# ASU RV Cards Round 6 Harvard

## 1AC

#### Same as UNLV Round 1

## 2AC

### Solvency

#### No chance of Korean war- checks

Friedman ‘13

George is the Director of Stratfor, “Will North Korea Resume the Korean War,” <http://www.realclearworld.com/articles/2013/03/12/will_north_korea_resume_the_korean_war_100610.html>

I think the risks are too great for this scenario to play out. The North would have to assume that its plans were unknown by Western intelligence agencies. It would also have to assume that South Korea would rather risk severe damage to its capital as it dealt with North Korea once and for all than continue to live under the constant North Korean threat. Moreover, North Korea's artillery could prove ineffective, and it risks entering a war it couldn't win, resulting in total isolation.¶ The scenario laid out is therefore a consideration of what it might mean if the North Koreans were actually wild gamblers, rather than the careful manipulators they have been since 1991. It assumes that the new leader is able to override older and more cautious heads and that he would see this as serving both a strategic and domestic purpose. It would entail North Korea risking it all, and for that to happen, Pyongyang would have to believe that everything was already at risk. Because Pyongyang doesn't believe that, I think this scenario is unlikely.

#### No circumvention – the President would use the NSC

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

The primary triggering mechanism for establishing NSC jurisdiction would fall within the discretion and control of the Attorney General. Through certification and charging provisions, the Attorney General could invoke NSC jurisdiction by certifying that persons in custody inside the United States are suspected of terrorist activity, or by charging persons in custody outside the United States with one or more specific terrorism offenses. However, the NSC would provide the government with a preferred venue to manage terrorism cases and proceedings, reducing the risk of the NSC being sidelined like the current ATRC.102 Further, the NSC could review challenges to the executive certification or charging decisions,103 transferring those cases in which the government has improperly attempted to employ the NSC for non-terrorism cases to the appropriate district court. This review power will reduce government incentives to dress up any case in terrorism clothing to obtain the advantages of the NSC procedures. The review power would not prevent the government from pursuing a terrorism matter in district court instead of the NSC. However, even without an executive action triggering NSC jurisdiction, if a district court determines that it is unable to adequately manage a terrorism case, it would be permitted to sua sponte transfer the case to NSC jurisdiction

### Heg DA

#### Legitimacy’s inevitable and not key to heg

Brooks and Wohlforth, 9 (Stephen Brooks and William Wohlforth, both are professors of Government at Dartmouth, “Reshaping the world order: how Washington should reform international institutions,” Foreign Affairs, March-April)

FOR ANALYSTS such as Zbigniew Brzezinski and Henry Kissinger, the key reason for skepticism about the United States' ability to spearhead global institutional change is not a lack of power but a lack of legitimacy. Other states may simply refuse to follow a leader whose legitimacy has been squandered under the Bush administration; in this view, the legitimacy to lead is a fixed resource that can be obtained only under special circumstances. The political scientist G.John Ikenberry argues in After Victory that states have been well positioned to reshape the institutional order only after emerging victorious from some titanic struggle, such as the French Revolution, the Napoleonic Wars, or World War I or II. For the neoconservative Robert Kagan, the legitimacy to lead came naturally to the United States during the Cold War, when it was providing the signal service of balancing the Soviet Union. The implication is that today, in the absence of such salient sources of legitimacy, the wellsprings of support for U.S. leadership have dried up for good. But this view is mistaken. For one thing, it overstates how accepted U.S. leadership was during the Cold War: anyone who recalls the Euromissile crisis of the 1980s, for example, will recognize that mass opposition to U.S. policy (in that case, over stationing intermediaterange nuclear missiles in Europe) is not a recent phenomenon. For another, it understates how dynamic and malleable legitimacy is. Legitimacy is based on the belief that an action, an actor, or a political order is proper, acceptable, or natural. An action - such as the Vietnam War or the invasion of Iraq - may come to be seen as illegitimate without sparking an irreversible crisis of legitimacy for the actor or the order. When the actor concerned has disproportionately more material resources than other states, the sources of its legitimacy can be refreshed repeatedly. After all, this is hardly the first time Americans have worried about a crisis of legitimacy. Tides of skepticism concerning U.S. leadership arguably rose as high or higher after the fall of Saigon in 1975 and during Ronald Reagan's first term, when he called the Soviet Union an "evil empire." Even George W. Bush, a globally unpopular U.S. president with deeply controversial policies,oversaw a marked improvement in relations with France, Germany, and India in recent years - even before the elections of Chancellor Angela Merkel in Germany and President Nicolas Sarkozy in France. Of course, the ability of the United States to weather such crises of legitimacy in the past hardly guarantees that it can lead the system in the future. But there are reasons for optimism. Some of the apparent damage to U.S. legitimacy might merely be the result of the Bush administration's approach to diplomacy and international institutions. Key underlying conditions remain particularly favorable for sustaining and even enhancing U.S. legitimacy in the years ahead. The United States continues to have a far larger share of the human and material resources for shaping global perceptions than any other state, as well as the unrivaled wherewithal to produce public goods that reinforce the benefits of its global role. No other state has any claim to leadership commensurate with Washington's. And largely because of the power position the United States still occupies, there is no prospect of a counterbalancing coalition emerging anytime soon to challenge it. In the end, the legitimacy of a system's leader hinges on whether the system's members see the leader as acceptable or at least preferable to realistic alternatives. Legitimacy is not necessarily about normative approval: one may dislike the United States but think its leadership is natural under the circumstances or the best that can be expected. Moreover, history provides abundant evidence that past leading states - such as Spain, France, and the United Kingdom - were able to revise the international institutions of their day without the special circumstances Ikenberry and Kagan cite. Spainfashioned both normative and positive laws to legitimize its conquest of indigenous Americans in the early seventeenth century; France instituted modern concepts of state borders to meet its needs as Europe's preeminent land power in the eighteenth century; and the United Kingdom fostered rules on piracy, neutral shipping, and colonialism to suit its interests as a developing maritime empire in the nineteenth century. As Wilhelm Grewe documents in his magisterial The Epochs of International Law, these states accomplished such feats partly through the unsubtle use of power: bribes, coercion, and the allure oflucrative long-term cooperation. Less obvious but often more important, the bargaining hands of the leading states were often strengthened by the general perception that they could pursue their interests in even less palatable ways - notably, through the naked use of force. Invariably, too, leading states have had the power to set the international agenda, indirectly affecting the development of new rules by defining the problems they were developed to address. Given its naval primacy and global trading interests, the United Kingdom was able to propel the slave trade to the forefront of the world's agenda for several decades after it had itself abolished slavery at home, in 1833. The bottom line is that the UnitedStates today has the necessary legitimacy to shepherd reform of the international system.

