### Off 1

#### The court will strike down aggregate limits now – it’ll be close

Chemerinsky, 8-12 (Erwin, Badass, “Symposium: The distinction between contribution limits and expenditure limits,” http://www.scotusblog.com/2013/08/symposium-the-distinction-between-contribution-limits-and-expenditure-limits/)

For almost forty years, since Buckley v. Valeo in 1976, campaign finance law has been based on the distinction between contribution limits and expenditure limits. In Buckley, the Court held that contribution limits – restrictions on the amount that a person gives to a candidate or a committee – are generally constitutional. But expenditure limits – restrictions on what a person spends overall – are unconstitutional. Citizens United v. Federal Elections Commission in 2010 applied this distinction and held that limits on independent expenditures by corporations violate the First Amendment.¶ McCutcheon v. Federal Election Commission provides the Supreme Court with an occasion to reconsider this distinction. The issue in McCutcheon is whether aggregate limits on contributions are constitutional. Specifically, the plaintiffs are challenging the Bipartisan Campaign Reform Act’s $74,600 two-year ceiling on contributions to non-candidate committees and the $48,600 two-year ceiling on donations to candidate organizations.¶ Options: The Court could say . . .¶ The Court certainly could rule on this, even declaring it unconstitutional, without calling into question the constitutionality of all contribution limits. In fact, in Randall v. Sorrell (2006), the Court found Vermont’s limits on contributions to be so restrictive as to violate the First Amendment without reconsidering the basic distinction between limits on contributions and limits on expenditures. Vermont law restricted contributions so that the amount that any single individual could contribute to the campaign of a candidate for state office during a “two-year general election cycle” was $400 for governor, lieutenant governor, and other statewide offices; $300 for state senator; and $200 for state representative. The Court noted that the contribution limits in the Vermont law were lower than those upheld in Buckley or in any other Supreme Court decision, that they were the lowest in the country, and that they were not indexed to keep pace with inflation.¶ The aggregate contribution limits being challenged in McCutcheon are much higher and the Court therefore could distinguish Randall, follow Buckley, and uphold them. Or the Court could strike them down, invalidating aggregate limits as a violation of the First Amendment, but without calling into question all contribution limits. Buckley was based, in part, on the view that large contributions to candidates risk corruption and the appearance of corruption. The Court explained that “[t]o the extent that large contributions are given to secure a political quid pro quo from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.’’¶ The Court in McCutcheon could say that aggregate limits on the amount that can be contributed do not help to prevent such corruption or appearance of corruption. The Court could say that aggregate limits on contributions are really much more akin to expenditure limits and therefore unconstitutional. The Court could say that the real purpose of aggregate limits is to equalize political influence, a justification for campaign finance laws that the Court expressly rejected in Citizens United. Or the Court could distinguish aggregate limits to candidate committees from those to non-candidate committees, such as political parties.¶ Five votes to reconsider Buckley?¶ Underlying McCutcheon, though, is the question of whether the five conservative Justices want to reconsider Buckley’s holding that contribution limits are generally constitutional. In assessing this, it is important to note that three of these Justices – Antonin Scalia, Anthony Kennedy, and Clarence Thomas – have already called for the distinction between contribution and expenditure limits to be overruled. In his separate opinion in Colorado Republican Federal Campaign Committee v. Federal Election Commission, Justice Thomas declared: “I would reject the framework established by Buckley v. Valeo. . . . Instead, I begin with the premise that there is no constitutionally significant difference between campaign contributions and expenditures: both forms of speech are central to the First Amendment.’’¶ In Nixon v. Shrink Missouri Government PAC (2000), the Supreme Court reaffirmed Buckley’s distinction between contributions and expenditures, but four Justices sharply disagreed. Three Justices – Kennedy, Scalia, and Thomas – expressly declared their desire to overrule Buckley’s approval of contribution limits. Justice Kennedy wrote a strong dissent in which he lamented that ‘‘[t]he Court’s decision has lasting consequences for political speech in the course of elections, the speech upon which democracy depends.’’ He accused the Court of being “almost indifferent’’ to freedom of speech and said that he would overrule Buckley. Justice Thomas, joined by Justice Scalia, wrote a lengthier dissent, which began by declaring: “In the process of ratifying Missouri’s sweeping repression of political speech, the Court today adopts the analytical fallacies of our flawed decision in Buckley v. Valeo….Under the guise of applying Buckley, the Court proceeds to weaken the already enfeebled constitutional protection that Buckley afforded campaign contributions. As I indicated [previously], our decision in Buckley was in error, and I would overrule it.”¶ Therefore, it is likely that Justices Scalia, Kennedy, and Thomas are votes to strike down the aggregate contribution limits in McCutcheon and more generally to find contribution limits to violate the First Amendment. The crucial question in McCutcheon will be whether Chief Justice John Roberts and Justice Samuel Alito will join them and how far they are willing to go in reconsidering the distinction between contributions and expenditures.¶ The Chief Justice and Justice Alito were with Justices Scalia, Kennedy, and Thomas in Citizens United in its strong endorsement of the view that spending of money in election campaigns is political speech protected by the First Amendment and in invalidating limits on independent corporate political expenditures. Roberts and Alito also were with Scalia, Kennedy, and Thomas in Davis v. Federal Election Commission (2008), in declaring unconstitutional the “millionaire’s provision” of the Bipartisan Campaign Finance Reform Act unconstitutional. This provision increased contribution limits for opponents of a candidate who spent more than $350,000 of his or her personal funds. Most recently, in Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett (2011), these five Justices were in the majority to declare unconstitutional a public funding system that increased the contribution and spending limits for those not taking public money based on the amount spent by opponents.¶ By contrast, Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor strongly dissented in Citizens United, and Justice Elena Kagan, who as Solicitor General argued for the constitutionality of the law in Citizens United, wrote the dissent in Arizona Free Enterprise Club. They are obviously much more likely to uphold the challenged provisions in McCutcheon and to adhere to Buckley’s distinction between contributions and expenditures.¶ What seems absent on the current Court is any Justice who takes the position espoused by Justice John Paul Stevens, that there is no meaningful distinction between contribution and expenditure limits and that expenditure limits should be constitutional. This long has been my view. Elected officials can be influenced by who spends money on their behalf, just as they can be influenced by who directly contributes money to them. The perception of corruption might be generated by large expenditures for a candidate, just as it can be caused by large contributions. Moreover, I agree with Justice Stevens’s statement in his concurrence in Nixon v. Shrink that “[m]oney is property; it is not speech. . . . These property rights are not entitled to the same protection as the right to say what one pleases.’’¶ Prediction¶ Predicting Supreme Court decisions is always tempting and always dangerous. But for what it’s worth, my prediction is that the Court will vote five-four to strike down the aggregate contribution limits being challenged in McCutcheon and that it will do so without overruling the distinction between contributions and expenditures that is at the core of Buckley. When faced to confront the question in some future case, I fear that the Chief Justice and Justice Alito will join Justices Scalia, Kennedy, and Thomas in rejecting this distinction and they well might signal this in McCutcheon.

#### Capital key to strike down aggregate limits --- Citizens United proves

Gora 8-15 (Joel, professor of law at Brooklyn Law School, “Symposium: McCutcheon v. FEC and the fork in the road,” http://www.scotusblog.com/2013/08/symposium-mccutcheon-v-fec-and-the-fork-in-the-road/#more-168568)

The future of Buckley? Will the McCutcheon case disturb that Buckley equilibrium and call into question the continued validity of contribution limits in general, as some fear? The challengers say it is not necessary to reach that question because, even viewed as contribution limits under the Buckley framework (which they contend requires a much more probing analysis than commonly thought), the aggregate limits are clearly unconstitutional. The aggregate candidate limits are not required to prevent quid pro quo corruption because every separate contribution to a candidate is within the legal base limit. And the aggregate committee caps, claimed to be anti-circumvention safeguards, are constitutionally unnecessary and defective because of all the other statutory and regulatory safeguards in place to insure that the base contribution amount that any one contributor can give to any one party committee cannot be used as a conduit for corruption.¶ But the challengers also contend that the aggregate limits really operate like expenditure limits – i.e., limiting the donor’s overall ability to support a message they endorse, and controlling not just how much can be contributed, but how many candidates and committees the contributor can express support for. Given that, strict scrutiny is the standard of review. To the extent that some of the briefs supporting the law fret that eliminating those aggregate limits will give the wealthy too much political influence and sway, they seem to underscore that these can be viewed as questionable expenditure limits designed to “level the playing field” – the kiss of death for any campaign finance law. Either way, the challengers say, whether viewed as contribution controls or expenditure limits, a careful analysis of the interlocking statutory protections against corruption will show that the aggregate limits fail strict or even close scrutiny and must be struck down.¶ Enter the Roberts Court Of course, the $64,000 question is how the Roberts Court is likely to view these issues. The Court has certainly developed a decided track record on campaign finance issues. Five cases, five decisions striking down various campaign finance mechanisms as violating the First Amendment. Pervading these cases is the application of real strict scrutiny to campaign finance laws, measuring the burdens they impose on candidates, parties and groups, carefully probing in great detail the weight of the justifications offered for the mechanism at issue and showing a deep distrust and a severe skepticism of those justifications. Chief Justice John Roberts wrote a very muscular decision in the Arizona public financing case striking down a scheme that merely gave publicly funded candidates more government financing to counter spending by privately funded candidates. Even that was too much of a burden on the right of the privately funded candidate to spend their own money on their campaign. Here the restrictions are direct and potent and tell the contributor: You’ve expressed enough support for the candidates and party of your choice.¶ As is so often the case, the disposition may come down to Justice Anthony Kennedy. He, of course, is the author of the notorious Citizens United v. Federal Elections Commission (2010) decision, for which, despite its support in some quarters as a proper vindication of core First Amendment rights of all groups and individuals, the Court has taken a brutal battering in the court of public opinion.¶ Many are already raising the specter of the McCutcheon case being another Citizens United, this time dramatically changing the basic law on contribution limits. But McCutcheon and the RNC are not making that argument and are not challenging the validity of the base limits on contributions to candidates or parties. They think they can win within the traditional Buckley framework that permits contribution regulation, but only if properly justified. And Justice Kennedy in Citizens United went out of the way to say that the case involved independent expenditures only, with no direct impact on the validity of contribution limits. But one of the linchpins of his decision was that the only compelling interest that justifies campaign finance limitations is preventing direct quid pro quo corruption. To the extent the supporters of the law seem to be claiming that contributors like McCutcheon might have greater access to and influence on Republican elected officials, these days that does not seem to be much of a winning argument in the Supreme Court.¶ Finally, a win for McCutcheon and the RNC would have one other positive effect. It might give parties and candidates more financial wherewithal to counter the recent rise of “super PACs,” as exaggerated as their electoral impact seemed to be.

#### The plan forces a trade off --- massively spends court capital

McGinnis and Rappaport ’02 (John O., Prof of Law @ Cardozo Law, and Michael B., Prof of Law @ University of San Diego Law, “Our Supermajoritarian Constitution,” 80 Tex. L. Rev. 703)

Significantly, the Supreme Court has not declared these substitutions unconstitutional. In fact, the Court has upheld certain exercises of presidential authority to conclude international agreements that had binding effect [\*768] under domestic law. n276 While the causes of the Court's behavior are complex, the most important reason of the Court's failure to police the treaty clause appears to be its historic deference to the other branches regarding foreign affairs. n277 The consequences of the Court's failure thus underscore that supermajority rules, like other constitutional restraints, often require judicial enforcement.¶ Nevertheless, judicial enforcement of supermajority rules in this area would bump up against the strong institutional reasons that lead courts to defer in foreign affairs. A decision, even if correct as a matter of law, may have dramatically unfortunate consequences that could erode the Court's prestige. n278 For this reason, one may suspect that a Court with many other duties it finds more palatable, like protecting individual rights, might be reluctant to enforce strictly supermajority rules in this area even if clearly given the responsibility to do so. n279 Thus, the enforcement of a supermajority rule in foreign affairs may be more difficult than in the domestic arena, because of the nature of the subject matter.¶ n278. See John O. McGinnis, Constitutional Review by the Executive in Foreign Affairs and War Powers: A Consequence of Rational Choice in the Separation of Powers, 56 Law & Contemp. Probs., Autumn 1993, at 293, 306-07 (contemplating that judicial decisions concerning foreign affairs would jeopardize the political capital of the Court).

