seen as an essentialization and a moment of closure**. **To be faithful to itself, the politicization of security would need to recognize** that there is nothing natural or necessary about security – and **that security as a paradigm of thought or a register of meaning is also a construction that depends upon its reproduction and performance through practice.** **The exclusionary and violent meanings that have been attached to security are themselves the result of social and historical processes, and can thus be changed.**

**Second, the institution of this apolitical realm runs counter to the purposes of critique by foreclosing an engagement with the different ways in which security may be constructed**. As Matt McDonald (2012) has argued, **because security means different things for different people, one must always understand it in context**. **Assuming from the start that security implies the narrowing of choice and the empowerment of an elite forecloses the acknowledgment of security claims that may seek to achieve exactly the opposite: alternative possibilities in an already narrow debate and the contestation of elite power**.5 In connection to this, **the claims to insecurity put forward by individuals and groups run the risk of being neglected if the desire to be more secure is identified with a compulsion towards totalization, and if aspirations to a life with a degree of predictability are identified with violence**.

**Finally, this tendency blunts critical security studies as a resource for practical politics**. **By overlooking the possibility of reconsidering security from within – opting instead for its replacement with other ideals – the critical field weakens its capacity to confront head-on the exceptionalist connotations that security has acquired in policymaking circles**. **Critical scholars run the risk of playing into this agenda when they tie security to exclusionary and violent practices, thereby failing to question security actors as they take those views for granted and act as if they were inevitable**. Overall, **security is just too important – both as a concept and as a political instrument – to be simply abandoned by critical scholars**. As McDonald (2012: 163) has put it,

**If security is politically powerful**, is the foundation of political legitimacy for a range of actors, and involves the articulation of our core values and the means of their protection, **we cannot afford to allow dominant discourses of security to be confused with the essence of security itself.**

In sum, the trajectory that critical security studies has taken in recent years has significant limitations. **The politicization of security** has made extraordinary progress in problematizing predominant security ideas and practices; however, it **has paradoxically resulted in a depoliticization of the meaning of security itself**. **By foreclosing the possibility of alternative notions of security, this imbalanced politicization weakens the analytical capacity of critical security studies, undermines its ability to function as a political resource and runs the risk of being politically counterproductive**. Seeking to address these limitations, the next section revisits emancipatory understandings of security.

***4. The aff breaks down securitization***

**Fisher ’05**, LOUIS FISHER, Specialist with the Law Library, The Library of Congress. Ph.D., New School for Social Research, 1967; B.S., College of William and Mary, 1956, Indiana Law Journal¶ Fall, 2005¶ 81 Ind. L.J. 1199, Lost Constitutional Moorings: Recovering the War Power, LEXIS, jj

**The initiation of U.S. military operations in Iraq flowed from a long list of miscalculations, false claims, and misjudgments, both legal and political. Errors of that magnitude were not necessary or inevitable. Military conflict could have been delayed**, perhaps **permanently, had the responsible political leaders performed their constitutional duties with greater care, reflection, integrity, and commitment to constitutional principles**. Adding to the failures of elected officials were decades of irresponsible and misinformed statements by federal judges, academics, law reviews, and the media.¶ **Although the Iraq War that began in 2003 was orchestrated by the Republican Party and the Bush administration, their miscalculations built upon a half century of violations of constitutional principles over the war power**. **Democratic Presidents led the country to war against North Korea** (President Harry Truman), North **Vietnam** (President Lyndon Johnson), **and Serbia** (President Bill Clinton). **Republican neoconservatives beat the drums for war against Iraq, but Democratic academics did the same for Korea**. **The dominant theme in American foreign policy since World War II has been a bellicose spirit that champions the use of military force, boasts the virtues of "American exceptionalism," stands ready to fight "evil" anywhere** (**whether Soviet Communism or Islamic fundamentalism), and regularly attacks opponents of war as unpatriotic and unmanly**. **That these forces led to torture by U.S. soldiers at Abu Ghraib or CIA "black sites" should come as no surprise. They are the natural results of concentrated power, political arrogance, and ideological fervor.**

