# 1NC

## T – Authority

#### A. Authority is the legal right to take action, power is the ability to do so

Forsythe and Hendrickson 96

[David P. Forsythe, Professor and Chair of Political Science University of Nebraska-Lincoln, Ryan C. Hendrickson, Ph.D. Candidate University of Nebraska-Lincoln. “U.S. Use of Force Abroad: What Law for the President?” Presidential Studies Quarterly, Vol. 26, No. 4]

The crisis is most precisely about authority, not power. Authority, in the legal sense, concerns ¶ the right to do something. Power refers to the capability to do something. Part of the problems ¶ in the U.S. constitutional crisis over use of force abroad is that the president has the power to ¶ make war, and to obtain congressional deference most of the time, whatever the proper under ¶ standing of authority.

Statutory restrictions are limits on authority by congress

Blacks Online Legal Dictionary 13

(2nd Edition, http://thelawdictionary.org/statutory-restriction/)

Statutory Restriction- Limits or controls that have been place on activities by its ruling legislation.

## Framework

#### Interpretation- the aff cannot claim advantages not tied to the implementation of the plan

## Debt Ceiling DA

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will cave

Dovere, 10/1

(Edward, Politico, “Government shutdown: President Obama holds the line” <http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### The plan causes an inter-branch fight that derails Obama’s agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea." While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6° In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failedperhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq. When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena

#### That consumes his capital and causes a default

Lillis, 9/7

(Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes."

#### Collapses the global economy

Davidson 9-10

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&_r=0>

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

#### Collapse causes nuclear conflicts

Harris and Burrows 9

Mathew J. Burrows counselor in the National Intelligence Council and Jennifer Harris a member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” The Washington Quarterly 32:2 https://csis.org/files/publication/twq09aprilburrowsharris.pdf

Increased Potential for Global Conflict¶ Of course, the report encompasses more than economics and indeed believes the¶ future is likely to be the result of a number of intersecting and interlocking¶ forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity.¶ Even so, history may be more instructive than ever. While we continue to¶ believe that the Great Depression is not likely to be repeated, the lessons to be¶ drawn from that period include the harmful effects on fledgling democracies and¶ multiethnic societies (think Central Europe in 1920s and 1930s) and on¶ the sustainability of multilateral institutions (think League of Nations in the¶ same period). There is no reason to think that this would not be true in the¶ twenty-first as much as in the twentieth century. For that reason, the ways in¶ which the potential for greater conflict could grow would seem to be even more¶ apt in a constantly volatile economic environment as they would be if change¶ would be steadier.¶ In surveying those risks, the report stressed the likelihood that terrorism and¶ nonproliferation will remain priorities even as resource issues move up on the¶ international agenda. Terrorism’s appeal will decline if economic growth¶ continues in the Middle East and youth unemployment is reduced. For those¶ terrorist groups that remain active in 2025, however, the diffusion of¶ technologies and scientific knowledge will place some of the world’s most¶ dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a¶ combination of descendants of long established groupsinheriting¶ organizational structures, command and control processes, and training¶ procedures necessary to conduct sophisticated attacksand newly emergent¶ collections of the angry and disenfranchised that become self-radicalized,¶ particularly in the absence of economic outlets that would become narrower¶ in an economic downturn.¶ The most dangerous casualty of any economically-induced drawdown of U.S.¶ military presence would almost certainly be the Middle East. Although Iran’s¶ acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed¶ Iran could lead states in the region to develop new security arrangements with¶ external powers, acquire additional weapons, and consider pursuing their own¶ nuclear ambitions. It is not clear that the type of stable deterrent relationship¶ that existed between the great powers for most of the Cold War would emerge¶ naturally in the Middle East with a nuclear Iran. Episodes of low intensity¶ conflict and terrorism taking place under a nuclear umbrella could lead to an¶ unintended escalation and broader conflict if clear red lines between those states¶ involved are not well established. The close proximity of potential nuclear rivals¶ combined with underdeveloped surveillance capabilities and mobile¶ dual-capable Iranian missile systems also will produce inherent difficulties in¶ achieving reliable indications and warning of an impending nuclear attack. The¶ lack of strategic depth in neighboring states like Israel, short warning and missile¶ flight times, and uncertainty of Iranian intentions may place more focus on¶ preemption rather than defense, potentially leading to escalating crises.Types of conflict that the world continues¶ to experience, such as over resources, could¶ reemerge, particularly if protectionism grows and¶ there is a resort to neo-mercantilist practices.¶ Perceptions of renewed energy scarcity will drive¶ countries to take actions to assure their future¶ access to energy supplies. In the worst case, this¶ could result in interstate conflicts if government¶ leaders deem assured access to energy resources,¶ for example, to be essential for maintaining domestic stability and the survival of¶ their regime. Even actions short of war, however, will have important geopolitical¶ implications. Maritime security concerns are providing a rationale for naval¶ buildups and modernization efforts, such as China’s and India’s development of¶ blue water naval capabilities. If the fiscal stimulus focus for these countries indeed¶ turns inward, one of the most obvious funding targets may be military. Buildup of¶ regional naval capabilities could lead to increased tensions, rivalries, and¶ counterbalancing moves, but it also will create opportunities for multinational¶ cooperation in protecting critical sea lanes. With water also becoming scarcer in¶ Asia and the Middle East, cooperation to manage changing water resources is¶ likely to be increasingly difficult both within and between states in a more¶ dog-eat-dog world.

## SCOTUS CP

#### Text: The Supreme Court of the United States should rule that the War Powers Resolution is unconstitutional.

#### CP solves – empirically courts can restrict

Fisher 2005

(Louis Fisher, senior specialist in separation of Powers with the Congressional Research Service, September 2005, “Judicial Review of the War Power,” Presidential Studies Quarterly, Vol 35, No 3, http://www.constitutionproject.org/pdf/422.pdf)

The terrorist attacks of 9/11, followed by the creation of a military tribunal, treatment of detainees, and passage of the USA Patriot Act, brought to the fore again the ¶ question of what role federal courts should play in policing the war power. Contempo­¶ rary legal studies often argue that foreign affairs-and particularly issues of war and ¶ peace-lie beyond the scope of judicial jurisdiction and competence. However, the record ¶ over the past two centuries demonstrates that not only have courts decided war power ¶ issues many times, they have curbed presidential military actions in time of war.

#### Courts don’t link to politics- avoids political fallout

Whittington ‘05

(Keith E., Professor of Politics - Princeton University, "Interpose Your Friendly Hand: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, [The American Political Science Review](http://proquest.umi.com.proxy.lib.umich.edu/pqdweb?RQT=318&pmid=28600&TS=1245862067&clientId=17822&VInst=PROD&VName=PQD&VType=PQD), Nov., (99)4, p. 583)

There are **some issues** that **politicians cannot easily handle**. For individual legislators, their **constituents may be sharply divided on a given issue** or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including **presidents and legislative leaders**, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials **may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves**. As Mark Graber (1993) has detailed **in cases such as** slavery and **abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action,** especially when the courts are believed to be sympathetic to the politician's own substantive preferences but **even when the attitude of the courts is uncertain** or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured **politicians** and coalition leaders, **shifting blame for controversial decisions to the Court** **and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening** active **judicial review** (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

## K of Western Feminism

**Western feminism discursively constructs women as a homogenous powerless group and results in the objectification of women in the third world – this must be rejected**

Chandra Talpade **Mohanty 1988.** Associate Professor of Women's Studies at Hamilton College, New York, and Core Faculty at the Union Institute Graduate School, Cincinnati. “Under Western Eyes: Feminist Scholarship and Colonial” Feminist Review, No. 30, Autumn.

By women as a category of analysis, I am referring to the crucial presupposition that all of us of the same gender, across classes and cultures, are somehow socially constituted as a homogeneous group identifiable prior to the process of analysis. The homogeneity of women as a group is produced not on the basis of biological essentials, but rather on the basis of secondary sociological and anthropological universals. Thus, for instance, **in any given piece of feminist analysis, women are characterized as a singular group on the basis of a shared oppression. What binds women together is a sociological notion of the `sameness' of their oppression. It is at this point that an elision takes place between 'women' as a discursively constructed group and 'women' as material subjects of their own history.' Thus, the discursively consensual homogeneity of 'women' as a group is mistaken for the historically specific material reality of groups of women. This results in an assumption of women as an always-already constituted group, one which has been labelled 'powerless', 'exploited', 'sexually harassed', etc., by feminist scientific, economic, legal and sociological discourses.** (Notice that this is quite similar to sexist discourse labelling women as weak, emotional, having math anxiety, etc.) **The focus is not on uncovering the material and ideological specificities that constitute a group of women as 'powerless' in a particular context. It is rather on finding a variety of cases of 'powerless' groups of women to prove the general point that women as a group are powerless.'** In this section I focus on five specific ways in which **'women' as a category of analysis is used in western feminist discourse on women in the third world to construct third-world women' as a homogeneous `powerless' group often located as implicit victims of particular cultural and socio-economic systems.** I have chosen to deal with a variety of writers — from Fran Hosken, who writes primarily about female genital mutilation, to writers from the Women in International Development school who write about the effect of development policies on third-world women for both western and third-world audiences. I do not intend to equate all the texts that I analyse, nor ignore their respective strengths and weaknesses. The authors I deal with write with varying degrees of care and complexity; however**, the effect of the representation of third-world women in these texts is a coherent one. In these texts women are variously defined as victims of male violence** (Fran Hosken); **victims of the colonial process** (M. Cutrufelli); **victims of the Arab familial system** (Juliette Minces**); victims of the economic development process** (B. Lindsay and the — liberal — WID school); **and finally, victims of the economic basis of the Islamic code** (P. Jeffery**). This mode of defining women primarily in terms of their object status** (the way in which they are affected or not affected by certain institutions and systems**) is what characterizes this particular form of the use of 'women' as a category of analysis. In the context of western women writing about and studying women in the third world, such objectification** (however benevolently motivated) **needs to be both named and challenged.** As Valerie Amos and Pratibha Parmar argue quite eloquently, **'Feminist theories which examine our cultural practices as "feudal residues" or label us "traditional", also portray us as politically immature women who need to be versed and schooled in the ethos of western feminism. They need to be continually challenged'** (1984: 7).

