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#### Obama is prioritizing TPA --- he is leveraging capital to get it passed

Parnes, 1/21 (Amie, 1/21/2014, “Obama: Give me fast track trade,” <http://thehill.com/homenews/administration/195858-white-house-works-to-convince-dems-to-give-obama-fast-track-on-trade>))

The White House is making a major push to convince Congress to give the president trade promotion authority (TPA), which would make it easier for President Obama to negotiate pacts with other countries. A flurry of meetings has taken place in recent days since legislation was introduced to give the president the authority, with U.S. Trade Representative Mike Froman meeting with approximately 70 lawmakers on both sides of the aisle in the House and Senate. White House chief of staff Denis McDonough has also been placing calls and meeting with top Democratic lawmakers in recent days to discuss trade and other issues. Republicans have noticed a change in the administration’s interest in the issue, which is expected to be a part of Obama’s State of the Union address in one week. While there was “a lack of engagement,” as one senior Republican aide put it, there is now a new energy from the White House since the bill dropped. The effort to get Congress to grant Obama trade promotion authority comes as the White House seeks to complete trade deals with the European Union, and a group of Asian and Latin American countries as part of the Trans-Pacific Partnership, or TPP. The authority would put time limits on congressional consideration of those deals and prevent the deals from being amended by Congress. That would give the administration more leverage with trading partners in its negotiations. The trade push dovetails with the administration’s efforts to raise the issue of income inequality ahead of the 2014 midterm elections. The White House is pressing Republicans to raise the minimum wage and extend federal unemployment benefits. The difference is, on the minimum wage hike and unemployment issue, Obama has willing partners in congressional Democrats and unions, who are more skeptical of free trade. Republicans are more the willing partner on backing trade promotion authority. Legislation introduced last week to give Obama trade promotion authority was sponsored by House Ways and Means Committee Chairman Dave Camp (R-Mich.) and Senate Finance Committee Chairman Max Baucus (D-Mont.), as well as Sen. Orrin Hatch (R-Utah), the ranking member on Finance. No House Democrats are co-sponsoring the bill, however, and Rep. Sandy Levin (D-Mich.), the Ways and Means Committee ranking member, and Rep. Charles Rangel (D-N.Y.), the panel’s former chairman, have both criticized it. They said the legislation doesn’t give enough leverage and power to Congress during trade negotiations. Getting TPA passed would be a major victory for the administration, and one that would please business groups, but the White House will first have to convince Democrats to go along with it. One senior administration official said the White House has been in dialogue with lawmakers on both sides of the aisle “with a real focus on Democrats” to explain TPA and take into account their concerns. “Any trade matter presents challenges,” the senior administration official said, adding that White House officials are “devoted” to working with members on the issue. The Democratic opposition makes it highly unlikely the trade promotion authority bill, in its current form at least, will go anywhere. One big problem is that it was negotiated by Baucus, who is about to leave the Senate to become ambassador to China. Baucus will be replaced by Sen. Ron Wyden (Ore.), who is said to disagree with the approach taken by his predecessor. Democratic aides predict the legislation, which Majority Leader Harry Reid (D-Nev.) called “controversial” last week, would have to be completely redone to gain traction among lawmakers in their party. Some Democrats might see a disconnect between the White House’s push for trade and it’s separate push on income inequality, which has been embraced by the party. But that doesn’t mean the White House won’t ramp up their focus on trade in the coming weeks and months. Senior congressional aides expect trade to be a part of Obama’s upcoming State of the Union address, since the White House has made clear that the trade bill is a priority and the TPP trade pact is a core part of the administration’s overall jobs agenda, in terms of increasing exports and opening markets. “This is a priority of the president's,” White House press secretary Jay Carney told reporters last week. “It's part of a broad approach to expanding exports and, you know, creating more opportunities for our businesses to grow. And we're going to continue to push for it.” In the same vein, House Republicans will continue to increase pressure on the administration to get Democrats on board. “The White House carries the weight on this,” one senior House aide said.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

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(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

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.59 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. 60 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 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 proprieties, such as Social Security and immigration reform, failed perhaps 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.61 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.

#### Obama’s prioritization and capital are key to ensure passage

Business Times Singapore, 12/17 (“Obama must make the case for freer trade,” 12/17/2013, Factiva))

The TPA bill, which is expected to be introduced in January, will face fierce opposition from Democratic legislators affiliated with the labour unions and environmentalist forces who warn that free trade accords such as the TPP encourage American companies to relocate operations to low-wage emerging economies that don't adhere to environmental standards. There will also be pushback from conservative Republican lawmakers with ties to the Tea Party movement who don't want to strengthen the power of President Barack Obama by granting him a new TPA. So the president now has his work cut out. He must place the goal of liberalising global trade on the top of his policy agenda and exert leadership to ensure that the TPA legislation gets approved by Congress early, before Democrats and Republicans start preparing for next year's midterm Congressional elections. But he must articulate a coherent global trade narrative which highlights the benefits that liberalising trade, especially with Asia, can bring to the American economy - by creating new jobs and investments, while strengthening US global leadership.

#### TPA key to finalize critical free trade deals

Hughes, 1/9 (Krista, 1/9/2014, Reuters News, “UPDATE 1-U.S. lawmakers propose fast-track bill for trade agreements,” Factiva))

WASHINGTON, Jan 9 (Reuters) - U.S. lawmakers on Thursday proposed a bill to give the White House power to fast-track international trade agreements as the United States gears up for a hectic year of trade negotiations. The bill would let the administration put trade deals before Congress for an up or down vote without amendments, a move backed by big business and farmers but viewed with caution by others. Without that assurance, trading partners could be less willing to sign deals. The fast-track power would help the United States in negotiations this year with Pacific Rim and European Union countries on two separate pacts that would encompass nearly two-thirds of the global economy and trade flows.

#### A new wave of protectionism would erupt into nuclear conflict

Spicer 96, The Challenge from the East and the Rebirth of the West, 1996, p. 121

The choice facing the West today is much the same as that which faced the Soviet bloc after World War II: between meeting head-on the challenge of world trade with the adjustments and the benefits that it will bring, or of attempting to shut out markets that are growing and where a dynamic new pace is being set for innovative production. The problem about the second approach is not simply that it won't hold: satellite technology alone will ensure that he consumers will begin to demand those goods that the East is able to provide most cheaply. More fundamentally, it will guarantee the emergence of a fragmented world in which natural fears will be fanned and inflamed. A world divided into rigid trade blocs will be a deeply troubled and unstable place in which suspicion and ultimately envy will possibly erupt into a major war. I do not say that the converse will necessarily be true, that in a free trading world there will be an absence of all strife. Such a proposition would manifestly be absurd. But to trade is to become interdependent, and that is a good step in the direction of world stability. With nuclear weapons at two a penny, stability will be at a premium in the years ahead.

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#### **aff’s use of the law is a militaristic tactic that creates legal legitimacy to propel more frequent, more deadly violent interventions that ensure infrastructural violence that maims civilians – they actively displace moral questions in favor of a pathologically detached question of legality**

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(Thomas, *International Studies Quarterly* 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroying the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declarations of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its members have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed.

#### **militarism is a fundamentally unsustainable system that is the root cause of all extinction threats and ensures mass structural violence – non-violence is the only possible response**

Kovel 2

(Joel, “The United States Military Machine”, http://www.joelkovel.org/americanmilitary.htm; Jacob)