#### McCutcheon win strengthens political parties relative to Super PACs

Boschma ’13 (Janie, “Capital Eye Opener, Feb. 27: Lobbyists Worry About SCOTUS Case, Club for Growth Ranks Congress,” http://www.opensecrets.org/news/2013/02/capital-eye-opener-feb-27-1.html)

LOBBYISTS WORRY ABOUT SCOTUS CASE: As we wrote earlier this week, the Supreme Court has agreed to weigh in on whether to remove caps on the total amount an individual can give to candidates and political parties in McCutcheon vs. the Federal Election Commission.¶ Who's most worried about the possible removal of the caps? Lobbyists. They say they actually like the current limit on overall contributions, because it relieves some of the pressure of going to so many fundraisers, especially if they max out early and are no longer legally able to give, according to The Hill. Without a cap, they might be expected to keep attending -- and keep writing checks.¶ As our Research Director Sarah Bryner told The Hill, “Eliminating limits would provide more opportunities for lobbyists to speak with their money, given that they tend to support candidates and parties than super-PACs."¶ And because lobbyists do tend to support parties, getting rid of the cap could give political parties more power to compete with super PACs, which can accept unlimited corporate contributions. Without an overall spending cap, in theory any donor could give the maximum permissible $32,400 to a number of parties or even max out to every congressional or presidential candidate.¶ That could be why the Republican National Committee joined Alabama GOP donor Shaun McCutcheon as a plaintiff in the case. Not only could donors give more overall to a number of committees, national party committees would also not be as limited in how much they can give to candidates. ¶ If the Supreme Court sides with McCutcheon and the RNC (a decision is expected by June), McCutcheon and other big donors like him will be able to contribute to the maximum amount in each category and wouldn't be held back by the overall biennial limits -- currently $123,200, of which a total of $48,600 can go to candidates and $74,600 to PACs and parties.

#### That checks Republican tea-party extremism

Weisbrot ’12 (David, Professor of Legal Policy at the United States Studies Centre and Professor of Law and Governance at Macquarie University, “SuperPACs and bags of cash fail to halt Obama's ground game,” http://uselectionwatch12.com/news-room/SuperPACs-and-bags-of-cash-fail-to-halt-Obamas-ground-game)

Obviously, the most worrying aspect of the SuperPAC phenomenon is the disproportionately large voice — and presumably outsized influence — afforded to a small number of extremely wealthy donors. Half of all SuperPAC funding this year was provided by only 22 individuals and corporations. The top 100 donors represented less than four percent of all contributors, but accounted for over 80% of the total funds raised.¶ For the Republican camp, the major contributors included casino mogul Sheldon Adelson (over $60 million); billionaire oil and gas tycoons David and Charles Koch, the principal funders of the Tea Party movement; and Wall Street financiers — 16 of Romney’s top 20, despite the industry having been controversially bailed out by President Obama post-GFC. Left-leaning SuperPACs were best supported by Hollywood and large trade unions — such as the United Auto Workers, the National Education Association and the Service Employees International Union, although Obama has famously raised enormous amounts by accumulating large numbers of small donations, driven by effective use of social media.¶ But was it money well spent? The jury is still out on whether these riches ultimately provided some electoral advantage for candidates and a “return” for donors in the form of added influence, or whether all or most of this money was squandered in screening the relentless negative attack ads that bombarded voters in key swing states. What we know for certain is that after burning through $6billion, the election more or less restored the status quo, with President Obama re-elected, Democrats continuing to control the Senate and Republicans continuing to control the House of Representatives.¶ This masks some churn below the surface, however. The fact that a significant part of the conservative spend was controlled by SuperPACs and true believers, rather than by more pragmatic GOP operatives, helped contribute to the selection of some extreme and unattractive candidates and for the Republican message to skew even more sharply to the right.¶ Party discipline is difficult to maintain when it is divorced from the allocation of precious resources. For example, the GOP tried to distance itself from Missouri Senate candidate Todd Aikin after his infamous “legitimate rape” remarks, but outside money allowed him to remain in the race, and to be defeated in an otherwise very winnable Senate seat for the Republicans.

#### Tea Party influence jacks US/Russian relations – domestic politics key

Sokov 13 (Nicholas – Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation (VCDNP), “US-Russian Relations: Beyond the Reset”, 1/29, http://www.europeanleadershipnetwork.org/us-russian-relations-beyond-the-reset\_459.html)

Looking into the future, most observers of US-Russian relations tend to concentrate on arms control and disarmament – a new treaty to replace New START, missile defense, tactical nuclear weapons and other similar issues. Others pay attention to the human and political rights issues, including first of all the conservative wave that is sweeping through Russia. It is quite sad that nuclear disarmament and political rights dominate the agenda. This only shows that the relationship lacks depth. More than twenty years after the end of the Cold War, trade and investment remain at an extremely low level. They cannot serve as a stabilizer of the relationship (in sharp contrast to Russia’s relations with Europe) and their absence allows other, more volatile and more adversarial issues to top the agenda. Two features are likely to dominate the future of the US-Russian relationship and both will have a negative effect: domestic politics and the political transition in the Middle East and Northern Africa which is commonly known as the “Arab Spring.” Contrary to common opinion, there are very few truly difficult issues on the bilateral agenda that cannot be resolved through negotiation. The increasingly conflictual nature of the relationship results from domestic politics in both countries rather than from strategic, economic, or political differences. A good illustration is the well-known controversy over missile defense. Any decent diplomat could find a solution in a matter of months. Russian concerns concentrate on the fourth – and the last – phase of the American plan (known as the Phased Adaptive Approach), which foresees deployment of systems theoretically capable of intercepting strategic missiles. The solution proposed by Russian military leaders is to limit the capability of the fourth-phase system (for example, through limits on the number of interceptors and the areas of their deployment) so that it does not undermine the existing US-Russian strategic balance while preserving the ability of the American system to intercept a small number of long-range missiles, i.e., to limit the system to its officially proclaimed purpose. In the end, this is about the predictability of the American missile defense capability. The prospect of reaching agreement, however, is barred by the Republican Party, especially its Tea Party wing, which regards any limits whatsoever as anathema. Missile defense is an article of faith. This is not about plans or capabilities: this is about a deeply ideological commitment to unrestricted unilateralism. The increasingly tough and vocal (even shrill) Russian rhetoric also stems from domestic politics. Implementation of phase four of PAA is supposed to begin in the end of this decade and it may be another five to seven years, if not longer, until it begins to affect Russian strategic capability. There is plenty of time to negotiate. However, the rhetoric of the Russian government suggests that the threat is imminent. It is safe to assume that is simply the familiar “rally-around-the-flag” tactic of consolidating the public around the government.

#### Russia relations solve global nuclear war

Allison 11 (Graham, Director – Belfer Center for Science and International Affairs at Harvard’s Kennedy School, and Former Assistant Secretary of Defense, and Robert D. Blackwill, Senior Fellow – Council on Foreign Relations, “10 Reasons Why Russia Still Matters”, Politico, 2011, http://dyn.politico.com/printstory.cfm?uuid=161EF282-72F9-4D48-8B9C-C5B3396CA0E6)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order. Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy. Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions.

### Off 2

#### Judicial review of war powers erodes the State Secrets Privilege

Kadidal 7 (Shayana – Center for Constitutional Rights, New York City; J.D., Yale 1994, “DOES CONGRESS HAVE THE POWER TO LIMIT THE PRESIDENT'S CONDUCT OF DETENTIONS, INTERROGATIONS AND SURVEILLANCE IN THE CONTEXT OF WAR?”, 2007, 11 N.Y. City L. Rev. 23, lexis)

As to the AUMF, this meta-defense runs as follows: In both our case and the ACLU's similar case, the government claims that it could explain how the program fits into what Congress authorized in the AUMF--namely, the "use [of] all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist [\*58] attacks that occurred on September 11, 2001" n127 and those who harbored them--but to do so it would have to explain to the court how the Program works, particularly who it was targeting and what kinds of communications it was intercepting. The sensitivity of that information about how the Program works in practice means that it cannot do that, even ex parte in camera. Thus, the government argues, the State Secrets Privilege forecloses the ability to litigate these questions. n128 As to the FISA-is-unconstitutional defense, the meta-defense argues that for the government to explain to the court how the Program fits into the core of the President's inherent power to defend the nation--that (limited) core aspect of the war power that is so fundamentally executive as to be immune to regulation from Congress--would require disclosing state secrets to the court. Since FISA might be unconstitutional to the extent that it restricts such a hypothetical core, unregulable part of the executive war power, the court cannot rely on FISA in enjoining the President from carrying out such surveillance:

#### State Secrets Privilege protects private and government patent secrets – key to the military superiority

Donohue 10 (Laura – Associate Professor of Law, Georgetown University Law Center, “The Shadow of State Secrets”, 2010, 159 U. Pa. L. Rev. 77, lexis)

In contrast, docket searches demonstrate that, from January 2001 to January 2009, the privilege played a significant role in the executive branch's national security litigation strategy. In one case, the Administration asserted the state secrets privilege some 245 times. n31 More to the point, the government has invoked the state secrets privilege in more than 100 cases, which is more than five times the number of cases previously considered. And it is not just the executive branch that benefitted from the privilege: in scores of additional cases, private industry claimed that the state secrets doctrine applied, with the expectation that the federal government would later intervene to prevent certain documents from being subject to discovery or to stop the suit from moving forward. Beyond these, there are hundreds of cases on which the shadow of the privilege fell. This Article thus focuses on cases working their way through the courts between 2001 and 2009. It begins with disputes related to government contractors, where the threatened and actual invocation of the privilege appears in a broad range of grievances. Breach of contract, patent disputes, trade secrets, fraud, and employment termination cases prove remarkable in their frequency, length, and range of technologies involved. Wrongful death, personal injury, and negligence [\*88] cases extend beyond product liability to include infrastructure and services, as well as an emerging area perhaps best understood as the conduct of war. These corporate cases are distinguished by the tendency of companies to claim that state secrets are at stake early in the dispute and the subsequent role of the United States, if it chooses to become involved and to invoke the privilege, as an intervenor. Close inspection suggests a conservative executive branch that is more likely to step forward when breach of contract, trade secrets, or patent disputes present themselves, and unlikely - once it invokes the privilege - to back down. Where the executive initially decides not to intervene and invoke the privilege, the rapid expansion of the use of contractors appears to be giving birth to a new form of "graymail": should the government initially refuse to support the corporation's state secrets claim, companies deeply embedded in the state may threaten to air legally or politically damaging information. n32 Even when no overt threat is made, the government may worry that certain information will emerge during the course of the trial that would politically compromise the agency or individuals involved. In other cases, the government may be dependent upon a corporation for a key aspect of national defense, thus creating an incentive for the state to protect the company from financial penalties associated with bad behavior. n33

#### Nuclear war

Kagan 7 (Robert, Senior Associate – Carnegie Endowment for International Peace, “End of Dreams, Return of History: International Rivalry and American Leadership”, Policy Review, August/September, http://www.hoover.org/publications/policyreview/8552512.html#n10)

The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying —  its regional as well as its global predominance. Were the United States to diminish its influence in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic. It is easy but also dangerous to underestimate the role the United States plays in providing a measure of stability in the world even as it also disrupts stability. For instance, the United States is the dominant naval power everywhere, such that other nations cannot compete with it even in their home waters. They either happily or grudgingly allow the United States Navy to be the guarantor of international waterways and trade routes, of international access to markets and raw materials such as oil. Even when the United States engages in a war, it is able to play its role as guardian of the waterways. In a more genuinely multipolar world, however, it would not. Nations would compete for naval dominance at least in their own regions and possibly beyond. Conflict between nations would involve struggles on the oceans as well as on land. Armed embargos, of the kind used in World War i and other major conflicts, would disrupt trade flows in a way that is now impossible. Such order as exists in the world rests not only on the goodwill of peoples but also on American power. Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War II would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war. People who believe greater equality among nations would be preferable to the present American predominance often succumb to a basic logical fallacy. They believe the order the world enjoys today exists independently of American power. They imagine that in a world where American power was diminished, the aspects of international order that they like would remain in place. But that ’s not the way it works. International order does not rest on ideas and institutions. It is shaped by configurations of power. The international order we know today reflects the distribution of power in the world since World War ii, and especially since the end of the Cold War. A different configuration of power, a multipolar world in which the poles were Russia, China, the United States, India, and Europe, would produce its own kind of order, with different rules and norms reflecting the interests of the powerful states that would have a hand in shaping it. Would that international order be an improvement? Perhaps for Beijing and Moscow it would. But it is doubtful that it would suit the tastes of enlightenment liberals in the United States and Europe. The current order, of course, is not only far from perfect but also offers no guarantee against major conflict among the world ’s great powers. Even under the umbrella of unipolarity, regional conflicts involving the large powers may erupt. War could erupt between China and Taiwan and draw in both the United States and Japan. War could erupt between Russia and Georgia, forcing the United States and its European allies to decide whether to intervene or suffer the consequences of a Russian victory. Conflict between India and Pakistan remains possible, as does conflict between Iran and Israel or other Middle Eastern states. These, too, could draw in other great powers, including the United States. Such conflicts may be unavoidable no matter what policies the United States pursues. But they are more likely to erupt if the United States weakens or withdraws from its positions of regional dominance. This is especially true in East Asia, where most nations agree that a reliable American power has a stabilizing and pacific effect on the region. That is certainly the view of most of China ’s neighbors. But even China, which seeks gradually to supplant the United States as the dominant power in the region, faces the dilemma that an American withdrawal could unleash an ambitious, independent, nationalist Japan. Conflicts are more likely to erupt if the United States withdraws from its positions of regional dominance. In Europe, too, the departure of the United States from the scene — even if it remained the world’s most powerful nation — could be destabilizing. It could tempt Russia to an even more overbearing and potentially forceful approach to unruly nations on its periphery. Although some realist theorists seem to imagine that the disappearance of the Soviet Union put an end to the possibility of confrontation between Russia and the West, and therefore  to the need for a permanent American role in Europe, history suggests that conflicts in Europe involving Russia are possible even without Soviet communism. If the United States withdrew from Europe — if it adopted what some call a strategy of “offshore balancing” — this could in time increase the likelihood of conflict involving Russia and its near neighbors, which could in turn draw the United States back in under unfavorable circumstances.