***5. Contingent logic best explains the world. Neg rejoinder burden soars. Also frames judge choice.***

Richard **Price**, founder and chair of the Johns Hopkins Department of Anthropology, and CHRISTIAN REUS-SMIT, Monash University – European Journal of International Relations 19**98**, http://www.arts.ualberta.ca/~courses/PoliticalScience/661B1/documents/PriceReusSmithCriticalInternatlTheoryConstructivism.pdf)

**One of the central departures of critical international theory** from positivism **is the view that we cannot escape the interpretive moment**. As George (1994: 24) argues, ‘**the world is always an interpreted “thing”, and it is always interpreted in conditions of disagreement and conflict, to one degree or another’**. For this reason, ‘**there can be no common body of observational or tested data that we can turn to for a neutral, objective knowledge of the world**. **There can be no ultimate knowledge**, for example**, that actually corresponds to reality** per se.’ **This proposition has been endorsed wholeheartedly by constructivists, who are at pains to deny the possibility of making ‘Big-T’ Truth claims about the world and studiously avoid attributing such status to their findings. This having been said, after undertaking sustained empirical analyses of aspects of world politics constructivists do make ‘small-t’ truth claims about the subjects they have investigated**. That is, **they claim to have arrived at logical and empirically plausible interpretations of actions, events or processes, and they appeal to the weight of evidence to sustain such claims**. **While admitting that their claims are always contingent and partial interpretations of a complex world, Price** (1995, 1997) **claims that his genealogy provides the best account to date to make sense of anomalies surrounding the use of chemical weapons, and Reus-Smit** (1997) **claims that a culturalist perspective offers the best explanation** of institutional differences between historical societies of states. **Do such claims contradict the interpretive ethos of critical international theory? For two reasons, we argue that they do not. First, the interpretive ethos of critical international theory is driven, in large measure, by a normative rejection of totalizing discourses, of general theoretical frameworks that privilege certain perspectives over others. One searches constructivist scholarship in vain, though, for such discourses. With the possible exception of Wendt’s problematic flirtation with general systemic theory and professed commitment to ‘science’, constructivist research is at its best when and because it is question driven, with self-consciously contingent claims made specifically in relation to particular phenomena, at a particular time, based on particular evidence, and always open to alternative interpretations. Second, the rejection of totalizing discourses based on ‘big-T’ Truth claims does not foreclose the possibility, or even the inevitability, of making ‘small-t’ truth claims. In fact, we would argue that as soon as one observes and interacts in the world such claims are unavoidable, either as a person engaged in everyday life or as a scholar**. As Nietzsche pointed out long ago, we cannot help putting forth truth claims about the world. The individual who does not cannot act, and the genuinely unhypocritical relativist who cannot struggles for something to say and write. In short, **if constructivists are not advancing totalizing discourses, and if making ‘small-t’ truth claims is inevitable if one is to talk about how the world works, then it is no more likely that constructivism per se violates the interpretive ethos of critical international theory than does critical theory itself.**

***6. No impact – threat construction isn’t sufficient to cause wars and proximate causes outweigh***

**Kaufman, 9** - Prof Poli-sci and IR – U Delaware (Stuart J, “Narratives and Symbols in Violent Mobilization: The Palestinian-Israeli Case,” Security Studies 18:3, 400 – 434)

Even when hostile narratives, group fears, and opportunity are strongly present, war occurs only if these factors are harnessed. Ethnic narratives and fears must combine to create signiﬁcant ethnic hostility among mass publics. Politicians must also seize the opportunity to manipulate that hostility, evoking hostile narratives and symbols to gain or hold power by riding a wave of chauvinist mobilization. Such mobilization is often spurred by prominent events (for example, episodes of violence) that increase feelings of hostility and make chauvinist appeals seem timely. If the other group also mobilizes and if each side’s felt security needs threaten the security of the other side, the result is a security dilemma spiral of rising fear, hostility, and mutual threat that results in violence. A virtue of this symbolist theory is that symbolist logic explains why ethnic peace is more common than ethnonationalist war. Even if hostile narratives, fears, and opportunity exist, severe violence usually can still be avoided if ethnic elites skillfully deﬁne group needs in moderate ways and collaborate across group lines to prevent violence: this is consociationalism.17 War is likely only if hostile narratives, fears, and opportunity spur hostile attitudes, chauvinist mobilization, and a security dilemma.