#### Soft power fails – persuasion is difficult, the US isn’t trusted and hard power trumps.

Kroenig et. al, ‘10

[Matthew (assistant professor of Government at Georgetown University and a Stanton Nuclear Security Fellow at the Council on Foreign Relations), Melissa McAdam (Ph.D. candidate in political science at the University of California), Steven Weber (professor of political science at the University of California), December 2010, “Taking Soft Power Seriously”, Comparative Strategy, 29: 5, 412 – 431

<http://www.matthewkroenig.com/Kroenig_Taking%20Soft%20Power%20Seriously.pdf>, RSR]

Foreign policy actors have many reasons to experiment with soft power, not merely because its use can be less costly than hard power. But, soft power comes with its own quite striking limitations. Our research suggests that soft power strategies will be unlikely to succeed except under fairly restrictive conditions. It may very well be, then, that the U.S. foreign policy elite is at risk of exaggerating the effectiveness of soft power (rather than underutilizing it) as a tool of foreign policy. After all, international communication is fraught with difﬁculties, persuading people to change ﬁrmly held political views is hard, and individual attitudes are often thought to have an insigniﬁcant role in determining international political outcomes. Soft power, therefore, will probably be considered a niche foreign policy option useful for addressing a small fraction of the problems on Washington’s foreign policy agenda. Analysts who suggest that soft power can easily be substituted for hard power or who maintain that soft power should provide an overarching guide to the formulation of U.S. foreign policy are badly mistaken. It is not conducive to good policy to employ the idea of soft power as a way of arguing against the use of military force, for example.

**Indefinite detention is insufficient—loads of alt causes**

Thomas **Hilde 09**, professor at the University of Maryland School of Public Policy, “Beyond Guantanamo. Restoring U.S. Credibility on Human Rights,” Heinrich Böll Foundation, http://www.boell.org/downloads/hbf\_Beyond\_Guantanamo\_Thomas\_Hilde(2).pdf

 The first step required by law is a formal investigation of abuse. The **investigations** by the U.S. Department of Justice **must be legitimate and comprehensive or the U.S. will be faced with investigations by the governments of other countries**, including the NATO allies, who are obligated to do so by international law. However, as Mark Drumbl writes of international accountability for atrocities, “**the accountability process remains narrowly oriented to incarceration** following liberal criminal trials. **It is not a broader process that is yet comfortable with meaningful restorative initiatives, indigenous values, qualified amnesties, reintegrative shaming, the needs of victims, reparations, collective or foreign responsibilities, distributive justice, or pointed questions regarding the structural nature of violence in the international system**… **With pronouncement of sentence comes a rush to closure, absolution for the acquiescent, and the evaporation of collective responsibility.**”42 A clearer legal understanding of the contours and details of the torture regime is necessary before making concrete policy decisions holding into the indefinite future. The point that Drumbl underscores, however, is that **to render account involves much more than litigation.**

### Military Strategy CP

#### Permutation do both

#### Framing issue – doesn’t result in Congressional action. Detention policies are massively controversial – bipartisan opposition. Only aff fiat can come over this.

Kliegman 8/2/13 (Julie, Writer for Polifacts, "New Developmments But Congressional Opposition Remains" PoliFacts)

A genuine ‘closure' of Guantanamo would have to accept the possibility of letting someone out who could still be dangerous,” he said.¶ And a July 24 congressional subcommittee hearing on closing Guantanamo didn't make the outlook for Obama seem more promising. Republicans showed apprehension about moving prisoners to Marion, Ill. or any other U.S. location. "I would note we have had multiple instances of individuals in federal prisons engaging in terrorism,” said Sen. Ted Cruz, R-Texas.¶ Republican opposition to national or international detainee transfers leaves Democrats unsure of how they can proceed. Sen. Dianne Feinstein, D-Calif., who chairs the Intelligence Committee, poked at that larger issue by asking, "If there is no alternative prosecution in a federal court, they remain without charge or trial until the end of time?” There's nothing Congress can do with prisoners who can't be tried, short of setting them free.¶ Matthew Waxman, who chairs the Columbia Law School's national security program and has previously worked for the State and Defense departments, said for Obama to close Guantanamo is "[probably impossible](http://www.lawfareblog.com/2013/07/closing-guantanamo-would-still-leave-some-toughest-decisions-for-the-next-president/),” given the political barriers.¶ Even if Obama could close the prison before leaving office, Waxman noted that he is bound to leave his successor with a host of legal battles. Closing Guantanamo would bring up many more debates about armed conflict with al-Qaida and when the war on terror should be declared over.¶

