# Cards ASU RV Round 3

## 1AC

#### Same as round 1.

## 2AC

### Executive CP

#### Permutation do both. Solves the net benefit <insert explanation>.

#### b.) Terrorism DA – Civilian trials lead to terrorism.

McCarthy and Velshi, ‘9

[Andrew (Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies) and Alykhan (staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force), “We Need a National Security Court”, Submission for AEI, 2009, RSR]

The ¶ treatment of a national security problem as a criminal justice issue has consequences that ¶ imperil Americans. To begin with, there are the obvious numerical and motivational ¶ results. As noted above, the justice system is simply incapable, given its finite resources, ¶ of meaningfully countering the threat posed by international terrorism. Of equal salience, ¶ prosecution in the justice system actually increases the threat because of what it conveys ¶ to our enemies. Nothing galvanizes an opposition, nothing spurs its recruiting, like the ¶ combination of successful attacks and a conceit that the adversary will react weakly. ¶ (Hence, bin Laden’s well-known allusion to people’s instinctive attraction to the “strong ¶ horse” rather than the “weak horse,” and his frequent citation to the U.S. military pullout from Lebanon after Hezbollah’s 1983 attack on the marine barracks, and from Somalia ¶ after the 1993 “Black Hawk Down” incident). For militants willing to immolate ¶ themselves in suicide-bombing and hijacking operations, mere prosecution is a ¶ provocatively weak response. Put succinctly, where they are the sole or principal ¶ response to terrorism, trials in the criminal justice system inevitably cause more ¶ terrorism: they leave too many militants in place and they encourage the notion that the ¶ nation may be attacked with relative impunity.

#### c.) Rollback DA - Future presidents prevent solvency

Harvard Law Review 12,

["Developments in the Law: Presidential Authority," Vol. 125:2057, www.harvardlawreview.org/media/pdf/vol125\_devo.pdf]

The recent history of signing statements demonstrates how public opinion can effectively check presidential expansions of power by inducing executive self-binding. **It remains to be seen**, however, **if this more restrained view of signing statements can remain intact, for it relies on the promises of one branch — indeed of one person — to enforce and maintain the separation of powers**. To be sure, President **Obama’s guidelines for the use of signing statements contain all the hallmarks of good executive branch policy: transparency, accountability, and fidelity to constitutional limitations.** Yet, in practice**, this apparent constraint (**however well intentioned**) may amount to** little more than voluntary self-restraint. 146 Without a formal institutional check, it is unclear what mechanism will prevent the next President (or President Obama himself) from reverting to the allegedly abusive Bush-era practices. 147 Only time, and perhaps public opinion, will tell.

#### The plan’s external oversight on detention maintains heg---legitimacy is the vital internal link to global stability.

Knowles, Acting Assistant Professor, New York University School of Law, ‘9

[Robert, Spring, “Article: American Hegemony and the Foreign Affairs Constitution”, 41 Ariz. St. L.J. 87, Lexis]