***7. Alternative fails and cedes the political – critical theory has no mechanism to translate theory into practice***

**Jones 99** (Richard Wyn, Lecturer in the Department of International Politics – University of Wales, Security, Strategy, and Critical Theory, CIAO, http://www.ciaonet.org/book/wynjones/wynjones06.html)

Because emancipatory political practice is central to the claims of critical theory, one might expect that proponents of a critical approach to the study of international relations would be reflexive about the relationship between theory and practice. Yet their thinking on this issue thus far does not seem to have progressed much beyond **grandiose statements of intent**. There have been no systematic considerations of how critical international theory can help generate, support, or sustain emancipatory politics beyond the seminar room or conference hotel. Robert Cox, for example, has described the task of critical theorists as providing “a guide to strategic action for bringing about an alternative order” (R. Cox 1981: 130). Although he has also gone on to identify possible agents for change and has outlined the nature and structure of some feasible alternative orders, he has not explicitly indicated whom he regards as the addressee of critical theory (i.e., who is being guided) and thus how the theory can hope to become a part of the political process (see R. Cox 1981, 1983, 1996). Similarly, Andrew Linklater has argued that “a critical theory of international relations must regard the practical project of extending community beyond the nation–state as its most important problem” (Linklater 1990b: 171). However, he has little to say about the role of theory in the realization of this “practical project.” Indeed, his main point is to suggest that the role of critical theory “is not to offer instructions on how to act but to reveal the existence of unrealised possibilities” (Linklater 1990b: 172). But the question still remains, reveal to whom? Is the audience enlightened politicians? Particular social classes? Particular social movements? Or particular (and presumably particularized) communities? In light of Linklater’s primary concern with emancipation, one might expect more guidance as to whom he believes might do the emancipating and how critical theory can impinge upon the emancipatory process. There is, likewise, little enlightenment to be gleaned from Mark Hoffman’s otherwise important contribution. He argues that critical international theory seeks not simply to reproduce society via description, but to understand society and change it. It is both descriptive and constructive in its theoretical intent: it is both an intellectual and a social act. It is not merely an expression of the concrete realities of the historical situation, but also a force for change within those conditions. (M. Hoffman 1987: 233) Despite this very ambitious declaration, once again, Hoffman gives no suggestion as to how this “force for change” should be operationalized and what concrete role critical theorizing might play in changing society. Thus, although the critical international theorists’ critique of the role that more conventional approaches to the study of world politics play in reproducing the contemporary world order may be persuasive, their account of the relationship between their own work and emancipatory political practice is unconvincing. Given the centrality of practice to the claims of critical theory, this is a very significant weakness. Without some plausible account of the **mechanisms** § Marked 11:29 § by which they hope to aid in the achievement of their emancipatory goals, proponents of critical international theory are hardly in a position to justify the assertion that “it represents the next stage in the development of International Relations theory” (M. Hoffman 1987: 244). Indeed, without a more convincing conceptualization of the theory–practice nexus, one can argue that critical international theory, by its own terms, has no way of redeeming some of its central epistemological and methodological claims and thus that it is a **fatally flawed** enterprise.