#### Their description of society as constituted by male and female bodies reinforces a gaze of indifference that not only causes the impacts they try to avoid but is used to justify genocide

Oyeronke **Oyewumi. 1997**, Associate Professor of Sociology, SUNY Stony Brook, The Invention of Women Making an African Sense of Western Gender Discourses, University of Minnesota Press, 1997

**The notion of society that emerges** from this conception **is that society is constituted by bodies and as bodies — male bodies, female bodies**, Jewish bodies, Aryan bodies, black bodies, white bodies, rich bodies, poor bodies. **I am using the word “body”** in two ways: first, as a metonymy for biology and, second**, to draw attention to the sheer physicality that seems to attend being in Western culture**. I refer to the corporeal body as well as to metaphors of the body. **The body is given a logic of its own**. It is believed that just by looking at it one can tell a person’s beliefs and social position or lack thereof. As Naomi Scheman puts it in her discussion of the body politic in premodern Europe:¶ The ways **people knew their places in the world had to do with their bodies and the histories of those bodies, and when they violated the prescriptions for those places, their bodies were punished, often spectacularly. One’s place in the body politic was as natural as the places of the organs** in one’s body, **and political disorder** [was] **as unnatural as the shifting and displacement of those organs**.4¶ Similarly, Elizabeth Grosz remarks on what she calls the “depth” of the body in modern Western societies:Our **[Western] body forms are considered expressions of an interior**, not inscriptions on a flat surface. **By constructing a soul or psyche for itself, the “civilized body” forms libidinal flows, sensations, experiences, and intensities into needs, wants**.... **The body becomes a text, a system of signs to be deciphered, read, and read into. Social law is incarnated**, “corporealized”[;] correlatively, **bodies are textualized, read by others as expressive of a subject’s psychic interior**. A storehouse of **inscriptions and messages between [the body’s] external and internal boundaries**.., **generates or constructs the body’s movements into “behavior,” which then [has] interpersonally and socially identifiable meanings and functions within a social system.**5 Consequently, **since the body is the bedrock on which the social order is founded**, the body is always in view and on view. As such, **it invites a** gaze, a **gaze of difference, a gaze of differentiation — the most historically constant being the gendered gaze.** There is a sense in which **phrases such as “the social body” or “the body politic” are not just metaphors but can be read literally.** It is not surprising, then, that **when the body politic needed to be purified in Nazi Germany, certain kinds of bodies had to be eliminated.**6

**Their depiction of patriarchy as a monolithic force homogenizes the experience of women in the “third world” and fragments resistance**

Chandra Talpade **Mohanty, 1988**. Professor of Women's and Gender Studies, Professor of Sociology, Cultural Foundations of Education, Dean’s Professor of the Humanities at Syracuse. “Under Western Eyes: Feminist Scholarship and Colonial Discourses.” Feminist Review No. 3 (Autumn 1988))

It ought to be of some political significance at least that the term 'colonization' has come to denote a variety of phenomena in recent feminist and left writings in general. From its analytic value as a category of exploitative economic exchange in both traditional and contemporary Marxisms (cf. particularly such contemporary scholars as Baran, Amin and Gunder-Frank) to its use by feminist women of colour in the US, to describe the appropriation of their experiences and struggles by hegemonic white women's movements,' the term 'colonization' has been used to characterize everything from the most evident economic and political hierarchies to the production of a particular cultural discourse about what is called the 'Third World.'2 However sophisticated or problematical its use as an explanatory construct, colonization almost invariably implies a relation of structural domination, and a discursive or political suppression of the heterogeneity of the subject(s) in question. **What I wish to analyse here specifically is the production of the 'Third World Woman' as a singular monolithic subject in some recent (western) feminist texts.** The definition of colonization I invoke is a predominantly discursive one, focusing on a certain mode of appropriation and codification of 'scholarship' and 'knowledge' about women in the third world by particular analytic categories employed in writings on the subject which take as their primary point of reference feminist interests as they have been articulated in the US and western Europe. My concern about such writings derives from my own implication and investment in contemporary debates in feminist theory, and the urgent political necessity of forming strategic coalitions across class, race and national boundaries. Clearly, western feminist discourse and political practice is neither singular nor homogeneous in its goals, interests or analyses. However, it is possible to trace a coherence of effects resulting from the implicit assumption of 'the west' (in all its complexities and contradictions) as the primary referent in theory and praxis. Thus, rather than claim simplistically that 'western feminism' is a monolith, I would like to draw attention to the remarkably similar effects of various analytical categories and even strategies which codify their relationship to the Other in implicitly hierarchical terms. It is in this sense that I use the term 'western feminist'. Similar arguments pertaining to questions of methods of analysis can be made in terms of middle-class, urban African and Asian scholars producing scholarship on or about their rural or working-class sisters which assumes their own middle-class culture as the norm, and codifies peasant and working-class histories and cultures as Other. Thus, while this article focuses specifically on western feminist discourse on women in the third world, the critiques I offer also pertain to identical analytical principles employed by third-world scholars writing about their own cultures. Moreover, **the analytical principles discussed below serve to distort western feminist political practices, and limit the possibility of coalitions among (usually white) western feminists and working-class and feminist women of colour around the world. These limitations are evident in the construction of the (implicitly consensual) priority of issues around which apparently all women are expected to organize. The necessary and integral connection between feminist scholarship and feminist political practice and organizing determines the significance and status of western feminist writings on women in the third world, for feminist scholarship** like most other kinds of scholarship, **does not comprise merely 'objective' knowledge about a certain subject. It is also a directly political and discursive practice insofar as it is purposeful and ideological**. It is best seen as a mode of intervention into particular hegemonic discourses (for example, traditional anthro-pology, sociology, literary criticism, etc.), and as a political praxis which counters and resists the totalizing imperative of age-old 'legitimate' and 'scientific' bodies of knowledge. Thus, **feminist scholarly practices exist within relations of power - relations which they counter, redefine, or even implicitly support**. There can, of course, be no apolitical scholarship. The relationship between Woman - a cultural and ideological composite Other constructed through diverse representational discourse (scientific, literary, juridical, linguistic, cinematic, etc.) - and women -real, material subjects of their collective histories - is one of the central questions the practice of feminist scholarship seeks to address. **This connection between women as historical subjects and the re-presentation of Woman produced by hegemonic discourses is** not a relation of direct identity, or a relation of correspondence or simple implication.3 It is **an arbitrary relation set up in particular cultural and historical contexts**. I would like to suggest that the **feminist** **writings** I analyse here **discursively colonize the material and historical heterogeneities of the lives of women in the third world, thereby producing/re-presenting a composite, singular 'third-world woman' - an image which appears arbitrarily constructed but nevertheless carries with it the authorizing signature of western humanist discourse**.4 I argue that **assumptions of privilege and ethnocentric universality** on the one hand, **and inadequate self-consciousness about the effect of western scholarship on the 'third world' in the context of a world system dominated by the west** on the other, **characterize a sizable extent of western feminist work on women in the third world.** **An analysis of 'sexual difference' in the form of a cross-culturally singular, monolithic notion of patriarchy or male dominance leads to the construction of a similarly reductive and homogeneous notion of** what I shall call the **'third-world difference' - that stable, ahistorical something that apparently oppresses most if not all the women in these countries.** **It is in the production of this 'third-world difference' that western feminisms appropriate and colonize the constitutive complexities which characterize the lives of women in these countries**. It is in **this process of discursive homogenization and systematization of the oppression of women in the third world that power is exercised in much of recent western feminist writing, and** **this power needs to be defined and named.**

#### The alt is an intersectional approach

#### We need to recognize the multiple forms of oppression

Hooper 1

Charlotte (University of Bristol research associate in politics), *Manly States: Masculinities, International Relations, and Gender Politics* pp 45-46.

Spike Peterson and Anne Sisson Runyan (1993), in their discussion of gendered dichotomies, appear to drop Lacanian psychoanalytic discourse as an explanation for gendered dichotomies in favor of a more straightforward- ly political account.14Gendered dichotomies, rather than uniformly con- structing gendered social relations through universal psychoanalytic mecha- nisms, are seen more ambiguously, as playing a dual role. Where gendered dichotomies are used as an organizing principle of social life (such as in the gendered division of labor) they help to construct gender differences and in- equalities and thus are constitutive of social reality, but in positing a grid of polar opposites, they also serve to obscure more complex relationships, commonalties, overlaps, and intermediate positions (Peterson and Runyan 1993, 24–25). Elaborating on this view, it can be argued that gendered dichotomies are in part ideological tools that mystify, masking more complex social realities and reinforcing stereotypes. On one level, they do help to produce real gen- der differences and inequalities, when they are used as organizing principles that have practical effects commensurate with the extent that they become embedded in institutional practices, and through these, human bodies. They constitute one dimension in the triangular nexus out of which gender identities and the gender order are produced. But at the same time, institutional practices are not always completely or unambiguously informed by such dichotomies, which may then **operate to obscure more complex relationships**. It is a mistake to see the language of gendered dichotomies as a uniﬁed and totalizing discourse that dictates every aspect of social practice to the extent that we are coherently produced as subjects in its dualistic image. As well as the disruptions and discontinuities engendered by the intersections and interjections of other discourses (race, class, sexuality, and so on) **there is always room for evasion, reversal, resistance, and dissonance** between rhetoric, practice, and embodiment, as well as reproduction of the symbolic order, as identities are negotiated in relation to all three dimensions, in a variety of **complex and changing circumstances**. On the other hand, the symbolic gender order does inform practice, and our subjectivities are produced in relation to it, so to dismiss it as performing only an ideological or propagandistic role is also too simplistic.