I want to talk to you this evening about war - not the immediate threat of us war against Iraq, but about how this conflict is an instance of a larger tendency toward war-making endemic to our society. In other words, the phrase from the folksong, “I ain’t gonna study war no more,” should be rethought. I think we do have to study war. Not to make war but to understand more deeply how it is put together and about the awful choices that are now being thrust upon us. These remarks have been stimulated by recent events, which have ancient roots, but have taken on a new shape since the collapse of the Soviet Union, the rise of the second Bush administration, and the inception of the so-called “War on Terror.” The shape is that of permanent warfare- war-making that has no particular strategic goal except total us dominance over global society. Hence, a war without end and whose internal logic is to perpetuate itself. We are, in other words, well into World War III, which will go on whether or not any other state such as Iraq is involved. It is quite probable that this administration will go to war in Iraq, inasmuch as certain very powerful people crave it. But it is not necessarily the case, given the fact that the war against Iraq is such a lunatic proposal that many other people in high places are against it and too many people are marching against it. And while war against Iraq is a very serious matter that needs to be checked by massive popular resistance, equally serious are the structures now in place in the United States dictating that whether or not the war in Iraq takes place, there will be another war to replace it, and others after that, unless some very basic changes take place. America Has Become a War-Making Machine The United States has always been a bellicose and expansive country, built on violent conquest and expropriation of native peoples. Since the forming of the American republic, military interventions have occurred at the rate of about once a year. Consider the case of Nicaragua, a country utterly incapable of being any kind of a threat to its giant northern neighbor. Yet prior to the Sandinista revolution in 1979 (which was eventually crushed by us proxy forces a decade later), our country had invaded Nicaragua no fewer than 14 times in the pursuit of its imperial interests. A considerable number of contemporary states, such as Britain, South Africa, Russia, and Israel, have been formed in just such a way. But one of the special conditions of the formation of America, despite its aggressivity, was an inhibition against a military machine as such. If you remember, no less a figure than George Washington warned us against having a standing army, and indeed the great bulk of us interventions prior to World War II were done without very much in the way of fixed military institutions. However, after WWII a basic change set in. War-weary America longed for demobilization, yet after a brief beginning in this direction, the process was halted and the permanent warfare state started to take shape. In part, this was because policy planners knew quite well that massive wartime mobilization had been the one measure that finally lifted America out of the Great Depression of the 1930s. One of the lessons of that time was that propounded by the British economist John Maynard Keynes, to the effect that capitalist societies could ameliorate chronic [economic] crises by infusions of government spending. The Great War had certified this wisdom, and permanent military expenditure readily became the received wisdom. This was greatly reinforced by the drastic realignment of capitalist power as a result of the war. America was essentially the only capitalist power in 1945 that did not lay in ruins and/or have its empire shattered. The world had been realigned and the United States had assumed a global imperial role. Policy planners like George Kennan lucidly realized that this meant safeguarding extreme inequalities in wealth, which implied a permanent garrison to preserve the order of things. The notion was especially compelling given that one other state, the Soviet Union, had emerged a great power from the war and was the bellwether of those forces that sought to break down the prevailing distribution of wealth. The final foundation stone for the new military order was the emergence of frightful weapons of mass destruction, dominance over which became an essential element for world hegemony. The Iron Triangle These factors crystallized into the Cold War, the nuclear arms race, and, domestically, into those structures that gave institutional stability and permanence to the system: the military-industrial complex (mic). Previously the us had used militarism to secure economic advantage. Now, two developments greatly transformed our militarism: the exigencies of global hegemony and the fact that militarism became a direct source of economic advantage, through the triangular relations of the mic with the great armament industries comprising one leg, the military establishment another, and the state apparatus the third, profits, power, and personnel could flow through the system and from the system. Clearly, this arrangement had the potential to greatly undermine American democracy. It was a “national security state” within the state but also extended beyond it into the economy and society at large, virtually insulated from popular input, and had the power to direct events and generate threats. Another conservative war hero-become-president, Dwight Eisenhower, warned the nation in a speech in 1961 against the emerging permanent war machine, but this time, the admonitions were not heeded.\* The machine made a kind of war against the Soviet system for 35 years. Although actual guns were not fired between the two adversaries, as many as 10 million people died in its varied peripheral conflicts, from Korea to Vietnam, Angola, El Salvador, Nicaragua, and Guatemala. The Cold War divided the world into bipolar imperial camps, directed by gigantic superpowers that lived off each other’s hostility. It was a terrible war whose immense suffering took place largely outside the view of the American people, but it also brought about an uneasy kind of stability in the world order, in part through the standoff in nuclear weapons. During the Ford and Carter administrations, another great crisis seized the world capitalist economy. Having matured past the rebuilding that followed the world war, a period of stagnation set in, which still has the global economy in its grip despite episodic flashes of vigor. Predictably, a spate of militarism was central to the response. A “Second Cold War” took place under Reagan, featuring an accelerated nuclear arms race, which was deliberately waged so as to encourage Soviet countermeasures in the hope that this would cause breakdown in the much weaker, bloated, and corrupt Russian system. The plan worked splendidly: by 1989-91, the mighty Soviet empire collapsed, and the bipolar world order became unipolar, setting a stage for the current phase. The fall of the Soviet Union was widely expected to bring a ìpeace dividend.î This would have been the case according to the official us line, parroted throughout the media and academe, that our military apparatus was purely defensive (after all, we have no Department of War, only one of "Defense") and reactive to Soviet expansionism and military/nuclear threat. As this was no longer a factor, so the reasoning wentóindeed, as the us now stood bestride the world militarily as had no power since the Roman Empireóconventional logic predicted a general diminution in American militarism after 1991, with corresponding benefits to society. The last decade has at least settled this question, for the effect on us aggression, interventionism, and the militarization of society has been precisely the opposite. In other words, instead of braking, the machine accelerated. Removal of Soviet power did not diminish Americaís imperial appetite: it removed inhibitions on its internally driven expansiveness. As a result, enhanced war-making has replaced the peace dividend. The object of this machine has passed from dealing with Soviet Communism to a more complex and dispersed set of oil wars (Iraq I and now II), police actions against international miscreants (Kosovo), and now the ubiquitous War Against Terror, aimed variously at Islamic fundamentalists, Islam as a whole, or anybody irritated enough with the ruling order to take up some kind of arms against it. The comparison with the Roman Empire is here very exact. As the eminent economist and sociologist Joseph Schumpeter described Rome in 1919: “There was no corner of the known world where some interest was not alleged to be in danger or under actual attack. If the interests were not Roman, they were those of Rome’s allies. And if Rome had no allies existed, the allies would be invented. The fight was always invested with the order of legality. Rome was always being attacked by evil-minded neighbors.” The logic of constant threat meshes with that of ruthless expansion, which we see everywhere in this epoch of unipolar world dominion. Currently, the military budget of the us is 334 billion dollars. The budget for the next fiscal year is 379 billion dollars- an increase of more than 10 percent. By 2007, the projected military budget of the us is to be an astounding 451 billion dollars: almost half a trillion dollars, without the presence of anything resembling a conventional war. The present military budget is greater than the sum of all other military budgets. In fact, it is greater than the entire federal budget of Russia, once America's immortal adversary, and comprises more than half - 52 percent of all discretionary spending by the us government. (By comparison, education accounts for 8 percent of the federal budget.) A considerable portion of this is given over to "military Keynesianism," according to the well-established paths of the mic. Thus, although in the first years after the fall of the ussr certain firms like General Dynamics, which had played a large role in the nuclear arms race, suffered setbacks, that problem has been largely reversed for the entire class of firms fattening at the trough of militarism. It is fair to say, though, that the largesse is distributed over a wider scale, in accordance with the changing pattern of armaments. us Armies Taking Root Everywhere From having scarcely any standing army in 1940, American armies now stand everywhere. One feature of us military policy since WWII is to make war and then stay where war was made, rooting itself in foreign territory. Currently, the us has military bases in 113 countries, with 11 new ones formed since the beginning of the War Against Terror. The us now has bases in Kazakhstan, Uzbekistan, and Kurdistan, encircling China and creating new sources of military tension. On these bases, the us military has erected some 800,000 buildings. Imagine that: 800,000 buildings in foreign countries that are now occupied by us military establishments. And America still maintains large forces in Germany, Japan, and Korea, with tens of thousands of troops permanently on duty (and making mischief, as two us servicemen recently ran over and killed two Korean girls, provoking massive demonstrations). After the first Gulf War the us military became installed in Saudi Arabia and Kuwait, in which latter place it currently occupies one quarter of the country - 750 square miles devoted to military activity. This huge investment is no doubt determined by proximity to Iraq. Again, after going to war in Kosovo, the us left behind an enormous base in a place called Bondsteel. These self-expanding sites of militarism are permanent goads to terrorist organizations. Recall that one of Osama bin Laden's professed motivations for al-Qaeda's attacks on American facilities was the presence of us bases in his home country of Saudi Arabia. The bases are also permanent hazards to the environment - indeed, the us, with some 800,000 buildings on these military sites, is the world's largest polluter and the largest consumer of fossil fuels. With territorial expansion of the us military apparatus, there is a corresponding expansion of mission. For instance, in Colombia, where billions of us dollars are spent in the "War on Drugs," us troops are now being asked to take care of pipelines through which vital oil reserves are passing. In addition, the War on Drugs is now subsumed into the War Against Terror. The signifier of Terror has virtually unlimited elasticity, for once an apparatus reaches the size of the us military machine, threats can be seen anywhere. With the inauguration of the new hard-line president of Colombia, Alvaro Uribe, the us authorized the use of 1.7 billion dollars in military aid hitherto limited to anti-drug operations for direct attacks on deeply entrenched farc guerrillas. This redirection of aid came after Colombian officials and their American supporters in the Congress and Bush administration argued that the change was needed as part of the global campaign against terrorism. Within this overall picture, American armed forces are undergoing a qualitative shift of enormous proportion. In words read by President Bush: “Our forces in the next century must be agile, lethal, readily deployable, and must require a minimum of logistical support. We must be able to project our power over long distances in days or weeks rather than months. On land our heavy forces must be lighter, our light forces must be more lethal. All must be easier to deploy.” Crossing Weapons Boundaries - Both Nuclear and Conventional As a result, many boundaries and limits of the bipolar era have been breached. For example, the distinction between nuclear and conventional weapons had always constituted a radical barrier. The standoff between the us and the ussr was epitomized by mind-numbing hydrogen bomb-missiles facing each other in a scenario called “Mutual Assured Destruction.î”In short, a strategic condition of deterrence prevailed, which made nuclear weapons seem unthinkable. With the demise of the ussr, deterrence no longer inhibits us nuclear weaponry, and the weapons themselves have proliferated downward, becoming miniaturized and increasingly tactical rather than strategic. Meanwhile, the genie of the weapons industries has developed ever more destructive “conventional” weapons. These include non-explosive devices of awesome power, such as laser beams, microwaves, and large-scale climate manipulation, along with a new generation of super-powerful explosive devices. Thus the strongest non-nuclear weapons are now considerably more lethal than the least powerful nuclear weapons, making the latter thinkable and eliminating a major barrier against their employment. These so-called conventional bombs have already been used, for example, in Afghanistan, where the us employed a gigantic explosive weapon, called a “Bunker Buster” to root out al-Qaeda combatants in underground bunkers. They are based upon the “daisy cutter,” a giant bomb about the size of a Volkswagen Beetle and capable of destroying everything within a square kilometer. Significantly, the model used in Afghanistan, the B61-11, already employs nuclear technology, the infamous depleted uranium warhead, capable by virtue of its extreme density, of great penetrating power. Depleted uranium (du) is a by-product of the nuclear power industry (chiefly being U-238 created in the extraction of U-235 from naturally occurring uranium ore). Over 500,000 tons of deadly du have accumulated and 4-5,000 more tons are being produced every year. Like all products of the nuclear power industry, du poses immense challenges of disposal. It has this peculiar property of being almost twice as dense as lead and it is radioactive with a half-life of 4.5 billion years. Wherever depleted uranium is used, it has another peculiar property of exploding, vaporizing at 56 degrees centigrade, which is just like a little more than half the way to boiling water. So it is very volatile, it explodes, it forms dust and powders that are inhaled, disburses widely, and produces lethal cancers, birth defects, and so forth for 4.5 billion years. In the case of depleted uranium, the challenge of disposal was met by incorporating the refuse from the “peaceful” branch of nuclear technology into the war-making branch. Already used in anti-tank projectiles in the first Iraq war (approximately 300 tons worth) and again in Yugoslavia (approximately 10-15 tons were used in each of the various Yugoslav wars), it is presumed, although the defense department coyly denies it, that this material was also used in the Afghanistan war. Depleted uranium has spread a plague of radioactivity and further rationalized the use of nuclear weapons as such. Consequently, the B61-11 is about to be replaced with the BLU113, where the bunker buster will now be a small nuclear weapon, almost certainly spear-tipped with du. Pollutants to Earth and Space To the boundaries crossed between nuclear and non-nuclear weapons, and between the peaceful and militaristic uses of atomic technology, we need to add those between earth and its lower atmosphere on the one hand, and space on the other. The administration is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. In November 2002, Bush proposed that nato allies build missile defense systems, with components purchased, needless to add, from Boeing, Raytheon, etc, even as Congress was approving a fiscal 2003 defense budget containing $7.8 billion authorization for missile defense research and procurement, as part of the $238 billion set aside for Star Wars over the next 20 years. The administration now is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. A new missile defense system bureaucracy has risen. It is currently developing such wild items as something called ìbrilliant pebblesî which involves the release of endless numbers of mini satellites into outer space. All of this was to protect the world against the threat of rogue states such as North Korea. As the Seattle Times reported, the us expects the final declaration to, “express the need to examine options to protect allied forces, territories, and population centers against the full range of missile threats.” As an official put it, "This will establish the framework within which nato allies could work cooperatively toward fielding the required capabilities. With the us withdrawal this year from the anti-ballistic treaty with Russia, it is no longer a question of whether missile defenses will be deployed. The relevant questions are now what, how, and when. The train is about to pull out of the station; we invite our friends, allies, and the Russian Federation to climb on board." The destination of this train is defensive only in the Orwellian sense, as the missiles will be used to defend us troops in the field. In other words, they will be used to defend armies engaged in offensive activities. What is being “defended” by the Strategic Defense Initiative (sdi), therefore, is the initiative to make war everywhere. Space has now become the ultimate battlefield. And not just with use of these missiles. The High Frequency Active Aural Research Program (haarp) is also part of sdi. This amounts to weather warfare: deliberately manipulating climate to harm and destroy adversaries. A very dubious enterprise, to say the least, in an age when global warming and climate instability are already looming as two of the greatest problems facing civilization. The chief feature is a network of powerful antennas capable of creating controlled local modifications of the ionosphere and hence producing weather disturbances and so forth. All of these technical interventions are accompanied by many kinds of institutional and political changes. The National Aeronautics and Space Administration, nasa, for instance, is now a partner in the development of this strategic defense initiative. The very way in which the United Nations was drawn into the resolution in the war against Iraq is a breach and a violation of the original un Charter, which is to never make war, never to threaten to make war on any member state. The un was a peacemaking institution, but now the Super power has forced it into its orbit. The scrapping of the abm and other elements of the treaty structure (non- proliferation, test-ban) that had organized the world of the Cold War is one part of a process of shedding whatever might inhibit the cancerous growth of militarism. It also creates an atmosphere of general lawlessness in the world. This is felt at all levels, from the rise of an ultra-militarist clique in the White House to the formal renunciation of no-first-use nuclear strategy, the flouting of numerous un regulations, the doctrine of pre-emptive war, and, as the logical outcome of all these developments, the condition of Permanent War and its accompaniment of general lawlessness, media slavishness, and a wave of repression for whose parallel we have to go back to the Alien and Sedition acts of the 1790s, or Trumanís loyalty oaths of 1947. Militarism cannot be reduced to politics, economics, technology, culture, or psychology. All these are parts of the machine, make the machine go around, and are themselves produced by the actions of the machine. There is no doubt, in this regard, that the machine runs on natural resources (which have to be secured by economic, political, and military action), and that it is deeply embedded in the ruling corporate order. There is no contradiction here, but a set of meshing parts, driven by an insensate demand for fossil fuel energy. As a man from Amarillo, Texas put it when interviewed by npr as to the correctness of Bush’s plan to go to war in Iraq: “I agree with the president, because how else are we going to get the oil to fly the F-16s?” We go to war, in other words, to get the oil needed to go to war. A Who's Who List of MIC Beneficiaries The fact that our government is front-loaded with oil magnates is another part of the machine. It is of interest, therefore, that Unocal, for example, celebrated Condoleezza Riceís ascendancy to the post of National Security Advisor by naming an oil tanker after her. Or that Dick Cheney, originally a poor boy, became a rich man after the first Gulf War, when he switched from being Secretary of Defense, in charge of destroying the Kuwait oil fields, to ceo of a then-smallish company, Halliburton, in charge of rebuilding the same oil fields. Or that G.W. Bush himself, aside from his failed venture with Harken Oil, is scion of a family and a dynasty that controls the Carlyle Group, founded in 1987 by a former Carter administration official. Carlyle is now worth over $13 billion and its high officials include President Bush I, his Secretary of State (and fixer of the coup that put Bush II in power) James Baker, Reaganís Secretary of Defense Frank Carlucci, former British Prime Minister John Major, and former Phillipine President Fidel Ramos, among others. The Carlyle Group has its fingers everywhere, including ìdefenseî, where it controls firms making vertical missile launch systems currently in use on us Navy ships in the Arabian sea, as well as a range of other weapons delivery systems and combat vehicles. And as a final touch which the worldís people would be much better off for knowing, there are very definite connections between Carlyle and the family of Osama bin Laden - a Saudi power whose fortunes have been fused with those of the United States since the end of World War II. Thus the military-industrial complex lives, breathes, and takes on new dimensions. There is a deep structural reason for the present explosion of us militarism, most clearly traceable in the activities of Vice President Cheney, made clear in the energy report that he introduced with the generous assistance of Enron executives in May 2001. According to the report, American reliance on imported oil will rise by from about 52 percent of total consumption in 2001 to an estimated 66 percent in 2020. The reason for this is that world production, in general, and domestic production in particular are going to remain flat (and, although the report does not discuss this, begin dropping within the next 20 years). Meanwhile consumptionówhich is a direct function of the relentless drive of capitalism to expand commodity productionóis to grow by some two- thirds. Because the usage of oil must rise in the worldview of a Cheney, the us will actually have to import 60 percent more oil in 2020 to keep itself going than it does today. This means that imports will have to rise from their current rate of about 10.4 million barrels per day to about 16.7 million barrels per day. In the words of the report: “The only way to do this is persuade foreign suppliers to increase their production to sell more of their output to the us.” The meaning of these words depends of course on the interpretation of “persuade”, which in the us lexicon is to be read, I should think, as requiring a sufficient military machine to coerce foreign suppliers. At that point they might not even have to sell their output to the us, as it would already be possessed by the superpower. Here we locate the root material fact underlying recent us expansionism. This may seem an extravagant conclusion. However an explicit connection to militarismóand Iraqóhad been supplied the month before, in April 2001, in another report prepared by James Baker and submitted to the Bush cabinet. This document, called “Strategic Energy Policy Challenges for the 21st Century,” concludes with refreshing candor that ìthe us remains a prisoner of its energy dilemma, Iraq remains a destabilizing influence to the flow of oil to international markets from the Middle East, Saddam Hussein has also demonstrated a willingness to threaten to use the oil weapon and to use his own export program to manipulate oil markets, therefore the us should conduct an immediate policy review toward Iraq, including military, energy, economic, and political diplomatic assessments. Note the absence of reference to “weapons of mass destruction,” or aid to terrorism, convenient rationalizations that can be filled in later. Clearly, however things turn out with Iraq, the fundamental structural dilemma driving the military machine pertains to the contradictions of an empire that drives toward the invasion of all social space and the total control over nature. Since the former goal meets up with unending resistance and the latter crashes against the finitude of the material world, there is no recourse except the ever-widening resort to force. But this, the military monster itself, ever seeking threats to feed upon, becomes a fresh source of danger, whether of nuclear war, terror, or ecological breakdown. The situation is plainly unsustainable, a series of disasters waiting to happen. It can only be checked and brought to rationality by a global uprising of people who demand an end to the regime of endless war. This is the only possible path by which we can pull ourselves away from the abyss into which the military machine is about to plunge, dragging us all down with it.