### Off 3

Text: The President of the United States should eliminate its targeting killing policy involving drone strikes on the grounds that it violates international law.

#### Solves –

#### Executive orders concerning war powers are common, have the same effect as the plan, and withstand judicial scrutiny

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Executive orders make "legally binding pronouncements" in fields of authority generally conceded to the President. n92 A prominent example of this use is in the area of security classifications. n93 President Franklin Roosevelt issued an executive order to establish the system of security classification in use today. n94 Subsequent administrations followed the President's lead, issuing their own executive orders on the subject. n95 In 1994, Congress specifically required "presidential issuance of an executive order on classification," by way of an "amendment to the National Security Act of 1947 . . . ." n96 The other areas in which Congress concedes broad power to the President "include ongoing governance of civil servants, foreign service and consular activities, operation and discipline in the military, controls on government contracting, and, until recently, the management and control of public lands." n97 Although there are also statutes that address these areas, most basic policy comes from executive orders. n98 Executive orders commonly address matters "concerning military personnel" n99 and foreign policy. n100 "[D]uring periods of heightened national security activity," executive orders regularly authorize the transfer of responsibilities, personnel, or resources from selected parts of the government to the military or vice versa. n101 Many executive orders have also guided the management of public lands, such as orders creating, expanding, or decommissioning military installations, and creating reservations for sovereign Native American communities. n102 [\*347] Executive orders serve to implement both regulations and congressional regulatory programs. n103 Regulatory orders may target specific businesses and people, or may be designed for general applicability. n104 Many executive orders have constituted "delegations of authority originally conferred on the president by statute" and concerning specific agencies or executive-branch officers. n105 Congress may confer to the President, within the statutory language, broad delegatory authority to subordinate officials, while nevertheless expecting the President to "retain[] ultimate responsibility for the manner in which ." n106 "[I]t is common today for [the President] to cite this provision of law . . . as the authority to support an order." n107 Many presidents, especially after World War II, used executive orders-with or without congressional approval-to create new agencies, eliminate existing organizations, and reorganize others. n108 Orders in this category include President Kennedy's creation of the Peace Corps, n109 and President Nixon's establishment of the Cabinet Committee on Environmental Quality, the Council on Environmental Policy, and reorganization of the Office of the President. n110 At the core of this reorganization was the creation of the Office of Management and Budget. n111 President Clinton continued the practice of creating agencies, including the National Economic Council, with the issuance of his second executive order. n112 President Clinton also used an executive order "to cut one hundred thousand positions from the federal service" a decision which would have merited no congressional review, despite its impact. n113 President George W. Bush created the Office of Homeland Security as his key organizational reaction to the terrorist attacks of September 11, 2001, despite the fact that [\*348] Congress at the time appeared willing to enact whatever legislation he sought. n114 President Obama created several positions of Special Advisor to the President on specific issues of concern, for which there is often already a cabinet or agency position. n115 Other executive orders have served "to alter pay grades, address regulation of the behavior of civil servants, outline disciplinary actions for conduct on and off the job, and establish days off, as in the closing of federal offices." n116 Executive orders have often served "to exempt named individuals from mandatory retirement, to create individual exceptions to policies governing pay grades and classifications, and to provide for temporary reassignment of personnel in times of war or national emergency." n117 Orders can authorize "exceptions from normal operations" or announce temporary or permanent appointments. n118 Many orders have also addressed the management of public lands, although the affected lands are frequently parts of military reservations. n119 The fact that an executive order has the effect of a statute makes it a law of the land in the same manner as congressional legislation or a judicial decision. n120 In fact, an executive order that establishes the precise rules and regulations for governing the execution of a federal statute has the same effect as if those details had formed a part of the original act itself. n121 However, if there is no constitutional or congressional authorization, an executive order may have no legal effect. n122 Importantly, executive orders designed to carry a statute into effect are invalid if they are inconsistent [\*349] with the statute itself, for any other construction would permit the executive branch to overturn congressional legislation capriciously. n123 The application of this rule allows the President to create an order under the presumption that it is within the power of the executive branch to do so. Indeed, a contestant carries the burden of proving that an executive action exceeds the President's authority. n124 That is, as a practical matter, the burden of persuasion with respect to an executive order's invalidity is firmly upon anyone who tries to question it. n125 The President thus has great discretion in issuing regulations. n126 An executive order, with proper congressional authorization enjoys a strong presumption of validity, and the judiciary is likely to interpret it broadly. n127 If Congress appropriates funds for a President to carry out a directive, this constitutes congressional ratification thereof. n128 Alternatively, Congress may simply refer to a presidential directive in later legislation and thereby retroactively shield it from any future challenge. n1

### Off 4

#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 -- Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### The affirmative orders International Relations around a myth that exists to make authoritarianism warm and fuzzy – instead we need to reorient ourselves towards a counter-politics resisting this state of emergency.

Mark Neocleous, Professor of the Critique of Political Economy at Brunel University,08 (“Critique of Security”, McGill-Queen’s University, pp. 72-75, Published 2008)

But there is a wider argument to be made, one with political implications. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a 'return to legality', a return to the 'normal' mode of governing through the rule of law. This involves a serious misjudgement in which it is simply assumed that legal procedures - both international and domestic are designed to protect human rights from state violence. 'Law' are comes to appear largely unproblematic and the rule of law 'an unqualified human good'." What this amounts to is what I have elsewhere called a form of legal fetishism, in which Law becomes a mystical answer to the problems posed by power. In the process, the problems inherent in Law are ignored. Law is treated as an 'indepen- dent' or 'autonomous' reality, explained according to its own dynamics, a Subject in itself whose very existence requires that individuals and institutions 'objectify' themselves before it. This produces the illusion that Law has a life of its own, abstracting the rule of law from its origins in class domination, ignoring the ways in which the rule of law is deployed as a political strategy, and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law. To demand the return to the 'rule of law' is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures are part of the everyday exercise of powers, working alongside rather than against the rule of law as part of a unified political strategy in the fabrication of social order. The question to ask, then, is less 'how can we bring law to bear on violence?' and much more 'what is it that the law permits emergency measures to accomplish?"' This question - the question that Schmitt, with his fetish for the decision cannot understand/'° which is also why contemporary Left Schmittianism is such a dead loss - disposes of any supposed juxtaposition between legality and emergency and allows us to recognise instead the extent to which the concept of emergency is deeply inscribed within the law and the legal condition of the modem state, and a central part of liberalism's authoritarian moment: the iron fist in the velvet glove of liberal constitutionalism. Far from suspending law or bracketing off the juridical, emergency powers lie firmly within the legal domain. How could they not, since they are so obviously central to state power and the political technology of government - part of the deployment of law, rather than its abandonment? Once this is recognised, the supposed problematic of violence disappears completely, for it can then be seen that emergency powers are deployed for the exercise of a violence necessary for the permanent refashioning of order - the violence of law, not violence contra law. Liberalism struggles with this, and thus presents it as an exceptional moment; fascism recognises it for what it is, and aestheticises the moment. As David Dyzenhaus points out, while the stripping of liberties in the name of emergency the denial of rights on the grounds of necessity and the suspension of freedoms through the exercise of prerogative might appear quite minor compared to what happens in fascist regimes, the fact that the stripping, denial and suspension does happen under the guise of emergency and in full view of the courts brings the legal order of liberal democracies far closer to the legal order of fascism than liberals would care to admit. But in a wonderful ideological loop, the rule of law is also its own ideological obfuscation of that fact The political implications of this are enormous. For if emergency powers are part and parcel of the exercise of law and violence (that is, law as violence), and if historically they have been aimed at the oppressed - in advanced capitalist states against the proletariat and its various struggles, in reactionary regimes against genuine politicisation of the people, in colonial systems against popular mobilisation - then they need to be fought not by demanding a return to the 'normal' rule of law, but in what Benjamin calls a real state of emergency, on the grounds that only this will improve our position in the struggle against the fascism of our time. And this is a task which requires violence, not the rule of law. As Benjamin saw, the law's claim to a monopoly of violence is explained not by the intention of preserving some mythical 'legal end' such as security or normality but, rather, for 'the intention of preserving the law itself'. But violence not in the hands of the law threatens it by its mere existence outside the law. A violence exercised not by the state, but used for very different political ends. For 'if the existence of violence outside the law, as pure immediate violence, is assured, [then] this furnishes proof that revolutionary violence ... is possible'."' That this possibility of and necessity for revolutionary violence is so often omitted when emergency powers are discussed is indicative of the extent to which much of the Left has given up any talk of political violence for the far more comfortable world of the rule of law, regardless of how little the latter has achieved in just the last few years. But if the history of emergency powers tells us anything it is that the least effective response to state violence is to simply insist on the rule of law. Rather than aiming to counter state violence with a demand for legality, then, what is needed is a counter-politics: against the permanent emergency by all means, but also against the 'normality' of everyday class power and the bourgeois world of the rule of law. And since the logic of emergency is so deeply embedded in the rhetorical structure of liberalism's concept of security this means being against the politics of security. For the very posing of political questions through the trope of emergency is always already on the side of security. To grasp why, we need to now refocus our attention more specifically on security as a political technology.

#### Enframing of security makes macro-political violence inevitable

Burke 7 – Associate Professor of Politics and International Relations in the University of New South Wales (Anthony, Theory & Event, Volume 10, Issue 2, 2007, “Ontologies of War: Violence, Existence and Reason,” Project MUSE)

This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Deterrence

#### Social science proves no modeling- US signals are dismissed

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### No reverse modeling - norms can’t solve

Saunders 13 **(**Paul, executive director of The Center for the National Interest and associate publisher of The National Interest. He served in the State Department from 2003 to 2005, “We Won't Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177>)

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.¶ Based on their actions, it is almost as if Obama administration officials believe that the United States and its allies will have a long-term monopoly on drones. How else can one explain their exuberant confidence in launching drone attacks? However, the administration’s dramatic expansion in drone strikes—and their apparent effectiveness—will only further shorten Washington’s reign as the drone capital of the world by increasing the incentives to others eager to develop, refine or buy the technology.¶ Have Obama administration officials given any thought to what the world might look like when armed drones are more widespread and when Americans or U.S. allies and partners could become targets? To an outsider, there is little evidence of this kind of thinking in the administration’s use of drones.¶ This is a serious problem. According to an unclassified July 2012 report by the Government Accountability Office, at least 76 countries already have acquired unmanned aerial vehicles, known as UAVs or drones; the report also states that “countries of concern” are attempting to acquire advanced UAVs from foreign suppliers as well as seeking illegal access to U.S. technology. And a 2012 special report by the United Kingdom’s Guardian newspaper indicated that China has 10 or more models, though not all are armed. Other sources identify additional varieties in China. At least 50 countries are trying to build 900 different types of drones, the GAO writes.¶ More generally, the administration’s expanding use of drones is a powerful endorsement of not only the technology, but of the practice of targeted killing as an instrument of foreign and security policy. Having provided this powerful impetus, the United States should not be surprised if others—with differing legal standards and more creative efforts at self-justification—seize upon it once they have the necessary capabilities. According to the GAO, this is already happening—in government-speak, “while only a limited number of countries have fielded lethal or weaponized UAVs, this threat is anticipated to grow.” From this perspective, it is ironic that a president so critical of his predecessor’s unilateralism would practice it himself—particularly in a manner that other governments will find much easier to emulate than the Bush administration’s larger-scale use of force. How does the Obama administration plan to respond if and when China or Russia uses armed UAVs to attack groups they define as terrorists?