The hegemonic model also reduces the need for executive branch flexibility, and the institutional competence terrain shifts toward the courts. The stability of the current U.S.-led international system depends on the ability of the U.S. to govern effectively. Effective governance depends on, among other things, predictability. n422 G. John Ikenberry analogizes America's hegemonic position to that of a "giant corporation" seeking foreign investors: "The rule of law and the institutions of policy making in a democracy are the political equivalent of corporate transparency and [\*155] accountability." n423 Stable interpretation of the law bolsters the stability of the system because other nations will know that they can rely on those interpretations and that there will be at least some degree of enforcement by the United States. At the same time, the separation of powers serves the global-governance function by reducing the ability of the executive branch to make "abrupt or aggressive moves toward other states." n424¶ The Bush Administration's detainee policy, for all of its virtues and faults, was an exceedingly aggressive departure from existing norms, and was therefore bound to generate intense controversy. It was formulated quickly, by a small group of policy-makers and legal advisors without consulting Congress and over the objections of even some within the executive branch. n425 Although the Administration invoked the law of armed conflict to justify its detention of enemy combatants, it did not seem to recognize limits imposed by that law. n426 Most significantly, it designed the detention scheme around interrogation rather than incapacitation and excluded the detainees from all legal protections of the Geneva Conventions. n427 It declared all detainees at Guantanamo to be "enemy combatants" without establishing a regularized process for making an individual determination for each detainee. n428 And when it established the military commissions, also without consulting Congress, the Administration denied defendants important procedural protections. n429¶ In an anarchic world characterized by great power conflict, one could make the argument that the executive branch requires maximum flexibility to defeat the enemy, who may not adhere to international law. Indeed, the precedents relied on most heavily by the Administration in the enemy combatant cases date from the 1930s and 1940s - a period when the international system was radically unstable, and the United States was one of several great powers vying for advantage. n430 But during that time, the executive branch faced much more exogenous pressure from other great powers to comply with international law in the treatment of captured enemies. If the United States strayed too far from established norms, it would risk retaliation upon its own soldiers or other consequences from [\*156] powerful rivals. Today, there are no such constraints: enemies such as al Qaeda are not great powers and are not likely to obey international law anyway. Instead, the danger is that American rule-breaking will set a pattern of rule-breaking for the world, leading to instability. n431 America's military predominance enables it to set the rules of the game. When the U.S. breaks its own rules, it loses legitimacy.¶ The Supreme Court's response to the detainee policy enabled the U.S. government as a whole to hew more closely to established procedures and norms, and to regularize the process for departing from them. After Hamdi, n432 the Department of Defense established a process, the CSRTs, for making an individual determination about the enemy combatant status of all detainees at Guantanamo. After the Court recognized habeas jurisdiction at Guantanamo, Congress passed the DTA, n433 establishing direct judicial review of CSRT determinations in lieu of habeas. Similarly, after the Court declared the military commissions unlawful in Hamdan, n434 this forced the Administration to seek congressional approval for commissions that restored some of the rights afforded at courts martial. n435 In Boumediene, the Court rejected the executive branch's foreign policy arguments, and bucked Congress as well, to restore the norm of habeas review. n436¶ Throughout this enemy combatant litigation, it has been the courts' relative insulation from politics that has enabled them to take the long view. In contrast, the President's (and Congress's) responsiveness to political concerns in the wake of 9/11 has encouraged them to depart from established norms for the nation's perceived short-term advantage, even at the expense of the nation's long-term interests. n437 As Derek Jinks and Neal Katyal have observed, "treaties are part of [a] system of time-tested standards, and this feature makes the wisdom of their judicial interpretation manifest." n438¶ At the same time, the enemy combatant cases make allowances for the executive branch's superior speed. The care that the Court took to limit the issues it decided in each case gave the executive branch plenty of time to [\*157] arrive at an effective detainee policy. n439 Hamdi, Rasul, and Boumediene recognized that the availability of habeas would depend on the distance from the battlefield and the length of detention. n440¶ The enemy combatant litigation also underscores the extent to which the classic realist assumptions about courts' legitimacy in foreign affairs have been turned on their head. In an anarchic world, legitimacy derives largely from brute force. The courts have no armies at their disposal and look weak when they issue decisions that cannot be enforced. n441 But in a hegemonic system, where governance depends on voluntary acquiescence, the courts have a greater role to play. Rather than hobbling the exercise of foreign policy, the courts are a key form of "soft power." n442 As Justice Kennedy's majority opinion observed in Boumediene, courts can bestow external legitimacy on the acts of the political branches. n443 Acts having a basis in law are almost universally regarded as more legitimate than merely political acts. Most foreign policy experts believe that the Bush Administration's detention scheme "hurt America's image and standing in the world." n444 The restoration of habeas corpus in Boumediene may help begin to counteract this loss of prestige.¶ Finally, the enemy combatant cases are striking in that they embrace a role for representation-reinforcement in the international realm. n445 Although defenders of special deference acknowledge that courts' strengths lie in protecting the rights of minorities, it has been very difficult for courts to protect these rights in the face of exigencies asserted by the executive branch in foreign affairs matters. This is especially difficult when the minorities are alleged enemy aliens being held outside the sovereign territory of the United States in wartime. In the infamous Korematsu decision, another World War II-era case, the Court bowed to the President's factual assessment of the emergency justifying detention of U.S. citizens of Japanese ancestry living in the United States. n446 In Boumediene, the Court [\*158] pointedly declined to defer to the executive branch's factual assessments of military necessity. n447 The court may have recognized that a more aggressive role in protecting the rights of non-citizens was required by American hegemony. In fact, the arguments for deference with respect to the rights of non-citizens are even weaker because aliens lack a political constituency in the United States. n448 This outward-looking form of representation-reinforcement serves important functions. It strengthens the legitimacy of U.S. hegemony by establishing equality as a benchmark and reinforces the sense that our constitutional values reflect universal human rights. n449¶ Conclusion¶ When it comes to the constitutional regime of foreign affairs, geopolitics has always mattered. Understandings about America's role in the world have shaped foreign affairs doctrines. But the classic realist assumptions that support special deference do not reflect the world as it is today. A better, more realist, approach looks to the ways that the courts can reinforce and legitimize America's leadership role. The Supreme Court's rejection of the government's claimed exigencies in the enemy combatant cases strongly indicates that the Judiciary is becoming reconciled to the current world order and is asserting its prerogatives in response to the fewer constraints imposed on the executive branch. In other words, the courts are moving toward the hegemonic model. In the great dismal swamp that is the judicial treatment of foreign affairs, this transformation offers hope for clarity: the positive reality of the international system, despite terrorism and other serious challenges, permits the courts to reduce the "deference gap" between foreign and domestic cases.

#### Lack of Congressional clarity within the NDAA causes judicial activism that hampers executive flexibility. The plan is key to reverse that.

Horowitz, J.D. Candidate at Fordham University, ‘13

[Colby, “CREATING A MORE MEANINGFUL ¶ DETENTION STATUTE: LESSONS LEARNED ¶ FROM HEDGES V. OBAMA”, Fordham Law Review, Vol. 81, 2013, RSR]