## Case

#### Evaluate consequences

Weiss 99

Weiss, Prof Poli Sci – CUNY Grad Center, ‘99¶ (Thomas G, “Principles, Politics, and Humanitarian Action,” Ethics and International Affairs 13.1)

Scholars and practitioners frequently employ the term “dilemma” to describe painful decision making but “quandary” would be more apt.27A dilemma involves two or more alternative courses of action with unintended but unavoidable and equally undesirable consequences. If consequences are equally unpalatable, then remaining inactive on the sidelines is an option rather than entering the serum on the field. A quandary, on the other hand, entails tough choices among unattractive options with better or worse possible outcomes. While humanitarians are perplexed, they are not and should not be immobilized. The solution is not indifference or withdrawal but rather appropriate engagement. The key lies in making a good faith effort to analyze the advantages and disadvantages of different alloys of politics and humanitarianism, and then to choose what often amounts to the lesser of evils.¶ Thoughtful humanitarianism is more appropriate than rigid ideological responses, for four reasons: goals of humanitarian action often conflict, good intentions can have catastrophic consequences; there are alternative ways to achieve ends; and even if none of the choices is ideal, victims still require decisions about outside help. What Myron Wiener has called “instrumental humanitarianism” would resemble just war doctrine because contextual analyses and not formulas are required. Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal.¶ Many humanitarian decisions in northern Iraq, Somalia, Bosnia, and Rwanda—and especially those involving economic or military sanctions— required selecting least-bad options. Thomas Nagle advises that “given the limitations on human action, it is naive to suppose that there is a solution to every moral problem. “29 Action-oriented institutions and staff are required in order to contextualized their work rather than apply preconceived notions of what is right or wrong. Nonetheless, classicists continue to insist on Pictet’s “indivisible whole” because humanitarian principles “are interlocking, overlapping and mutually supportive. . . . It is hard to accept the logic of one without also accepting the others. “30¶ The process of making decisions in war zones could be compared to that pursued by “clinical ethical review teams” whose members are on call to make painful decisions about life-and-death matters in hospitals.sl The sanctity of life is complicated by new technologies, but urgent decisions cannot be finessed. It is impermissible to long for another era or to pretend that the bases for decisions are unchanged. However emotionally wrenching, finding solutions is an operational imperative that is challenging but intellectually doable. Humanitarians who cannot stand the heat generated by situational ethics should stay out of the post-Cold War humanitarian kitchen.¶ Principles in an Unprincipled World¶ Why are humanitarians in such a state of moral and operational disrepair? In many ways Western liberal values over the last few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away.szThe evaporation of distance with advances in technology and media coverage, along with a willingness to intervene in a variety of post–Cold War crises, however, has produced situations in which humanitarians are damned if they do and if they don’t. Engagement by outsiders does not necessarily make things better, and it may even create a “moral hazard by altering the payoffs to combatants in such a way as to encourage more intensive fighting.“33¶ This new terrain requires analysts and practitioners to admit ignorance and question orthodoxies. There is no comfortable theoretical framework or world vision to function as a compass to steer between integration and fragmentation, globalization and insularity. Michael Ignatieff observes, “The world is not becoming more chaotic or violent, although our failure to understand and act makes it seem so. “34Gwyn Prins has pointed to the “scary humility of admitting one’s ignorance” because “the new vogue for ‘complex emergencies’ is too often a means of concealing from oneself that one does not know what is going on. “3sTo make matters more frustrating, never before has there been such a bombardment of data and instant analysis; the challenge of distilling such jumbled and seemingly contradictory information adds to the frustration of trying to do something appropriate fast.¶ International discourse is not condemned to follow North American fashions and adapt sound bites and slogans. It is essential to struggle with and even embrace the ambiguities that permeate international responses to wars, but without the illusion of a one-size-fits-all solution. The trick is to grapple with complexities, to tease out the general without ignoring the particular, and still to be inspired enough to engage actively in trying to make a difference.¶ Because more and more staff of aid agencies, their governing boards, and their financial backers have come to value reflection, an earlier policy prescription by Larry Minear and me no longer appears bizarre: “Don’t just do something, stand there! “3sThis advice represented our conviction about the payoffs from thoughtful analyses and our growing distaste for the stereotypical, yet often accurate, image of a bevy of humanitarian actors flitting from one emergency to the next.

#### Util is good

Harries, 94

Editor @ The National Interest (Owen, Power and Civilization, The National Interest, Spring, lexis)

Performance is the test. Asked directly by a Western interviewer, “In principle, do you believe in one standard of human rights and free expression?”, Lee immediately answers, “Look, it is not a matter of principle but of practice.” This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is “the ethic of responsibility” rather than “the ethic of absolute ends” that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

#### All lives are infinitely valuable, the only ethical option is to maximize the number saved

**Cummisky, 96** (David, professor of philosophy at Bates, Kantian Consequentialism, p. 131)

Finally, even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be added and summed in this way—this point still does not justify deontologieal constraints. On the extreme interpretation, why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that 1 may still saw two; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hills example of a priceless object: If I can save two of three priceless statutes only by destroying one. Then 1 cannot claim that saving two makes up for the loss of the one. But Similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, even if dignity cannot be simply summed up. How is the extreme interpretation inconsistent with the idea that I should save as many priceless objects as possible? Even if two do not simply outweigh and thus compensate for the lass of the one, each is priceless: thus, I have good reason to save as many as I can. In short, it is not clear how the extreme interpretation justifies the ordinary killing'letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.\*

#### No Impact -

#### A. Root cause claims fail

Brian Martin, Professor of Science, Technology and Society at the University of Wollongong, ‘90

(<http://www.uow.edu.au/arts/sts/bmartin/pubs/90uw/uw13.html>)

In this chapter and in the six preceding chapters I have examined a number of structures and factors which have some connection with the war system. There is much more that could be said about any one of these structures, and other factors which could be examined. Here I wish to note one important point: attention should not be focussed on one single factor to the exclusion of others. This is often done for example by some Marxists who look only at capitalism as a root of war and other social problems, and by some feminists who attribute most problems to patriarchy. The danger of monocausal explanations is that they may lead to an inadequate political practice. The 'revolution' may be followed by the persistence or even expansion of many problems which were not addressed by the single-factor perspective. The one connecting feature which I perceive in the structures underlying war is an unequal distribution of power. This unequal distribution is socially organised in many different ways, such as in the large-scale structures for state administration, in capitalist ownership, in male domination within families and elsewhere, in control over knowledge by experts, and in the use of force by the military. Furthermore, these different systems of power are interconnected. They often support each other, and sometimes conflict. This means that the struggle against war can and must be undertaken at many different levels. It ranges from struggles to undermine state power to struggles to undermine racism, sexism and other forms of domination at the level of the individual and the local community. Furthermore, the different struggles need to be linked together. That is the motivation for analysing the roots of war and developing strategies for grassroots movements to uproot them.

#### B. War causes their impacts

Joshua S. Goldstein (prof of IR @ American U, Wash D.C.) ‘1 War and Gender: How Gender Shapes the War System and Vice Versa. Cambridge University Press. pp. 412

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice.” Then, if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although these influence wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices. So, “if you want peace, work for peace.” Indeed, if you want justice (gender and others), work for peace. Causality does not run just upward through the levels of analysis, from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes towards war and the military may be the most important way to “reverse women’s oppression.” The dilemma is that peace work focused on justice brings to the peace movement energy, allies, and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.10

**Patriarchy isn’t the root cause of violence and war. There are other factors that cause war.**

Cynthia **Cockburn 2010**, Department of Sociology, The City University London, UK b Centre for the Study of Women and Gender, University of Warwick, UK (2010) 'Gender Relations as Causal in Militarization and War', International Feminist Journal of Politics, 12: 2, 139 — 157

Second, war-fighting between two armies is only the tip of the iceberg, as it were, of an underlying, less immediate, set of institutions and relationships that can be understood as systemic. The author most often credited for the term ‘war system’ is Betty Reardon. In her text Sexism and the War System she employs the term to refer to society in its entirety, ‘our competitive social order, which is based on authoritarian principles, assumes unequal value among and between human beings, and is held in place by coercive force’ (Reardon 1996: 10) While this accurately describes many modern societies, the women’s organizations I have studied, in so far as I have come to understand their analysis, do not in the main share Betty Reardon’s reduction of this social order to nothing other than a gender order.Few, I believe, would follow her in a belief that ‘patriarchy . . . invented and maintains war to hold in place the social order it spawned’ (Reardon 1996: 12). Looking at war from close quarters these women activists see all too clearly that **other forces are at work in addition to gender.**

#### Realism is true – they cause massive violence

Mearsheimer 95 (John, Professor of Political Science at the University of Chicago, *International Security,* Summer)

Realists believe that state behavior is largely shaped by the *material structure* of the international system. The distribution of material capabilities among states is the key factor for understanding world politics. For realists, some level of security competition among great powers is inevitable because of the material structure of the international system. Individuals are free to adopt non-realist discourses, but in the final analysis, the system forces states to behave according to the dictates of realism, or risk destruction. Critical theorists, on the other hand, focus on the *social structure* of the international system. They believe that “world politics is socially constructed,” which is another way of saying that shared discourse, or how communities of individuals think and talk about the world, largely shapes the world. Wendt recognizes that “material resources like gold and tanks exist,” but he argues that “such capabilities...only acquire meaning for human action through the structure of shared knowledge in which they are embedded.” Significantly for critical theorists, discourse can change, which means that realism is not forever, and that therefore it might be possible to move beyond realism to a world where institutionalized norms cause states to behave in more communitarian and peaceful ways.

The most revealing aspect of Wendt’s discussion is that he did not respond to the two main charges leveled against critical theory in “False Promise.” The first problem with critical theory is that although the theory is deeply concerned with radically changing state behavior, it says little about how change comes about. The theory does not tell us why particular discourses become dominant, and others fall by the wayside. Specifically, Wendt does not explain why realism has been the dominant discourse in world politics for well over a thousand years, although I explicitly raised this question in “False Promise” (p. 42). Moreover, he sheds no light on why the time is ripe for unseating realism, nor on why realism is likely to be replaced by a more peaceful, communitarian discourse, although I explicitly raised both questions.

Wendt’s failure to answer these questions has important ramifications for his own arguments. For example, he maintains that if it is possible to change international political discourse and alter state behavior, “then it is irresponsible to pursue policies that perpetuate destructive old orders [i.e., realism], especially if we care about the well-being of future generations.” The clear implication here is that realists like me are irresponsible and do not care much about the welfare of future generations. However, even if we change discourses and move beyond realism, a fundamental problem with Wendt’s argument remains: because his theory cannot predict the future, he cannot know whether the discourse that ultimately replaces realism will be more benign than realism. He has no way of knowing whether a fascistic discourse more violent than realism will emerge as the hegemonic discourse. For example, he obviously would like another Gorbachev to come to power in Russia, but he cannot be sure we will not get a Zhirinovsky instead. So even from a critical theory perspective, defending realism might very well be the more responsible policy choice.