#### **the aff’s certain calculations about war are an impossibly arrogant form of mechanical, sterile analysis that eases the path towards war. their language is coopted to provide rhetorical ammunition for militarists. our alternative is not pure pacifism, but rather a pacifist analysis that injects moral and epistemic doubt into our decisionmaking about war – this is the only way to formulate better policies that address structural causes of war and avoids inevitable cycles of violence**

Neu 13 – prof @ U of Brighton

(Michael, International Relations 27(4), December, The Tragedy of Justified War)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operat- ing mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is con- cerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgments are offered and the ability to regard the moral case as closed once the judgments have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgments about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, self- righteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstruct- ing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

### 1NC CP

#### Text

***The United States Congress should require a joint resolution of authorization for any decision to use or deploy armed forces in circumstances likely to lead to an armed attack.***

***Congress should define “armed attack” as: The use of force of a magnitude that is likely to produce serious consequences, epitomized by territorial intrusions, human casualties, or considerable destruction of property.***

***Congress should allow an exception in the event of an armed attack against the United States requiring the urgent use of armed forces making prior approval from the legislature impractical. Congress should require immediate notice of such a determination, and shall require a declaration of war within 14 days or the executive shall cease such use of armed force.***

#### It competes – The CP is less restrictive because it allows the president to introduce armed forces based on EITHER a declaration of war or a joint resolution – any perm severs the “declaration of war” restriction

#### The net benefit is a case turn – declarations of war cause comparatively more wars with more executive authority than authorizations do

HAROLD HONGJU KOH - Professor, Yale Law School - September, 1991, COMMENT: THE COASE THEOREM AND THE WAR POWER: A RESPONSE., 41 Duke L.J. 122, LexisNexis

Sidak chides our "willingness to settle for a legislative action less formal than a declaration" and "to disregard the most explicit formality that the Framers devised to constrain presidential war-making -- the declaration of war." n28 Yet when recounting the supposed policy advantages of formal declarations of war -- that they are bifurcated from decisions regarding funding, handled by roll-call (not voice) vote, and less susceptible to being bundled with other legislation -- he readily concedes that "[t]he Iraq Resolution also had each of these three features." n29 As Sidak recounts, before voting on that resolution, members of Congress were painfully aware not only that they were voting on the functional equivalent of a declaration of war, but also that their votes would be intensely scrutinized. n30 Pre-vote speeches were nationally televised, and the roll-call votes were published in every newspaper -- both the next day and during the war. Given these indicia of public accountability, it is difficult to see what additional accountability would have been gained had the resolution been styled as a declaration of war. While trumpeting the advantages of formal declarations, Sidak overlooks that "political accountability" was not the only policy value at issue in the Iraq case. Declarations of war have fallen into desuetude since World War II, n31 partly because they have substantial policy defects. [\*128] Formal declarations are blunt instruments that do not lend themselves as easily as joint resolutions to modulated uses of force. They tend to be tersely worded documents, enacted hastily in crisis situations, and with only minimal deliberation. n32 They announce that a state of war exists with an enemy, but they neither name our allies nor detail our objectives; nor do they generally set either substantive or procedural limitations upon the authorities being granted to the President. n33 In short, formal declarations -- like meat cleavers -- have their uses, but not in delicate situations that call for scalpels. To suggest that the Constitution leaves Congress no finer options for approving uses of force smacks of mindless originalism, the charge that some mistakenly leveled against our memorandum. n34

#### AND those wars are more likely to escalate

William C. Banks and Peter Raven-Hansen – American Law Professor @ Syracuse University/ Co-director, National Security and U.S. Foreign Relations Law Program @ The George Washington University Law School – 1994, National Security Law and the Power of the Purse, 124-126, googlebooks

Finally, any practical accounting of principles of constitutional governance must take into account the costs as well as the benefits of formality. Sidak argues for formal declaration partly on the grounds of its irreversibility, on the theory that war is a “discrete” rather than a “continuous variable.” This theory would have baffled Clausewitz, who taught that “war is nothing more than the continu ation of politics by other means.” Congress avoided formally declaring war on France in 1798 precisely because it wanted to be able to halt or reverse its informal escalation of conflict in the hope of avoiding an all-out war for which it was ill-prepared and for which it had little domestic support.3 Sometimes, too, foreign relations may call for the fine calibration that Sidak disdains in informal authorizations for war. Congress may therefore rationally opt to avoid the domestic and international legal consequences of formal declaration in determining on war. It was precisely this concern that Secretary of War Mcllenry (after being tutored by Hamilton) voiced to President Adams regarding the naval war with France:

### 1NC Solvency

#### The plan text only apples to decisions “to use or deploy armed forces against a nation-state.” That creates HUGE loopholes:

#### Drones

#### President will shift to drones – aff can’t solve because it only applies the “armed attack” restriction to the introduction of armed forces – drone strikes short-circuit the aff and escalate to war

Alexander Chanock – Summer 2013, J.D. Candidate 2014, UCLA School of Law, J.D. Candidate 2014, UCLA School of Law, Journal of Air Law & Commerce, 78 J. Air L. & Com. 453, LexisNexis