This part recommends ways to improve section 1021, with the goal of ¶ creating a clearer, more meaningful detention statute. In section 1021, ¶ Congress simply codified verbatim the executive branch’s interpretation of ¶ detention authority.350 Congress failed to define or limit key terms like ¶ “substantial support” or “associated forces,” and thus abdicated its role in ¶ shaping the substantive parameters of executive detention. This section ¶ recommends ways to improve a future detention statute and includes some ¶ proposed definitions of key detention criteria. ¶ A vague and unclear detention statute harms the separation of powers ¶ between the three branches. As Justice Jackson’s widely accepted ¶ Youngstown framework explains,351 executive war powers are relational to ¶ Congress, and the judiciary decides what Congress has or has not ¶ authorized—thus all three branches have a role. Vague statutes enhance the ¶ power of the judiciary at the expense of the legislature for two reasons. ¶ First, vague statutes make congressional intent unclear and give the courts ¶ significant discretion to determine if the President is in Zone 1, 2, or 3.352¶ Second, vague statutes invite close judicial scrutiny because they ¶ demonstrate to the courts that the political process has failed.353 Thus, ¶ vague congressional authorizations that attempt to delegate broad authority ¶ to the President can be counterproductive because, instead of empowering ¶ the President, they actually empower the courts.354¶ In addition to expanding the role of the judiciary, vague statutes create ¶ uncertainty for the executive. The President cannot act quickly and ¶ decisively if the limits of his authority are unclear.355 Finally, Congress ¶ plays an important role in detention policy, and vague statutes like section 1021 represent a congressional abdication of that role.356 Congressional ¶ legislation is essential when creating long-term, effective antiterrorism ¶ policies that have a solid legal foundation.357 This Note recommends ¶ substantive changes to section 1021 to make it a clearer, more meaningful ¶ congressional statement about the limits of indefinite executive detention. ¶ The major recommendations are: (1) move away from the AUMF; ¶ (2) provide specific definitions of key terms (proposed definitions are ¶ suggested); (3) exclude protected First Amendment activities; and ¶ (4) include a clear statement about the indefinite detention of American ¶ citizens.

#### Creating a fair process for detainees preserves executive flexibility – results in judicial deference.

Bauer, Junior Editor at the Alabama Law Review, ‘6

[Jay, “DETAINEES UNDER REVIEW: STRIKING THE RIGHT¶ CONSTITUTIONAL BALANCE BETWEEN THE EXECUTIVE'S¶ WAR POWERS AND JUDICIAL REVIEW”, Vol. 57, No. 4, RSR]

Establishing a detainee review process that is as transparent and fair as¶ possible may be the best way to "strik[e] the proper constitutional balance."'179 In considering the executive's concerns for national security and¶ protection of classified information, the courts have shown an ability to be¶ flexible and accommodate the special needs of the executive while preserving¶ the fundamental precepts of the Constitution. That flexibility will likely¶ come into play regardless of whether a court is reviewing a habeas petition¶ or the final decision of a tribunal under a separate statutory scheme like that¶ in the Detainee Treatment Act.¶ If a court is reviewing a non-citizen detainee's habeas claim, now that¶ the Supreme Court has established in Rasul that federal courts do have jurisdiction¶ over detainees at Guantanamo, the federal courts and habeas jurisprudence¶ may actually prove beneficial for the executive. For instance,¶ because a habeas court looks primarily to the authority and process of detention¶ in a habeas case, this Comment argues that from a practical standpoint¶ the more the executive branch establishes a solidly fair and judicial¶ process for determining detainee status, the better it would be for the executive.¶ Since the courts tend to deny habeas petitions when there is apparent¶ authority and alternative remedies available to a habeas petitioner, it is logical¶ that a full and fair process establishing those remedies for non-citizen¶ detainees is in the executive's best interest. In other words, if the executive¶ branch wants to preserve its independent control over detainees, then practically¶ speaking it could rely on history and precedence as a model. The¶ courts will defer to executive action, but only to a point. They will seek to¶ preserve the authority of the Constitution, albeit in a restrained sense considering¶ the unique nature of detaining enemy combatants in the "war on¶ terror." Habeas corpus jurisprudence teaches that as long as there is a way¶ for an independent judiciary to examine the lawfulness of executive detention,¶ or at least ensure that the detainee has an appropriate alternative remedy¶ available, then that detention will be upheld. Thus, ironically, the way¶ for the executive to retain control over detainees is to create a full and fair¶ tribunal process. Moreover, the traditional deference the judiciary pays to¶ the executive branch when it is looking at executive wartime actions or¶ judgments should also give the executive branch confidence that federal¶ court jurisdiction over detainees at Guantanamo Bay is not going to hinder¶ its execution of the "war on terror."¶ When it passed the Detainee Treatment Act, Congress intended to interject¶ congressional oversight into the detainee review process by dictating¶ the standard of evidence used, and it wanted to ensure that the procedures of¶ the CSRT are in accordance with the Constitution. 80 The passage of the Act¶ clearly shows that the executive should anticipate more, not less, assertion¶ of authority over the detainee review process by the other branches of government.¶ Although the consequences of the Act are unknown at this point in¶ time, it is also fairly clear that however the courts consider the detainee review process-whether it is through habeas litigation or under another¶ statutorily prescribed method like that of the Detainee Treatment Act-the¶ analysis will be in terms of whether that process fundamentally complies¶ with the Constitution. Thus, from just a pragmatic standpoint, it would be¶ prudent for the executive branch to ensure that the detainee review procedures¶ uphold the ideals of that great charter.¶ Consequently, creating a detainee review process as transparent and fair¶ as possible is the best option for our government and this nation as it seeks¶ to strike the right balance between executive war powers and judicial right¶ of review.

### Congress DA

#### We’re key to make hegemony effective - our credibility internals solve the impact better than flexibility

Schwarz, senior counsel, and Huq, associate counsel at the Brennan Center for Justice at NYU School of Law, 2007 [Frederick A.O., Jr., partner at Cravath, Swaine & Moore, chief counsel to the Church Committee, and Aziz Z, former clerk for the U.S. Supreme Court, Unchecked and Unbalanced: Presidential Power in a Time of Terror, p. 201]