#### Court Creation DA – The military cannot create a national security court, only Congress is vested with this power.

Schuck, Lecturer at Yale Law School, ‘4

[Peter, “Terrorism Cases Demand New Hybrid Courts”, LA Times, 7-9-2004,

<http://articles.latimes.com/2004/jul/09/opinion/oe-schuck9>, RSR]

The Supreme Court in its recent rulings has given U.S. citizens who are captives in the war on terror, as well as noncitizen Guantanamo detainees, the right to hearings. Now comes the hard part: what kinds of hearings, in what courts, by what process?¶ The court wisely refrained from answering these questions in detail. Arguments on the specifics had not been presented to the court, and the limited guidance that the justices did offer was more intuitive than analytical. Wisdom aside, this sort of self-restraint is constitutionally required: Article 1, Section 8, Clause 14 gives Congress -- not the judicial or the executive branch -- the authority to make rules for the armed forces, including the initial design of hearings for the prisoners.

#### Oversight DA - Department of Justice oversight solves international perception and makes the court more effective.

Sulmasy, Commander and associate professor of law at the U.S. Coast Guard Academy, ‘9

[Glenn, The National Security Court System: A Natural Evolution of Justice in an Age of Terror, Oxford University Press, 2009, RSR]

The oversight of the National Security Court must be performed by the Department of Justice National Security Division. Civilian oversight remains the critical component to the system’s success. In the twenty-first century, perceptions are now critical to the success of any policy in the media-frenzied environment of the United States, and for that matter, most of the world. The al Qaeda fighter does not appear as a “warrior” in his appearance. The accused enters the military court- room and stands before the tribunal, not in a military uniform but rather an orange prisoner jumpsuit, and he stands before military officers in “dress” uniforms. This sends an unfortunate, and unnecessarily wrong, signal to the world. The twenty-four-hour media coverage then broadcasts photos or artist renderings of senior military officers holding hearings over a “prisoner” who displays none of the trappings of a military member. This image sends the signal to many within the world community that the United States is holding hearings by the military against civilians. As I have often stated in public forums, military members with ribbons, medals, and uniforms do convey a strong sense of authority. In many ways, it can be intimidating. This military versus civilian dynamic also is often compared with human rights violations being committed by military officers against civilians in other parts of the world. Often these similar “trials” by the military over civilians are harshly criticized by our own State Department as violations of human rights and referred to as “kangaroo courts. I do not believe the tribunals are kangaroo courts, but the wrong impression is still being conveyed to millions worldwide. It appears that the Bush administration never seemed to appreciate these growing negative perceptions and how the world has come to view the military commissions. Along that same line of reasoning, it is critical that the Department of Defense no longer oversee the detention process. Having civilian oversight by Article III judges will send a strong signal of such change. The Department of Justice needs to be the lead agency overseeing the prosecutions within the NSCS. This shift in oversight from the Department of Defense to the Department of Justice will help remove some of the allegations of “unlawful command influence (UCI)” that defense counsel have repeatedly raised. 56 It is true that one of the weaknesses in the military justice system (in general) is the likelihood of interference from superiors before, during, and after the proceedings. 57 This is even more possible in the heated, politically charged environment of military commissions. Prosecuting alleged members of a group who indiscriminately murder civilians is more susceptible to UCI than a simple court-martial. Unlawful command influence pervades virtually all aspects of the military justice system. This “evil” within military justice has been studied by many leading authorities throughout the past century and attempts have been formally made to remove, or at least reduce, the impact of UCI. 58 It is natural, however, for such influence to exist within the hierarchical command structure of the military. If there is an area of military justice, or particularly military commissions, that is problematic, it is the concept of UCI. Ordinarily, a base commander or a regional commander is charged with overseeing the entire process of a court-martial, from start to finish. The commander initiates the charges, controls the resources, works with both defense counsel and prosecutor (known as a trial counsel in military law parlance), and is required to ensure that justice is served. It is human nature, further exacerbated by the unique nature of the military environment, that when the commander initiates charges against one of his or her members of the command, the commander expects a guilty verdict. This normal human tendency is even more influential by factoring in the needs of command to retain respect, authority, deterrence, and good order and discipline within a military unit. I think any reader, civilian or military, understands the ramifications within a military command (on a cutter, ship, or base) when a commanding officer “loses” a case at court-martial and the alleged is acquitted. This is one of the unique aspects of military justice. Ordinarily, and distinct from civilian perspectives on the subject, commanders expect military verdicts to be in their favor. This is not to say there is no “justice” in military justice. That is not the case at all. In discussing this, my intention is to explain why unlawful command influence is so prevalent within the military justice system and how it can be even more egregious within the military commissions process. There are numerous commanding officers who, despite this arguable “flaw” within the system, resist any temptations and do ensure that justice is done. In fact, in the modern military environment, I would suggest that is more than simply the norm.