**Conflating sexual difference and patriarchy ontologizes sexual difference, obscuring women’s complicity in gender violence**

Bibi **Bakare-Yusuf, 2005.** PhD Interdisciplinary Women and Gender Studies, “Beyond Determinism: The Phenomenology of African Female Existence,” <http://www.feministafrica.org/fa%202/02-2003/bibi.html>]

Despite the contributions to understanding oppressive power relations made by theorists who focus emphatically on patriarchal dominance, there are problems with some of their underlying assumptions. By equating sexual difference with male domination, some of these writers collapse two distinct categories into one. According to Iris Young, **we need** to make **a distinction between sexual differentiation**, as "a phenomenon of individual psychology and experience, as well as of cultural categorisation", **and male domination**, as "structural relations of genders and institutional forms that determine those structures" (1997: 26). **Male domination may require sexual difference; however, sexual difference does not** in itself **lead to male domination.** **By collapsing this distinction, there is a danger of ontologising male power, and assuming that** human **relationships are** **inevitably** **moulded by tyrannical power relations.** Moreover, **equating sexual difference with male dominance can** also **obscure the ways in which both men and women help to reproduce and maintain oppressive gendered institutions.** As Young astutely notes, "**most institutions relevant to the theory of male domination are productions of interactions between men and women" (**1997: 32). As a case in point, we only have to think of the pernicious institution of female genital mutilation, which is both defended and practised by many women.

#### No impact to militarism — intervention is self-correcting

Western and Goldstein 11 (Western is Five College Associate Professor of International Relations at Mount Holyoke College and Goldstein is Professor Emeritus of International Relations at American University, Jon and Joshua, December 2011, “Humanitarian Intervention Comes of Age Lessons From Somalia to Libya”]