The Administration insists that its plunge into torture, its lawless spying, and its lock-up of innocents have made the country safer. Beyond mere posturing, they provide little evidence to back up their claims. Executive unilateralism not only undermines the delicate balance of our Constitution, but also lessens our human liberties and hurts vital counterterrorism campaigns. How? Our reputation has always mattered. In 1607, Massachusetts governor John Winthrop warned his fellow colonists that because they were a "City on a Hill," "the eyes of all people are upon us."4 Thomas Jefferson began the Declaration of Independence by invoking the need for a "decent respect to the opinions of mankind:' In today's battle against stateless terrorists, who are undeterred by law, morality, or the mightiest military power on earth, our reputation matters greatly.¶ Despite its military edge, the United States cannot force needed aid and cooperation from allies. Indeed, our status as lone superpower means that only by persuading other nations and their citizens—that our values and interests align with theirs, and so merit support, can America maintain its influence in the world. Military might, even extended to the globe's corners, is not a sufficient condition for achieving America's safety or its democratic ideals at home. To be "dictatress of the world," warned John Quincy Adams in 1821, America "would be no longer the ruler of her own spirit." A national security policy loosed from the bounds of law, and conducted at the executive's discretion, will unfailingly lapse into hypocrisy and mendacity that alienate our allies and corrode the vitality of the world's oldest democracy.5

#### Plan solves presidential flexibility. An NSC keeps procedures closed to the public and relieves international pressure to restrict presidential war powers. That’s 1AC Sulmasy. And, the NSC operates within an institutional framework that allows the executive to prevent Congressional meddling into foreign policy decisions. That’s 1AC Harvard Law Review.

#### The aff doesn’t link – limits judicial creativity while resulting in quick prosecutions.

McCarthy and Velshi, ‘9

[Andrew (Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies) and Alykhan (staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force), “We Need a National Security Court”, Submission for AEI, 2009, RSR]

What is an asset in the criminal justice system, however, would be a liability in a system whose priority is not justice for the individual but the security of the American people. That liability, though, can be satisfactorily rectified by clear procedural rules which underscore that the overriding mission – into which the judicial function is being imported for very limited purposes – remains executive and military. The default position of the criminal justice system would not carry over to a system conceived for enemies of the United States – i.e., terrorist operatives who would not be facing NSC trials in the first place absent a finding, tested by judicial review, that they were alien enemy combatants. ¶ In such a system, the opportunities for judicial creativity would be limited by being plainspoken and unapologetic in enabling legislation about the fact that the defendants are not Americans but those who mean America harm; that the task of federal judges is not to ensure that defendants are considered as equals to our government before the bar of justice, but merely to ensure that they are not capriciously convicted of war crimes by the same branch of government that is prosecuting the war; that if credible and convincing evidence supports the allegations, the system’s preference is that defendants be convicted and harshly sentenced; and that the authority of judges is enumerated and finite – if the rules as promulgated do not expressly provide for the defendant to have particular relief, the judge is powerless to direct it. In short, the system would curb judicial excess by the recognition, which underlies the military justice system, that prosecuting war remains a quintessentially executive endeavor; in the NSC, judges would be a check against arbitrariness but they would not have any general supervisory authority over the conduct of proceedings and they would not be at liberty to create new entitlements by analogizing to ordinary criminal proceedings.

### Liberal Peace K

#### Our interpretation is that debate should be a question of the aff plan versus a competitive policy option.

#### This is key to ground and predictability – infinite number of possible kritik alternatives or things the negative could reject explodes the research burden. That’s a voting issue.

#### State-centrism is the only way to produce human security and limit everyday injustice – material change should be preferred

-alternatives to the state will not be democratically accountable – can’t give content to rights claims

-key to value to life

McCormack, Lecturer in IR at the University of Leicester, ‘10

[Tara, PhD in IR from the University of Westminster, 10, “Critique, Security and Power: The political limits to emancipatory approaches”, pg. 140-142]