III. INTRODUCTION TO PREDATOR DRONES The use of drone warfare by the U.S. military has increased tremendously in recent years. n77 Drone strikes began early on in the Afghanistan War when President George W. Bush "initiated cross-border incursions into Pakistan." n78 Since then, the use of drones has grown exponentially. n79 "In 2009, the U.S. Army reported a 400% increase" in use over the last ten years. n80 The increase in drone strikes does not appear to be on the decline, and this military tactic will very likely become more popular in the future. n81 Since the military and the CIA operate the drone program, the Executive Branch has control over it. n82 It is also worth noting that there are many contentious legal issues related to drone strikes; n83 however, this article will only focus on the issues that directly relate to separation of powers and the Hostilities Provision. Under the Obama Administration, the drone program has been used all over the world to initiate hostilities. n84 Under the guise of the AUMF, President Obama has ordered strikes in Yemen, Pakistan, and Somalia. n85 The effectiveness of these strikes and whether the AUMF actually applies have been hotly contested. n86 The Bureau of Investigative Journalism claims that as of August 2012, there have been 3,247 deaths, including 852 civilian deaths, attributed to drone strikes. n87 The Obama Administration claims that drone strikes produce very few civilian [\*464] deaths; n88 however, a joint study by Stanford Law School and New York University School of Law argues that the Administration has grossly misrepresented the civilian casualty numbers and only 2% of casualties are "'high-level' targets." n89 Although it is virtually impossible to determine which of these accounts is accurate, it seems likely that the government has not adequately reported the casualty figures because the Administration wants to downplay any potential controversy for diplomatic reasons; but the extent of this possible downplay is also difficult to ascertain. Despite the uncertain casualty statistics, it is worth noting that drone strikes are more precise and can minimize civilian casualties better than long-range artillery strikes or high aerial bombings. n90 A vital aspect of the drone program is that it does not directly lead to American casualties. n91 The drone pilots work in the United States, far away from any enemy return-fire. n92 However, drone strikes alienate the local civilian population, n93 and there is mounting evidence that drone strikes are related to retaliatory attacks on America and its allies. n94 One prominent example of such retaliation is the would-be Times Square bomber, who "was drawn into terrorism by" drone strikes in Pakistan. n95 Similarly, a Yemen strike in May 2010 "provoked a revenge attack on an oil pipeline by local tribesmen and produced a propaganda bonanza for Al Qaeda in the Arabian Peninsula." n96 It is difficult to fully comprehend the degree of influence that these drone strikes have on terrorist recruitment and whether these attacks or similar attacks would have occurred absent the drone program. However, they illustrate that the risk of American casualties is not eliminated just because Americans are not directly in harm's way during these strikes. [\*465] A. Proposed Solutions to the WPR for Incorporating Drone Warfare The unique, virtual impossibility of direct American casualties raises serious issues about the WPR's relevance and Congress's ability to authorize such attacks. n97 Given the history of the WPR, it is highly unlikely that the President will report drone warfare under § 1543(a)(1) and limit his decision-making power. n98 Historical practice leads to the conclusion that the Hostilities Provision will only be invoked by an act of Congress or automatically when American troops are killed in combat. n99 However, since Congress rarely invokes the Hostilities Provision and American troops do not face the risk of death under a drone strike policy, the President has extremely broad authority to conduct drone warfare campaigns with few to no limitations imposed by Congress. n100 A recent example that highlights these concerns is the crash of a U.S. drone in eastern Iran in late 2011. n101 The U.S. military claimed that the drone was not in Iranian airspace and that it had malfunctioned, while the Iranians claimed that the drone was shot down in Iranian airspace. n102 Although it is difficult to ascertain which story is correct, the downed drone illustrates a dangerous proposition: the Executive Branch can potentially send a drone into another country without authorization from Congress and still not face the repercussions of the Hostilities Provision. n103 If the Iranian story is correct, the Hostilities Provision still would not have been invoked even though a U.S. military aircraft entered another country because, although the drone was shot down, there were no American casualties. n104 Even the imminence standard of the Hostilities Provision n105 could not be invoked because there was never any risk of American [\*466] casualties. If the Hostilities Provision cannot be automatically invoked, a dangerous situation could exist where the Executive Branch secretly and continually sends drones into Iran over a period of sixty days, creating tensions that could easily escalate into war. Yet, in this hypothetical situation, Congress would have had no involvement in the decisions; this highlights the ineffectiveness of the WPR in the drone warfare context. Because the capabilities of Predator drones pose serious problems to the WPR, Congress and the Executive Branch need to work together to amend the WPR to appropriately accommodate this new military strategy. If the WPR is not adequately amended, its original intention of involving Congress in war-making decisions will become moot. One possible solution is to explicitly adjust the Hostilities Provision to address drone strikes. Congress can do this in a number of ways. First, Congress can amend the Hostilities Provision to state that drones are the equivalent of U.S. forces for purposes of the provision. This amendment would solve the casualty dilemma for drones because, under this framework, Congress would consider a shot-down drone in the same manner as a killed U.S. soldier. Another potential solution is for Congress to set a historical precedent that implies that hostilities necessarily include drone strikes. For example, in the context of the Libyan Civil War, Congress could have passed a resolution stating that the Hostilities Provision had been implicated and the sixty-day clock had therefore started because of drone warfare. Passing such a resolution would alert future Presidents that using drones would force Congress to start the sixty-day clock. Although it is similar in effect to amending the WPR, this solution would likely be easier to implement because Congress would not have to agree on the specifics of amending the Hostilities Provision. Also, by setting a historical precedent, there would be a framework within which Congress could work. This framework would not solve all the ambiguities of the Hostilities Provision, but it would give Congress more avenues to invoke the Provision when it seems clear that the Executive Branch's deployment of drones has overstepped its bounds. This potential solution would also make it clear that using drones to initiate a conflict without congressional approval will not be tolerated. One of the counterarguments to these proposed solutions is that the WPR does not need to be amended to incorporate solutions [\*467] to the problems associated with drones. n106 To respond to criticism that there is no congressional oversight of the drone program, Senator Feinstein wrote an op-ed article stating that the Senate Intelligence Committee devotes a significant amount of time and attention to the program. n107 She stated that they "receive notification with key details shortly after every strike," and the Committee "holds regular briefings and hearings on these operations." n108 Senator Feinstein's comments illustrate the counterargument that Congress is involved in the decision-making process n109 and that the WPR's original intention of involving Congress in war-making decisions has been satisfied, albeit in a different manner than originally intended, n110 but in a manner that is strategically practical in contemporary military affairs. n111 Therefore, further changes are unnecessary. n112 This counterargument is insufficient for a couple of reasons. One reason is the Legislative Branch as a whole does not participate in the decision-making process. n113 Only select members of Congress have access to the data. n114 Also, congressional involvement is ex poste and not ex ante. n115 According to Senator Feinstein, the Senate Intelligence Committee oversees the program and its effectivenes, but it is not involved in the decision-making process. n116 Granted, after reviewing the program, the Committee could try to institute changes through the legislative process. However, this type of limited, ex poste oversight does little to quell the fears that the Executive Branch can use drones to avoid invoking the Hostilities Provision. Another potential solution is for Congress to take the position that indirect U.S. casualties are still within the framework of the [\*468] Hostilities Provision. This position would allow Congress to deem drone strikes as hostilities because of the increased violence that results from the strike. If Congress sets this precedent, it would alert the current and future Presidents that drone campaigns, which lead to aggressive acts against Americans, will not be considered exempt from the WPR. This proposal is weaker than amending the WPR or setting a historical precedent because incorporating indirect U.S. casualties into the Hostilities Provision will only cause more confusion and ambiguity. It is often very difficult to ascertain the relationship between a retaliatory attack and a drone strike. n117 As such, the best solution for fixing the WPR in the context of drone warfare is to either amend the Hostilities Provision or set a historical precedent that clearly establishes limitations to the Executive Branch's power to conduct drone strikes.

#### Requiring Congressional authorizations empowers the hawks

GARANCE FRANKE-RUTA – 9/3/13, The Atlantic, senior editor covering national politics at The Atlantic, How a Congressional Authorization Could Escalate U.S. Intervention in Syria, The Atlantic, <http://www.theatlantic.com/politics/archive/2013/09/how-a-congressional-authorization-could-escalate-us-intervention-in-syria/279248/>

Now, if Obama gets congressional approval, he'll be getting it in what is likely to remain a fairly open-ended way, as part of a strategy with bigger aims, and owe his legislative success in part to the support of the most hawkish members of Congress. Is there any doubt they will continue to pressure him to act under the authorization they will have granted him, and that his White House requested? And that the forces gunning for intervention, once mobilized, will have a momentum of their own?

### 1NC Preemption

#### No Israel War

Lindorff, 11-13-’11 (Dave, “Washington’s Fake ‘Concern’ About a Possible Israeli Attack on Iran” https://www.commondreams.org/view/2011/11/13-8)

When it comes to mainstream press reports about a possible Israeli attack on Iran’s nuclear facilities, it’s time to check the bullshit detector. Corporate media reports are claiming that the Pentagon and the White House are “worried” or “concerned” that the Israeli government may decide to attack Iran, and that the US is “trying to learn” what Israel’s real intentions are: is there a serious plan to attack or is this all just an effort to blackmail the US into taking stronger measures against Iran? As CNN put it in a Nov. 4 report: The United States has become increasingly concerned Israel could be preparing to strike Iran's nuclear program, a senior U.S. military official told CNN on Friday. The U.S. military and intelligence community in recent weeks have stepped up "watchfulness" of both Iran and Israel, according to the senior U.S. military official and a second military official familiar with the U.S. actions. Asked if the Pentagon was concerned about an attack, the senior military official replied "absolutely." Both officials declined to be identified because of the extreme sensitivity of the matter. Bzzzzzzzzzzz Oops! The Bullshit detector just went off. Missing from all these reports about Washington “concern,” and from statements being leaked by Pentagon and White House “sources,” is any mention of the fact that Israel’s entire air force consists of planes built in and funded by the United States. The F-15s and F-16s and the specially designed F-16I and F-15I, manufactured by Lockheed Martin and Boeing to Israeli Air Force specifications, are the planes that would have the job of delivering bombs to Iranian targets and providing cover against Iranian fighter defenses. One word from the US and those weapons systems would be grounded. After all, without US spare parts and US financing, Israel’s air force ceases to exist. So the claim that Washington is “worried” about Israel going it alone in a strike on Iran is, to put it bluntly, a lie. Now you could get deeper into it and speculate if you like that both the Israeli government and the Obama Administration want to promote media speculation that Israel may be planning an attack, and for the same reason: to allow, or to pressure, Washington to tighten the economic screws on Iran and perhaps to step up covert attacks on Iran. Or alternatively, Washington wants Israel to attack Iran, but wants to be able to claim that the US isn’t behind it. I tend to lean towards the first theory, because I don’t think that the US really wants the kind of explosion in the Middle East which would surely happen if Israel were to attack Iran. But then, who knows? The Neo-Cons have considerable sway in Washington, and these psychopaths do want such a conflict. Whatever the truth of what’s going on, let’s at least clear away the Big Lie. With the Israeli Air Force almost totally dependent upon the largesse of the United States, Israel is not going to do anything to Iran that is not 100 percent approved in advance by Washington.