#### Congress and the courts will roll back the CP. Empirically proven when Obama tried to shut down Guantanamo.

Howell 5

(William G. Howell, Associate Prof Gov Dep @ Harvard 2005 (Unilateral Powers: A Brief¶ Overview; Presidential Studies Quarterly, Vol. 35, Issue: 3, Pg 417)

Plainly, presidents cannot institute every aspect of their policy agenda by decree. The checks and balances that define our system of governance are alive, though not always well, when presidents contemplate unilateral action. Should the president proceed without statutory or constitutional authority, the courts stand to overturn his actions, just as Congress can amend them, cut funding for their operations, or eliminate them outright. (4) Even in those moments when presidential power reaches its zenith--namely, during times of national crisis--judicial and congressional prerogatives may be asserted (Howell and Pevehouse 2005, forthcoming; Kriner, forthcoming; Lindsay 1995, 2003; and see Fisher's contribution to this volume). In 2004, as the nation braced itself for another domestic terrorist attack and images of car bombings and suicide missions filled the evening news, the courts extended new protections to citizens deemed enemy combatants by the president, (5) as well as noncitizens held in protective custody abroad. (6) And while Congress, as of this writing, continues to authorize as much funding for the Iraq occupation as Bush requests, members have imposed increasing numbers of restrictions on how the money is to be spent.

### CMR DA

#### Civil military relations down now – the past two wars, media coverage, and budget cuts.

Munson, Marine officer, author, and Middle East specialist at Small Wars Journal, ‘12

[Peter, “A Caution on Civil-Military Relations”, 11-12-12, Small Wars Journal,

<http://smallwarsjournal.com/jrnl/art/a-caution-on-civil-military-relations>, RSR]

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.¶ The military, itself, has internalized much of this adulation. When ushered to the front of boarding lines at the airport, offered discounts at a myriad of establishments, proffered all sorts of swag at any number of appreciation venues, and even venerated daily on cable news with the incredibly self-centered practice of surprise homecomings, it is difficult for members of the military not to fall victim to a culture of creeping narcissism. Faced with lengthy, rapid fire deployments that placed some military members away from the stabilizing influences of family and normality for years of their lives, the military itself had to play up a narrative of sacrifice and exceptionalism to help keep the trains running. This narrative was drummed into the military and reinforced by its members who saw themselves deploying again and again as society stayed home and placed them on a pedestal. This is not to say that the sacrifice was insignificant, but to acknowledge that there were second order effects of the adulation. Even within the military, there was a significant inequality in hardships faced, from “FOBbits” with daily access to all the comforts of home to infantrymen living in squalor and under the constant threat of not only death, but horrific dismemberment. This additional dynamic, as an aside, has led to a significant insecurity on the part of some (but surely not most or all) of those servicemembers who operated in support roles. You can see it in those who make cryptic references to their “special operations” background or play up training that they never rightfully received. You see, even within the military there is a distinct hierarchy of who has truly “been there and done that” and those who feel they must insinuate that they did. I may be wrong, but I get the sense that the post-WWII culture just assumed that everyone had done their part and little need be said about it.¶ In all, this adds up to a military that at least in part feels it has earned entitlement, that it deserves the deferential treatment it receives, and that America needs to sacrifice to provide for the military—whether that be benefits or budget outlays. This is an incredibly dangerous cultural artifact, especially in light of the coming period of adjustment. As America’s involvement in Afghanistan winds down and as the nation is forced to adjust to new fiscal realities, the military will face a time of significant adjustment and likely austerity. A military with an entitled culture and an inability to countenance searing introspection will be unable to properly adjust to these new realities and will fail to make the necessary reforms, corrections, and resets that the strategic situation demands. More critically, the prospects for an unfavorable outcome in Afghanistan, coupled with significant budget cuts, will open the door for a “knife in the back” narrative that might argue that the civilian politicians and the American public “lost” the conflict by giving up on the great sacrifice and heroic efforts of the American military there and, furthermore, the government then slashed the military budget (and perhaps restructured some entitlements) betraying a military charged with facing a plethora of threats around the world. Such a narrative would be dangerous—poisonous—for civil-military relations.

#### Plan is key to improve CMR – the Joint Chiefs want Guantanamo to be closed

Burns, 8 (Robert, AP Military writer, Joint Chiefs Chairman: Close Guantanamo, January 13, 2008, Online, Huffington Post, [http://www.huffingtonpost.com/huff-wires/20080113/guantanamo-joint-chiefs/#](http://www.huffingtonpost.com/huff-wires/20080113/guantanamo-joint-chiefs/), accessed 7/23/13) PE

The chief of the U.S. military said Sunday he favors closing the prison here as soon as possible because he believes negative publicity worldwide about treatment of terrorist suspects has been "pretty damaging" to the image of the United States. "I'd like to see it shut down," Adm. Mike Mullen said in an interview with three reporters who toured the detention center with him on his first visit since becoming chairman of the Joint Chiefs of Staff last October. His visit came two days after the sixth anniversary of the prison's opening in January 2002. He stressed that a closure decision was not his to make and that he understands there are numerous complex legal questions the administration believes would have to be settled first, such as where to move prisoners. The admiral also noted that some of Guantanamo Bay's prisoners are deemed high security threats. During a tour of Camp Six, which is a high-security facility holding about 100 prisoners, Mullen got a firsthand look at some of the cells; one prisoner glared at Mullen through his narrow cell window as U.S. officers explained to the Joint Chiefs chairman how they maintain almost-constant watch over each prisoner.