No sooner had nato launched its first air strike in Libya than the mission was thrown into controversy—and with it, the more general notion of humanitarian intervention. Days after the un Security Council authorized international forces to protect civilians and establish a no-fly zone, nato seemed to go beyond its mandate as several of its members explicitly demanded that Libyan leader Muammar al-Qaddafi step down. It soon became clear that the fighting would last longer than expected. Foreign policy realists and other critics likened the Libyan operation to the disastrous engagements of the early 1990s in Somalia, Rwanda, and Bosnia, arguing that humanitarian intervention is the wrong way to respond to intrastate violence and civil war, especially following the debacles in Afghanistan and Iraq. To some extent, widespread skepticism is understandable: past failures have been more newsworthy than successes, and foreign interventions inevitably face steep challenges. Yet such skepticism is unwarranted. Despite the early setbacks in Libya, nato’s success in protecting civilians and helping rebel forces remove a corrupt leader there has become more the rule of humanitarian intervention than the exception. As Libya and the international community prepare for the post-Qaddafi transition, it is important to examine the big picture of humanitarian intervention—and the big picture is decidedly positive. Over the last 20 years, the international community has grown increasingly adept at using military force to stop or prevent mass atrocities. Humanitarian intervention has also benefited from the evolution of international norms about violence, especially the emergence of “the responsibility to protect,” which holds that the international community has a special set of responsibilities to protect civilians— by force, if necessary—from war crimes, crimes against humanity, ethnic cleansing, and genocide when national governments fail to do so. The doctrine has become integrated into a growing tool kit of conflict management strategies that includes today’s more robust peacekeeping operations and increasingly effective international criminal justice mechanisms. Collectively, these strategies have helped foster an era of declining armed conflict, with wars occurring less frequently and producing far fewer civilian casualties than in previous periods. a turbulent decade Modern humanitarian intervention was first conceived in the years following the end of the Cold War. The triumph of liberal democracy over communism made Western leaders optimistic that they could solve the world’s problems as never before. Military force that had long been held in check by superpower rivalry could now be unleashed to protect poor countries from aggression, repression, and hunger. At the same time, the shifting global landscape created new problems that cried out for action. Nationalist and ethnic conflicts in former communist countries surged, and recurrent famines and instability hit much of Africa. A new and unsettled world order took shape, one seemingly distinguished by the frequency and brutality of wars and the deliberate targeting of civilians. The emotional impact of these crises was heightened by new communications technologies that transmitted graphic images of human suffering across the world. For the first time in decades, terms such as “genocide” and “ethnic cleansing” appeared regularly in public discussions. Western political elites struggled to respond to these new realities. When U.S. marines arrived in Somalia in December 1992 to secure famine assistance that had been jeopardized by civil war, there were few norms or rules of engagement to govern such an intervention and no serious plans for the kinds of forces and tactics that would be needed to establish long-term stability. Indeed, the marines’ very arrival highlighted the gap between military theory and practice: the heavily armed troops stormed ashore on a beach occupied by only dozens of camera-wielding journalists. Although the Somalia mission did succeed in saving civilians, the intervention was less successful in coping with the political and strategic realities of Somali society and addressing the underlying sources of conflict. U.S. forces were drawn into a shooting war with one militia group, and in the October 1993 “Black Hawk down” incident, 18 U.S. soldiers were killed, and one of their bodies was dragged through the streets of Mogadishu while television cameras rolled. Facing domestic pressures and lacking a strategic objective, President Bill Clinton quickly withdrew U.S. troops. The un soon followed, and Somalia was left to suffer in a civil war that continues to this day. Meanwhile, two days after the “Black Hawk down” fiasco, the un Security Council authorized a peacekeeping mission for Rwanda, where a peace agreement held the promise of ending a civil war. The international force was notable for its small size and paltry resources. Hutu extremists there drew lessons from the faint-hearted international response in Somalia, and when the conflict reignited in April 1994, they killed ten Belgian peacekeepers to induce the Belgian-led un force to pull out. Sure enough, most of the peacekeepers withdrew, and as more than half a million civilians were killed in a matter of months, the international community failed to act. Around the same time, a vicious war erupted throughout the former Yugoslavia, drawing a confused and ineffective response from the West. At first, in 1992, U.S. Secretary of State James Baker declared that the United States did not “have a dog in that fight.” Even after the world learned of tens of thousands of civilian deaths, in May 1993, Clinton’s secretary of state, Warren Christopher, described the so-called ancient hatreds of ethnic groups there as a presumably unsolvable “problem from hell.” Unwilling to risk their soldiers’ lives or to use the word “genocide,” with all of its political, legal, and moral ramifications, the United States and European powers opted against a full-scale intervention and instead supported a un peacekeeping force that found little peace to keep. At times, the un force actually made things worse, promising protection that it could not provide or giving fuel and money to aggressors in exchange for the right to send humanitarian supplies to besieged victims. The un and Western powers were humiliated in Somalia, Rwanda, and the former Yugoslavia. War criminals elsewhere appeared to conclude that the international community could be intimidated by a few casualties. And in the United States, a number of prominent critics came to feel that humanitarian intervention was an ill-conceived enterprise. The political scientist Samuel Huntington claimed that it was “morally unjustifiable and politically indefensible” to put U.S. soldiers at risk in intrastate conflicts, and he argued at another point that it was “human to hate.” Henry Kissinger saw danger in the United States becoming bogged down in what he later called “the bottomless pit of Balkan passions,” and he warned against intervening when there were not vital strategic interests at stake. Other critics concluded that applying military force to protect people often prolonged civil wars and intensified the violence, killing more civilians than otherwise might have been the case. And still others argued that intervention fundamentally altered intrastate political contests, creating long-term instability or protracted dependence on the international community. Nonetheless, international actors did not abandon intervention or their efforts to protect civilians. Rather, amid the violence, major intervening powers and the un undertook systematic reviews of their earlier failures, updated their intervention strategies, and helped foster a new set of norms for civilian protection. A key turning point came in 1995, when Bosnian Serb forces executed more than 7,000 prisoners in the un-designated safe area of Srebrenica. The Clinton administration quickly abandoned its hesitancy and led a forceful diplomatic and military effort to end the war. The persistent diplomacy of Anthony Lake, the U.S. national security adviser, persuaded the reluctant Europeans and un peacekeeping commanders to support Operation Deliberate Force, nato’s aggressive air campaign targeting the Bosnian Serb army. That effort brought Serbia to the negotiating table, where U.S. Assistant Secretary of State Richard Holbrooke crafted the Dayton agreement, which ended the war. In place of the hapless un force, nato sent 60,000 heavily armed troops into the “zone of separation” between the warring parties, staving off renewed fighting. The “problem from hell” stopped immediately, and the ensuing decade of U.S.-led peacekeeping saw not a single U.S. combat-related casualty in Bosnia. Unlike previous interventions, the post-Dayton international peacekeeping presence was unified, vigorous, and sustained, and it has kept a lid on ethnic violence for more than 15 years. A related innovation was the International Criminal Tribunal for the Former Yugoslavia (icty), a court that has indicted 161 war criminals, including all the principal Serbian wartime leaders. Despite extensive criticism for ostensibly putting justice ahead of peace, the tribunal has produced dramatic results. Every suspected war criminal, once indicted, quickly lost political influence in postwar Bosnia, and not one of the 161 indictees remains at large today. Buoyed by these successes, nato responded to an imminent Serbian attack on Kosovo in 1999 by launching a major air war. Despite initial setbacks (the operation failed to stop a Serbian ground attack that created more than a million Kosovar Albanian refugees), the international community signaled that it would not back down. Under U.S. leadership, nato escalated the air campaign, and the icty indicted Serbian President Slobodan Milosevic for crimes against humanity. Within three months, the combined military and diplomatic pressure compelled Serbia to withdraw its forces from Kosovo. And even though many observers, including several senior Clinton administration o⁄cials, feared that the icty’s indictment of Milosevic in the middle of the military campaign would make it even less likely that he would capitulate in Kosovo or ever relinquish power, he was removed from o⁄ce 18 months later by nonviolent civil protest and turned over to The Hague. Outside the Balkans, the international community continued to adapt its approach to conflicts with similar success. In 1999, after a referendum on East Timor’s secession from Indonesia led to Indonesian atrocities against Timorese civilians, the un quickly authorized an 11,000-strong Australian-led military force to end the violence. The intervention eventually produced an independent East Timor at peace with Indonesia. Later missions in Sierra Leone, Liberia, and Côte d’Ivoire used a similar model of deploying a regional military force in coordination with the un and, on occasion, European powers. correcting the record Despite the international community’s impressive record of recent humanitarian missions, many of the criticisms formulated in response to the botched campaigns of 1992–95 still guide the conversation about intervention today. The charges are outdated. Contrary to the claims that interventions prolong civil wars and lead to greater humanitarian suffering and civilian casualties, the most violent and protracted cases in recent history—Somalia, Rwanda, the Democratic Republic of the Congo, Bosnia before Srebrenica, and Darfur—have been cases in which the international community was unwilling either to intervene or to sustain a commitment with credible force. Conversely, a comprehensive study conducted by the political scientist Taylor Seybolt has found that aggressive operations legitimized by firm un Security Council resolutions, as in Bosnia in 1995 and East Timor in 1999, were the most successful at ending conflicts. Even when civil wars do not stop right away, external interventions often mitigate violence against civilians. This is because, as the political scientist Matthew Krain and others have found, interventions aimed at preventing mass atrocities often force would-be killers to divert resources away from slaughtering civilians and toward defending themselves. This phenomenon, witnessed in the recent Libya campaign, means that even when interventions fail to end civil wars or resolve factional differences immediately, they can still protect civilians. Another critique of humanitarian interventions is that they create perverse incentives for rebel groups to deliberately provoke states to commit violence against civilians in order to generate an international response. By this logic, the prospect of military intervention would generate more rebel provocations and thus more mass atrocities. Yet the statistical record shows exactly the opposite. Since the modern era of humanitarian intervention began, both the frequency and the intensity of attacks on civilians have declined. During the Arab Spring protests this year, there was no evidence that opposition figures in Tunisia, Egypt, Syria, or Yemen sought to trigger outside intervention. In fact, the protesters clearly stated that they would oppose such action. Even the Libyan rebels, who faced long odds against Qaddafi’s forces, refused what would have been the most effective outside help: foreign boots on the ground. Recent efforts to perfect humanitarian intervention have been fueled by deep changes in public norms about violence against civilians and advances in conflict management. Two decades of media exposure to mass atrocities, ethnic cleansing, and genocide have altered global— not simply Western—attitudes about intervention. The previously sacrosanct concept of state sovereignty has been made conditional on a state’s responsible behavior, and in 2005, the un General Assembly unanimously endorsed the doctrine of the responsibility to protect at the un’sWorld Summit. Nato’s intervention in Libya reflects how the world has become more committed to the protection of civilians. Both un Security Council resolutions on Libya this year passed with unprecedented speed and without a single dissenting vote. In the wake of conflicts as well, the international community has shown that it can and will play a role in maintaining order and restoring justice. Peacekeeping missions now enjoy widespread legitimacy and have been remarkably successful in preventing the recurrence of violence once deployed. And because of successful postconflict tribunals and the International Criminal Court, individuals, including national leaders, can now be held liable for egregious crimes against civilians. Collectively, these new conflict management and civilian protection tools have contributed to a marked decline in violence resulting from civil war. According to the most recent Human Security Report, between 1992 and 2003 the number of conflicts worldwide declined by more than 40 percent, and between 1988 and 2008 the number of conflicts that produced 1,000 or more battle deaths per year fell by 78 percent. Most notably, the incidence of lethal attacks against civilians was found to be lower in 2008 than at any point since the collection of such data began in 1989. Still, although international norms now enshrine civilian protection and levels of violence are down, humanitarian interventions remain constrained by political and military realities. The international community’s inaction in the face of attacks on Syrian protesters, as of this writing, demonstrates that neither the un nor any major power is willing or prepared to intervene when abusive leaders firmly control the state’s territory and the state’s security forces and are backed by influential allies. Furthermore, the concept of civilian protection still competes with deeply held norms of sovereignty, especially in former colonies. Although humanitarian intervention can succeed in many cases, given these constraints, it is not always feasible. getting better all the time It is against this backdrop that the international community should evaluate the two most recent interventions, in Côte d’Ivoire and Libya. In Côte d’Ivoire, a civil war that began in 2002 led to the partition of the country, with a large un force interposed between the two sides. After years of peacekeeping, the un oversaw long-delayed elections in 2010 and declared the opposition leader victorious. The incumbent, President Laurent Gbagbo, refused to leave, causing a months-long standoff during which Gbagbo’s forces killed nearly 3,000 people. As another civil war loomed, France sent in a powerful military force that, in tandem with the un peacekeepers, deposed Gbagbo and put the legitimate winner in the presidential palace. Two decades ago, a similar situation in Angola led to disaster. After the un sent a mere 500 military observers to monitor elections in 1992, the losing candidate resorted to war and the international community walked away. The crisis in Côte d’Ivoire ended much differently, partly because the mission was broadly seen as legitimate. Supporters of the action included not just the un Security Council and Western governments but also the African Union, neighboring West African countries, and leading human rights groups. Moreover, the intervention in Côte d’Ivoire applied escalating military force over the course of several months that culminated in overwhelming firepower. The operation’s planners allowed for, but did not count on, diplomacy and negotiation to dislodge Gbagbo. When those paths proved fruitless, the international community hardened its resolve. Although the final chapter of the Libya mission has yet to be written and serious challenges remain, it has enjoyed several of the same advantages. The international response began in February when, as Qaddafi’s security forces intensified their efforts to crush the protests, the un Security Council unanimously passed Resolution 1970, which condemned the violence, imposed sanctions on the regime, and referred the case to the International Criminal Court. Three weeks later, Qaddafi’s forces moved toward the rebel capital of Benghazi, a city of more than 700,000, and all signs pointed to an imminent slaughter. The Arab League demanded quick un action to halt the impending bloodshed, as did major human rights organizations, such as the International Crisis Group and Human Rights Watch. In response, the Security Council passed Resolution 1973, which demanded a suspension of hostilities and authorized nato to enforce a no-fly zone to protect civilians. Although five members of the Security Council— Brazil, China, Germany, India, and Russia—expressed reservations, none of them ultimately opposed the resolution. The subsequent intervention has been a genuinely multinational operation in which the United States at first played a central combat role and then stepped back, providing mostly support and logistics. The intervention has accomplished the primary objective of Resolution 1973. It saved civilian lives by halting an imminent slaughter in Benghazi, breaking the siege of Misratah, and forcing Qaddafi’s tank and artillery units to take cover rather than commit atrocities. And despite the initial military setbacks and some frustration over the length and cost of the operation, the intervention contributed to the end of the civil war between Qaddafi and the rebels, which otherwise might have been much longer and more violent. lessons learned Ever since U.S. marines stormed the Somali coast in 1992, the international community has grappled with the recurring challenges of modern humanitarian intervention: establishing legitimacy, sharing burdens across nations, acting with proportionality and discrimination, avoiding “mission creep,” and developing exit strategies. These challenges have not changed, but the ways the international community responds to them have. Today’s successful interventions share a number of elements absent in earlier, failed missions. First, the interventions that respond the most quickly to unfolding events protect the most lives. Ethnic cleansing and mass atrocities often occur in the early phases of conflicts, as in Rwanda and Bosnia. This highlights the necessity of early warning indicators and a capacity for immediate action. The un still lacks standby capabilities to dispatch peacekeepers instantly to a conflict area, but national or multinational military forces have responded promptly under un authority, and then after a number of months, they have handed off control to a un peacekeeping force that may include soldiers from the original mission. This model worked in East Timor, Chad, and the Central African Republic, and it guided the international community’s response to the impending massacre in Benghazi. Second, the international community has learned from Somalia, Rwanda, and Bosnia that it needs access to enough military power and diplomatic muscle to back up a credible commitment to protecting civilians and to prevail even if things go wrong along the way. Lighter deployments may also succeed if members of the international community have additional forces close at hand that can be accessed if needed. When un peacekeepers ran into trouble in Sierra Leone in 2000, for example, the United Kingdom rushed in with 4,500 troops to save the government and the peacekeeping mission from collapse. Third, intervening governments must be sensitive to inevitable opposition from domestic constituencies and must design interventions that can withstand pressure for early exits. As Libya has demonstrated, protecting civilians from intransigent regimes often requires persistent and sustained action. In all likelihood, seemingly straightforward operations will turn out to be much less so. In past, failed missions, the international community was unwilling to accept coalition casualties and responded by withdrawing. Successful interventions, by contrast, have been designed to limit the threat to the intervening forces, thus allowing them to add resources and broaden the dimensions of the military operations in the face of di⁄culties. Fourth, legitimate humanitarian interventions must be supported by a broad coalition of international, regional, and local actors. Multi - lateral interventions convey consensus about the appropriateness of the operations, distribute costs, and establish stronger commitments for the post-intervention transitions. But multilateralism cannot come at the expense of synchronized leadership. War criminals usually look to exploit divisions between outside powers opposing them. Interventions need to avoid having multiple states and organizations dispatch their own representatives to the conflict, sending mixed signals to the target states. Finally, perhaps the most daunting challenge of a humanitarian intervention is the exit. Because violence against civilians is often rooted in deeper crises of political order, critics note that once in, intervenors confront the dilemma of either staying indefinitely and assuming the burdens of governance, as in Bosnia, or withdrawing and allowing the country to fall back into chaos, as in Somalia. Some observers, then, have demanded that any intervention be carried out with a clearly defined exit strategy. Yet more important than an exit strategy is a comprehensive transition strategy, whereby foreign combat forces can exit as peacekeepers take over, and peacekeepers can exit when local governing institutions are in place and an indigenous security force stands ready to respond quickly if violence resumes. The earliest phases of an intervention must include planning for a transition strategy with clearly delineated political and economic benchmarks, so that international and local authorities can focus on the broader, long-term challenges of reconstruction, political reconciliation, and economic development. Successful transition strategies include several crucial elements. For starters, negotiations that end humanitarian interventions must avoid laying the groundwork for protracted international presences. The Dayton peace accords, for example, created a duel-entity structure in Bosnia that has privileged nationalist and ethnic voices, and Kosovo’s final status was left unresolved. Both of these outcomes unwittingly created long-term international commitments. Intervening powers must also proceed with the understanding that they cannot bring about liberal democratic states overnight. Objectives need to be tempered to match both local and international political constraints. Recent scholarship on postconflict state building suggests that the best approach may be a hybrid one in which outsiders and domestic leaders rely on local customs, politics, and practices to establish new institutions that can move over time toward international norms of accountable, legitimate, and democratic governance

## Solvency

#### Obama will resist the plan - fights over war powers create intractable national diversions and destroys military decision making, interbranch cooperation and rule of law

Lobel**, Pittsburgh law professor,** 2008

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis, ldg)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Crisis pressure and information asymmetry means Congress will defer to the executive

Posneret al., Chicago law professor,2011(Eric, The Executive Unbound, pg 7-10, ldg)

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

#### Limitations fail during emergencies

Vermeule 6

Adrian Vermeule, Professor of Law, Harvard Law School, 2006, “THE EMERGENCY CONSTITUTION IN THE POSTSEPTEMBER¶ 11 WORLD ORDER: SELF‐DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law¶ Review, Nov., pp. LN.