Critical and emancipatory theorists fail to understand that there must be a political content to emancipation and new forms of social organisation. Critical theorists seek emancipation and argue for new forms of political community above and beyond the state, yet there is nothing at the moment beyond the state that can give real content to those wishes. There is no democratic world government and it is simply nonsensical to argue that the UN, for example, is a step towards global democracy. Major international institutions are essentially controlled by powerful states. To welcome challenges to sovereignty in the present political context cannot hasten any kind of more just world order in which people really matter (to paraphrase Lynch). Whatever the limitations of the state, and there are many, at the moment the state represents the only framework in which people might have a chance to have some meaningful control over their lives. Critical theorists who argue for more cosmopolitan international frameworks of universal human rights or more global democratic organisations in order to emancipate the oppressed fail to understand that in the current political context they are arguing for fictional rights and communities. In this context, these rights can only be given at the behest of a more powerful state or international organisation. This, however, leads to a relationship between the rights recipient and the rights giver which is not a political relationship of control and accountability, but one closer, as Emma Rothschild has perceptively argued, to charity (Rothschild, 1995). In order to illustrate this problem from another angle, let us consider briefly the concept of Children’s Rights (this example is taken from Norman Lewis, 1998) or gender inequality. Without a doubt in many parts of the world children and women suffer greatly and have many unfair burdens upon them. It may seem therefore that the UN Convention on Children’s Rights, for example, or a framework of universal human rights codified in international law might be seen as a good and progressive thing in order to decrease inequality and empower women and children. Certainly for many critical and emancipatory theorists, as we have seen, the emerging rights regime is part of a potentially more just world order. However, as James Heartfield (1996) has argued, this is to understand that rights are a purely legal matter, rather than a product of prior social and political struggle which is then given legal form. Rights derive from subjects who are capable of exercising them and giving content to them (Heartfield, 1996; Lewis, 1998). Without the social and political struggle and the development of the rights-bearing individual who gives the legal rights their content, rights are fictions. Of course in reality a person in Britain (for example) does not directly exercise his or her rights, rather they are enforced by the existing state. If, for example, a women is denied employment because of her gender this infringes her rights. These rights are codified in state law. She may then go to court in order to force the company to abide by the law and her rights will be upheld. This is not, however, simply an esoteric point for political theorists but one with major implications for people. If we return to the example of the UN Convention on Children’s Rights we can begin to see what the problematic implications of rights without content are. Children’s rights cannot be exercised by children, they do not have the capacity, they are dependent upon other people in order to survive. Their rights are fictions which must be exercised on behalf of them (Lewis, 1998: 93). In reality this means that the state, for example, is empowered here, not the child. In the broader context of contemporary international relations it tends to mean that the developing country in which children’s rights are seen to be lacking (for example a country in which child labour is common) is subject to greater intervention and regulation from a more ‘enlightened’ international community. This also has the effect of turning what are essentially consequences of serious poverty and a low level of development into problems of law and morality. Again, more powerful ‘enlightened’ states are empowered to intervene and regulate developing states in the name of international law and human rights (Lewis, 1998: 95–98). As the problems, however, are not matters of law but of development they cannot be resolved through law. Not only is state sovereignty eroded but the idea of law also. We could also consider the problem of gender inequality in a developing state. A woman in Afghanistan, for example, clearly does not have the civil rights that a woman in another state might have. Yet of course, these are rights that she cannot claim against the government of her state, or rather the government cannot give content to these rights as the government’s control in the case of Afghanistan does not go much further than Kabul. Rather, the only way in which there may be a way for her to have these rights would be through the intervention of another state (indeed women’s rights formed part of the rationale for the military intervention in Afghanistan) whether military or tied to aid. Here, there will be no political relationship between the Afghan woman and, for example, NATO. There will be no mechanism of control and accountability for the woman, her rights are in the gift of power external forces and therefore not rights that can empower as they are not controlled by her. Friedrich Kratochwil argues that critical theory has to address ‘what types of constitutive understanding authorise particular practices and this creates specific types of authority’ (2007: 36). I argue that critical and emancipatory approaches have a certain unrealised constitutive understanding which is abstract and idealised, leading ultimately to forms of power and political practice that are disempowering. Critical theorists separate the rights bearer from the rights claimant. In the absence of any constitutive body that can give content to those rights or even agreed norms that can derive from that political body, these rights are at best meaningless and at worst empower precisely those practices which critical theorists wish to resolve. It is in this respect that in contemporary context critical and emancipatory approaches reproduce and authorise the constitutive particular practices of contemporary powers.

#### Perm do both

#### Critiquing existing structures isn’t enough – political action is necessary and the perm solves

Bilgin 2005 (Pinar, Department of International Relations Bilkent University Ankara “Regional Security in the Middle East” p. 60-1)

Admittedly, providing a critique of existing approaches to security, revealing those hidden assumptions and normative projects embedded in Cold War Security Studies, is only a first step. In other words, from a critical security perspective, self-reflection, thinking and writing are not enough in themselves. They should be compounded by other forms of practice (that is, action taken on the ground). It is indeed crucial for students of critical approaches to re-think security in both theory and practice by pointing to possibilities for change immanent in world politics and suggesting emancipatory practices if it is going to fulfil the promise of becoming a 'force of change' in world politics. Cognisant of the need to find and suggest alternative practices to meet a broadened security agenda without adopting militarised or zero-sum thinking and practices, students of critical approaches to security have suggested the imagining, creation and nurturing of security communities as emancipatory practices (Booth 1994a; Booth and Vale 1997). Although Devetak's approach to the theory/practice relationship echoes critical approaches' conception of theory as a form of practice, the latter seeks to go further in shaping global practices. The distinction Booth makes between 'thinking about thinking' and 'thinking about doing' grasps the difference between the two. Booth (1997:114) writes: Thinking about thinking is important, but, more urgently, so is thinking about doing…. Abstract ideas about emancipation will not suffice: it is important for Critical Security Studies to engage with the real by suggesting policies, agents, and sites of change, to help humankind, in whole and in part, to move away from its structural wrongs. In this sense, providing a critique of existing approaches to security, revealing those hidden assumptions and normative projects embedded in Cold War Security Studies, is only a first (albeit crucial) step. It is vital for the students of critical approaches to re-think security in both theory and practice.

#### Our description of international relations is true and ethical – game-theory proves that liberal internationalism emphasizes cooperation in protection of global goods.

Recchia and Doyle, ‘11

[Stefano (Assistant Professor in International Relations at the University of Cambridge) and Michael (Harold Brown Professor of International Affairs, Law and Political Science at Columbia University), “Liberalism in International Relations”, In: Bertrand Badie, Dirk Berg-Schlosser, and Leonardo Morlino, eds., International Encyclopedia of Political Science (Sage, 2011), pp. 1434-1439, RSR]