#### Congressional authorization results in more preemption

Nzelibe 2006 – law professor at Northwestern (December 19, “ARE CONGRESSIONALLY AUTHORIZED WARS PERVERSE? ” http://ssrn.com/abstracts=952490 )

Contrary to the received wisdom, this experimental Article advances the empirically plausible assumption that congressional authorization of the use of force might actually have a perverse effect. Thus, rather than create a drag effect that minimizes the impulse to rush into imprudent wars, congressional authorization might actually do the opposite: because such authorization allows the President to spread the potential political costs of military failure or stalemate to other elected officials, it will lead the President to select into more high risk wars than he would otherwise choose if he were acting unilaterally. In other words, since congressional authorization acts as a political “insurance policy” that partially protects the President against the possible political fallout from a military misadventure, he is likely to be more willing to engage in wars where the expected outcome is uncertain. More importantly, not only is the President likely to use congressional authorization as a hedge to prevent future political opponents from exploiting his misfortunes, he is also likely to use it to protect members of his party in Congress who are more likely to be electorally vulnerable in the absence of such authorization. While this notion of congressional authorization as political insurance might appear puzzling, it makes sense when understood as a cheap mechanism designed to protect a vulnerable President or ruling party from the insecure political atmosphere that is likely to exist in the aftermath of a high risk conflict. Significantly, two factors operate in tandem to ensure that the initial Presidential decision to seek congressional authorization will not be particularly costly from a political perspective. First, since a member of Congress is likely to have less information than the President about the likely outcome of a high risk conflict, he or she is likely to defer to the President’s judgment that the conflict will have a positive outcome and hope to ride the President’s electoral coattails as voters rally around the flag. Thus, the purported institutional benefit of deliberation by multiple voices that congressional authorization is supposed to confer is likely to be trivial, if not non-existent. Second, since the electoral consequences of voting against a successful war are likely to be dearer than voting for a losing war, the President is relatively assured of getting a favorable vote to use force from those members of Congress who are elected from swing districts. In sum, seeking congressional authorization for the use of force becomes a tradeoff in which Presidents are willing to accept the relatively low short-term costs of involving other elected officials in the war decision-making process in exchange for long term political security.

### 1NC Wars of Choice

#### The US won’t cling and there’s no lashout

MacDonald & Parent, PoliSci Prof @ Williams, ’11

[Assistant Professor of Political Science at Williams College, \*\*Assistant Professor of Political Science at the University of Miami (\*Paul K. MacDonald, \*\*Joseph M. Parent, Spring, “Graceful Decline?: The Surprising Success of Great Power Retrenchment”, International Security, Vol. 35, No. 4, http://belfercenter.ksg.harvard.edu/files/ISEC\_a\_00034-MacDonald\_proof2.pdf)]

Moreover, the rate of relative decline is associated with different levels of hostility across militarized disputes. In particular, great powers experiencing medium or small declines are much less likely to escalate their disputes to high levels of hostility. In the five years following an ordinal transition, states facing small declines experience levels of hostility in their militarized disputes that are two and a half times less than the average great power. These findings suggest that diplomatic moderation and compromise can be a particularly attractive strategy for managing moderate declines. Far from encouraging further predation, compromise appears to be a crucial component of retreating to a more defensible—and credible—set of commitments. In sum, a neorealist approach captures much of the variation in forms of retrenchment. Great powers facing acute decline tend to slow or shrink the growth in their military forces and to avoid using force in their disputes with rival states. The depth of relative decline is also associated with variation across military spending, militarized disputes, and alliances. Every retrenching great power shrinks the size of its military, yet those facing larger declines reduce military outlays more aggressively. Similarly, great powers suffering large declines rely much more heavily on alliance partners when implementing a policy of retrenchment than those grappling with moderate or minor downturns.

#### Congressional influence doesn’t lead to better war decision making – empirical evidence

Nzelibe and Yoo 2005 - Assistant Professor of Law, Northwestern University Law School AND Professor of Law, University of California at Berkeley School of Law (Jide and John, “Rational War and Constitutional Design ” 115 Yale L.J. 2512 (2005), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1067&context=facpubs>)

Bur before accepting this seemingly attractive vision, we should ask whether the Congress-first system lives up to its promises. In other words, has requiring congressional ex ante approval for foreign wars produced less war, better decision-making, or greater consensus? A cursory review of previous American wars does not suggest that requiring congressional authorization before the use of force invariably produces better decision-making. For example, the declarations of war initiating the Mexican-American and Spanish-American Wars did not result from extensive deliberation or necessarily result in good policy. Although both wars benefited the United States by expanding the nation's territory and enhancing its presence on the world stage,14 they remained offensive wars of conquest. Nor is it clear that congressional participation has resulted in greater consensus. Congress approved both the Vietnam and the 2003 Iraq Wars, but both have produced sharp divisions in American domestic politics.

#### Legal contraints aren’t the answer – party loyalty determines if Congress will check the president – takes out deliberation internal because it means there are no productive debates on the floor

William G. Howell and Jon C. Pevehouse – 2007, Associate Professors at the Harris School of Public Policy at the University of Chicago, When Congress Stops Wars: Partisan Politics and Presidential Power, Foreign Affairs, Vol. 86, No. 5 (Sep. - Oct., 2007), pp. 95-107, http://themonkeycage.org/wp-content/uploads/2013/09/Howell-Pevehouse-2007-1.pdf

FOR MOST of George W. Bush's tenure, political observers have lambasted Congress for failing to fulfill its basic foreign policy obligations. Typical was the recent Foreign Affairs article by Norman Ornstein and Thomas Mann, "When Congress Checks Out," which offered a sweeping indictment of Congress' failure to monitor the president's execution of foreign wars and antiterrorist initiatives. Over the past six years, they concluded, congressional oversight of the White House's foreign and national security policy "has virtually collapsed." Ornstein and Mann's characterization is hardly unique. Numerous constitutional-law scholars, political scientists, bureau crats, and even members of Congress have, over the years, lamented the lack of legislative constraints on presidential war powers. But the dearth of congressional oversight between 2000 and 2006 is nothing new. Contrary to what many critics believe, terrorist threats, an overly aggressive White House, and an impotent Democratic Party are not the sole explanations for congressional inactivity over the past six years. Good old-fashioned partisan politics has been, and continues to be, at play. It is often assumed that everyday politics stops at the water's edge and that legislators abandon their partisan identities during times of war in order to become faithful stewards of their constitutional obligations. But this received wisdom is almost always wrong. The illusion of congressional wartime unity misconstrues the nature of legislative oversight and fails to capture the particular conditions under which members of Congress are likely to emerge as meaningful critics of any particular military venture. The partisan composition of Congress has historically been the decisive factor in determining whether lawmakers will oppose or acquiesce in presidential calls for war. From Harry Truman to Bill Clinton, nearly every U.S. president has learned that members of Congress, and members of the opposition party in particular, are fully capable of interjecting their opinions about proposed and ongoing military ventures. When the opposition party holds a large number of seats or controls one or both chambers of Congress, members routinely challenge the president and step up oversight of foreign conflicts; when the legislative branch is dominated by the president's party, it generally goes along with the White House. Partisan unity, not institutional laziness, explains why the Bush administration's Iraq policy received such a favorable hearing in Congress from 2000 to 2006. The dramatic increase in congressional oversight following the 2oo6 midterm elections is a case in point. Immediately after assuming control of Congress, House Democrats passed a resolution condemning a proposed "surge" of U.S. troops in Iraq and Senate Democrats debated a series of resolutions expressing varying degrees of outrage against the war in Iraq. The spring 2007 supplemental appropriations debate resulted in a House bill calling for a phased withdrawal (the president vetoed that bill, and the Senate then passed a bill accepting more war ftinding without withdrawal provisions). Democratic heads of committees in both chambers continue to launch hearings and investigations into the various mishaps, scandals, and tactical errors that have plagued the Iraq war. By all indications, if the govern ment in Baghdad has not met certain benchmarks by September, the Democrats will push for binding legislation that further restricts the president's ability to sustain military operations in Iraq.

# 2nc

## K

### Fw

#### The role of the teacher is to guide students toward ethically constructing advocacies – this means debate should focus on how we think about problems and not just the particular policy, so you should look at systems of militarism versus pacifism and not the singular event of their impact scenarios – and deprioritize issues of link uniqueness and transition wars – our link arguments prove there’s a larger set of social relations the plan creates and the standpoints we take in relation to that are important.

#### The alt is a technique for creating a new social vocabulary surrounding war – if our vocabulary is good, you should endorse and adopt it as a way of reading future policy research.

#### **Subject formation is what we are trying to accomplish in debate on an everyday level, we form better subjects by attuning our ethical sensibilities to the violence of militarism – comparatively more effective than a hubristic fantasy that we can change the world**

Chandler, Professor of IR at Westminster, 13

(The World of Attachment? The Post-humanist Challenge to Freedom and Necessity, Millenium: Journal of International Studies, 41(3), 516– 534)

The world of becoming thereby is an ontologically flat world without the traditional hierarchies of existence and a more shared conception of agency. For Bennett, therefore, ‘to begin to experience the relationship between persons and other materialities more horizontally, is to take a step toward a more ecological sensibility’.78 Here there is room for human agency but this agency involves a deeper understanding of and receptivity to the world of objects and object relations. Rather than the hubristic focus on transforming the external world, the ethico-political tasks are those of work on the self to erase hubristic liberal traces of subject-centric understandings, understood to merely create the dangers of existential resentment. Work on the self is the only route to changing the world. As Connolly states: ‘To embrace without deep resentment a world of becoming is to work to “become who you are”, so that the word “become” now modifies “are” more than the other way around.’ Becoming who you are involves the ‘microtactics of the self’, and work on the self can then extend into ‘micropolitics’ of more conscious and reflective choices and decisions and lifestyle choices leading to potentially higher levels of ethical self-reflectivity and responsibility. Bennett argues that against the ‘narcissism’ of anthropomorphic understandings of domination of the external world, we need ‘some tactics for cultivating the experience of our selves as vibrant matter’. Rather than hubristically imagining that we can shape the world we live in, Bennett argues that: ‘Perhaps the ethical responsibility of an individual human now resides in one’s response to the assemblages in which one finds oneself participating. Such ethical tactics include reflecting more on our relationship to what we eat and considering the agentic powers of what we consume and enter into an assemblage with. In doing so, if ‘an image of inert matter helps animate our current practice of aggressively wasteful and planet-endangering consumption, then a materiality experienced as a lively force with agentic capacity could animate a more ecologically sustainable public’. For new materialists, the object to be changed or transformed is the human – the human mindset. By changing the way we think about the world and the way we relate to it by including broader, more non-human or inorganic matter in our considerations, we will have overcome our modernist ‘attachment disorders’ and have more ethically aware approaches to our planet. In cultivating these new ethical sensibilities, the human can be remade with a new self and a ‘new self-interest’.