#### Zero link---NSC wouldn’t affect CMR

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, www.cwsl.edu/content/journals/Rishikof.pdf

The involvement of an Article III court in review of actions traditionally reserved almost entirely to the discretion of the executive raises concerns about interference with the President’s constitutional commander-in-chief and foreign relations powers to direct military operations under the laws of war or the statutory authority to direct special activities such as covert actions.98 However, the executive’s authority is not plenary. Article I of the Constitution provides Congress with the power to make rules for capture on land and sea.99 Additionally, Congress is granted authority by statute to conduct general oversight of certain special activities.100 The NSC’s jurisdiction provides a constitutional balance between these grants of authority, without interfering with the President’s prerogative to direct military operations as commander-in-chief, nor Congress’ authority to make laws and provide oversight in order to ensure political accountability.101

#### Policy disagreements don’t spill over --- no turns case

Hansen 9 – Victor Hansen, Associate Professor of Law, New England Law School, Summer 2009, “SYMPOSIUM: LAW, ETHICS, AND THE WAR ON TERROR: ARTICLE: UNDERSTANDING THE ROLE OF MILITARY LAWYERS IN THE WAR ON TERROR: A RESPONSE TO THE PERCEIVED CRISIS IN CIVIL-MILITARY RELATIONS,” South Texas Law Review, 50 S. Tex. L. Rev. 617, p. lexis

According to Sulmasy and Yoo, these conflicts between the military and the Bush Administration are the latest examples of a [\*624] crisis in civilian-military relations. n32 The authors suggest the principle of civilian control of the military must be measured and is potentially violated whenever the military is able to impose its preferred policy outcomes against the wishes of the civilian leaders. n33 They further assert that it is the attitude of at least some members of the military that civilian leaders are temporary office holders to be outlasted and outmaneuvered. n34 If the examples cited by the authors do in fact suggest efforts by members of the military to undermine civilian control over the military, then civilian-military relations may have indeed reached a crisis. Before such a conclusion can be reached, however, a more careful analysis is warranted. We cannot accept at face value the authors' broad assertions that any time a member of the military, whether on active duty or retired, disagrees with the views of a civilian member of the Department of Defense or other member of the executive branch, including the President, that such disagreement or difference of opinion equates to either a tension or a crisis in civil-military relations. Sulmasy and Yoo claim there is heightened tension or perhaps even a crisis in civil-military relations, yet they fail to define what is meant by the principle of civilian control over the military. Instead, the authors make general and rather vague statements suggesting any policy disagreements between members of the military and officials in the executive branch must equate to a challenge by the military against civilian control. n35 However, until we have a clear understanding of the principle of civilian control of the military, we cannot accurately determine whether a crisis in civil-military relations exists. It is to this question that we now turn.

### Virilio 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 engagement is a better method ---- refusal to engage in the methodical politics of democratic citizenship makes their impacts inevitable.

Dietz, Professor of Political Science and Gender Studies Program at Northwestern University, ‘94

[Mary, “’THE SLOW BORING OF HARD BOARDS’: METHODICAL THINKING AND THE WORK OF POLITICS”, American Political Science Review, Vol. 88, No. 4 December 1994, http://www.jstor.org/stable/pdfplus/2082713.pdf]