Relying on new insights from game theory, ¶ scholars during the 1980s and 1990s emphasized ¶ that so-called international regimes, consisting of ¶ agreed-on international norms, rules, and decision-making procedures, can help states effectively coordinate their policies and collaborate in ¶ the production of international public goods, such ¶ as free trade, arms control, and environmental ¶ protection. Especially, if embedded in formal multilateral institutions, such as the World Trade ¶ Organization (WTO) or North American Free ¶ Trade Agreement (NAFT A), regimes crucially ¶ improve the availability of information among ¶ states in a given issue area, thereby promoting ¶ reciprocity and enhancing the reputational costs ¶ of noncompliance. As noted by Robert Keohane, ¶ institutionalized multilateralism also reduces strategic competition over relative gains and thus ¶ further advances international cooperation. ¶ Most international regime theorists accepted ¶ Kenneth Waltz's (1979) neorealist assurription of ¶ states as black boxes-that is, unitary and rational ¶ actors with given interests. Little or no attention ¶ was paid to the impact on international cooperation of domestic political processes and dynamics. ¶ Likewise, regime scholarship largely disregarded ¶ the arguably crucial question of whether prolonged interaction in an institutionalized international setting can fundamentally change states' ¶ interests or preferences over outcomes (as opposed ¶ to preferences over strategies), thus engendering ¶ positive feedback loops of increased overall cooperation. For these reasons, international regime ¶ theory is not, properly speaking, liberal, and the ¶ term neoliberal institutionalism frequently used to ¶ identify it is somewhat misleading. ¶ It is only over the past decade or so that liberal ¶ international relations theorists have begun to systematically study the relationship between domestic politics and institutionalized international cooperation or global governance. This new scholarship ¶ seeks to explain in particular the close interna tional ¶ cooperation among liberal democracies as well as ¶ higher-than-average levels of delegation b)' democracies to complex multilateral bodies, such as the ¶ \ ¶ Liberalism in International Relations 1437 ¶ European Union (EU), North Atlantic Treaty ¶ Organization (NATO), NAFTA, and the WTO ¶ (see, e.g., John Ikenberry, 2001; Helen Milner & ¶ Andrew Moravcsik, 2009). The reasons that make ¶ liberal democracies particularly enthusiastic about ¶ international cooperation are manifold: First, ¶ transnational actors such as nongovernmental ¶ organizations and private corporations thrive in ¶ liberal democracies, and they frequently advocate ¶ increased international cooperation; second, ¶ elected democratic officials rely on delegation to ¶ multilateral bodies such as the WTO or the EU to ¶ commit to a stable policy line and to internationally lock in fragile domestic policies and constitutional arrangements; and finally, powerful liberal ¶ democracies, such as the United States and its ¶ allies, voluntarily bind themselves into complex ¶ global governance arrangements to demonstrate ¶ strategic restraint and create incentives for other ¶ states to cooperate, thereby reducing the costs for ¶ maintaining international order. ¶ Recent scholarship, such as that of Charles ¶ Boehmer and colleagues, has also confirmed the ¶ classical liberal intuition that formal international ¶ institutions, such as the United Nations (UN) or ¶ NATO, independently contribute to peace, especially when they are endowed with sophisticated ¶ administrative structures and information-gathering ¶ capacities. In short, research on global governance ¶ and especially on the relationship between democracy and international cooperation is thriving, and ¶ it usefully complements liberal scholarship on the ¶ democratic peace.

#### Turns the K – strategic planning to prevent crisis escalation is the only way out of the neg’s dilemma – alt fails in practice.

Liotta, Jerome E. Levy Chair of Economic Geography and National Security at the U. S. Naval War College, ‘5

[PH, Security Dialogue 36. 1, “Through the Looking Glass: Creeping Vulnerabilities and the Reordering of Security, pg. 65-6]

Although it seems attractive to focus on exclusionary concepts that insist on desecuritization, privileged referent objects, and the ‘belief’ that threats and vulnerabilities are little more than social constructions (Grayson, 2003), all these concepts work in theory but fail in practice. While it may be true that national security paradigms can, and likely will, continue to dominate issues that involve human security vulnerabilities – and even in some instances mistakenly confuse ‘vulnerabilities’ as ‘threats’ – there are distinct linkages between these security concepts and applications. With regard to environ mental security, for example, Myers (1986: 251) recognized these linkages nearly two decades ago: National security is not just about fighting forces and weaponry. It relates to water-sheds, croplands, forests, genetic resources, climate and other factors that rarely figure in the minds of military experts and political leaders, but increasingly deserve, in their collectivity, to rank alongside military approaches as crucial in a nation’s security. Ultimately, we are far from what O’Hanlon & Singer (2004) term a global intervention capability on behalf of ‘humanitarian transformation’. Granted, we now have the threat of mass casualty terrorism anytime, anywhere – and states and regions are responding differently to this challenge. Yet, the global community today also faces many of the same problems of the 1990s: civil wars, faltering states, humanitarian crises. We are nowhere closer to addressing how best to solve these challenges, even as they affect issues of environmental, human, national (and even ‘embedded’) security. Recently, there have been a number of voices that have spoken out on what the International Commission on Intervention and State Sovereignty has termed the ‘responsibility to protect’:10 the responsibility of some agency or state (whether it be a superpower such as the United States or an institution such as the United Nations) to enforce the principle of security that sovereign states owe to their citizens. Yet, the creation of a sense of urgency to act – even on some issues that may not have some impact for years or even decades to come– is perhaps the only appropriate first response. The real cost of not investing in the right way and early enough in the places where trends and effects are accelerating in the wrong direction is likely to be decades and decades of economic and political frustration – and, potentially, military engagement. Rather than justifying intervention (especially military), we ought to be justifying investment. Simply addressing the immensities of these challenges is not enough. Radical improvements in public infrastructure and support for better governance, particularly in states and municipalities (especially along the Lagos–Cairo–Karachi–Jakarta arc), will both improve security and create the conditions for shrinking the gap between expectations and opportunity. A real debate ought to be taking place today. Rather than dismissing ‘alternative’ security foci outright, a larger examination of what forms of security are relevant and right among communities, states, and regions, and which even might apply to a global rule-set – as well as what types of security are not relevant – seems appropriate and necessary. If this occurs, a truly remarkable tectonic shift might take place in the conduct of international relations and human affairs. Perhaps, in the failure of states and the international community to respond to such approaches, what is needed is the equivalent of the 1972 Stockholm conference that launched the global environmental movement and estab lished the United Nations Environmental Programme (UNEP), designed to be the environmental conscience of the United Nations. Similarly, the UN Habitat II Conference in Istanbul in 1996 focused on the themes of finding adequate shelter for all and sustaining human development in an increas ingly urbanized world. Whether or not these programs have the ability to influence the future’s direction (or receive wide international support) is a matter of some debate. Yet, given that the most powerful states in the world are not currently focusing on these issues to a degree sufficient to produce viable implementation plans or development strategies, there may well need to be a ‘groundswell’ of bottom-up pressure, perhaps in the form of a global citizenry petition to push the elusive world community toward collective action. Recent history suggests that military intervention as the first line of response to human security conditions underscores a seriously flawed approach. Moreover, those who advocate that a state’s disconnectedness from globalization is inversely proportional to the likelihood of military (read: US) intervention fail to recognize unfolding realities (Barnett, 2003, 2004). Both middle-power and major-power states, as well as the international com munity, must increasingly focus on long-term creeping vulnerabilities in order to avoid crisis responses to conditions of extreme vulnerability. Admittedly, some human security proponents have recently soured on the viability of the concept in the face of recent ‘either with us or against us’ power politics (Suhrke, 2004). At the same time, and in a bit more positive light, some have clearly recognized the sheer impossibility of international power politics continuing to feign indifference in the face of moral categories. As Burgess (2004: 278) notes, ‘for all its evils, one of the promises of globalization is the unmasking of the intertwined nature of ethics and politics in the complex landscape of social, economic, political and environmental security’. While it is still not feasible to establish a threshold definition for human security that neatly fits all concerns and arguments (as suggested by Owen, 2004: 383), it would be a tragic mistake to assume that national, human, and environmental security are mutually harmonious constructs rather than more often locked in conflictual and contested opposition with each other. Moreover, aspects of security resident in each concept are indeed themselves embedded with extraordinary contradictions. Human security, in particular, is not now, nor should likely ever be, the mirror image of national security. Yet, these contradictions are not the crucial recognition here. On the contrary, rather than focusing on the security issues themselves, we should be focusing on the best multi-dimensional approaches to confronting and solving them. One approach, which might avoid the massive tidal impact of creeping vulnerabilities, is to sharply make a rudder shift from constant crisis intervention toward strategic planning, strategic investment, and strategic attention. Clearly, the time is now to reorder our entire approach to how we address – or fail to address – security.