A statute could, in principle, perform such constitutional functions by aligning the various parties' expectations about the¶ future, which then provide a basis for objecting to usurpations or interference when the emergency occurs. However,¶ history shows that statutory limitations are weak during emergencies. The War Powers Resolution , which limited the¶ circumstances under which the President could use military force and imposed various reporting requirements when the¶ President did use force, has been ignored. As I mentioned above, the National Emergencies Act similarly imposed¶ restrictions and reporting requirements on the President's power to declare emergencies, and the International Emergency¶ Economic Powers Act limited the President's power to impose economic sanctions during emergencies. None of these¶ statutes has had much of an impact on the behavior of executives. n61 Finally, after 9/11 the President undertook a¶ program of domestic warrantless surveillance, one that in the view of many commentators clearly violates the Foreign¶ Intelligence Surveillance Act. n62 Public opinion, however, is divided about the program's legality. n63 As of this writing,¶ there seems little prospect that Congress will retaliate; the most likely outcome is some sort of legislative ratification of the¶ program, which means that the President will have effectively annulled the Foreign Intelligence Surveillance Act as well as¶ the other framework statutes governing executive action in emergencies.”

# 2NC

## K

#### Western feminism inserts gender dichotomies where they were non-existent by universalizing gender relations – this promotes Western dominance

Oyeronke **Oyewumi. 1997**, Associate Professor of Sociology, SUNY Stony Brook, The Invention of Women Making an African Sense of Western Gender Discourses, University of Minnesota Press, 1997

INDISPUTABLY, **gender has been a fundamental organizing principle in Western societies**.1 **Intrinsic to the conceptualization of gender is a dichotomy in which male and female, man and woman, are constantly and binarily ranked, both in relationship to and against each other**. It has been well documented that the **categories of male and female in Western social practice are not free of hierarchical as­sociations and binary oppositions in which the male implies privilege and the female subordination. It is a duality based on a perception of human sexual dimorphism inherent in the definition of gender. Yoruba society**, like many other societies worldwide, **has been analyzed with Western concepts of gender on the assumption that gender is a time­less and universal category**. But as Serge Tcherk~zoff admonishes, “**An analysis that starts from a male/female pairing simply produces further dichotomies.”**2 **It is not surprising**, then, that **researchers always find gender when they look for it**. Against this background, I will show that despite voluminous schol­arship to the contrary, **gender was not an organizing principle in Yoruba society prior to colonization by the West**. **The social categories “men” and “women” were nonexistent, and hence no gender system was in place**. Rather, the primary principle of social organization was seniority, defined by relative age. **The social categories “women” and “men are social constructs deriving from the Western assumption that “physical bodies are social bodies,”**4 **an assumption** that in the previous chapter I **named “body-reasoning” and a “bio-logic” interpretation of the social world. The original impulse to apply this assumption transculturally is rooted in the simplistic notion that gender is a natural and universal way of organizing society and that male privilege is its ultimate manifestation**. But gender is socially constructed: it is historical and culture-bound. Consequently, **the assumption that a gender system ex­isted in Oyo society** prior to Western colonization **is** yet **another case of Western dominance in the documentation and interpretation of the world**, one that is facilitated by the West’s global material dominance.

## Solvency

#### They assume Congress wants to assert themselves-they don’t.

**Nzelibe, Northwestern law professor, 2007**

(Jide, “Are Congressionally Authorized Wars Perverse?”, Stanford Law Review, lexis, ldg)

These assumptions are all questionable. As a preliminary matter, there is not much causal evidence that supports the institutional constraints logic. As various commentators have noted, Congress's bark with respect to war powers is often much greater than its bite. Significantly, skeptics like Barbara Hinckley suggest that any notion of an activist Congress in war powers is a myth and members of Congress will often use the smokescreen of "symbolic resolutions, increase in roll calls and lengthy hearings, [and] addition of reporting requirements" to create the illusion of congressional participation in foreign policy.' 0 Indeed, even those commentators who support a more aggressive role for Congress in initiating conflicts acknowledge this problem," but suggest that it could be fixed by having Congress enact more specific legislation about conflict objectives and implement new tools for monitoring executive behavior during wartime. 12 Yet, even if Congress were equipped with better institutional tools to constrain and monitor the President's military initiatives, it is not clear that it would significantly alter the current war powers landscape. As Horn and Shepsle have argued elsewhere: "[N]either specificity in enabling legislation ... nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature-a credible commitment to punish ....Thus, no matter how much well-intentioned and specific legislation Congress passes to increase congressional oversight of the President's military initiatives, it will come to naught if members of Congress lack institutional incentives to monitor and constrain the President's behavior in an international crisis. Various congressional observers have highlighted electoral disincentives that members of Congress might face in constraining the President's military initiatives. 14 Others have pointed to more institutional obstacles to congressional assertiveness in foreign relations, such as collective action problems. 15 Generally, lawmaking is a demanding and grueling exercise. If one assumes that members of Congress are often obsessed with the prospect of reelection, 16 then such members will tend to focus their scarce resources on district-level concerns and hesitate to second-guess the President's response in an international crisis. 17 Even if members of Congress could marshal the resources to challenge the President's agenda on national issues, the payoff in electoral terms might be trivial or non-existent. Indeed, in the case of the President's military initiatives where the median voter is likely to defer to the executive branch's judgment, the electoral payoff for members of Congress of constraining such initiatives might actually be negative. In other words, regardless of how explicit the grant of a constitutional role to Congress in foreign affairs might be, few members of Congress are willing to make the personal sacrifice for the greater institutional goal. Thus, unless a grand reformer is able to tweak the system and make congressional assertiveness an electorally palatable option in war powers, calls for greater congressional participation in war powers are likely to fall on deaf ears. Pg. 912-913

## Case

#### Their impacts aren’t falsifiable

**Keohane 98**, Duke University, (Robert, “ Beyond Dichotomy: Conversations Between International Relations and Feminist Theory,” International Studies Quarterly Volume 42, Issue 1, pages 193–197, March 1998, <http://onlinelibrary.wiley.com/doi/10.1111/0020-8833.00076/pdf>)

Since we know that intentionality and consequences are not tightly linked in international relations, we should not assume that the consequences in international relations of more egalitarian practices within some societies will necessarily be benign. Supposing that increased gender equality leads to less aggression, we might well expect that countries with relatively less hierarchical internal structures would not fight each other. But their relationships with states with more inegalitarian gender relationships would need to be investigated. Perhaps states with less gender hierarchy could resolve conflict more easily; but it is also possible that they would be more easily bullied, or would become more moralistic, leading eventually to more serious crises and perhaps warfare. To continue with the democracy analog)', democracies are quite warlike toward nondemocracies, although they are disinclined to fight other democracies. It would be worthwhile to explore such questions, with an open mind about what the answers will be.

Comparable questions could be posed about transnational relations. To what extent do gendered inequalities within societies extend to transnational relations—as, for instance, in tolerating or even encouraging the operation of brothels near military bases, or in the hiring practices of Japanese-based multinational enterprises operating in the United States? Once again, however, questions will not be enough: feminist IR scholars will need to supply answers that will convince others—including those not ideologically predisposed to being convinced. Specifying their propositions, and providing systematically gathered evidence to test these propositions, will be essential: scientific method, in the broadest sense, is the best path toward convincing current nonbelievers of the validity of the message that feminists are seeking to deliver. We will only "understand" each other if IR scholars are open to the important questions that feminist theories raise, and if feminists are willing to formulate their hypotheses in ways that are testable—and falsifiable—with evidence.

#### Gender not root cause

**Hillman 2004** (James, psychologist, A Terrible Love of War, pp. 86-87)

To imagine war to be a “man’s thing,” one more example of the abusive, self-inflating activity of “the patriarchy,” traps one in the genderist division of the cosmos: all things are either male or female, *tertium non datur*. The genderist division takes on the absolutism of a logical opposition, an either/or which allows no space for the “both” of compromise and ambivalence, and androgyny. This division then influences our fantasies of primordial societies, reducing war to an activity of violent hunter-gatherers versus gentle cultivator-weavers.  If, however, we think about war as an emanation of a god, war as an archetypal impulse, then patriarchy does not originate war but serves war to give it form and bring it to order by means of hierarchical control, ritual ceremony, art, and law.  Remember Foucault’s idea that law is a continuation of war in another form.  Patriarchy makes the forms.  Rather than the origin of war, patriarchy is its necessary result, preventing Ares from blowing up the world and leaving a few poor remnants a life that is “nasty, brutish, and short.” That this hierarchy, these forms can become tyrannical is evident enough, since cruelties of discipline are often secondary consequences of form. Nonetheless, patriarchal tyranny is not the primary cause of war; that cause is the god.

# 1NR

## Counterplan

#### 1 – Education – core topic education is not whether to restrict, but who does it – discussing implementation is key

Elmore 80

Prof. Public Affairs at University of Washington, PolySci Quarterly 79-80, p. 605, 1980

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matter very little if the mechanism for implementing those choices is poorly understood in answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that in the normal case, it was about 10 percent, leaving the remaining 90 percent in the realm of implementation.