Earlier, in considering the means-end category in politics, I suggested that everything hinges upon the action context within which this mode of thinking takes place. I now want to suggest that there is a richer conceptual context-beyond utilitarian objectification, rational capitalist accumulation, and/or Leninism-within which to think about the category of means and ends. Weil offers this alternative in her account of methodical thinking as (1) problem- oriented, (2) directed toward enacting a plan or method (solutions) in response to problems identified, (3) attuned to intelligent mastery (not domination), and (4) purposeful but not driven by a single end or success. Although Weil did not even come close to doing this herself, we might derive from her account of methodical thinking an action concept of politics. Methodical politics is equally opposed to the ideological politics Hannah Arendt deplores, but it is also distinct in important respects from the theatrical politics she defends. Identifying a problem-or what the philosopher David Wiggins calls "the search for the **best specification** of what would honor or answer to relevant concerns" (1978, 145)-is where methodical politics begins.26 It continues (to extrapolate from Weil's image of the methodical builders) in the determination of a means-end sequel, or method, directed toward a political aim. It reaches its full realization in the actual undertaking of the plan of action, or method, itself. To read any of these action aspects as falling under technical rules or blueprints (as Arendt tends to do when dealing with means and ends) is to confuse problem solving with object making and something methodical with something ideological. By designating a problem orientation to political activity, methodical politics assigns value to the activity of constantly deploying "knowing and doing" on new situations or on new understandings of old ones. This is neither an ideological exercise in repetition nor the insistent redeployment of the same pattern onto shifting circumstances and events. The problem orientation that defines methodical politics rests upon a recognition of the political domain as a matrix of obstacles where it is impossible to secure an ideological fix or a single focus. In general, then, methodical politics is best under- stood from the perspective of "the fisherman battling 880 American Political Science Review Vol. 88, No. 4 against wind and waves in his little boat" (Weil 1973, 101) or perhaps as Michael Oakeshott puts it: "In political activity . . . men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting-place nor ap- pointed destination" (1962, 127).27 Neither Weil's nor Oakeshott's is the perspective of the Platonist, who values chiefly the modeller who constructs his ship after pre-existing Forms or the pilot-philosopher who steers his craft to port by the light of immutable Forms fixed in a starry night. In both of the Platonic images (where the polis is either an artifact for use or a conveyance to safe harbor), a single and predictable end is already to hand. Neither Weil's nor Oakeshott's images admit any equivalent finality. The same is true of methodical politics, where political phenomena present to citizens-as the high sea presents to the sailor-challenges to be identified, demands to be met, and a context of circumstances to be engaged (without blueprints). Neither the assurance of finality nor the security of certainty attends this worldly activity. In his adamantly instrumental reading of politics in the ancient world, M.I. Finley makes a similar point and distinguishes between a problem orientation and patterned predictability by remarking upon the "iron compulsion" the Greeks and Romans were under "to be continuously inventive, as new and often unantic- ipated problems or difficulties arose that had to be resolved without the aid of precedents or models" (1983, 53). With this in mind, we might appreciate methodical politics as a mode of action oriented toward problems and solutions within a context of adventure and unfamiliarity. In this sense, it is compatible with Arendt's emancipatory concept of natality (or "new beginnings") and her appreciation of openness and unpredictability in the realm of human affairs. There are other neighborly affinities between methodical and theatrical politics as well. Both share a view of political actors as finite and fragile creatures who face an infinite range of possibilities, with only limited powers of control and imagination over the situations in which they are called upon to act. From both a methodical and a theatrical vantage point, this perpetual struggle that is politics, whatever its indeterminacy and flux, acquires meaning only when "knowing what to do and doing it" are united in the same performance (Arendt, 1958a, 223). Freedom, in other words, is realized when Plato's brilliant and devious conceptual maneuver is outwitted by a politics that opposes "the escape from action into rule" and reasserts human self-realization as the unification of thought-action in the world (pp. 223-25). In theatrical politics, however, the actual action content of citizen "knowing and doing" is **upstaged** by the spectacular appearance of personal identities courageously revealed in the public realm. Thus Plato's maneuver is outwitted in a bounded space where knowing what to do and doing it are disclosed in speech acts and deeds of self-revelation in the company of one's-fellow citizens. In contrast, methodical politics doggedly reminds us that **purposes themselves are what matter** in the end, and that citizen action is as much about obstinately pursuing them as it is about the courage to speak in performance. So, in methodical politics, the Platonic split between knowing and doing is overcome in a kind of boundless navigation that is realized in purposeful acts of collective self-determination. Spaces of appearances are indispensable in this context, but these spaces are not exactly akin to "islands in a sea or as oases in a desert" (Arendt 1970, 279). The parameters of methodical politics are more fluid than this, set less by identifiable boundaries than by the very activity through which citizens "let realities work upon" them with "inner concentration and calmness" (Weber 1946, 115). In this respect, methodical politics is not a context wherein courage takes eloquent respite from the face of life, danger (the sea, the desert), or death: it is a daily confrontation wherein obstacles or dangers (including the ultimate danger of death) are transformed into prob- lems, problems are rendered amenable to possible action, and action is undertaken with an aim toward solution. Indeed, in these very activities, or what Arendt sometimes pejoratively calls the in order to, we might find the perpetuation of what she praises as the for the sake of which, or the perpetuation of politics itself (1958a, 154). To appreciate the **emancipatory dimension** of this action concept of politics as methodical, we might now briefly return to the problem that Arendt and Weil think most vexes the modern world-the deformation of human beings and human affairs by forces of automatism. This is the complex manipulation of modern life that Havel describes as the situation in which everything "must be cossetted together as firmly as possible, **predetermined, regulated and controlled**" and "every aberration from the prescribed course of life is **treated as error, license and anarchy**" (1985, 83). Constructed against this symbolic animal laborans, Arendt's space of appearances is the agonistic opposite of the distorted counterfeit reality of automatism. The space of appearances is where individuality and personal identity are **snatched from the jaws of automatic processes** and recuperated in "the merciless glare" of the public realm (Arendt 1969, 86). Refigured in this fashion, Arendtian citizens counter reductive technological complexes in acts of individual speech revelation that powerfully proclaim, in collective effect, "This is who we are!" A politics in this key does indeed dramatically defy the objectifying processes of modern life-and perhaps even narratively transcends them by delivering up what is necessary for the reification of human remembrance in the "storybook of mankind" (Arendt 1958a, 95). But these are also its limits. For whatever else it involves, Arendtian politics cannot entail the practical confrontation of the situation that threatens the human condition most. Within the space of appearances, Arendt's citizens can neither search for the best specification of the problem before them nor, it seems, pursue solutions to the problem once it is identified, for such activities involve "the pursuit of a definite aim which can be set by practical considerations," and that is homo faber's prerogative and so in the province of "fabrication," well outside the space of appearances where means and ends are left behind (pp. 170-71). Consequently, automatism can be conceptualized as a "danger sign" in Arendt's theory, but it cannot be designated as a problem in Arendt's politics, a problem that citizens could cognitively counter and purposefully attempt to resolve or transform (p. 322). From the perspective of methodical politics, which begins with a **problem orientation, automatism can be specified and encountered within the particular spaces** or circumstances (schools, universities, hospitals, factories, corporations, prisons, laboratories, houses of finance, the home, public arenas, public agencies) upon which its technological processes intrude. Surely something like this is what Weil has in mind when she calls for "a sequence of mental efforts" in the drawing up of "an inventory of modern civilization" that begins by "**refusing** **to subordinate one's own destiny to the course of history**" (1973, 123-24). Freedom is immanent in such moments of cognitive inventory, in the **collective citizen-work** of "taking stock"-identifying problems and originating methods-and in the shared pursuit of purposes and objectives. This is simply what it means to think and act methodically in spaces of appearances. Nothing less, as Wiggins puts it, "can rescue and preserve civilization from the mounting irrationality of the public province, . . . from Oppression exercised in the name of Management (to borrow Simone Weil's prescient phrase)" (1978, 146).

#### Perm do both

#### Speed is not a link – it’s impact on transforming society is far more diverse than Virilio’s reductive analysis would have us believe.