# 1ar

## Deterrence Adv

### A2: fight terrorists

#### Adopting a restrained foreign policy is key to the war on terror --- excessive intervention causes blowback which turns their offense

Choi ’11, Seung-Whan Choi, Ph.D. Assistant Professor, Department of Political Science (M/C 276), University of Illinois at Chicago, Prepared for the American Political Science Association Annual Meeting in Seattle, Washington, September 1-4, 2011, Does U.S. Military Intervention Reduce or Increase Terrorism?, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1900375>, jj

Conclusion¶ The current literature on terrorism pays little attention to U.S. military intervention as a potential¶ cause of terrorist violence. Quite often, empirical studies of U.S. military intervention overlook¶ its impact on the occurrence of terrorist events despite the fact that during the past four decades,¶ a high portion of terrorism was aimed at U.S. targets in other countries (e.g., U.S. soldiers,¶ embassies, or multinational corporations) (see LaFree, Yang, and Crenshaw 2009). This study¶ makes four contributions to the existing literature. First, it examines this understudied area by¶ providing a conceptualization of the U.S. military intervention-terrorism connection. Second, it¶ explores the overall consequence of U.S. military intervention, as well as the four specific¶ intervention missions that the U.S. has carried out over the world during the past four decades.¶ Third, it examines short versus long-term trends in terrorist attacks. Fourth, it underscores some¶ significant differences between terrorist incidents and terrorist casualties and also distinguishes¶ between homeland and foreign terrorism as a response to U.S. military intervention.¶ The empirical results indicate that indiscriminate U.S. military intervention is, in general,¶ liable to increase terrorist incidents if not more terrorist casualties. Rather than providing global¶ security and economic prosperity for the world, U.S. military action results in blowback. When¶ the U.S. meddles in other countries’ internal affairs by military force, its actions cause retaliatory¶ terrorist attacks against U.S. as well as local targets, and helps the terrorist network recruit new¶ members for future terrorist operations, as evidenced in Lebanon in the 1980s, Somalia in the¶ early 1990s, as well as Pakistan and Yemen in the late 2000s. However, it appears that the¶ foreign policy goals regarding the War on Terrorism are still achievable if the U.S. exercises its¶ military might directly against terrorists while adopting a policy of military restraint on other¶ occasions such as changing the political regime of the target country (Eland 1998, 2007).¶ Alternatively, the U.S. should help in training and providing intelligence information, weapons,¶ and equipment to counterterrorism units in terrorism-prone countries rather than directly¶ intervening in their domestic affairs. In this way, other countries become capable of fighting¶ terrorism with their own people. Consequently, the U.S. can avoid direct military involvements¶ and any potential backfiring of its missions.¶

## CMR

**1ar Ext #1 – CMR down now**

***CMR down now --- budget debate about military pay and defense spending***

**Tilghman, 2013** (Andrew, staff writer for navy times, July 12th, “JCS chief: Time to rethink civil-military relations,”¶ <http://www.navytimes.com/article/20130712/NEWS05/307120023/JCS-chief-Time-rethink-civil-military-relations>)

**Dempsey’s call for a national discussion comes at a challenging time for civil-military relations, according to several experts, career officers** and others who spoke to Military Times.

In Washington, **a fierce debate is in full swing about the future of defense spending that could veer into a bitter battle over pay and benefits for the people who serve in uniform.** Across the country, **veterans are returning in large numbers, some of them struggling to adjust** or suffering from physical or psychological injuries. **And as the war in Afghanistan winds down, the military may begin to lose its privileged place in American culture.**

“**The moral contract between the people and the military is changing**. It changes after every war,” said James Burk, a civil-military affairs expert who teaches at Texas A&M University. “I think Dempsey is taking a stand against polarization and calling for a serious discussion about what the military community needs and how we achieve those objectives.”

Sensitive issues

**Dempsey also touched briefly on proposed changes to pay and benefits in light of the current budget squeeze.**

**“We owe much to our veterans** and their families**, but we shouldn’t view all proposed defense cuts as an attack on them,”** Dempsey wrote. “Modest reforms to pay and compensation will improve readiness and modernization.”

**He also trod lightly on issues underlying the budget debate, cautioning service members not to assume they have a special or unique claim to national service**.

**“We are an all-volunteer force, but we are not all who volunteer**,” Dempsey wrote. “**Service has always been fundamental to being an American.** Across our country, police officers, fire fighters, teachers, coaches, pastors, scout masters, business people and many others serve their communities every day. Military service makes us different, but the desire to contribute permeates every corner of the United States.”