#### Restrictions won’t be modeled- precedent already set

Jacobson 13 **(**Mark R., senior transatlantic fellow at the German Marshall Fund of the United States. From 2009 to 2011, he served with NATO’s International Security Assistance Force in Afghanistan, “Column: Key Assumptions About Drones Are Based on Misconceptions,” <http://www.vnews.com/opinion/4393278-95/drones-drone-armed-civilian>]

Armed drones are neither as simple as model airplanes nor as complex as high-performance fighter jets. Of course, a remote-controlled helicopter that you can build in your garage is certainly not as capable as the $26.8 million MQ-9 Reaper, the primary U.S. hunter-killer drone. But drones are much less expensive than fighter aircraft, and in an age of increasing austerity, it is tempting for nations to consider replacing jets with drones. More than 50 countries operate surveillance drones, and armed drones will quickly become standard in military arsenals. The challenge is to consider what international rules, if any, should govern the use of armed drones. The United States is setting the precedent; our approach may define the global rules of engagement. Of course, we cannot expect other nations to adopt the oversight and restrictions we have. What doors are we opening for other nations’ use of drones? What happens when terrorist groups acquire them? The United States must prepare for being the prey, not just the predator.

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html)

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revolution in which billions and trillions of dollars will be made. To stop it you'd have to first stop science, and then business, and then war."

#### Chinese drones don't threaten US interests or military superiority - they're too far behind

Zhou 13 (Dillon, Freelance writer and former research assistant @ Cyber Conflict Studies Association, "China Drones Prompt Fears of a Drone Race With the US," http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us)

There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program.¶ First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present.¶ Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years.¶ Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation.

#### No international consensus or over drones – too hard for agreement

Carafano 13 (James Jay, vice president for foreign and defense policy studies @ Heritage, 3/25, “The Future of Drones,” <http://nationalinterest.org/commentary/the-future-drones-8264>)

4. Will we get new laws of war?

No. The laws of war were written to be agnostic about technology. They do not need to be rewritten when a new capability appears. At most, as in the case of weapons of mass destruction, new regimes might be created to regulate or ban use. But when it comes to drones, there is really nothing exceptional about the technology they employ. Manned weapons systems use the same technologies. Why would you need new rules for one and not the other?

Further, even if there was a reason to rewrite the laws of war, it won’t happen anytime soon. The UN has melted down over trying to agree on a conventional arms treaty. It is hard to believe any kind of consensus of drone war will emerge any time soon.

#### US-led norms over weapons fail - nukes prove

Fisher 7 (Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico, "Targeted Killing, Norms, and International Law," 45 Colum. J. Transnat'l L. 711, lexis)

n164. Id. That is not to suggest, as realists would, that powerful States may simply impose their norms on others. Thomas, supra note 18, at 8. Prominence is necessary but not sufficient for a norm to succeed and power is an important aspect of norm prominence but it is not solely determinative of it. Florini, supra note 28, at 375. For example, consider the failure of the United States, acting as a norm entrepreneur, to "conventionalize" nuclear weapons and counter the beginnings of the nuclear taboo in the 1950s. Tannenwald, supra note 122, at 7, 23-26.

#### No large-scale drone war - susceptibility to air defenses ensures they'll be limited to only permissive environments

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

### ILAW

#### Targeted killing doesn't violate international law

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

Targeted killings are also condemned because of the possibility that innocent citizens, who are truly unassociated with terrorist activities and fit the definition of "civilians" under international law, might be harmed. n250 Targeted killings are nevertheless consistent with customary international law even where a preemptive strike incidentally causes civilian casualties so long as the acting nation took all reasonable steps to prevent unnecessary harm and the operation was proportionate to the perceived threat. n251 Additionally, "a terrorist should not be granted immunity simply because he can surround himself with non-terrorists." n252 Protocol I condemns the practice of surrounding oneself with civilians as a shield from adverse military strikes. n253

#### International law supports targeted killing – consistent with UN resolutions, precautionary measures are widely accepted as legitimate

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

U.N. Security Council Resolution 1373 specifically recognizes a state's "inherent right of individual or collective self-defence," and calls on states to "prevent and suppress terrorist acts." n254 This resolution commands members to "take the necessary steps to prevent the commission of terrorist attacks," n255 which is consistent with the type of authority the Russian Federal Law on the Counteraction of Terrorism appears to legitimize and with the type of authority exercised by Israel and the United States pursuant to their targeted killing [\*696] and counterterrorism policies. n256 Russia, "guarantor of international norms as a charter member of the Security Council," n257 understands and upholds these international legal instructions. Nowhere in these documents are the states' rights and duties qualified by due process concerns for terrorists.¶ In the unique circumstances of violent terrorists, arrests are impossible or would merely result in a higher death toll. n258 For example, an Israeli arrest of the Palestinian terrorist leaders would require that Israel "invade Palestinian cities and kill hundreds of civilians along the way." n259 Israel's Deputy Defense Minister stated simply that "those who preach to us tend to forget that our first responsibility is to protect Israelis." n260 The Defense Minister then posed the question: "If I know that somebody (in the Palestinian-controlled areas) is preparing a car bomb, what am I supposed to do? Write him a warning letter? Send him a subpoena?" n261 The states facing terrorist threats have learned, through experience, that traditional or passive reactions to terrorism are wholly ineffective. n262 Accordingly, "Israel has responded the only way it can, and precisely as any other country would." n263¶ Targeted killing policies are consistent with international law because, as preventative measures, targeted attacks are not retaliatory in nature. n264 Further, terrorists are not considered civilians, n265 which releases states from any obligation to provide these unlawful [\*697] actors with guarantees of rights and due process. n266 International law requires that nations take precautionary measures to protect the hostile state's civilians from harm, n267 and as targeted killing policies focus on an individual attacker, n268 civilians are collateral damage only infrequently. Moreover, Russia, along with a number of other countries, recently reaffirmed its commitment to respecting human rights in the global war on terrorism. n269 In light of the international legality of an active counterterrorism strategy, nations facing terrorist threats would benefit from enacting a law similar to Russia's Federal Law on the Counteraction of Terrorism.¶

#### No terminal – just says we need more water – obviously this isn’t an extinction claim –modern economics allows distribution to key nations

#### No water wars – empirics are on our side

Allouche 11 (Jeremy Allouche 11 is currently a Research Fellow at the Institute of Development Studies at the University of Sussex. "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade" Food PolicyVolume 36, Supplement 1, January 2011, Pages S3-S8 Accessed via: Science Direct Sciverse)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change **and greater inputs of capital** have **dramatically increased labour productivity in agriculture.** More generally, the neo-Malthusian view has suffered because during the last two centuries **humankind has breached many resource barriers that seemed unchallengeable**.¶ Lessons from history: alarmist scenarios, resource wars and international relations¶ In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an **instrumental purpose**; security and conflict are here used for raising water/food as key policy priorities at the international level.¶ In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none **of these declarations have been followed up by military action**.¶ The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems.¶ None **of the** various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18).¶ As shown in The Basins At Risk (BAR) water event database, **more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale** (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 ([FAO, 1978] and [FAO, 1984]).¶ The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however **no direct correlation between water scarcity and transboundary conflict**. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example [Allouche, 2005], [Allouche, 2007] and [Rouyer, 2000]). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians ([Dinar and Dinar, 2005] and [Brochmann and Gleditsch, 2006]).¶ In terms of international relations, the threat of water wars due to increasing scarcity **does not make much sense in the light of the recent** historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable.¶ The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict ([Brauch, 2002] and [Pervis and Busby, 2004]). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, **the evidence base to substantiate the connections is thin** ([Barnett and Adger, 2007] and [Kevane and Gray, 2008]).

#### Long timeframe and adaptation solves

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### Warming is irreversible

ANI 10 (“IPCC has underestimated climate-change impacts, say scientists”, 3-20, One India, http://news.oneindia.in/2010/03/20/ipcchas-underestimated-climate-change-impacts-sayscientis.html)

According to Charles H. Greene, Cornell professor of Earth and atmospheric science, "Even if all man-made greenhouse gas emissions were stopped tomorrow and carbon-dioxide levels stabilized at today's concentration, by the end of this century, the global average temperature would increase by about 4.3 degrees Fahrenheit, or about 2.4 degrees centigrade above pre-industrial levels, which is significantly above the level which scientists and policy makers agree is a threshold for dangerous climate change." "Of course, greenhouse gas emissions will not stop tomorrow, so the actual temperature increase will likely be significantly larger, resulting in potentially catastrophic impacts to society unless other steps are taken to reduce the Earth's temperature," he added. "Furthermore, while the oceans have slowed the amount of warming we would otherwise have seen for the level of greenhouse gases in the atmosphere, the ocean's thermal inertia will also slow the cooling we experience once we finally reduce our greenhouse gas emissions," he said. This means that the temperature rise we see this century will be largely irreversible for the next thousand years. "Reducing greenhouse gas emissions alone is unlikely to mitigate the risks of dangerous climate change," said Green.

#### CO2 is not the one cause for climate change – solar radiation and ocean interactions are ignored

Patterson 11 [Norman Paterson is a Professional Engineer and Consulting Geophysicist with 60 years’ experience in Mineral and Environmental Geophysics. He obtained his Ph. D in Geophysics at the University of Toronto in 1955, and was elected Fellow, Royal Society of Canada in 1977. “Global Warming: A Critique of the Anthropogenic Model and its Consequences”, Geoscience Canada - Volume 38, Number 1, March 2011, Chetan]

WHAT CAUSES WARMING? It is likely that the cyclical warming and cooling of the earth results from a number of different causes, none of which, taken alone, is dominant enough to be entirely responsible. The more important ones are solar changes (including both irradiance and magnetic field effects), atmosphere–ocean interaction (including both multidecadal climatic oscillations and unforced internal variability), and greenhouse gases. All of these factors have been discussed by IPCC, but the first two have been dismissed as negligible in comparison with the greenhouse-gas effect and man’s contribution to it through anthropogenic CO2 . It is claimed (e.g. Revelle and Suess 1957) that the particular infrared absorption bands of CO2 provide it with a special ability to absorb and reradiate the sun’s longer wavelength radiation, causing warming of the troposphere and an increase in high-altitude (cirrus) cloud, further amplifying the heating process. Detailed arguments against this conclusion can be found in Spencer et al. (2007) and Gerlich and Tscheuschner (2009). These scientists point out (among other arguments, which include the logarithmic decrease in absorptive power of CO2 at increasing concentrations), that clouds have poor ability to emit radiation and that the transfer of heat from the atmosphere to a warmer body (the earth) defies the Second Law of Thermodynamics. They argue that the Plank and Stefan-Boltzman equations used in calculations of radiative heat transfer cannot be applied to gases in the atmosphere because of the highly complex multi-body nature of the problem. Veizer (2005) explains that, to play a significant role, CO2 requires an amplifier, in this case water vapour. He concludes that water vapour plays the dominant role in global warming and that solar effects are the driver, rather than CO2 . A comprehensive critique of the greenhouse gas theory is provided by Hutton (2009).

#### -- No ecocollapse

Easterbrook 3 (Gregg, Senior Fellow – New Republic, “We’re All Gonna Die!”, Wired Magazine, July, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=)

If we're talking about doomsday - the end of human civilization - many scenarios simply don't measure up. A single nuclear bomb ignited by terrorists, for example, would be awful beyond words, but life would go on. People and machines might converge in ways that you and I would find ghastly, but from the standpoint of the future, they would probably represent an adaptation. Environmental collapse might make parts of the globe unpleasant, but considering that the biosphere has survived ice ages, it wouldn't be the final curtain. Depression, which has become 10 times more prevalent in Western nations in the postwar era, might grow so widespread that vast numbers of people would refuse to get out of bed, a possibility that Petranek suggested in a doomsday talk at the Technology Entertainment Design conference in 2002. But Marcel Proust, as miserable as he was, wrote Remembrance of Things Past while lying in bed.

#### The most comprehensive studies prove that the harmful effects of acid rain are myths.

Doug Bandow, 1998. Senior Fellow at the Cato Institute and worked with the Natural Resources and Environment Cabinet Council while a Special Assistant to President Reagan. “Environmentalism: The Triumph of Politics,” Action Institute, http://www.acton.org/publications/randl/rl\_article\_271.php.

Politicians are also remarkably vulnerable to scaremongering by special-interest groups and activists. One apocalyptic vision is Acid Rain. In 1980 the Environmental Protection Agency claimed that Sulfur Dioxide emissions caused Acid Rain, which had supposedly increased the average acidity of Northeast lakes one-hundred-fold over the last forty years and was killing fish and trees alike. A year later the National Research Council predicted that the number of acidified lakes would double by 1990. So, naturally, Congress included stringent provisions to cut so2 emissions (already down 50 percent from the 1970s) at a cost of billions of dollars annually when it reauthorized the Clean Air Act. Yet in 1987, epa research raised doubts about the destructiveness of acid rain. Then came the most complete study of Acid Rain ever conducted, the half billion dollar National Acid Precipitation Assessment Project (napap), which concluded that the allegedly horrific effects of Acid Rain were largely a myth.