#### Only individual citizens rejecting executive power via Congress can revitalize liberalism and democracy

Kleinerman, Ph.D. in Political Science from Michigan State University, 2009 [Benjamin, The Discretionary President: The Promise and Peril of Executive Power, p. 8-9]

As citizens of a modern constitutional republic, we should not view our responsibility as judges of discretion as a burden. Modern liberalism, which exists in a close, although not intrinsic, partnership with modern constitutionalism, forecloses many of our political judgments when it changes the political question from the ends toward which politics should aim to the means by which to achieve previously settled ends. Beginning with Hobbes, political power no longer involves contestations over fundamental political ends; instead, political peace and prosperity are taken to be the only legitimate aims of politics. Given this change, as Hobbes knew so well and to which he looked forward hopefully, a liberal people can become quite apolitical. As we become more apolitical, we become more accepting of the claims of strong executive power. To some degree, modern constitutionalism aims to solve this problem by inviting us to become political again through making judgments about the proper scope of discretionary executive power. This judgment is good not only because it controls executive power; it also invigorates our political selves in a way that liberalism otherwise does not. Douglas Casson puts this point nicely: "To prove that we are rational and free persons and not Filmerian slaves, we must reclaim what is naturally ours. We must take up the difficult task of making determinations about the proper exercise of political power under conditions of uncertainty."38 Making political judgments about the use of discretionary executive power is not merely something we are forced to take up because of the incompleteness of constitutionalism; it is instead a component part of the modern constitutional project. It supplies the essential politics that is otherwise all too lacking in the liberal project. But, again, this judgment is only possible if we view discretionary executive power as inherently extralegal and as initially extraconstitutional. To bring it into the constitution, we must judge it as necessary to the preservation of the laws and the Constitution for which it must be exercised.

#### Their fears of epistemological bias are unfounded and exaggerated – *even if* our claims aren’t perfect, *they are likely accurate* and wholesale rejection is the worst approach\*

Martin, Professor of Geography at Cambridge, ‘1

[Ron, “Geography and public policy: the case of the missing agenda”, Progress in Human Geography, 25: 2, 2001

<http://geography.fullerton.edu/550/public%20policy.pdf>, RSR]