Peter Feaver, a former Bush administration adviser during the Iraq War who is now a professor at Duke University, **said Dempsey may be concerned about the long-term effects of the special status afforded to service members during the past decade-plus of war.**

**“He is a warning against the pride that the military may take after a decade of having privileged access to the nation’s resources and the pride of place**, whether it’s in terms of our national ceremonies or sporting events or letting those in military uniforms board a plane first.” Feaver said.

That’s a valid concern, said Marine Maj. Peter Munson, the author of “War, Welfare & Democracy: Rethinking America’s Quest for the End of History.”

“**The military has been lionized in these recent conflicts and I don’t think that is necessarily healthy**,” Munson said in an interview after reading Dempsey’s op-ed.

“I think there is a certain subculture in the military that has grown to expect the perks and admiration and adulation. I think that a lot of folks are starting to feel that way without realizing it,” he said. “**While I certainly think that what the military has done over the past decade is admirable, we don’t want to feel entitled to a certain treatment different from other citizens. Ours should be a culture of selfless service and selfless leadership**.”

Munson applauded Dempsey’s call for a national discussion.

“I think now is the time to address these things before the memories of these recent battles fade from the limelight and before any bitterness sets in about budget cuts,” he said.

**1ar Ext #2 – link turn**

***Here’s more evidence – there’s only tension because congress is unable to check the executive***

**Wong, 2008** (Dr. Leonard, a research professor in the Strategic Studies Institute at the U.S. Army War College who focuses on the human and organizational dimensions of the military. He is a retired lieutenant colonel whose career includes teaching leadership at West Point and serving as an analyst for the Chief of Staff of the Army. His research has led him to locations such as Iraq, Afghanistan, Kosovo, Bosnia, and Vietnam. He has testified before Congress, and his work has been highlighted in news media such as the New York Times, The Wall Street Journal, Washington Post, New Yorker, CNN, NPR, PBS, and 60 Minutes. He is a Professional Engineer and holds a B.S. from the U.S. Military Academy and an M.S. and Ph.D. from Texas Tech University, Colloqium Brief of the Strategic Studies Institute --- US Army War College & Harvard Kennedy School, Kennedy School of Government, “Civil-Military Relations in a Post-9/11 World,” http://www.strategicstudiesinstitute.army.mil/pdffiles/pub873.pdf)

The conference ended with some integrating observations. **One noted that the civil-military relationship includes more than just civilian control. It also involves the allocation and exercise of war powers and the impact f the civil-military relationship on those powers**. **A problem with the civil-military relationship has emerged over the last quarter-century that has caused the exercise of war powers to shift from Congress to the President**. Interestingly, **the military has an obedient relationship with the Executive Branch, a weak relationship with Congress, and a relationship with society that is so good that it is detrimental**. **The American public**, probably in reaction to the lessons of Vietnam, **has tremendous support for those in uniform**. **As a result, citizens are suspect of anything or anyone not supporting soldiers. With this public attitude of unquestioned support, Congress is inhibited from checking presidential power**. Additionally, American society feels a social responsibility (which could also be labeled as “guilt”) towards the military for enduring hardships that the vast majority of society has opted to avoid. Trying to make the soldiers’ lot the best it can be is often the only outlet for this societal obligation. Unfortunately, **this perceived social responsibility combines with the military’s obedient relationship with the Executive Branch, the military’s weak relationship with Congress, and the inability of Congress to serve as a counterbalance to executive power, thus rendering the War Powers Act useless.**

## K

### Consequences

#### -- Evaluate consequences – allowing violence for the sake of moral purity is evil

Isaac 2 (Jeffrey C., Professor of Political Science – Indiana-Bloomington, Director – Center for the Study of Democracy and Public Life, Ph.D. – Yale, Dissent Magazine, 49(2), “Ends, Means, and Politics”, Spring, Proquest)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the **clean conscience** of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about **unintended consequences** as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.