#### No impact, air pollution doesn’t kill

Schwartz, 03 - ADJUNCT SCHOLAR, COMPETITIVE ENTERPRISE INSTITUTE (Joel, “PARTICULATE AIR POLLUTION: WEIGHING THE RISKS,” April, <http://cei.org/pdf/3452.pdf>)

Nonetheless, both the Bush Administration and congressional Democrats have proposed sweeping new measures to further crack down on power plant emissions. The Administration’s Clear Skies Initiative and a more stringent Democratic alternative are largely justified by claims that current levels of particulate matter (PM) pose a serious public health threat. Supporters of these bills promise substantial benefits from additional PM reductions. Nevertheless, the benefit claims for PM reductions rest on a weak foundation. EPA based its new annual fine PM (PM2.5) standard on a study known as the American Cancer Society (ACS) study of PM and mortality, which assessed the association between the risk of death between 1982 and 1998 with PM2.5 levels in dozens of American cities. Although the ACS study reported an association between PM and mortality, some odd features of the ACS results suggest that PM is not the culprit. For example, according to the ACS results, PM increased mortality in men, but not women; in those with no more than a high school degree, but not those with at least some college education; in former- smokers, but not current- or never-smokers; and in those who said they were moderately active, but not those who said they were very active or sedentary. These odd variations in the relationship between PM2.5 and mortality seem biologically implausible. Even more surprising, the ACS study reported that higher PM2.5 levels were not associated with an increased risk of mortality due to respiratory disease; a surprising finding, given that PM would be expected to exert its effects through the respiratory system. EPA also ignored the results of another epidemiologic study that found no effect of PM2.5 on mortality in a cohort of veterans with high blood pressure, even though this relatively unhealthy cohort should have been more susceptible to the effects of pollution than the general population. The evidence therefore suggests that the existing annual standard for PM2.5 is unnecessarily stringent. Attaining the standard will be expensive, but is unlikely to improve public health.

### Off 1

#### The court will strike down aggregate limits now – it’ll be close

Chemerinsky, 8-12 (Erwin, Badass, “Symposium: The distinction between contribution limits and expenditure limits,” http://www.scotusblog.com/2013/08/symposium-the-distinction-between-contribution-limits-and-expenditure-limits/)

For almost forty years, since Buckley v. Valeo in 1976, campaign finance law has been based on the distinction between contribution limits and expenditure limits. In Buckley, the Court held that contribution limits – restrictions on the amount that a person gives to a candidate or a committee – are generally constitutional. But expenditure limits – restrictions on what a person spends overall – are unconstitutional. Citizens United v. Federal Elections Commission in 2010 applied this distinction and held that limits on independent expenditures by corporations violate the First Amendment.¶ McCutcheon v. Federal Election Commission provides the Supreme Court with an occasion to reconsider this distinction. The issue in McCutcheon is whether aggregate limits on contributions are constitutional. Specifically, the plaintiffs are challenging the Bipartisan Campaign Reform Act’s $74,600 two-year ceiling on contributions to non-candidate committees and the $48,600 two-year ceiling on donations to candidate organizations.¶ Options: The Court could say . . .¶ The Court certainly could rule on this, even declaring it unconstitutional, without calling into question the constitutionality of all contribution limits. In fact, in Randall v. Sorrell (2006), the Court found Vermont’s limits on contributions to be so restrictive as to violate the First Amendment without reconsidering the basic distinction between limits on contributions and limits on expenditures. Vermont law restricted contributions so that the amount that any single individual could contribute to the campaign of a candidate for state office during a “two-year general election cycle” was $400 for governor, lieutenant governor, and other statewide offices; $300 for state senator; and $200 for state representative. The Court noted that the contribution limits in the Vermont law were lower than those upheld in Buckley or in any other Supreme Court decision, that they were the lowest in the country, and that they were not indexed to keep pace with inflation.¶ The aggregate contribution limits being challenged in McCutcheon are much higher and the Court therefore could distinguish Randall, follow Buckley, and uphold them. Or the Court could strike them down, invalidating aggregate limits as a violation of the First Amendment, but without calling into question all contribution limits. Buckley was based, in part, on the view that large contributions to candidates risk corruption and the appearance of corruption. The Court explained that “[t]o the extent that large contributions are given to secure a political quid pro quo from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.’’¶ The Court in McCutcheon could say that aggregate limits on the amount that can be contributed do not help to prevent such corruption or appearance of corruption. The Court could say that aggregate limits on contributions are really much more akin to expenditure limits and therefore unconstitutional. The Court could say that the real purpose of aggregate limits is to equalize political influence, a justification for campaign finance laws that the Court expressly rejected in Citizens United. Or the Court could distinguish aggregate limits to candidate committees from those to non-candidate committees, such as political parties.¶ Five votes to reconsider Buckley?¶ Underlying McCutcheon, though, is the question of whether the five conservative Justices want to reconsider Buckley’s holding that contribution limits are generally constitutional. In assessing this, it is important to note that three of these Justices – Antonin Scalia, Anthony Kennedy, and Clarence Thomas – have already called for the distinction between contribution and expenditure limits to be overruled. In his separate opinion in Colorado Republican Federal Campaign Committee v. Federal Election Commission, Justice Thomas declared: “I would reject the framework established by Buckley v. Valeo. . . . Instead, I begin with the premise that there is no constitutionally significant difference between campaign contributions and expenditures: both forms of speech are central to the First Amendment.’’¶ In Nixon v. Shrink Missouri Government PAC (2000), the Supreme Court reaffirmed Buckley’s distinction between contributions and expenditures, but four Justices sharply disagreed. Three Justices – Kennedy, Scalia, and Thomas – expressly declared their desire to overrule Buckley’s approval of contribution limits. Justice Kennedy wrote a strong dissent in which he lamented that ‘‘[t]he Court’s decision has lasting consequences for political speech in the course of elections, the speech upon which democracy depends.’’ He accused the Court of being “almost indifferent’’ to freedom of speech and said that he would overrule Buckley. Justice Thomas, joined by Justice Scalia, wrote a lengthier dissent, which began by declaring: “In the process of ratifying Missouri’s sweeping repression of political speech, the Court today adopts the analytical fallacies of our flawed decision in Buckley v. Valeo….Under the guise of applying Buckley, the Court proceeds to weaken the already enfeebled constitutional protection that Buckley afforded campaign contributions. As I indicated [previously], our decision in Buckley was in error, and I would overrule it.”¶ Therefore, it is likely that Justices Scalia, Kennedy, and Thomas are votes to strike down the aggregate contribution limits in McCutcheon and more generally to find contribution limits to violate the First Amendment. The crucial question in McCutcheon will be whether Chief Justice John Roberts and Justice Samuel Alito will join them and how far they are willing to go in reconsidering the distinction between contributions and expenditures.¶ The Chief Justice and Justice Alito were with Justices Scalia, Kennedy, and Thomas in Citizens United in its strong endorsement of the view that spending of money in election campaigns is political speech protected by the First Amendment and in invalidating limits on independent corporate political expenditures. Roberts and Alito also were with Scalia, Kennedy, and Thomas in Davis v. Federal Election Commission (2008), in declaring unconstitutional the “millionaire’s provision” of the Bipartisan Campaign Finance Reform Act unconstitutional. This provision increased contribution limits for opponents of a candidate who spent more than $350,000 of his or her personal funds. Most recently, in Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett (2011), these five Justices were in the majority to declare unconstitutional a public funding system that increased the contribution and spending limits for those not taking public money based on the amount spent by opponents.¶ By contrast, Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor strongly dissented in Citizens United, and Justice Elena Kagan, who as Solicitor General argued for the constitutionality of the law in Citizens United, wrote the dissent in Arizona Free Enterprise Club. They are obviously much more likely to uphold the challenged provisions in McCutcheon and to adhere to Buckley’s distinction between contributions and expenditures.¶ What seems absent on the current Court is any Justice who takes the position espoused by Justice John Paul Stevens, that there is no meaningful distinction between contribution and expenditure limits and that expenditure limits should be constitutional. This long has been my view. Elected officials can be influenced by who spends money on their behalf, just as they can be influenced by who directly contributes money to them. The perception of corruption might be generated by large expenditures for a candidate, just as it can be caused by large contributions. Moreover, I agree with Justice Stevens’s statement in his concurrence in Nixon v. Shrink that “[m]oney is property; it is not speech. . . . These property rights are not entitled to the same protection as the right to say what one pleases.’’¶ Prediction¶ Predicting Supreme Court decisions is always tempting and always dangerous. But for what it’s worth, my prediction is that the Court will vote five-four to strike down the aggregate contribution limits being challenged in McCutcheon and that it will do so without overruling the distinction between contributions and expenditures that is at the core of Buckley. When faced to confront the question in some future case, I fear that the Chief Justice and Justice Alito will join Justices Scalia, Kennedy, and Thomas in rejecting this distinction and they well might signal this in McCutcheon.

#### Capital key to strike down aggregate limits --- Citizens United proves

Gora 8-15 (Joel, professor of law at Brooklyn Law School, “Symposium: McCutcheon v. FEC and the fork in the road,” http://www.scotusblog.com/2013/08/symposium-mccutcheon-v-fec-and-the-fork-in-the-road/#more-168568)

The future of Buckley? Will the McCutcheon case disturb that Buckley equilibrium and call into question the continued validity of contribution limits in general, as some fear? The challengers say it is not necessary to reach that question because, even viewed as contribution limits under the Buckley framework (which they contend requires a much more probing analysis than commonly thought), the aggregate limits are clearly unconstitutional. The aggregate candidate limits are not required to prevent quid pro quo corruption because every separate contribution to a candidate is within the legal base limit. And the aggregate committee caps, claimed to be anti-circumvention safeguards, are constitutionally unnecessary and defective because of all the other statutory and regulatory safeguards in place to insure that the base contribution amount that any one contributor can give to any one party committee cannot be used as a conduit for corruption.¶ But the challengers also contend that the aggregate limits really operate like expenditure limits – i.e., limiting the donor’s overall ability to support a message they endorse, and controlling not just how much can be contributed, but how many candidates and committees the contributor can express support for. Given that, strict scrutiny is the standard of review. To the extent that some of the briefs supporting the law fret that eliminating those aggregate limits will give the wealthy too much political influence and sway, they seem to underscore that these can be viewed as questionable expenditure limits designed to “level the playing field” – the kiss of death for any campaign finance law. Either way, the challengers say, whether viewed as contribution controls or expenditure limits, a careful analysis of the interlocking statutory protections against corruption will show that the aggregate limits fail strict or even close scrutiny and must be struck down.¶ Enter the Roberts Court Of course, the $64,000 question is how the Roberts Court is likely to view these issues. The Court has certainly developed a decided track record on campaign finance issues. Five cases, five decisions striking down various campaign finance mechanisms as violating the First Amendment. Pervading these cases is the application of real strict scrutiny to campaign finance laws, measuring the burdens they impose on candidates, parties and groups, carefully probing in great detail the weight of the justifications offered for the mechanism at issue and showing a deep distrust and a severe skepticism of those justifications. Chief Justice John Roberts wrote a very muscular decision in the Arizona public financing case striking down a scheme that merely gave publicly funded candidates more government financing to counter spending by privately funded candidates. Even that was too much of a burden on the right of the privately funded candidate to spend their own money on their campaign. Here the restrictions are direct and potent and tell the contributor: You’ve expressed enough support for the candidates and party of your choice.¶ As is so often the case, the disposition may come down to Justice Anthony Kennedy. He, of course, is the author of the notorious Citizens United v. Federal Elections Commission (2010) decision, for which, despite its support in some quarters as a proper vindication of core First Amendment rights of all groups and individuals, the Court has taken a brutal battering in the court of public opinion.¶ Many are already raising the specter of the McCutcheon case being another Citizens United, this time dramatically changing the basic law on contribution limits. But McCutcheon and the RNC are not making that argument and are not challenging the validity of the base limits on contributions to candidates or parties. They think they can win within the traditional Buckley framework that permits contribution regulation, but only if properly justified. And Justice Kennedy in Citizens United went out of the way to say that the case involved independent expenditures only, with no direct impact on the validity of contribution limits. But one of the linchpins of his decision was that the only compelling interest that justifies campaign finance limitations is preventing direct quid pro quo corruption. To the extent the supporters of the law seem to be claiming that contributors like McCutcheon might have greater access to and influence on Republican elected officials, these days that does not seem to be much of a winning argument in the Supreme Court.¶ Finally, a win for McCutcheon and the RNC would have one other positive effect. It might give parties and candidates more financial wherewithal to counter the recent rise of “super PACs,” as exaggerated as their electoral impact seemed to be.