#### Our framework arguments are an independent impact – the affirmative’s production of knowledge that benefits the military ensures further violence

Chow 6 – Humanities and Modern Culture & Media Studies @ Brown

(Rey, The Age of the World Target: Self-Referentiality in War, Theory, and Comparative Work, 40-1)

A largely administrative enterprise, closely tied to policy, the new American Orientalism took over from the old Orientalism attitudes of cultural hostility, among which is, as Said writes, the dogma that “the Orient is at bottom something either to be feared (the Yellow Peril, the Mongol hordes, the brown dominos) or to be controlled (by pacification, research and development, outright occupation possible.)¶ Often under the modest apparently innocuous agendas of fact gathering and documentation, the “scientific” and “objective” production of knowledge during peacetime about the various special “areas” became the institutional practice that substantiated and elaborated the militaristic conception of the world as target. In other words, despite the claims about the apolitical and disinterested nature of the pursuit of higher learning, activities undertaken under the rubric of area studies, such as language training. Historiography, anthropology, economics, political science, and so forth, are fully inscribed in the politics and ideology of war. To that extent, the disciplining, research, and development of so-called academic information are part and parcel of a strategic logic. And yet, if the production of knowledge (with its vocabulary of aims and goals, research, data analysis, experimentation, and verification) in fact shares the same scientific and military premises as war—if, for instance, the ability to translate a difficult language can be regarded as equivalent to the ability to break military codes—is it a surprise that it is doomed to fail in its avowed attempts to “know” the other cultures? Can “knowledge” that is derived from the same kinds of bases as war put an end to the violence of warfare, or is such knowledge not simply warfare’s accomplice, destined to destroy rather than preserve the forms of lives at which it aims to focus?¶ As long as knowledge is produced in this self-referential manner, as a circuit of targeting or getting the other that ultimately consolidates the omnipotence and omnipresence of the sovereign “self”/“eye”—the “I”—that is the United States, the other will have no choice but remain just that—a target whose existence justifies only one thing, its destruction by the bomber. As long as the focus of our study of Asia remains by the United States, and as long as this focus is not accompanied by knowledge of what is happening elsewhere at other times as well as the present, such study will ultimately confirm once again the self-referential function of virtual worlding that was unleashed by the dropping of the atomic bombs, with the United States always occupying the position of the bomber, and other cultures always viewed as the military and information target fields. In this manner, events whose historicity does not fall into the epistemically closed orbit of the atomic bomber—such as the Chinese reactions to the war from a primarily anti-Japanese point of view that I alluded to at the beginning of this chapter—will never receive the attention that is due to them. “Knowledge,” however conscientiously gathered and however large in volume, will lead only to further silence and to the silencing of diverse experiences. This is one reason why, as Harootunian remark, area studies have been, since its inception, haunted by the “absence of definable object”—and by “the problem of the vanishing object.”

### perm

#### **the quest for negative peace trades off with positive peace through pacifism**

Pankhurst 3

(Donna-, May 1, Development in Practice, “The 'sex war' and other wars: towards a feminist approach to peace building”, Vol. 13 # 2&3, Infomaworld; Jacob)

Turning to the meanings of the term ‘peace’, Galtung’s (1985) conception of negative peace has come into widespread use, and is probably the most common meaning given to the word, i.e. the end or absence of widespread violent conflict associated with war. A ‘peaceful’ society in this sense may therefore include a society in which social violence (against women, for instance) and/or structural violence (in situations of extreme inequality, for example) are prevalent. Moreover, this limited ‘peace goal’, of an absence of specific forms of violence associated with war, can and often does lead to a strategy in which all other goals become secondary. The absence of analysis of the deeper (social) causes of violence also paves the way for peace agreements that leave major causes of violent conflict completely unresolved. Negative peace may therefore be achieved by accepting a worse state of affairs than that which motivated the outburst of violence in the first place, for the sake of (perhaps short-term) ending organised violence. Galtung’s alternative vision, that of positive peace, requires not only that all types of violence be minimal or non-existent, but also that the major potential causes of future conflict be removed. In other words, major conflicts of interest, as well as their violent manifestation, need to be resolved. Positive peace encompasses an ideal of how society should be, but the details of such a vision often remain implicit, and are rarely discussed. Some ideal characteristics of a society experiencing positive peace would include: an active and egalitarian civil society; inclusive democratic political structures and processes; and open and accountable government. Working towards these objectives opens up the field of peace building far more widely, to include the promotion and encouragement of new forms of citizenship and political participation to develop active democracies. It also opens up the fundamental question of how an economy is to be managed, with what kind of state intervention, and in whose interests. But more often than not discussion of these important issues tends to be closed off, for the sake of ‘ending the violence’, leaving major causes of violence and war unresolved—including not only economic inequalities, but also major social divisions and the social celebration of violent masculinities.

### 2nc at: gelderloos

#### Gelderloos is attacking a strawperson – his critique of nonviolence is a highly selective view that ignores the majority of scholarship and history

Martin 08, Professor of Social Sciences at the University of Wollongong

(Brian, How nonviolence is misrepresented, http://www.bmartin.cc/pubs/08gm2.html#\_edn1)

Since the days of Gandhi's campaigns, nonviolent activists have been criticised by supporters of armed struggle.[48] In recent years, the most comprehensive critiques of nonviolence have been by Howard Ryan,[49] Ward Churchill[50] and Gelderloos. Unfortunately, many critiques suffer through inadequate understanding of nonviolence, often due to a failure to engage with writings in the area.[51] Gelderloos has shown enormous commitment as an activist and great energy in compiling a comprehensive critique of nonviolence. Unfortunately, he has missed his main target: in essence, he attacks principled nonviolence from a perspective in which the ends justify the means. He dismisses nonviolent action campaigns using a set of arguments that display systematic double standards. Underlying Gelderloos' argument is the assumption that violence is more effective than nonviolence. This is certainly a common assumption, but if a critique of nonviolence is to have any real teeth, the assumption needs to be justified and counterexamples addressed. Gelderloos shows almost no awareness of the pragmatic tradition in nonviolent action. He misrepresents nonviolent action as consisting solely of protest and persuasion, missing the more coercive methods of noncooperation and intervention. Furthermore, he ignores a large number of major nonviolent struggles, successful and unsuccessful. A key omission in Gelderloos' argument is a discussion of limits in a diversity of tactics: he does not say whether any methods should be ruled out. Almost any activist will agree that some methods should not be used, whether it is assassination, land mines or biological weapons. The question then becomes where to draw the line.

### At: costs of war

#### view the impact debate from the lens of the dispossessed—conventional moral theory operates on a false assumption of equal opportunity, the negs demand for justice precedes other discussion of competing moral theories

Mills 97 – Associate Prof of Philosophy @ U Illinois, Chicago

(Charles-; The Racial Contract)

The Racial Contract has always been recognized by nonwhites as the real determinant of (most) white moral/political practice and thus as the real moral/political agreement to be challenged . If the epistemology of the signatories, the agents, of the Racial Contract requires evasion and denial of the realities of race, the epistemology of the victims, the objects, of the Racial Contract is, unsurprisingly, focused on these realities themselves. (So there is a reciprocal relationship, the Racial Contract tracking white moral/political consciousness, the reaction to the Racial Contract tracking nonwhite moral/political consciousness and stimulating a puzzled investigation of that white moral/political consciousness .) The term "standpoint theory" is now routinely used to signify the notion that in understanding the workings of a system of oppression, a perspective from the bottom up is more likely to be accurate than one from the top down. What is involved here, then, is a "racial" version of standpoint theory, a perspectival cognitive advantage that is grounded in the phenomenological experience of the disjuncture between official (white) reality and actual (nonwhite) experience, the "double-consciousness" of which W. E . B . Du Bois spoke .48 This differential racial experience generates an alternative moral and political perception of social reality which is encapsulated in the insight from the black American folk tradition I have used as the epigraph of this book : the central realization, summing up the Racial Contract, that "when white people say Justice,' they mean 'Just Us."' Nonwhites have always (at least in first encounters) been bemused or astonished by the invisibility of the Racial Contract to whites, the fact that whites have routinely talked in universalist terms even when it has been quite clear that the scope has really been limited to themselves . Correspondingly, nonwhites, with no vested material or psychic interest in the Racial Contract-objects rather than subjects of it, viewing it from outside rather than inside, subpersons rather than persons-are (at least before ideological conditioning) able to see its terms quite clearly. Thus the hypocrisy of the racial polity is most transparent to its victims . The corollary is that nonwhite interest in white moral and political theory has necessarily been focused less on the details of the particular competing moral and political candidates (utilitarianism versus deontology versus natural rights theory; liberalism versus conservatism versus socialism) than in the unacknowledged Racial Contract that has usually framed their functioning. The variable that makes the most difference to the fate of nonwhites is not the fine- or even coarse-grained conceptual divergences of the different theories themselves (all have their Herrenvolk variants), but whether or not the subclause invoking the Racial Contract, thus putting the theory into Herrenvolk mode, has been activated . The details of the moral theories thus become less important than the metatheory, the Racial Contract, in which they are embedded. The crucial question is whether nonwhites are counted as full persons, part of the population covered by the moral operator, or not.

### 2nc at: alt

#### **Militaristic war may be a central value of modern Western culture, but it can be changed through analysis – multiple empirical examples prove**

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 23-24)

The slow but persistent rise in awareness of racial, ethnic, gender, sexual- orientation, and class oppression in our time and the beginning efforts of liberation from within oppressed groups offer hope that even the most deeply held and least explicitly challenged predispositions of culture might be examined. Such examinations can lead to changes in the lives of the oppressed. Perhaps even those oppressed by warism will one day free themselves from accepting war as an inevitable condition of nature. Two hundred years ago slavery was a common and well- established social institution in the United States. It had been an ordinary feature of many societies dating to ancient and perhaps prehistoric times. Slavery was taken for granted as a natural condition for beings thought to be inferior to members of the dominant group. And slavery was considered an essential feature of our nation’s economy. Within the past two centuries, attitudes toward slavery have changed dramatically. With these fundamental shifts in normative lenses came fundamental shifts in the practice and legality of slavery. These changes have been as difficult as they have been dramatic, for former slaves, for former slave- holders, and for culture at large. While deep racial prejudices persist to this day, slavery is no longer tolerated in modern societies. Slavery- like conditions of severe economic exploitation of labor have become embarrassments to dominant groups in part because slavery is universally condemned. The point is that the most central values of cultures— thought to be essential to the very survival of the society and allegedly grounded in the natural conditions of creation—can change in fundamental ways in relatively short periods of time with profound implications for individuals and societies. John Dewey beautifully links this point to the consideration of warism: “War is as much a social pattern [for us] as was the domestic slavery which the ancients thought to be immutable fact.”9 The civil rights movement has helped us see that human worth is not determined by a racial hierarchy. Feminism has helped us realize again that dominant attitudes about people are more likely values we choose rather than innate and determined features of human nature. It is historically true that men have been more actively violent and have received more training and encouragement in violence than have women.10 Dominant attitudes of culture have explained this by reference to what is “natural” for males and “natural” for females. By questioning the traditional role models for men and women, all of us be- come more free to choose and create the selves we are to be; we need not be defined by hidden presumptions of gender roles. Parallel to racial and gender liberation movements, pacifism questions taking warism for granted. Pacifists seek an examination of our unquestioned assumption of warism to expose it as racism and sexism have been examined and exposed. Just as opponents of racism and sex- ism consider the oppression of nonwhites and women, respectively, to be wrong, and thus to require fundamental changes in society, so opponents of warism— pacifists of various sorts— consider war to be wrong, and thus to require fundamental changes in society.