#### 4. Moot question - The Court completely controls its agenda – it can call for any cases it wants

Cordray ‘04

(Margaret Meriwether Cordray Professor of Law, Capital University 2004 [with richard cordray Adjunct Professor, The Ohio State University College of Law Washington University Law Quarterly Summer, the philosophy of certiorari: jurisprudential considerations in supreme court case selection)

Over the past century, **the Supreme Court has gained virtually complete control over its own agenda**. Once a relatively passive institution which heard all appeals that Congress authorized, **the Court is now a virtually autonomous decisionmaker with respect to the nature and extent of its own workload.** n1 No longer is it true, as Chief Justice Marshall declared in a bygone era, that the Court has "no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given," or that the Court "must take jurisdiction if it should." n2 On the contrary, **the Court's muscular authority over case selection in the modern era now gives it the unchallenged prerogative in almost every instance to choose whether to resolve or to bypass important controversies that are brought before it in particular cases.** n3 And this is so despite the Court's protestation - after twice intervening in the sprawling contest over the 2000 Presidential election - that "**when contending parties invoke the process of the courts, ... it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront.**" n4

## Disad

#### We control global impact uniqueness – the status quo solves their impacts but decline undermines crucial forms of restraint

Griswold 5

Director of the Center for Trade Policy Studies at the Cato Institute (Daniel, “Peace on earth? Try free trade among men,” 12-29-2005, http://www.freetrade.org/node/282)

Buried beneath the daily stories about car bombs and insurgents is an underappreciated but comforting fact during this Christmas season: The world has somehow become a more peaceful place.¶ As one little-noticed headline on an Associated Press story recently reported, "War declining worldwide, studies say." According to the Stockholm International Peace Research Institute, the number of armed conflicts around the world has been in decline for the past half century. In just the past 15 years, ongoing conflicts have dropped from 33 to 18, with all of them now civil conflicts within countries. As 2005 draws to an end, no two nations in the world are at war with each other. The death toll from war has also been falling. According to the AP story, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Those estimates are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news -- the end of the Cold War and the spread of democracy, among them -- but expanding trade and globalization appear to be playing a major role. Far from stoking a "World on Fire," as one misguided American author has argued, growing commercial ties between nations have had a dampening effect on armed conflict and war, for three main reasons. First, trade and globalization have reinforced the trend toward democracy, and democracies don't pick fights with each other. Freedom to trade nurtures democracy by expanding the middle class in globalizing countries and equipping people with tools of communication such as cell phones, satellite TV, and the Internet. With trade comes more travel, more contact with people in other countries, and more exposure to new ideas. Thanks in part to globalization, almost two thirds of the world's countries today are democracies -- a record high. Second, as national economies become more integrated with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war. Third, globalization allows nations to acquire wealth through production and trade rather than conquest of territory and resources. Increasingly, wealth is measured in terms of intellectual property, financial assets, and human capital. Those are assets that cannot be seized by armies. If people need resources outside their national borders, say oil or timber or farm products, they can acquire them peacefully by trading away what they can produce best at home. Of course, free trade and globalization do not guarantee peace. Hot-blooded nationalism and ideological fervor can overwhelm cold economic calculations. But deep trade and investment ties among nations make war less attractive. Trade wars in the 1930s deepened the economic depression, exacerbated global tensions, and helped to usher in a world war. Out of the ashes of that experience, the United States urged Germany, France and other Western European nations to form a common market that has become the European Union. In large part because of their intertwined economies, a general war in Europe is now unthinkable. In East Asia, the extensive and growing economic ties among Mainland China, Japan, South Korea, and Taiwan is helping to keep the peace. China's communist rulers may yet decide to go to war over its "renegade province," but the economic cost to their economy would be staggering and could provoke a backlash among its citizens. In contrast, poor and isolated North Korea is all the more dangerous because it has nothing to lose economically should it provoke a war. In Central America, countries that were racked by guerrilla wars and death squads two decades ago have turned not only to democracy but to expanding trade, culminating in the Central American Free Trade Agreement with the United States. As the Stockholm institute reports in its 2005 Yearbook, "Since the 1980s, the introduction of a more open economic model in most states of the Latin American and Caribbean region has been accompanied by the growth of new regional structures, the dying out of interstate conflicts and a reduction in intra-state conflicts." Much of the political violence that remains in the world today is concentrated in the Middle East and Sub-Saharan Africa -- the two regions of the world that are the least integrated into the global economy. Efforts to bring peace to those regions must include lowering their high barriers to trade, foreign investment, and domestic entrepreneurship. Advocates of free trade and globalization have long argued that trade expansion means more efficiency, higher incomes, and reduced poverty. The welcome decline of armed conflicts in the past few decades indicates that free trade also comes with its own peace dividend.

#### Timeframe – the US only has till October 17th – we’re on the brink - default immediately destroys confidence and causes financial volatility throughout the economy – default to timeframe – you can only die once

CCTV 10-1

(CCTV, “U.S. gov't shutdown, debt default threaten to weigh on economy: expert” 10-01-2013, <http://english.cntv.cn/20131002/100740.shtml>, KB)

The ongoing partial federal government shutdown and fiscal uncertainties are dampening American economic recovery, and a default on U.S. debt payments would have "immediate and substantial" negative effects on the country's economy that would be difficult to quickly reverse, said David Stockton, a senior fellow at the Peterson Institute for International Economics (PIIE).¶ "A brief shutdown is disruptive, but not likely a systemic macro event," Stockton said Tuesday at an event on the first day of the partial shutdown of the U.S. federal government agencies.¶ U.S. lawmakers failed to agree to a spending bill for keeping the federal government running beyond midnight of Sept. 30, which finally forced the U.S. federal government to a partial shutdown starting Tuesday for the first time in 17 years. Tuesday also coincided with the first day of the U.S. 2014 fiscal year.¶ The federal government shutdown each week will cost the United States about 0.15 percent of the growth in the fourth-quarter gross domestic product (GDP), predicted Stockton, also former chief economist at the U.S. Federal Reserve.¶ However, if U.S. Congress fails to meet a mid-October deadline to raise the country's debt ceiling, it will be "a major macro systemic event" and will lead to financial volatility and depressed household and business confidence, he stressed.¶ A partial government shutdown for several weeks or a month would not have a significant impact on weakening the U.S. dollar or delaying the Fed's decision of tapering off its third round of quantitative easing (QE3), compared with the potential impact of a debt default crisis, he said in answering questions posed by Xinhua.

#### War and poverty lead to the suspension of all ethical principles

Leopold 04 emeritus scientist at Boyce Thompson Institute for Plant Research at Cornell [A. Carl, currently involved with several organizations for the promotion of ethical responsibilities to the land, February 1, 2004, BioScience, No. 2, Vol. 54, p. 149, proquest]

As part of a discussion on bioethics in a changing world, we should take the measure of the conditions or forces that clash with or simply override ethical considerations. Some examples include greed, poverty, and war. Greed can be a major force in driving excessive exploitation of natural capital, such as excessive mining, excessive removal of oceanic resources, or reckless cutting of forests. Insatiable appetites for personal aggrandizement and ostentation often override ethical considerations. Poverty, too, can be expected to nullify ethical considerations in relation to the stewardship of the environment: Impoverished people often use natural resources badly. The occurrence of wars leads to the suspension of practically all ethical principles, not only at the personal, social, and political levels but also at the biological and environmental levels. These three examples of forces in opposition to ethical actions occur with alarming frequency in our nation and in many other parts ot the world. The extent to which Aldo Leopold's ethical concept will persist in our society is likely to depend upon the extent to which such conflicting forces can be restrained. It is reasonable to assume, for example, that involvement of people in the restoration and protection of quality land may increase their sensitivity to rates of resource consumption and possibly to issues of poverty and peace. As we discuss the positive values of bioethical principles, we must keep a special awareness of the massive ethical costs of war. There is a perceived need among professional scientists for more knowledge about ethics. As human lives have come to revolve around urban centers, the need for a better understanding of bioethics, and specifically for an ethics-based strategy for environmentalism and conservation, has become more acute. Aldo Leopold's statement of the land ethic, which extended the concept of conservation to include restoration ecology, fills such a need. The emergence of Leopold's land ethic has been followed by an elaboration of ethical concepts in relation to biology and conservation, as would be expected with the advent of a new scientific paradigm. It is important to be aware that bioethics are susceptible to violation, or even destruction, by social dysfunctions such as greed, poverty, and war. A part of the costs of this social dysfunction will necessarily be a corrosive effect on bioethical principles and a deterioration of harmony between humans and their natural environment. Remember Aldo Leopold's statement of the land ethic (1949): "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." Despite these obstacles, we can hope that the land ethic will continue to grow, that mentors and teachers will guide students toward this goal, and that ecological restoration will be used to provide leverage for fostering ethical ideals in students, coworkers, family, friends, and ourselves.

#### Turns case ---

#### Literally turns the entire aff - Congress will give Obama unfettered power in the event of an emergency

Brooks 13

(Rosa Brooks, “Mission Creep in the War on Terror” March 14, 2013, <http://www.foreignpolicy.com/articles/2013/03/14/mission_creep_in_the_war_on_terror>, KB)

AUMF or no AUMF, if the United States finds credible evidence of an imminent and grave terrorist attack -- of the 9/11 variety -- no one's going to give the president a hard time if he kills the bad guys before they have a chance to attack us. And trust me: If the president has solid evidence of such an impending attack, it won't matter if the terrorists are an al Qaeda offshoot or a rogue group of Canadian girl scouts.¶ And if, despite our best efforts at prevention, another serious terrorist attack occurs in the future, Congress will undoubtedly be quick to give the president any additional authorities he needs -- with the same speed with which Congress passed its 2001 authorization to use force.¶ In the end, it's not that complicated. If we can't shoehorn drone strikes against every "associate of an associate" of al Qaeda into the 2001 AUMF, we should stop trying to stretch or change the law. Instead, we should scale back the targeted killings.¶ It's past time for a serious overhaul of U.S. counterterrorism strategy. This needs to include a rigorous cost-benefit analysis of U.S. drone strikes, one that takes into account issues both of domestic legality and international legitimacy, and evaluates the impact of targeted killings on regional stability, terrorist recruiting, extremist sentiment, and the future behavior of powerful states such as Russia and China. If we undertake such a rigorous cost-benefit analysis, I suspect we'll come to see scaling back drone strikes less as an inconvenience than as a strategic necessity -- and we may come to a new appreciation of counterterrorism measures that don't involve missiles raining from the sky.¶ This doesn't mean we should never use armed drones -- drones, like any other weapons-delivery mechanism, will at times be justifiable and useful. But it does mean we should rediscover a long-standing American tradition: reserving the use of exceptional authorities for rare and exceptional circumstances.

#### Any modification to the WPR is a lightning rod

CCR 9

(Center for Constitutional Rights, “Restore. Protect. Expand. Amend the War Powers Resolution”, <http://ccrjustice.org/files/CCR_White_WarPowers.pdf>)

Secondly, the War Powers Resolution correctly recognized that even congressional silence, inaction or even implicit approval does not allow the president to engage in warfare – but it failed to provide an adequate enforcement mechanism if the president did so. Under the resolution, wars launched by the executive were supposed to be automatically terminated after 60 or 90 days if not affirmatively authorized by Congress – but this provision proved unenforceable. Presidents simply ignored it, Congress had an insufficient interest in enforcing it and the courts responded by effectually saying: if Congress did nothing, why should we?¶ Reforming the War Powers Resolution is a project that will require leadership from the President and the political will of Congress, working together in the service and preservation of the Constitution. In light of the abuses that have taken place under the Bush administration, it is the responsibility of a new administration to insist on transparency in the drafting of new legislation.¶ There is a long history of attempts to revise the War Powers Resolution. As new legislation is drafted, though, it will be important to focus on the central constitutional issues. Much time has been spent in debating how to address contingencies. It will be impossible to write into law any comprehensive formula for every conceivable situation, though; much more important will be establishing the fundamental principles of reform:

#### Default to issue specific uniqueness - even if Obama has a limited amount of capital he has enough now.

#### Framing issue - Obama has advantage over GOP now

News Ok 10-2

News Ok is an Oklahoma City News Organization, “Obama Seeks to Strike a Balance during Shutdown,” <http://newsok.com/obama-seeks-to-strike-a-balance-during-shutdown/article/feed/599138>

President Barack Obama's strategy during the partial shutdown of the federal government is aimed at keeping up the appearance of a leader focused on the public's priorities and avoiding looking tone deaf to the hundreds of thousands of Americans forced off the job. He's also trying to maintain what the White House sees as a political advantage over Republicans, with nearly all the president's events providing him a platform to blast House GOP lawmakers for opposing a Senate bill to keep the government running.