#### The plan forces a trade off --- massively spends court capital

McGinnis and Rappaport ’02 (John O., Prof of Law @ Cardozo Law, and Michael B., Prof of Law @ University of San Diego Law, “Our Supermajoritarian Constitution,” 80 Tex. L. Rev. 703)

Significantly, the Supreme Court has not declared these substitutions unconstitutional. In fact, the Court has upheld certain exercises of presidential authority to conclude international agreements that had binding effect [\*768] under domestic law. n276 While the causes of the Court's behavior are complex, the most important reason of the Court's failure to police the treaty clause appears to be its historic deference to the other branches regarding foreign affairs. n277 The consequences of the Court's failure thus underscore that supermajority rules, like other constitutional restraints, often require judicial enforcement.¶ Nevertheless, judicial enforcement of supermajority rules in this area would bump up against the strong institutional reasons that lead courts to defer in foreign affairs. A decision, even if correct as a matter of law, may have dramatically unfortunate consequences that could erode the Court's prestige. n278 For this reason, one may suspect that a Court with many other duties it finds more palatable, like protecting individual rights, might be reluctant to enforce strictly supermajority rules in this area even if clearly given the responsibility to do so. n279 Thus, the enforcement of a supermajority rule in foreign affairs may be more difficult than in the domestic arena, because of the nature of the subject matter.¶ n278. See John O. McGinnis, Constitutional Review by the Executive in Foreign Affairs and War Powers: A Consequence of Rational Choice in the Separation of Powers, 56 Law & Contemp. Probs., Autumn 1993, at 293, 306-07 (contemplating that judicial decisions concerning foreign affairs would jeopardize the political capital of the Court).

#### McCutcheon win strengthens political parties relative to Super PACs

Boschma ’13 (Janie, “Capital Eye Opener, Feb. 27: Lobbyists Worry About SCOTUS Case, Club for Growth Ranks Congress,” http://www.opensecrets.org/news/2013/02/capital-eye-opener-feb-27-1.html)

LOBBYISTS WORRY ABOUT SCOTUS CASE: As we wrote earlier this week, the Supreme Court has agreed to weigh in on whether to remove caps on the total amount an individual can give to candidates and political parties in McCutcheon vs. the Federal Election Commission.¶ Who's most worried about the possible removal of the caps? Lobbyists. They say they actually like the current limit on overall contributions, because it relieves some of the pressure of going to so many fundraisers, especially if they max out early and are no longer legally able to give, according to The Hill. Without a cap, they might be expected to keep attending -- and keep writing checks.¶ As our Research Director Sarah Bryner told The Hill, “Eliminating limits would provide more opportunities for lobbyists to speak with their money, given that they tend to support candidates and parties than super-PACs."¶ And because lobbyists do tend to support parties, getting rid of the cap could give political parties more power to compete with super PACs, which can accept unlimited corporate contributions. Without an overall spending cap, in theory any donor could give the maximum permissible $32,400 to a number of parties or even max out to every congressional or presidential candidate.¶ That could be why the Republican National Committee joined Alabama GOP donor Shaun McCutcheon as a plaintiff in the case. Not only could donors give more overall to a number of committees, national party committees would also not be as limited in how much they can give to candidates. ¶ If the Supreme Court sides with McCutcheon and the RNC (a decision is expected by June), McCutcheon and other big donors like him will be able to contribute to the maximum amount in each category and wouldn't be held back by the overall biennial limits -- currently $123,200, of which a total of $48,600 can go to candidates and $74,600 to PACs and parties.

#### That checks Republican tea-party extremism

Weisbrot ’12 (David, Professor of Legal Policy at the United States Studies Centre and Professor of Law and Governance at Macquarie University, “SuperPACs and bags of cash fail to halt Obama's ground game,” http://uselectionwatch12.com/news-room/SuperPACs-and-bags-of-cash-fail-to-halt-Obamas-ground-game)

Obviously, the most worrying aspect of the SuperPAC phenomenon is the disproportionately large voice — and presumably outsized influence — afforded to a small number of extremely wealthy donors. Half of all SuperPAC funding this year was provided by only 22 individuals and corporations. The top 100 donors represented less than four percent of all contributors, but accounted for over 80% of the total funds raised.¶ For the Republican camp, the major contributors included casino mogul Sheldon Adelson (over $60 million); billionaire oil and gas tycoons David and Charles Koch, the principal funders of the Tea Party movement; and Wall Street financiers — 16 of Romney’s top 20, despite the industry having been controversially bailed out by President Obama post-GFC. Left-leaning SuperPACs were best supported by Hollywood and large trade unions — such as the United Auto Workers, the National Education Association and the Service Employees International Union, although Obama has famously raised enormous amounts by accumulating large numbers of small donations, driven by effective use of social media.¶ But was it money well spent? The jury is still out on whether these riches ultimately provided some electoral advantage for candidates and a “return” for donors in the form of added influence, or whether all or most of this money was squandered in screening the relentless negative attack ads that bombarded voters in key swing states. What we know for certain is that after burning through $6billion, the election more or less restored the status quo, with President Obama re-elected, Democrats continuing to control the Senate and Republicans continuing to control the House of Representatives.¶ This masks some churn below the surface, however. The fact that a significant part of the conservative spend was controlled by SuperPACs and true believers, rather than by more pragmatic GOP operatives, helped contribute to the selection of some extreme and unattractive candidates and for the Republican message to skew even more sharply to the right.¶ Party discipline is difficult to maintain when it is divorced from the allocation of precious resources. For example, the GOP tried to distance itself from Missouri Senate candidate Todd Aikin after his infamous “legitimate rape” remarks, but outside money allowed him to remain in the race, and to be defeated in an otherwise very winnable Senate seat for the Republicans.

#### Tea Party influence jacks US/Russian relations – domestic politics key

Sokov 13 (Nicholas – Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation (VCDNP), “US-Russian Relations: Beyond the Reset”, 1/29, http://www.europeanleadershipnetwork.org/us-russian-relations-beyond-the-reset\_459.html)

Looking into the future, most observers of US-Russian relations tend to concentrate on arms control and disarmament – a new treaty to replace New START, missile defense, tactical nuclear weapons and other similar issues. Others pay attention to the human and political rights issues, including first of all the conservative wave that is sweeping through Russia. It is quite sad that nuclear disarmament and political rights dominate the agenda. This only shows that the relationship lacks depth. More than twenty years after the end of the Cold War, trade and investment remain at an extremely low level. They cannot serve as a stabilizer of the relationship (in sharp contrast to Russia’s relations with Europe) and their absence allows other, more volatile and more adversarial issues to top the agenda. Two features are likely to dominate the future of the US-Russian relationship and both will have a negative effect: domestic politics and the political transition in the Middle East and Northern Africa which is commonly known as the “Arab Spring.” Contrary to common opinion, there are very few truly difficult issues on the bilateral agenda that cannot be resolved through negotiation. The increasingly conflictual nature of the relationship results from domestic politics in both countries rather than from strategic, economic, or political differences. A good illustration is the well-known controversy over missile defense. Any decent diplomat could find a solution in a matter of months. Russian concerns concentrate on the fourth – and the last – phase of the American plan (known as the Phased Adaptive Approach), which foresees deployment of systems theoretically capable of intercepting strategic missiles. The solution proposed by Russian military leaders is to limit the capability of the fourth-phase system (for example, through limits on the number of interceptors and the areas of their deployment) so that it does not undermine the existing US-Russian strategic balance while preserving the ability of the American system to intercept a small number of long-range missiles, i.e., to limit the system to its officially proclaimed purpose. In the end, this is about the predictability of the American missile defense capability. The prospect of reaching agreement, however, is barred by the Republican Party, especially its Tea Party wing, which regards any limits whatsoever as anathema. Missile defense is an article of faith. This is not about plans or capabilities: this is about a deeply ideological commitment to unrestricted unilateralism. The increasingly tough and vocal (even shrill) Russian rhetoric also stems from domestic politics. Implementation of phase four of PAA is supposed to begin in the end of this decade and it may be another five to seven years, if not longer, until it begins to affect Russian strategic capability. There is plenty of time to negotiate. However, the rhetoric of the Russian government suggests that the threat is imminent. It is safe to assume that is simply the familiar “rally-around-the-flag” tactic of consolidating the public around the government.

#### Russia relations solve global nuclear war

Allison 11 (Graham, Director – Belfer Center for Science and International Affairs at Harvard’s Kennedy School, and Former Assistant Secretary of Defense, and Robert D. Blackwill, Senior Fellow – Council on Foreign Relations, “10 Reasons Why Russia Still Matters”, Politico, 2011, http://dyn.politico.com/printstory.cfm?uuid=161EF282-72F9-4D48-8B9C-C5B3396CA0E6)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies. No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons. Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow. First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war. Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose. Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success. Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups. Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries. Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps. Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order. Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy. Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin. Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions.

### Off 2

#### Judicial review of war powers erodes the State Secrets Privilege

Kadidal 7 (Shayana – Center for Constitutional Rights, New York City; J.D., Yale 1994, “DOES CONGRESS HAVE THE POWER TO LIMIT THE PRESIDENT'S CONDUCT OF DETENTIONS, INTERROGATIONS AND SURVEILLANCE IN THE CONTEXT OF WAR?”, 2007, 11 N.Y. City L. Rev. 23, lexis)

As to the AUMF, this meta-defense runs as follows: In both our case and the ACLU's similar case, the government claims that it could explain how the program fits into what Congress authorized in the AUMF--namely, the "use [of] all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist [\*58] attacks that occurred on September 11, 2001" n127 and those who harbored them--but to do so it would have to explain to the court how the Program works, particularly who it was targeting and what kinds of communications it was intercepting. The sensitivity of that information about how the Program works in practice means that it cannot do that, even ex parte in camera. Thus, the government argues, the State Secrets Privilege forecloses the ability to litigate these questions. n128 As to the FISA-is-unconstitutional defense, the meta-defense argues that for the government to explain to the court how the Program fits into the core of the President's inherent power to defend the nation--that (limited) core aspect of the war power that is so fundamentally executive as to be immune to regulation from Congress--would require disclosing state secrets to the court. Since FISA might be unconstitutional to the extent that it restricts such a hypothetical core, unregulable part of the executive war power, the court cannot rely on FISA in enjoining the President from carrying out such surveillance:

#### State Secrets Privilege protects private and government patent secrets – key to the military superiority

Donohue 10 (Laura – Associate Professor of Law, Georgetown University Law Center, “The Shadow of State Secrets”, 2010, 159 U. Pa. L. Rev. 77, lexis)

In contrast, docket searches demonstrate that, from January 2001 to January 2009, the privilege played a significant role in the executive branch's national security litigation strategy. In one case, the Administration asserted the state secrets privilege some 245 times. n31 More to the point, the government has invoked the state secrets privilege in more than 100 cases, which is more than five times the number of cases previously considered. And it is not just the executive branch that benefitted from the privilege: in scores of additional cases, private industry claimed that the state secrets doctrine applied, with the expectation that the federal government would later intervene to prevent certain documents from being subject to discovery or to stop the suit from moving forward. Beyond these, there are hundreds of cases on which the shadow of the privilege fell. This Article thus focuses on cases working their way through the courts between 2001 and 2009. It begins with disputes related to government contractors, where the threatened and actual invocation of the privilege appears in a broad range of grievances. Breach of contract, patent disputes, trade secrets, fraud, and employment termination cases prove remarkable in their frequency, length, and range of technologies involved. Wrongful death, personal injury, and negligence [\*88] cases extend beyond product liability to include infrastructure and services, as well as an emerging area perhaps best understood as the conduct of war. These corporate cases are distinguished by the tendency of companies to claim that state secrets are at stake early in the dispute and the subsequent role of the United States, if it chooses to become involved and to invoke the privilege, as an intervenor. Close inspection suggests a conservative executive branch that is more likely to step forward when breach of contract, trade secrets, or patent disputes present themselves, and unlikely - once it invokes the privilege - to back down. Where the executive initially decides not to intervene and invoke the privilege, the rapid expansion of the use of contractors appears to be giving birth to a new form of "graymail": should the government initially refuse to support the corporation's state secrets claim, companies deeply embedded in the state may threaten to air legally or politically damaging information. n32 Even when no overt threat is made, the government may worry that certain information will emerge during the course of the trial that would politically compromise the agency or individuals involved. In other cases, the government may be dependent upon a corporation for a key aspect of national defense, thus creating an incentive for the state to protect the company from financial penalties associated with bad behavior. n33

#### Nuclear war

Kagan 7 (Robert, Senior Associate – Carnegie Endowment for International Peace, “End of Dreams, Return of History: International Rivalry and American Leadership”, Policy Review, August/September, http://www.hoover.org/publications/policyreview/8552512.html#n10)