Thrift 2005 [Nigel, head of the division of life and environmental sciences and a professor of geography at the University of Oxford, Panicsville: Paul Virilio and the Esthetic of Disaster,” *Cultural Politics* 1.3]

Than take speed. I have shown in numerous papers, as have many commentators now, that any serious historical analysis of the impact of increasing speed on society demonstrates that its impact Is much more variegated than Virilio credits, and does not add up to any particular tendency (such as that sad old chestnut, the "time-space compression" story). 1, like many other commentators, I have demonstrated this over and over again, pretty well to distraction - and largely to no avail it has to be said. The idea that increasing speed somehow has causality is an urban myth so deeply engrained in Western individuals' idea of themselves and how they are that it is probably not dislodgeable - but that doesn't mean that philosophers have to power it up.

#### Virilio’s critique of technology relies on a romanticized notion of human beings that radically divorces us from the political and technological possibilities of improving the world we live in.

Thrift 2005 [Nigel, head of the division of life and environmental sciences and a professor of geography at the University of Oxford, Panicsville: Paul Virilio and the Esthetic of Disaster,” *Cultural Politics* 1.3]

So what is Virilio's vision of the city? The first thing that comes to p mind is its resolute modernism. Virilio's city is a city of the swoosh H of speed through a landscape of verticals and horizontals, of towers E writing on (or indeed taking off into) the sky and of the featureless 5 planes of endless suburbs, stirred by cataclysm and catastrophe, a o landscape of perpetual accident. Sometimes it seems to me a bit like the view from The Daily Planet of a Metropolis-like comic-strip ' city: all it needs is some superheroes to finish the picture off. Then,NIGEL THRIFT Virilio's city is a phenomenology of despair: inhabited by populations that are drugged by emotion, can no longer see reality, are led astray by speed and information, have become mere pawns in the logistics of perception. They sit and watch the world go by. But, finally, Virilio's city has nowhere left to go. It's reached the edge of urban evolution. The city is now collapsing in on itself; its population is becoming incarcerated in an infosphere from which there is no escape. Well, it's certainly a way of looking at things, and one with a long and honorable pedigree: let's face it, it's not often that you read social theorists who want to present garlands to the world. But I don't think it even vaguely holds up to serious scrutiny as an account of how the modern world is. If Virilio ever read much in the way of serious social science research, which is, after all, flooding in from all quarters ofthe globe, he would surely have to backtrack. Almost everything he says about the modern city would have to be seriously qualified or reconstructed or just plain retracted. Take information technology to begin with. Here detailed studies show that Virilio's idea that we are moving into a machinic age needs qualification, to put it but mildly. Thus, prompted by the growth of sociology of science, actor-network theory, material culture studies, and so on, there has been a systematic rethinking of what human might mean as a tool-using entity. The general conclusion is well summarized by Clark (2003: 198): Some fear... a loathsome "post-human" future. They predict a kind of technologically incubated mind-rot, leading to loss of identity, loss of control, overload, dependence, invasion of privacy, isolation, and the ultimate rejection of the body. And we do need to be cautious, for to recognise the deeply transformative nature of our biotechnological unions is at once to see that not all such unions will be for the better. But if I am right - if it is our basic human nature to annex, exploit, and incorporate nonbiologica! stuff deep into our mental profiles - then the question is not whether we go that route, but in what ways we actively sculpt and shape it. By seeing ourselves as we truly are, we increase the chances that our future biotechnological unions will be good ones. Q Thus, there is a veritable legion of careful empirical studies of I information technology that very often show the polar opposite of o what Virilio would have us believe. Instead of taking on the cyberbole ^ of firms and marketing agencies, researchers have gone out and p looked at what people do with information technology and what J information technology does with them and, surprise, surprise, there u is a divergence. Just as one example, a common rule in this literature is "the more virtual the more real" (Woolgar 2002), that is, the introduction of new "virtual" technologies can actually stimulate more of the corresponding "real" activity.

#### Virlio’s account of human agency is a narrative of fallenness in the face of technology which dooms us to nihilistic despair and leaves no room for political engagement or change.

Thrift 2005 [Nigel, head of the division of life and environmental sciences and a professor of geography at the University of Oxford, Panicsville: Paul Virilio and the Esthetic of Disaster,” *Cultural Politics* 1.3]

I have what l think is a pretty good test of whether a person is a social scientist or not: do they eavesdrop on a fairly regular basis on other people's conversations on trains and planes, on buses, in the street, and so on? If they don't, I suspect that they really want to be a philosopher or an architect - or both. The difference is crucial for me. One kind of work (mainly) involves trying to figure out what other people are thinking as they are doing. The other (mainly) involves thinking. They are not the same. Paul Virilio is probably best described as a philosopher-architect who has some things to say about city and society. If he eavesdropped on conversations, I think it unlikely that he would write the way he does. Make no mistake, this is not to say that Virilio doesn't come up with interesting thoughts but for evidence he mainly seems to use other books and newspaper articles. In his writings at least, he is not up against people but against the idea of people. This wouldn't matter so much - he is hardly the first philosopher to offer synoptic readings of Western society on the basis of not too much in the way of evidence, after all - but Virilio keeps wanting to speak in the name of a putative humanity, and he seems pretty sure that he knows what that humanity is. I, on the other hand, am not so sure. As Burroughs put it, I think "we're here to go" in the sense that I am not sure what the nature of human or thinking is or might be meant to be: our technologically- enhanced ways of life are already barely tethered to an ancestral realm but I am not at all sure that that is necessarily a concern. After all, human thought and reason emerges from a nest in which biological brains and bodies, acting in concert with nonbiological props and tools, build, benefit from and then rebuild an endless succession of designer environments. In each such setting, our brains and bodies couple to new tools, yielding new extended thinking systems. (Clark 2003: 197) Now there are some awful, awful things going on in the world as a result of the evolution of some of these technologically enhanced environments, to be sure. Only a lunatic would want to deny that. ' And it may be that whatever humanity is will eventually do itself in through one means or another. The list of candidates is a long one: ' precipitate global warming, a generalized ecological crisis, a gene- , spliced pandemic, a runaway particle experiment, self-assembling nano-machines running amok, and so on. And that's before we get ! on to warfare - or asteroids. In other words, Virilio's jeremiads about the future in the present, of which City of Panic is just the latest in a long line, have found their time. They have become part of a prevailing post-September 11 “social mood of doomsaying” (Geertz 2005). Indeed, on some counts, they are not extreme enough (Diamond 2004; Posner 2004: Rees 2004). Virilio is being outflanked. But Virilio's relentless negativism about the future in the present does not seem to me to constitute an answer. Indeed, one might argue that it is likely to lead to despair, surely the ultimate political sin. Certainly, his brand of doomsaying seems to me to be profoundly out of kilter with prevalent tendencies on the left that are moving toward putting far more emphasis on constructing a politics of hope than before, both as the emotional ingredient that the left should be offering above all, and as a way of occupying a future that is too often reserved for the retrograde forces that have brought us to this pass.