#### Yes PC - strength in the current fight gives him a major political edge

O’Brien, 10/1

Political Reporter for NBC News (Michael, “Winners and losers of the government shutdown” <http://nbcpolitics.nbcnews.com/_news/2013/10/01/20763839-winners-and-losers-of-the-government-shutdown?lite>)

Nonetheless, after two-and-a-half years of standoffs and gridlock, the fact that a shutdown has finally come to pass — 17 days before Congress must also raise the debt ceiling, no less — could upend politics with unforeseen consequences for many of this fight's key players. Here is a look at some of the shutdown's winners and losers. Winners: President Barack Obama At the end of the day, Obama's signature domestic achievement — the Affordable Care Act — survived this fight intact. What's more, the president didn't have to offer any concessions in exchange for leaving his namesake "Obamacare" law alone. Unlike the 2011 debt-ceiling fight, when the administration agreed to the automatic spending cuts that would eventually form the basis of the sequester, this time the administration held the line and didn't yield much ground to Republicans. The developments mark a somewhat stunning turnaround for Obama's political fortunes over the last month. Just a few week's ago, the administration was struggling badly to win congressional approval for intervention in Syria — an initiative which had no less than Obama's second-term relevance riding on it. Now, Obama has dispensed with the Syria issue (for now) through diplomacy, and scored a major win over Republicans -- a rare victory, given the waning prospects for immigration reform or major gun control legislation during his presidency.

#### Shutdown won’t break the fever—deal is key

Jonathan Bernstein, Political Scientist, WaPo Columnist, 9/17/13, "Break the Fever" Is Futile -- Especially For Boehner , plainblogaboutpolitics.blogspot.com/2013/09/break-fever-is-futile-especially-for.html

This is in response to Noam Scheiber, who thinks that it makes sense for Boehner to accept a shutdown because it will force Republicans to come to their senses (see also Brian Beutler today). What I think is that the bulk of the Republican conference already knows that a shutdown won't achieve the goal of rolling back health care reform; that's the sense, for example, from reporting within the conservative press about hostility to Ted Cruz. In fact, they believe it will be a disaster, but they feel pressured to go along anyway. The problem is that nothing about actually going through with it is likely to help. "Break the fever" was a bad idea when Barack Obama believed in it (or perhaps he just claimed to believe in it); it's a bad idea now. The isn't some easily-shattered illusion. It's a very successful enterprise. It's not something that a clever strategy can solve; it's just part of what politicians have to work around and muddle through. The only good news is that I'm pretty sure Boehner knows all that. It might not be enough to prevent a debacle, but it's something.

#### Decline and war are linked – default to the best studies

Royal 10

Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-214

Less intuitive is how periods of economic decline may increase the likelihood of external conflict**.** Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the** global **economy are associated with the** rise and **fall of a** pre-eminent **power and** the often **bloody transition** from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, **increasing** the **risk of miscalculation** (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the **likelihood for conflict increases,** as **states will be inclined to use force to gain** access to those **resources.** Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) **find a strong correlation between internal** conflict **and external conflict**, particularly **during periods of** economic **downturn**. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline**,** sitting **governments have increased incentives to fabricate** external military **conflicts to create a 'rally** around the flag' **effect.** Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science **scholarship links** economic **decline with** external **conflict** at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

#### Best international studies go neg

Laitman ‘8

(Michael, Prof of Ontology and the Theory of Knowledge, PhD in philosophy, MS in biocybernetics, Founder and Dir for the Bnei Baruch World Center for Kabbalah Studies, “The Financial Crisis May Trigger a World War,” 12-7, http://www.laitman.com/2008/12/the-financial-crisis-may-trigger-a-world-war/)

As the crisis develops, scientists are trying to predict whether a third World War will take place at the end of the “Second Great Depression,” as it happened after the First Great Depression. In the International Security Report 2008, researchers from [the Oxford Research Group (ORG)](http://www.oxfordresearchgroup.org.uk/publications/books/thetippingpoint.php) assert that war is inevitable unless immediate economic changes are made. The social unrest will erupt in a violent, armed struggle for survival. Experts say it is necessary to institute social justice and fair commerce, to write off debts and reduce toxic emissions into the atmosphere.

#### This time is different

Capehart 9-30

(Jonathan Capehart, a member of the Post editorial board and writes about politics and social issues for the PostPartisan blog. He is also an MSNBC contributor, he was a national affairs columnist for Bloomberg, “Dancing on the debt ceiling: Brace for impact” September 30, 2013, <http://www.washingtonpost.com/blogs/post-partisan/wp/2013/09/30/dancing-on-the-debt-ceiling-brace-for-impact/>, KB)

Let me interrupt the fear over the looming government shutdown to convince you that if you’re not freaked out about having to wait for Speaker John Boehner to choose between his caucus and our country in the fight to raise the debt ceiling, you ought to be. The impending battle over the full faith and credit of the United States is exponentially worse than the 2011 debacle that led to the first-ever credit rating downgrade.¶ I thought it was just me, but it turns out the absolute confidence that the White House and Congress would work things out before the deadline in 2011 is absolutely gone now. “In 2011, despite the histrionics, all signs pointed to a messy but stable conclusion to the debt ceiling. The situation now is far more dire,” Jim Kessler, senior vice president for policy at the centrist think tank Third Way, told me Friday. “There’s a one in four chance that we crack the debt ceiling. It may be fixed 24 hours later when the markets swoon, but the short- and long-term damage it would do to the economy is anyone’s guess. We’ve never been here before.”¶ Steve Bell, senior director of the economic policy project at the Bipartisan Policy Center, was equally dire. “I believed there was virtually no chance, nil, that we would default in any form in 2011, because so many legislative gimmicks remained — special committee, expedited process, et al. Those have been exhausted,” he said. “At this point, I believe that somewhere between a 15-25 percent chance of the United States defaulting on some of its bills/debts owed, exists.”

#### Will get done – but will be a fight – don’t assume uniqueness overwhelms

Garcia 9-26

Macroeconomic Leading Economist Writer for Financial Times’ Alphaville, formerly Dow Jones Financial news Writer [Cardiff Garcia, Meet the new idiots, same as the… actually these idiots might be worse, <http://ftalphaville.ft.com/2013/09/26/1647792/meet-the-new-idiots-same-as-the-actually-these-idiots-might-be-worse/>]

To the seasoned finance blogger, US Congressional asshattery lacks the terrifying intrigue it had in 2011.¶ The world was in worse shape back then. It was pre-LTROs in Europe and high season for Eur-exit speculation, while in the US we were confronting another dispiriting summer slowdown and the legitimate possibility of a double-dip recession. As the possibility that the debt ceiling wouldn’t be lifted in time became frighteningly real, financial markets started flashing signs of acute distress, and consumer confidence cratered.¶ We got through it. The debt ceiling was raised enough to avoid approaching it again until after the end of the 2012 election. Earlier this year, notwithstanding the Trillion Dollar Coin distraction, the ceiling was raised once more.¶ And given the many fiscal battles of the past three years, some of which were the result of the 2011 agreement — the fiscal cliff, sequestration cuts, government shutdowns averted by continuing resolutions — it’s all become quite stale. And it’s also been easy to think that once again Congress will come to its senses at the last minute and, at the very least, avoid catastrophe.¶ But we just came across this piece by Ezra Klein arguing that the dispute between Republicans and Democrats this year is worse than it was in 2011, when they actually agreed on a few things:¶ In 2013, however, the parties don’t agree on anything:¶ 1) Republicans believe Obamacare’s unpopularity gives them a mandate to defund or delay the law. Democrats believe that their victory in the last election gives them a mandate to implement their agenda.¶ 2) Republicans believe there should be negotiations around raising the debt ceiling. Democrats emphatically don’t. Currently, there are no ongoing negotiations, nor any plan for them.¶ 3) Republicans believe the aim of these negotiations should be defunding or delaying Obamacare. Democrats say they will not, under any circumstances, delay or defund Obamacare.¶ There is, quite literally, no shared ground for a deal. Democrats and Republicans disagree on everything from the principle of negotiations to the potential objective of those negotiations. …¶ Most in Washington and on Wall Street hold to a serene faith that the two parties will figure something out. And that’s probably right. But in interviews with both Democratic and Republican staff from the House and Senate leadership, as well as the White House, I have yet to hear a plausible story for how they figure something out.¶ We don’t have much more to add with respect to the politics, which has never been our specialty. Klein’s points resemble those made in a recent post by Stan Collender, who also worries about the extent to which the Congressional Republican leadership has control over its own members. See also Paul Krugman.¶ It seems at the moment as if the decision about whether to pass another continuing resolution or shut down the government will come down to the wire next week. A government shutdown wouldn’t be a complete disaster, especially if it’s short-lived, and double-especially if an agreement to get it up and running again helps lead to a deal on the debt ceiling.

#### The democratic vote can be derailed

Dickerson 9-30

(John Dickerson, Slate's chief political correspondent, “Republicans are itching for a fight with President Obama. Will it be a skirmish over the government shutdown now or a war over the debt limit later?” SEPT. 30 2013, <http://www.slate.com/articles/news_and_politics/politics/2013/09/republicans_government_shutdown_and_debt_limit_which_fight_does_the_gop.html>, KB)

Here the president's interests and the interests of Senate Democrats could split in a way that might offer an opening to Republicans. The president is not up for re-election. It doesn't matter to him that only about 20 percent of the country thinks it's a good idea to lift the debt limit without cutting spending, but to some senators up for re-election it matters quite a lot. Could Majority Leader Harry Reid get a “clean” debt limit bill through the Senate? Red state Democratic senators up for re-election in 2014 have already had to reaffirm their support for the unpopular Obamacare. They might not want to take another unpopular vote.