### Sv !

#### **The kritik outweighs and turns the case – first, their militaristic mindset makes wars and violence inevitable**

#### **The nuclear war doesn’t happen the moment that the key is turned on the nuclear launch pad, the nuclear war happens in the processes of weapons buildups, the aggressive foreign policy that sparks proliferation, etc. – their focus on the moment of the launch obstructs from the discussion of the structural war – we spend all of our time trying to chase down single, specific hotspot scenarios and don’t engage the structures that made the conditions of war possible – this ensures that wars will always recur**

#### Second, the structures of militarism also ensure constant structural violence – our Lawrence evidence says that the military is based on the fundamental exclusion of racial, feminized, and poor others – creates systems of everyday violence that make entire populations subject to pollution and mass inequality

#### sustainability

#### **Prefer this impact – structural violence is invisible and exponential – ethics**

Nixon 11

(Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

#### Ext / turns case

Tamás Szentes 8, Professor Emeritus at the Corvinus University of Budapest. “Globalisation and prospects of the world society” 4/22/08 http://www.eadi.org/fileadmin/Documents/Events/exco/Glob.\_\_\_prospects\_-\_jav..pdf

It’ s a common place that human society can survive and develop only in a lasting real peace. Without peace countries cannot develop. Although since 1945 there has been no world war, but --numerous local wars took place, --terrorism has spread all over the world, undermining security even in the most developed and powerful countries, --arms race and militarisation have not ended with the collapse of the Soviet bloc, but escalated and continued, extending also to weapons of mass destruction and misusing enormous resources badly needed for development, --many “invisible wars” are suffered by the poor and oppressed people, manifested in mass misery, poverty, unemployment, homelessness, starvation and malnutrition, epidemics and poor health conditions, exploitation and oppression, racial and other discrimination, physical terror, organised injustice, disguised forms of violence, the denial or regular infringement of the democratic rights of citizens, women, youth, ethnic or religious minorities, etc., and last but not least, in the degradation of human environment, which means that --the “war against Nature”, i.e. the disturbance of ecological balance, wasteful management of natural resources, and large-scale pollution of our environment, is still going on, causing also losses and fatal dangers for human life. Behind global terrorism and “invisible wars” we find striking international and intrasociety inequities and distorted development patterns , which tend to generate social as well as international tensions, thus paving the way for unrest and “visible” wars. It is a commonplace now that peace is not merely the absence of war. The prerequisites of a lasting peace between and within societies involve not only - though, of course, necessarily - demilitarisation, but also a systematic and gradual elimination of the roots of violence, of the causes of “invisible wars”, of the structural and institutional bases of large-scale international and intra-society inequalities, exploitation and oppression. Peace requires a process of social and national emancipation, a progressive, democratic transformation of societies and the world bringing about equal rights and opportunities for all people, sovereign participation and mutually advantageous co-operation among nations. It further requires a pluralistic democracy on global level with an appropriate system of proportional representation of the world society, articulation of diverse interests and their peaceful reconciliation, by non-violent conflict management, and thus also a global governance with a really global institutional system. Under the contemporary conditions of accelerating globalisation and deepening global interdependencies in our world, peace is indivisible in both time and space. It cannot exist if reduced to a period only after or before war, and cannot be safeguarded in one part of the world when some others suffer visible or invisible wars. Thus, peace requires, indeed, a new, demilitarised and democratic world order, which can provide equal opportunities for sustainable development. “Sustainability of development” (both on national and world level) is often interpreted as an issue of environmental protection only and reduced to the need for preserving the ecological balance and delivering the next generations not a destroyed Nature with overexhausted resources and polluted environment. However, no ecological balance can be ensured, unless the deep international development gap and intra-society inequalities are substantially reduced. Owing to global interdependencies there may exist hardly any “zero-sum-games”, in which one can gain at the expense of others, but, instead, the “negative-sum-games” tend to predominate, in which everybody must suffer, later or sooner, directly or indirectly, losses. Therefore, the actual question is not about “sustainability of development” but rather about the “sustainability of human life”, i.e. survival of mankind – because of ecological imbalance and globalised terrorism. When Professor Louk de la Rive Box was the president of EADI, one day we had an exchange of views on the state and future of development studies. We agreed that development studies are not any more restricted to the case of underdeveloped countries, as the developed ones (as well as the former “socialist” countries) are also facing development problems, such as those of structural and institutional (and even system-) transformation, requirements of changes in development patterns, and concerns about natural environment. While all these are true, today I would dare say that besides (or even instead of) “development studies” we must speak about and make “survival studies”. While the monetary, financial, and debt crises are cyclical, we live in an almost permanent crisis of the world society, which is multidimensional in nature, involving not only economic but also socio-psychological, behavioural, cultural and political aspects. The narrow-minded, election-oriented, selfish behaviour motivated by thirst for power and wealth, which still characterise the political leadership almost all over the world, paves the way for the final, last catastrophe. One cannot doubt, of course, that great many positive historical changes have also taken place in the world in the last century. Such as decolonisation, transformation of socio-economic systems, democratisation of political life in some former fascist or authoritarian states, institutionalisation of welfare policies in several countries, rise of international organisations and new forums for negotiations, conflict management and cooperation, institutionalisation of international assistance programmes by multilateral agencies, codification of human rights, and rights of sovereignty and democracy also on international level, collapse of the militarised Soviet bloc and system-change3 in the countries concerned, the end of cold war, etc., to mention only a few. Nevertheless, the crisis of the world society has extended and deepened, approaching to a point of bifurcation that necessarily puts an end to the present tendencies, either by the final catastrophe or a common solution. Under the circumstances provided by rapidly progressing science and technological revolutions, human society cannot survive unless such profound intra-society and international inequalities prevailing today are soon eliminated. Like a single spacecraft, the Earth can no longer afford to have a 'crew' divided into two parts: the rich, privileged, wellfed, well-educated, on the one hand, and the poor, deprived, starving, sick and uneducated, on the other. Dangerous 'zero-sum-games' (which mostly prove to be “negative-sum-games”) can hardly be played any more by visible or invisible wars in the world society. Because of global interdependencies, the apparent winner becomes also a loser. The real choice for the world society is between negative- and positive-sum-games: i.e. between, on the one hand, continuation of visible and “invisible wars”, as long as this is possible at all, and, on the other, transformation of the world order by demilitarisation and democratization. No ideological or terminological camouflage can conceal this real dilemma any more, which is to be faced not in the distant future, by the next generations, but in the coming years, because of global terrorism soon having nuclear and other mass destructive weapons, and also due to irreversible changes in natural environment.

#### mvmnts

Vandana Shiva 13, founder of the Research Foundation for Science, Technology and Ecology, Ph.D. in Philosophy from the University of Western Ontario, chairs the Commission on the Future of Food set up by the Region of Tuscany in Italy and is a member of the Scientific Committee which advises President Zapatero of Spain, March 1, 2012, “Imposed Austerity vs Chosen Simplicity: Who Will Pay For Which Adjustments?,” online: http://www.ethicalmarkets.com/2012/03/01/imposed-austerity-vs-chosen-simplicity-who-will-pay-for-which-adjustments/

The dominant economic model based on limitless growth on a limited planet is leading to an overshoot of the human use of the earth’s resources. This is leading to an ecological catastrophe. It is also leading to intense and violent resource grab of the remaining resources of the earth by the rich from the poor. The resource grab is an adjustment by the rich and powerful to a shrinking resource base – land, biodiversity, water – without adjusting the old resource intensive, limitless growth paradigm to the new reality. Its only outcome can be ecological scarcity for the poor in the short term, with deepening poverty and deprivation. In the long run it means the extinction of our species, as climate catastrophe and extinction of other species makes the planet un-inhabitable for human societies. Failure to make an ecological adjustment to planetary limits and ecological justice is a threat to human survival. The Green Economy being pushed at Rio +20 could well become the biggest resource grabs in human history with corporations appropriating the planet’s green wealth, the biodiversity, to become the green oil to make bio-fuel, energy plastics, chemicals – everything that the petrochemical era based on fossil fuels gave us. Movements worldwide have started to say “No to the Green Economy of the 1%”.

But an ecological adjustment is possible, and is happening. This ecological adjustment involves seeing ourselves as a part of the fragile ecological web, not outside and above it, immune from the ecological consequences of our actions. Ecological adjustment also implies that we see ourselves as members of the earth community, sharing the earth’s resources equitably with all species and within the human community. Ecological adjustment requires an end to resource grab, and the privatization of our land, bio diversity and seeds, water and atmosphere. Ecological adjustment is based on the recovery of the commons and the creation of Earth Democracy.

The dominant economic model based on resource monopolies and the rule of an oligarchy is not just in conflict with ecological limits of the planet. It is in conflict with the principles of democracy, and governance by the people, of the people, for the people. The adjustment from the oligarchy is to further strangle democracy and crush civil liberties and people’s freedom. Bharti Mittal’s statement that politics should not interfere with the economy reflects the mindset of the oligarchy that democracy can be done away with. This anti-democratic adjustment includes laws like homeland security in U.S., and multiple security laws in India.

The calls for a democratic adjustment from below are witnessed worldwide in the rise of non-violent protests, from the Arab spring to the American autumn of “Occupy” and the Russian winter challenging the hijack of elections and electoral democracy.

And these movements for democratic adjustment are also rising everywhere in response to the “austerity”

programmes imposed by IMF, World Bank and financial institutions which created the financial crisis. The Third World had its structural Adjustment and Forced Austerity, through the 1980s and 1990s, leading to IMF riots. India’s structural adjustment of 1991 has given us the agrarian crisis with quarter million farmer suicides and food crisis pushing every 4th Indian to hunger and every 2nd Indian child to severe malnutrition; people are paying with their very lives for adjustment imposed by the World Bank/IMF. The trade liberalization reforms dismantled our food security system, based on universal PDS. It opened up the seed sector to seed MNCs. And now an attempt is being made through the Food Security Act to make our public feeding programmes a market for food MNCs. The forced austerity continues through imposition of so called reforms, such as Foreign Direct Investment (FDI) in retail, which would rob 50 million of their livelihoods in retail and millions more by changing the production system. Europe started having its forced austerity in 2010. And everywhere there are anti-austerity protests from U.K., to Italy, Greece, Spain, Ireland, Iceland, and Portugal. The banks which have created the crisis want society to adjust by destroying jobs and livelihoods, pensions and social security, public services and the commons. The people want financial systems to adjust to the limits set by nature, social justice and democracy. And the precariousness of the living conditions of the 99% has created a new class which Guy Standing calls the “Precariate”. If the Industrial Revolution gave us the industrial working class, the proletariat, globalization and the “free market” which is destroying the livelihoods of peasants in India and China through land grabs, or the chances of economic security for the young in what were the rich industrialized countries, has created a global class of the precarious. As Barbara Ehrenreich and John Ehrenreich have written in “The making of the American 99%”, this new class of the dispossessed and excluded include “middle class professional, factory workers, truck drivers, and nurses as well as the much poorer people who clean the houses, manicure the fingernails, and maintain the lawn of the affluent”.

Forced austerity based on the old paradigm allows the 1% super rich, the oligarchs, to grab the planets resources while pushing out the 99% from access to resources, livelihoods, jobs and any form of freedom, democracy and economic security. It is often said that with increasing growth, India and China are replicating the resource intensive and wasteful lifestyles of the Western countries. The reality is that while a small 3 to 4% of India is joining the mad race for consuming the earth with more and more automobiles and air conditioners, the large majority of India is being pushed into “de-consumption” – losing their entitlements to basic needs of food and water because of resource and land grab, market grab, and destruction of livelihoods. The hunger and malnutrition crisis in India is an example of the “de-consumption” forced on the poor by the rich, through the imposed austerity built into the trade liberalization and “economic reform” policies.

There is another paradigm emerging which is shared by Gandhi and the new movements of the 99%, the paradigm of voluntary simplicity of reducing one ecological foot print while increasing human well being for all. Instead of forced austerity that helps the rich become super rich, the powerful become totalitarian, chosen simplicity enables us all to adjust ecologically, to reduce over consumption of the planets resources, it allows us to adjust socially to enhance democracy and it creates a path for economic adjustment based on justice and equity.