The jostling for status and influence among these ambitious nations and would-be nations is a second defining feature of the new post-Cold War international system. Nationalism in all its forms is back, if it ever went away, and so is international competition for power, influence, honor, and status. American predominance prevents these rivalries from intensifying —  its regional as well as its global predominance. Were the United States to diminish its influence in the regions where it is currently the strongest power, the other nations would settle disputes as great and lesser powers have done in the past: sometimes through diplomacy and accommodation but often through confrontation and wars of varying scope, intensity, and destructiveness. One novel aspect of such a multipolar world is that most of these powers would possess nuclear weapons. That could make wars between them less likely, or it could simply make them more catastrophic. It is easy but also dangerous to underestimate the role the United States plays in providing a measure of stability in the world even as it also disrupts stability. For instance, the United States is the dominant naval power everywhere, such that other nations cannot compete with it even in their home waters. They either happily or grudgingly allow the United States Navy to be the guarantor of international waterways and trade routes, of international access to markets and raw materials such as oil. Even when the United States engages in a war, it is able to play its role as guardian of the waterways. In a more genuinely multipolar world, however, it would not. Nations would compete for naval dominance at least in their own regions and possibly beyond. Conflict between nations would involve struggles on the oceans as well as on land. Armed embargos, of the kind used in World War i and other major conflicts, would disrupt trade flows in a way that is now impossible. Such order as exists in the world rests not only on the goodwill of peoples but also on American power. Such order as exists in the world rests not merely on the goodwill of peoples but on a foundation provided by American power. Even the European Union, that great geopolitical miracle, owes its founding to American power, for without it the European nations after World War II would never have felt secure enough to reintegrate Germany. Most Europeans recoil at the thought, but even today Europe ’s stability depends on the guarantee, however distant and one hopes unnecessary, that the United States could step in to check any dangerous development on the continent. In a genuinely multipolar world, that would not be possible without renewing the danger of world war. People who believe greater equality among nations would be preferable to the present American predominance often succumb to a basic logical fallacy. They believe the order the world enjoys today exists independently of American power. They imagine that in a world where American power was diminished, the aspects of international order that they like would remain in place. But that ’s not the way it works. International order does not rest on ideas and institutions. It is shaped by configurations of power. The international order we know today reflects the distribution of power in the world since World War ii, and especially since the end of the Cold War. A different configuration of power, a multipolar world in which the poles were Russia, China, the United States, India, and Europe, would produce its own kind of order, with different rules and norms reflecting the interests of the powerful states that would have a hand in shaping it. Would that international order be an improvement? Perhaps for Beijing and Moscow it would. But it is doubtful that it would suit the tastes of enlightenment liberals in the United States and Europe. The current order, of course, is not only far from perfect but also offers no guarantee against major conflict among the world ’s great powers. Even under the umbrella of unipolarity, regional conflicts involving the large powers may erupt. War could erupt between China and Taiwan and draw in both the United States and Japan. War could erupt between Russia and Georgia, forcing the United States and its European allies to decide whether to intervene or suffer the consequences of a Russian victory. Conflict between India and Pakistan remains possible, as does conflict between Iran and Israel or other Middle Eastern states. These, too, could draw in other great powers, including the United States. Such conflicts may be unavoidable no matter what policies the United States pursues. But they are more likely to erupt if the United States weakens or withdraws from its positions of regional dominance. This is especially true in East Asia, where most nations agree that a reliable American power has a stabilizing and pacific effect on the region. That is certainly the view of most of China ’s neighbors. But even China, which seeks gradually to supplant the United States as the dominant power in the region, faces the dilemma that an American withdrawal could unleash an ambitious, independent, nationalist Japan. Conflicts are more likely to erupt if the United States withdraws from its positions of regional dominance. In Europe, too, the departure of the United States from the scene — even if it remained the world’s most powerful nation — could be destabilizing. It could tempt Russia to an even more overbearing and potentially forceful approach to unruly nations on its periphery. Although some realist theorists seem to imagine that the disappearance of the Soviet Union put an end to the possibility of confrontation between Russia and the West, and therefore  to the need for a permanent American role in Europe, history suggests that conflicts in Europe involving Russia are possible even without Soviet communism. If the United States withdrew from Europe — if it adopted what some call a strategy of “offshore balancing” — this could in time increase the likelihood of conflict involving Russia and its near neighbors, which could in turn draw the United States back in under unfavorable circumstances.

### Off 3

Text: The President of the United States should eliminate its targeting killing policy involving drone strikes on the grounds that it violates international law.

#### Solves –

#### Executive orders concerning war powers are common, have the same effect as the plan, and withstand judicial scrutiny

Duncan 10 (John C. – Associate Professor of Law, College of Law, Florida A & M University; Ph.D., Stanford University; J.D., Yale Law School, “A CRITICAL CONSIDERATION OF EXECUTIVE ORDERS: GLIMMERINGS OF AUTOPOIESIS IN THE EXECUTIVE ROLE”, Vermont Law Review, 35 Vt. L. Rev. 333, lexis)

Executive orders make "legally binding pronouncements" in fields of authority generally conceded to the President. n92 A prominent example of this use is in the area of security classifications. n93 President Franklin Roosevelt issued an executive order to establish the system of security classification in use today. n94 Subsequent administrations followed the President's lead, issuing their own executive orders on the subject. n95 In 1994, Congress specifically required "presidential issuance of an executive order on classification," by way of an "amendment to the National Security Act of 1947 . . . ." n96 The other areas in which Congress concedes broad power to the President "include ongoing governance of civil servants, foreign service and consular activities, operation and discipline in the military, controls on government contracting, and, until recently, the management and control of public lands." n97 Although there are also statutes that address these areas, most basic policy comes from executive orders. n98 Executive orders commonly address matters "concerning military personnel" n99 and foreign policy. n100 "[D]uring periods of heightened national security activity," executive orders regularly authorize the transfer of responsibilities, personnel, or resources from selected parts of the government to the military or vice versa. n101 Many executive orders have also guided the management of public lands, such as orders creating, expanding, or decommissioning military installations, and creating reservations for sovereign Native American communities. n102 [\*347] Executive orders serve to implement both regulations and congressional regulatory programs. n103 Regulatory orders may target specific businesses and people, or may be designed for general applicability. n104 Many executive orders have constituted "delegations of authority originally conferred on the president by statute" and concerning specific agencies or executive-branch officers. n105 Congress may confer to the President, within the statutory language, broad delegatory authority to subordinate officials, while nevertheless expecting the President to "retain[] ultimate responsibility for the manner in which ." n106 "[I]t is common today for [the President] to cite this provision of law . . . as the authority to support an order." n107 Many presidents, especially after World War II, used executive orders-with or without congressional approval-to create new agencies, eliminate existing organizations, and reorganize others. n108 Orders in this category include President Kennedy's creation of the Peace Corps, n109 and President Nixon's establishment of the Cabinet Committee on Environmental Quality, the Council on Environmental Policy, and reorganization of the Office of the President. n110 At the core of this reorganization was the creation of the Office of Management and Budget. n111 President Clinton continued the practice of creating agencies, including the National Economic Council, with the issuance of his second executive order. n112 President Clinton also used an executive order "to cut one hundred thousand positions from the federal service" a decision which would have merited no congressional review, despite its impact. n113 President George W. Bush created the Office of Homeland Security as his key organizational reaction to the terrorist attacks of September 11, 2001, despite the fact that [\*348] Congress at the time appeared willing to enact whatever legislation he sought. n114 President Obama created several positions of Special Advisor to the President on specific issues of concern, for which there is often already a cabinet or agency position. n115 Other executive orders have served "to alter pay grades, address regulation of the behavior of civil servants, outline disciplinary actions for conduct on and off the job, and establish days off, as in the closing of federal offices." n116 Executive orders have often served "to exempt named individuals from mandatory retirement, to create individual exceptions to policies governing pay grades and classifications, and to provide for temporary reassignment of personnel in times of war or national emergency." n117 Orders can authorize "exceptions from normal operations" or announce temporary or permanent appointments. n118 Many orders have also addressed the management of public lands, although the affected lands are frequently parts of military reservations. n119 The fact that an executive order has the effect of a statute makes it a law of the land in the same manner as congressional legislation or a judicial decision. n120 In fact, an executive order that establishes the precise rules and regulations for governing the execution of a federal statute has the same effect as if those details had formed a part of the original act itself. n121 However, if there is no constitutional or congressional authorization, an executive order may have no legal effect. n122 Importantly, executive orders designed to carry a statute into effect are invalid if they are inconsistent [\*349] with the statute itself, for any other construction would permit the executive branch to overturn congressional legislation capriciously. n123 The application of this rule allows the President to create an order under the presumption that it is within the power of the executive branch to do so. Indeed, a contestant carries the burden of proving that an executive action exceeds the President's authority. n124 That is, as a practical matter, the burden of persuasion with respect to an executive order's invalidity is firmly upon anyone who tries to question it. n125 The President thus has great discretion in issuing regulations. n126 An executive order, with proper congressional authorization enjoys a strong presumption of validity, and the judiciary is likely to interpret it broadly. n127 If Congress appropriates funds for a President to carry out a directive, this constitutes congressional ratification thereof. n128 Alternatively, Congress may simply refer to a presidential directive in later legislation and thereby retroactively shield it from any future challenge. n1

### Off 4

#### The aff doesn’t provide real reform – continued crisis discourse allows a re-expansion of executive authority

Scheuerman 12 -- Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion. Meanwhile, our primary system favors candidates who successfully appeal to an energized partisan base, meaning that those best able to exploit public opinion polling and the mass media, but out of sync with the median voter, generally gain the party nomination. Linz earlier pointed out that presidentialism favors political outsiders; Ackerman worries that in our emerging presidential model, the outsiders will tend to be extremists. Polling and media-savvy, charismatic, and relatively extreme figures will colonize the White House. In addition, the president's control over the massive administrative apparatus provides the executive with a daunting array of institutional weapons, while the Office of Legal Counsel (OLC) and Office of Counsel to the President offer hyperpoliticized sites from which distinctly executive-centered legal and constitutional views now are rapidly disseminated. Ackerman raises some tough questions for those who deem the OLC and related executive organs fundamentally sound institutions that somehow went haywire under David Addington and John Yoo. In his view, their excesses represent a logical result of basic structural trends currently transforming both the executive and political system as whole. OLC's partisan and sometimes quasi-authoritarian legal pronouncements are now being eagerly studied by law students and cited by federal courts (2010, 93). Notwithstanding an admirable tradition of executive deference to the Supreme Court, presidents are better positioned than ever to claim higher political legitimacy and neutralize political rivals. Backed by eager partisan followers, adept at the media game, and well armed with clever legal arguments constructed by some of the best lawyers in the country, prospective presidents may conceivably stop deferring to the Court (2010, 89). Ackerman's most unsettling amendment to his previous views is probably his discussion of the increasingly politicized character of the military—an administrative realm, by the way, ignored by other writers here, despite its huge role in modern US politics. Here again, the basic enigma is that the traditional eighteenth-century tripartite separation of powers meshes poorly with twenty-first-century trends: powerful military leaders can now regularly play different branches of govemment against one another in ways that undermine meaningful civilian oversight. Top officers possess far-reaching opportunities "to become an independent political force—allowing them to tip the balance of political support in one direction, then another," as the competing branches struggle for power (2010, 49). For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less universal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### The affirmative orders International Relations around a myth that exists to make authoritarianism warm and fuzzy – instead we need to reorient ourselves towards a counter-politics resisting this state of emergency.