## 1AR

### Virilio K

#### We must turn from the romanticizing philosophy of Virilio to the particularity of politics in the affirmative

Thrift 2005 [Nigel, head of the division of life and environmental sciences and a professor of geography at the University of Oxford, Panicsville: Paul Virilio and the Esthetic of Disaster,” *Cultural Politics* 1.3]

By coincidence, at about the same time that I was reading City of Panic, I was also reading Philip Roth's The Plot Against America, a novel that is the equal of Virilio: equally speculative, equally urban, equally concerned with war and terror, equally vexed by the impact of emotion on democracy. But here is an author who eavesdrops, who listens to what people are saying - their gait and gesture as well as their speech - and who never sees cities as formless agglomerations. This is, in part, to be sure, because the fact of Jewishness so obviously dictates geography in the book, from the fastness of Newark, to the Jewish families cast out into the desert of rural middle America, to the sense of danger that comes from straying outside a particular familiar urban space. But it is Roth who also understands that lights that go out can come on again because of simple decency, which though it may be washed by a certain nostalgia, also understands damaged lives and why they are sometimes redeemed - through sheer cussedness, through negotiating misunderstandings, through raw emotion - in ways which are irreducibly complex and cannot be read off from some grand analysis. So, for example, the Italian family that comes to stay in the apartment below (forced on the protagonisfsfamilyasapartofa "racial integration" policy) includes an old grandmother who hates Jews - and a father who defends them, with a gun if needs be. And the cast of Jews includes the resister turned layabout, the sincere collaborator, the seeker after celebrity, ^ the enthusiast, the tougher-than-tough businessman, the flawed but H Ultimately big-hearted demagog, the gangster, the timorous and the O scared, and the downright stubborn, all of them claiming the right H to be American. g In other words, it is just not possible to read specificity off from EJ theoretical positions: specificity speaks for itself and it speaks in u many and varied ways that do not add back up to those positions but have their own power. I am reminded of the famous piece of badinage between Mark Tapley and Martin Chuzzlewit about how to paint an American Eagle (peculiarly relevant in these times, it has to be said): "I should want to draw it like a Bat for its short-sightedness; like a Bantam, for its bragging; like a Magpie, for its honesty; like a Peacock, for its vanity; like a Ostrich, for its putting its head in the mud, and thinking nobody sees it... And like a Phoenix for its power of springing up from the ashes of its faults and vices and soaring up anew into the sky!" (Dickens 1951: 638). Roth's book seems to me to signal a more general task too; that Is, to bring writers like Virilio back to everyday life in al! its everydayness. I am always struck by how little Virilio ultimately has to say about that - a few reminiscences aside - and yet it seems to me to point to a pressing task: how to connect social theory, with its often imperious gaze, back to the lives of people in all their messiness. The other book I have been reading in parallel with City of Panic and The Plot Against America has been Alexander Masters" Stuart, the story of one homeless man whose chaotic life and personality is almost impossible to capture in print - though Masters has a pretty good try. Stuart was a particular challenge to write about, precisely because his life lacked any conventional structure, seemed to fall down the cracks. Now, I do not think that philosophy or synoptic social theory has to transform suddenly into a vast social tract or some kind of ethnography - as if it could. But the gap is currently so wide between the cogitations of most philosophers and everyday life, especially the everyday life of societies which. In Wacquant's (1996) telling phrase, suffer from "advanced marginality" and which routinely trigger all kinds of much more directly carceral mechanisms than the flow of images - from ghettos to welfare retrenchment to prisons (Wacquant 2000) - that I do end up wondering if it is possible to find some means of proceeding that might be able to capture the presence of all the people who fall out of theoretical diagnostics (as Bourdieu [1999] might be thought to have attempted in The Weight of the World). I say this in part because it is well known that Virilio works with homeless people and yet I am struck by how little theirs and many marginal others' imprint seems to be felt in a book that is, after all, on the modern city. This is not, I should hasten to add, a plea for philosophical thinkers to get socially relevant or to theorize everyday life - there's plenty of that going on already. Rather, it is for them to bring people like Stuart into their thoughts as more than examples. One might argue that, in part at least, the future relies on being able to forge a new rapprochement between theory and practice, one that will not only produce all kinds of chaotic pleasures but might also be productive of genuine political advance, even if the times are as dark as Virilio paints them.