Forced austerity makes the poor and working families pay for the excesses of limitless greed and accumulation by the super rich. Chosen simplicity stops these excesses and allow us to flower into an Earth Democracy where the rights and freedoms of all species and all people are protected and respected.

# 1nr

## cp

### Solvency 2NC

#### The aff creates two broad restrictions:

#### It provides a clear definition of “armed attack” AND

#### It requires a declaration of war to enter into circumstances likely to lead to armed attack.

#### The CP pics out of the “declaration” by creating an “authorization” option – but the CP preserves the definition of armed attack. That means the CP creates two restrictions as well: it defines “armed attack” and requires legislative approval.

#### A slew of 1ac evidence proves those two actions are sufficient to solve:

#### Farley says a definition of hostilities gives the WPR teeth – we already have a law on the books, we just need the definition to make it enforceable. He concludes: “a statutory definition of hostilities will provide the judiciary with a meaningful standard for determining presidential compliance with the WPR”

#### Martin says we need “legislative approval” to stop rash decisions by the president – it checks groupthink.

#### Martin (second piece of ev) also says that defining hostilities ties US to international legal principle – that solves signaling and commitment trap

#### Ogul says that requiring legislative approval increases the political costs of presidential circumvention

#### View the CP through the lens of sufficiency If the CP prevents wars, there is no benefiting to “preventing them better” – it’s a binary yes/no question. Any risk the aff makes wars more likely is a reason to prefer the CP.

### Solvency – A2: Declaration K Law of War

#### Formal declaration is obsolete – jus ad bellum and jus in bello apply to “armed conflict” regardless

Curtis A. Bradley and Jack L. Goldsmith – Law Profs, UVA and Harvard - May, 2005, ARTICLE: CONGRESSIONAL AUTHORIZATION AND THE WAR ON TERRORISM, Harvard Law Review, 118 Harv. L. Rev. 2047

Another reason why almost no one argues that Congress's authorization of war must take the form of a declaration of war is that the international law role for declarations of war has largely disappeared. The United Nations Charter, which now regulates the portion of the international laws of war known as jus ad bellum, n48 refers not to "war," but rather to "armed attack," "use of force," and "threats to the peace." n49 A similar shift away from "war" as the determinative concept has taken place in the law of armed conflict (jus in bello). n50 The applicability of the law of armed conflict was once triggered by the existence of a state of "war," which in turn could be triggered by, among other things, a declaration of war. n51 The Geneva Conventions of 1949 changed this regime by making clear that their jus in bello rules applied not only to "cases of declared war" but also more broadly to "any other armed conflict" between states, regardless of whether a "state of war" was recognized by one of the parties. n52 Today, "armed conflict" - not "war" - is the relevant jurisdictional concept for jus in bello. n53 As a result, it now appears that declarations of war serve little purpose under international law. n54 This is a principal reason why, despite hundreds [\*2062] of armed conflicts around the world during this period, some of them quite intense and prolonged, it appears that no nation has declared war since the late 1940s. n55

### Conditionality Good 2NC

#### First our offense-

#### 1- Critical thinking- Reacting to multiple attacks increases aff ability to evaluate their best arguments and collapsing down teaches the neg to make strategic, reactive decisions- that’s key to decisionmaking skills

#### 2- Negative flexibility- The aff gets to parametricize the rez by picking one example- its an inherent advantage because they know way more about their *one* aff than the neg who has to be prepared for *every* aff- the only check is to advance multiple cps

#### Now our defense-

#### 1- Not “infinitely” regressive- time limits and quality of argument create a limit. Our interp is: 2 and the squo

#### 2- Ground- Aff can always make “aff key” args and addons- it’s offense against any and all CPs

#### 3- Strat and time skew are inev- The alternative to multiple advocacies is more T and Das- those require just as many answers and create strategic double binds too

#### 4- CPs aren’t uniquely complex and perms check the advantages of neg fiat- a SKFTA CP is way less threatening than a SKFTA DA because you can perm it

#### 5- To vote aff you have to believe the debate is irreparably damaged by conditionality- it might make debate hard but not impossible

#### 6- Don’t be fooled by “reciprocity”- the aff’s job is to pick the question of debate and the neg’s is to find a way to disprove it- that’s why stability is important for the aff and flexibility is key for the neg

### 2NC AT Declaration Key

#### I’ll go through each 1ac card that references a “declaration” of war. The key framing issue is that they have no evidence that compares declarations to authorizations –the evidence that says “declaration” is comparing Congressional involvement to executive unilateralism – the CP solves that.

#### Brookings – Not comparative to an authorization – It says Congressional involvement is key to limiting exec flexibility and “unifying” the country behind a clear objective – CP solves both better

#### Gallagher (three pieces) -

#### Prefer our evidence – this author is a pilot and flight instructor – he has no background in political science, history, or law – Our evidence is from a professor of law at Yale

#### Not causal – Gallagher has no historical evidence that moving towards authorizations has PRODUCED more war – correlation is not causation. US pursuit of hegemony, the bipolar proxy wars with the Soviet Union, an overall trend towards presidential power, and the technologization of war are all confounding variables.

#### Only we have historical examples of declarations – they have been more flexible and poorly deliberated than authorizations – Gallagher is wishful thinking

#### Simons and McGraw – This evidence is laughably bad – there are no warrants. Their argument is that the US needs to send a signal, with authorizations solve.

### PICS Good 2NC

#### PICS good

#### 1- Decisionmaking – Good decisionmaking requires making comparisons between similar courses of action – PICS teach us to find the best policy possible – Debate should teach us to be better decisionmakers because it’s the only transferable skill to the rest of our lives

#### 2- Negative flexibility- The aff gets to parametricize the rez by picking one example- it’s an inherent advantage because they know way more about their *one* aff than the neg who has to be prepared for *every* aff- the best check is to be able to test individual parts of the aff

#### 3- No abuse – Lit base checks infinite regression and makes PICs predictable – “plan good” is offense against every PIC

#### Reject the arg, not the team

### Case Turn NB 2NC

#### Requiring declarations of war makes wars more likely and worse – History proves declarations are poorly deliberated and provide broad powers to the president – they are “meat cleavers” in situations where we need scalpels – that’s Koh. Formal declarations make it almost impossible for the US to back down, which causes these wars to escalate faster and farther – that’s Banks and Hansen

#### Declarations of war are worse for a few reasons:

#### Circumvention – Only the CP prevents circumvention by lowering costs of Congressional involvement. Fiat can’t solve because the plan text has Congress identify uses of force “likely to produce serious consequences” – Congress will use this opportunity for discretion to totally abdicate its role in decision-making

HAROLD HONGJU KOH - Professor, Yale Law School - September, 1991, COMMENT: THE COASE THEOREM AND THE WAR POWER: A RESPONSE., 41 Duke L.J. 122, LexisNexis

Why argue, then, that a formal declaration of war is constitutionally necessary? Sidak invokes political accountability and separation of powers, but in fact his approach could easily undermine both principles. History teaches that congressional declarations of ware are extraordinarily rare. n45 The crucial question thus becomes: Can the President use force abroad unilaterally, without any form of congressional approval, in the absence of such a declaration (i.e., in most circumstances)? At various points, Sidak suggests (without explicitly saying so) that the President could do so, citing the Commander in Chief power. n46 but if that is so, then our situation resembles the following quasi-Coasean parable: Suppose farmers grow corn to feed the people (and thus are like Congress in that their public role is to protect third-party beneficiaries). To prevent their neighboring cattle rancher (i.e., the President) from letting his cattle roam over their property with impunity (i.e., taking us regularly to war without congressional consent), territorial boundaries (viz., constitutional rules regarding congressional approval) should presumably be strictly enforced. Suppose local law specifies that when a majority of the farmers and the cattle rancher agree (i.e., a joint resoulution), the cattle can roam in limited, specified areas. Suppose, however, that in the name of greater formality, a judge finds such agreements to be "legal nullities" and decides that the law in fact requires a more extraordinary expression of farmer approval for such actions (expressed only four times in local history). He further finds, as Sidak would, that farmers may not obtain injunctions to stop unauthorized cattle wanderings. n47 The result, of course, is that such cattle wanderings will increase, not decrease, and more, not fewer, crops will be destroyed. Some farmers may abhor that result, but now lack the political wherewithal or the judicial tools to stop it; other farmers may not mind, or, more likely, will acquiesce in this outcome because the rancher is their close friend and protector. The point is that Sidak's rule in fact undercuts political accountability because it plays into the convergent incentives of both President and Congress to "Let George do it." If rarely obtained declarations of war were the only occasions for approving wars, then the President would [\*132] gain greater freedom to use force abroad without the need for congressional consent in "situations short of war," while Congress would gain yet another excuse for not going on the record regarding the President's conduct (namely, "the danger is not sufficiently clear or present to justify a declaration of war"). The irony is that in the name of protecting the original allocation of constitutional authorities, Sidak's "more formal" rule (coupled with his ban on injunctions) would permit a major reallocation of those authorities. Thus, far from enforcing a system of separation of powers, Sidak's rule would undercut it by broadening the President's de facto authority to conduct unauthorized wars. If the goal is to prevent the President from involving us in wars witout congressional approval, then the costs of obtaining congressional approval should be lowered -- not raised. By insisting on a formal declaration of war Sidak would raise the costs to Congress of expressing its views, and, thus, widen the sphere of uncontrolled executive discretion. In sum, the world would have been better off had Sidak simply sided with us completely. Had he done so, formal declarations of war would have been left to their special historical place, the Coase Theorem left to its other domains, and the meat cleaver left in the kitchen drawer, where it belongs.

### \*Solvency – A2: Declaration = Deliberation/Better Planning

#### History proves they are wrong – declarations of war are hasty and don’t cause better planning

William C. Banks and Peter Raven-Hansen – American Law Professor @ Syracuse University/ Co-director, National Security and U.S. Foreign Relations Law Program @ The George Washington University Law School – 1994, National Security Law and the Power of the Purse, 124-126, googlebooks

The case against a rule of formal declaration is so strong that it is little wonder that Sidak lets slip in several places that the rule may be “better characterized as a principle of constitutional governance rather than constitutional law.”7 Even as a principle of constitutional governance, however, it is seriously flawed. In the first place, there is no historical evidence that formal declarations are attended by more serious deliberation than less formal legislation. Quite the contrary, every U.S. declaration of war but one was passed with little or no debate and with great emotion.76 Of course, several of these followed attacks on the United States, and all were preceded by indirect debate about the appropri ate U.S. response to developing foreign crises. But the same may be said of less formal authorizations for military force. Nor is it the case that declarations are “more specific” in stating war objectives and their rationale. Historically, declarations have been terse, as Sidak himself admits.78 Of course, declarations have been focused and have been given specific meaning by the president’s request for them. “The President’s recommendation for war serves a useful function”79 and is an important part of the legislative history of a declaration. But a recommendation for less formal authorization can serve a similar function, as shown by President Bush’s “recommendation” for authorization of military force against Iraq,80 and more pertinently for our focus, by President Lyndon Johnson’s request for the May 1965 supplemental appropriation for military activities in Vietnam.