A second source of the prejudice against policy study, however, is the charge that it all too readily becomes hijacked or subverted by the organizations, research grant bodies and government departments that commission and fund it. The complaint is that through their funding, and their selection and assessment procedures, these institutions set the agenda, define the issues, control access to data and even influence the nature of policy research. After all, critics argue, no government or other policy-making body is likely to commission or welcome research which it believes could be strongly critical of its policy programmes. In this sense, it is claimed, government-funded policy research is likely to be compromised in its scope and orientation from the very start. At the same time, attempts by government and research funding agencies to define what are ‘socially relevant’ (or even worse, ‘socially useful’) fields of research are seen as prone to bias or even blatant instrumentalism (see Johnston, 1997, on a related point). To compound matters, the complaint goes, research that is critical of government policy or runs counter to what the government wants to hear, is either ignored or may even be used to attack the academics who produced it. For many, therefore, policy studies threaten the very independence of interest, thought and method that is the hallmark of academic research. As Harvey (1974) and Leach (1974) bemoaned, in the earlier debate on geography and policy referred to above, the fear is that public policy and other social-problem orientated research simply becomes subservient to the state, and thereby serves to preserve and strengthen the status quo. Few would deny the reality of these problems, § Marked 16:56 § but they can also be exaggerated and too easily used as an excuse not to engage in policy research at all. Public policy research does not mean the surrender of intellectual independence and integrity. It does not mean that research becomes subservient to the particular political interests of the state. What it does mean, however, is that to be persuasive, research has to be relevant and practical and, above all, backed up by persuasive empirical investigation and clear and logical argument. Policy-makers are less able to ignore or reject policy research – even if it is highly critical of policies – if that research is well founded methodologically and empirically. And it is also easier to shift policy-makers’ views if criticism is constructive, that is accompanied with positive suggestions for improving or changing policy. Taking issue with, and winning over, policy-makers is not easy, but is precisely part of the reason why this sort of academic activity needs to be undertaken. To engage in this activity, however, geographers need to expunge the ‘purity’ versus ‘policy’ mentality that permeates the discipline. They need to elevate the academic quality, and hence the status, of policy-relevant research. And they also need to identify where they stand with respect to the key issues in terms of which public policies should be judged (social equity and inclusion, social justice, citizenship, democracy, and so on), and how ‘geography’ and ‘place’ matter for the conduct and content of policy discourse.

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#### Working together via multilateralism can work – creates a framework for interaction that makes politics recognizable.

Pouliot 11—Professor of Poli Sci @ McGill University [Vincent Pouliot, “Multilateralism as an End in Itself,” International Studies Perspectives (2011) 12, 18–26]

¶ Because it rests on open, nondiscriminatory debate, and the routine exchange of viewpoints, the multilateral procedure introduces three key advantages that are gained, regardless of the specific policies adopted, and tend to diffuse across all participants. Contrary to the standard viewpoint, according to which a rational preference or functional imperative lead to multilateral cooperation, here it is the systematic practice of multilateralism that creates the drive to cooperate. At the theoretical level, the premise is that it is not only what people think that explains what they do, but also what they do that determines what they think (Pouliot 2010). Everyday multilateralism is a self-fulfilling practice for at least three reasons.¶ First, the joint practice of multilateralism creates mutually recognizable patterns of action among global actors. This process owes to the fact that practices structure social interaction (Adler and Pouliot forthcoming).2 Because they are meaningful, organized, and repeated, practices generally convey a degree of mutual intelligibility that allows people to develop social relations over time. In the field of international security, for example, the practice of deterrence is premised on a limited number of gestures, signals, and linguistic devices that are meant, as Schelling (1966:113) put it, to ‘‘getting the right signal across.’’ The same goes with the practice of multilateralism, which rests on a set of political and social patterns that establish the boundaries of action in a mutually intelligible fashion. These structuring effects, in turn, allow for the development of common frameworks for appraising global events. Multilateral dialog serves not only to find joint solutions; it also makes it possible for various actors to zoom in on the definition of the issue at hand—a particularly important step on the global stage.¶ The point is certainly not that the multilateral procedure leads everybody to agree on everything—that would be as impossible as counterproductive. Theoretically speaking, there is room for skepticism that multilateralism may ever allow communicative rationality at the global level (see Risse 2000; Diez and Steans 2005). With such a diverse and uneven playing field, one can doubt that discursive engagement, in and of itself, can lead to common lifeworlds. Instead, what the practice of multilateralism fosters is the emergence of a shared framework of interaction—for example, a common linguistic repertoire—that allows global actors to make sense of world politics in mutually recognizable ways. Of course, they may not agree on the specific actions to be taken, but at least they can build on an established pattern of political interaction to deal with the problem at hand—sometimes even before it emerges in acute form. In today’s pluralistic world, that would already be a considerable achievement.¶ In that sense, multilateralism may well be a constitutive practice of what Lu (2009) calls ‘‘political friendship among peoples.’’ The axiomatic practice of principled and inclusive dialog is quite apparent in the way she describes this social structure: ‘‘While conflicts, especially over the distribution of goods and burdens, will inevitably arise, under conditions of political friendship among peoples, they will be negotiated within a global background context of norms and institutions based on mutual recognition, equity in the distribution of burdens and benefits of global cooperation, and power-sharing in the institutions of global governance rather than domination by any group’’ (2009:54–55). In a world where multilateralism becomes an end in itself, this ideal pattern emerges out of the structuring effects of axiomatic practice: take the case of NATO, for instance, which has recently had to manage, through the multilateral practice, fairly strong internal dissent (Pouliot 2006). While clashing views and interests will never go away in our particularly diverse world, as pessimists are quick to emphasize (for example, Dahl 1999), the management of discord is certainly made easier by shared patterns of dialog based on mutually recognizable frameworks. What is most to be feared is enhanced global disorder resulting from the combination of weak global regulations; the unforeseen destructive consequences of converging technologies and economic globalization; military competition among the great powers; and the prevalent biases of short-term thinking held by most leaders and elites. But no practical person would wish that such a disorder scenario come true, given all the weapons of mass destruction (WMDs) available now or which will surely become available in the foreseeable future. As converging technologies united by IT, cognitive science, nanotechnology, and robotics advance synergistically in monitored and unmonitored laboratories, we may be blindsided by these future developments brought about by technoscientists with a variety of good or destructive or mercenary motives. The current laudable but problematic openness about publishing scientific results on the Internet would contribute greatly to such negative outcomes.