Mark Neocleous, Professor of the Critique of Political Economy at Brunel University,08 (“Critique of Security”, McGill-Queen’s University, pp. 72-75, Published 2008)

But there is a wider argument to be made, one with political implications. The idea that the permanent emergency involves a suspension of the law encourages the idea that resistance must involve a 'return to legality', a return to the 'normal' mode of governing through the rule of law. This involves a serious misjudgement in which it is simply assumed that legal procedures - both international and domestic are designed to protect human rights from state violence. 'Law' are comes to appear largely unproblematic and the rule of law 'an unqualified human good'." What this amounts to is what I have elsewhere called a form of legal fetishism, in which Law becomes a mystical answer to the problems posed by power. In the process, the problems inherent in Law are ignored. Law is treated as an 'indepen- dent' or 'autonomous' reality, explained according to its own dynamics, a Subject in itself whose very existence requires that individuals and institutions 'objectify' themselves before it. This produces the illusion that Law has a life of its own, abstracting the rule of law from its origins in class domination, ignoring the ways in which the rule of law is deployed as a political strategy, and obscuring the ideological mystification of these processes in the liberal trumpeting of the rule of law. To demand the return to the 'rule of law' is to seriously misread the history of the relation between the rule of law and emergency powers and, consequently, to get sucked into a less-than-radical politics in dealing with state violence. Part of what I am suggesting is that emergency measures are part of the everyday exercise of powers, working alongside rather than against the rule of law as part of a unified political strategy in the fabrication of social order. The question to ask, then, is less 'how can we bring law to bear on violence?' and much more 'what is it that the law permits emergency measures to accomplish?"' This question - the question that Schmitt, with his fetish for the decision cannot understand/'° which is also why contemporary Left Schmittianism is such a dead loss - disposes of any supposed juxtaposition between legality and emergency and allows us to recognise instead the extent to which the concept of emergency is deeply inscribed within the law and the legal condition of the modem state, and a central part of liberalism's authoritarian moment: the iron fist in the velvet glove of liberal constitutionalism. Far from suspending law or bracketing off the juridical, emergency powers lie firmly within the legal domain. How could they not, since they are so obviously central to state power and the political technology of government - part of the deployment of law, rather than its abandonment? Once this is recognised, the supposed problematic of violence disappears completely, for it can then be seen that emergency powers are deployed for the exercise of a violence necessary for the permanent refashioning of order - the violence of law, not violence contra law. Liberalism struggles with this, and thus presents it as an exceptional moment; fascism recognises it for what it is, and aestheticises the moment. As David Dyzenhaus points out, while the stripping of liberties in the name of emergency the denial of rights on the grounds of necessity and the suspension of freedoms through the exercise of prerogative might appear quite minor compared to what happens in fascist regimes, the fact that the stripping, denial and suspension does happen under the guise of emergency and in full view of the courts brings the legal order of liberal democracies far closer to the legal order of fascism than liberals would care to admit. But in a wonderful ideological loop, the rule of law is also its own ideological obfuscation of that fact The political implications of this are enormous. For if emergency powers are part and parcel of the exercise of law and violence (that is, law as violence), and if historically they have been aimed at the oppressed - in advanced capitalist states against the proletariat and its various struggles, in reactionary regimes against genuine politicisation of the people, in colonial systems against popular mobilisation - then they need to be fought not by demanding a return to the 'normal' rule of law, but in what Benjamin calls a real state of emergency, on the grounds that only this will improve our position in the struggle against the fascism of our time. And this is a task which requires violence, not the rule of law. As Benjamin saw, the law's claim to a monopoly of violence is explained not by the intention of preserving some mythical 'legal end' such as security or normality but, rather, for 'the intention of preserving the law itself'. But violence not in the hands of the law threatens it by its mere existence outside the law. A violence exercised not by the state, but used for very different political ends. For 'if the existence of violence outside the law, as pure immediate violence, is assured, [then] this furnishes proof that revolutionary violence ... is possible'."' That this possibility of and necessity for revolutionary violence is so often omitted when emergency powers are discussed is indicative of the extent to which much of the Left has given up any talk of political violence for the far more comfortable world of the rule of law, regardless of how little the latter has achieved in just the last few years. But if the history of emergency powers tells us anything it is that the least effective response to state violence is to simply insist on the rule of law. Rather than aiming to counter state violence with a demand for legality, then, what is needed is a counter-politics: against the permanent emergency by all means, but also against the 'normality' of everyday class power and the bourgeois world of the rule of law. And since the logic of emergency is so deeply embedded in the rhetorical structure of liberalism's concept of security this means being against the politics of security. For the very posing of political questions through the trope of emergency is always already on the side of security. To grasp why, we need to now refocus our attention more specifically on security as a political technology.

#### Enframing of security makes macro-political violence inevitable

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This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use of armed force, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form. I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational hegemony and closure that limits debate and questioning**, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.** This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21 What I am trying to describe in this essay is a complex relation between, and interweaving of, epistemology and ontology. But it is not my view that these are distinct modes of knowledge or levels of truth, because in the social field named by security, statecraft and violence they are made to blur together, continually referring back on each other, like charges darting between electrodes. Rather they are related systems of knowledge with particular systemic roles and intensities of claim about truth, political being and political necessity. Positivistic or scientific claims to epistemological truth supply an air of predictability and reliability to policy and political action, which in turn support larger ontological claims to national being and purpose, drawing them into a common horizon of certainty that is one of the central features of past-Cartesian modernity. Here it may be useful to see ontology as a more totalising and metaphysical set of claims about truth, and epistemology as more pragmatic and instrumental; but while a distinction between epistemology (knowledge as technique) and ontology (knowledge as being) has analytical value, it tends to break down in action. The epistemology of violence I describe here (strategic science and foreign policy doctrine) claims positivistic clarity about techniques of military and geopolitical action which use force and coercion to achieve a desired end, an end that is supplied by the ontological claim to national existence, security, or order. However in practice, technique quickly passes into ontology. This it does in two ways. First, **instrumental violence is married to an ontology of insecure national existence which itself admits no questioning**. The nation and its identity are known and essential, prior to any conflict, and the resort to violence becomes an equally essential predicate of its perpetuation. In this way knowledge-as-strategy claims, in a positivistic fashion, to achieve a calculability of effects (power) for an ultimate purpose (securing being) that it must always assume. Second, strategy as a technique not merely becomes an instrument of state power but ontologises itself in a technological image of 'man' as a maker and user of things, including **other humans, which have no essence or integrity outside their value as objects**. In Heidegger's terms, **technology becomes being; epistemology immediately becomes technique, immediately being**. This combination could be seen in the aftermath of the 2006 Lebanon war, whose obvious strategic failure for Israelis generated fierce attacks on the army and political leadership and forced the resignation of the IDF chief of staff. Yet in its wake neither ontology was rethought. Consider how a reserve soldier, while on brigade-sized manoeuvres in the Golan Heights in early 2007, was quoted as saying: 'we are ready for the next war'. Uri Avnery quoted Israeli commentators explaining the rationale for such a war as being to 'eradicate the shame and restore to the army the "deterrent power" that was lost on the battlefields of that unfortunate war'. In 'Israeli public discourse', he remarked, 'the next war is seen as a natural phenomenon, like tomorrow's sunrise.' 22 The danger obviously raised here is that these dual ontologies of war link being, means, events and decisions into a single, unbroken chain whose very process of construction cannot be examined. As is clear in the work of Carl Schmitt, being implies action, the action that is war. This chain is also obviously at work in the U.S. neoconservative doctrine that argues, as Bush did in his 2002 West Point speech, that 'the only path to safety is the path of action', which begs the question of whether strategic practice and theory can be detached from strong ontologies of the insecure nation-state.23 This is the direction taken by much realist analysis critical of Israel and the Bush administration's 'war on terror'.24 Reframing such concerns in Foucauldian terms, we could argue that obsessive ontological commitments have led to especially disturbing 'problematizations' of truth.25 However such rationalist critiques rely on a one-sided interpretation of Clausewitz that seeks to disentangle strategic from existential reason, and to open up choice in that way. However without interrogating more deeply how they form a conceptual harmony in Clausewitz's thought -- and thus in our dominant understandings of politics and war -- tragically violent 'choices' will continue to be made. The essay concludes by pondering a normative problem that arises out of its analysis: if the divisive ontology of the national security state and the violent and instrumental vision of 'enframing' have, as Heidegger suggests, come to define being and drive 'out every other possibility of revealing being', how can they be escaped?26 How can other choices and alternatives be found and enacted? How is there any scope for agency and resistance in the face of them? Their social and discursive power -- one that aims to take up the entire space of the political -- needs to be respected and understood. However, we are far from powerless in the face of them. **The need is to critique dominant images of political being and dominant ways of securing that being at the same time**, and to act and choose such that we bring into the world a more sustainable, peaceful and non-violent global rule of the political. Friend and Enemy: Violent Ontologies of the Nation-State In his Politics Among Nations Hans Morgenthau stated that 'the national interest of a peace-loving nation can only be defined in terms of national security, which is the irreducible minimum that diplomacy must defend with adequate power and without compromise'. While Morgenthau defined security relatively narrowly -- as the 'integrity of the national territory and its institutions' -- in a context where security was in practice defined expansively, as synonymous with a state's broadest geopolitical and economic 'interests', what was revealing about his formulation was not merely the ontological centrality it had, but the sense of urgency and priority he accorded to it: it must be defended 'without compromise'.27 Morgenthau was a thoughtful and complex thinker, and understood well the complexities and dangers of using armed force. However his formulation reflected an influential view about the significance of the political good termed 'security'. When this is combined with the way in which security was conceived in modern political thought as an existential condition -- a sine qua non of life and sovereign political existence -- and then married to war and instrumental action, it provides a basic underpinning for either the limitless resort to strategic violence without effective constraint, or the perseverance of limited war (with its inherent tendencies to escalation) as a permanent feature of politics. While he was no militarist, Morgenthau did say elsewhere (in, of all places, a far-reaching critique of nuclear strategy) that the 'quantitative and qualitative competition for conventional weapons is a rational instrument of international politics'.28 The conceptual template for such an image of national security state can be found in the work of Thomas Hobbes, with his influential conception of the political community as a tight unity of sovereign and people in which their bodies meld with his own to form a 'Leviathan', and which must be defended from enemies within and without. His image of effective security and sovereignty was one that was intolerant of internal difference and dissent, legitimating a strong state with coercive and exceptional powers to preserve order and sameness. This was a vision not merely of political order but of existential identity, set off against a range of existential others who were sources of threat, backwardness, instability or incongruity.29 It also, in a way set out with frightening clarity by the theorist Carl Schmitt and the philosopher Georg Hegel, exchanged internal unity, identity and harmony for permanent alienation from other such communities (states). Hegel presaged Schmitt's thought with his argument that individuality and the state are single moments of 'mind in its freedom' which 'has an infinitely negative relation to itself, and hence its essential character from its own point of view is its singleness': Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others...this negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external.30 Schmitt is important both for understanding the way in which such alienation is seen as a definitive way of imagining and limiting political communities, and for understanding how such a rigid delineation is linked to the inevitability and perpetuation of war. Schmitt argued that the existence of a state 'presupposes the political', which must be understood through 'the specific political distinction...between friend and enemy'. The enemy is 'the other, the stranger; and it sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in an extreme case conflicts with him are possible'.31 The figure of the enemy is constitutive of the state as 'the specific entity of a people'.32 Without it society is not political and a people cannot be said to exist: Only the actual participants can correctly recognise, understand and judge the concrete situation and settle the extreme case of conflict...to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence.33 Schmitt links this stark ontology to war when he states that the political is only authentic 'when a fighting collectivity of people confronts a similar collectivity. The enemy is solely the public enemy, because everything that has a relationship to such a collectivity of men, particularly to the whole nation, becomes public by virtue of such a relationship...in its entirety the state as an organised political entity decides for itself the friend-enemy distinction'.34 War, in short, is an existential condition: the entire life of a human being is a struggle and every human being is symbolically a combatant. The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing. War follows from enmity. War is the existential negation of the enemy.35 Schmitt claims that his theory is not biased towards war as a choice ('It is by no means as though the political signifies nothing but devastating war and every political deed a military action...it neither favours war nor militarism, neither imperialism nor pacifism') but it is hard to accept his caveat at face value.36 When such a theory takes the form of a social discourse (which it does in a general form) such an ontology can only support, as a kind of originary ground, the basic Clausewitzian assumption that war can be a rational way of resolving political conflicts -- because the import of Schmitt's argument is that such 'political' conflicts are ultimately expressed through the possibility of war. As he says: 'to the enemy concept belongs the ever-present possibility of combat'.37 Where Schmitt meets Clausewitz, as I explain further below, the existential and rationalistic ontologies of war join into a closed circle of mutual support and justification. This closed circle of existential and strategic reason generates a number of dangers. Firstly, the emergence of conflict can generate military action almost automatically simply because the world is conceived in **terms of the distinction between friend and enemy**; because **the very existence of the other constitutes an unacceptable threat**, rather than a chain of actions, judgements and decisions. (As the Israelis insisted of Hezbollah, they 'deny our right to exist'.) **This effaces agency, causality and responsibility from policy and political discourse: our actions can be conceived as independent of the conflict or quarantined from critical enquiry**, as necessities that achieve an instrumental purpose but do not contribute to a new and unpredictable causal chain. Similarly the Clausewitzian idea of force -- which, by transporting a Newtonian category from the natural into the social sciences, assumes the very effect it seeks -- further encourages the resort to military violence. **We ignore the complex history of a conflict, and thus the alternative paths to its resolution that such historical analysis might provide, by portraying conflict as fundamental and existential in nature; as possibly containable or exploitable, but always irresolvable**. Dominant portrayals of the war on terror, and the Israeli-Arab conflict, are arguably examples of such ontologies in action. Secondly, the militaristic force of such an ontology is visible, in Schmitt, in the absolute sense of vulnerability whereby a people can judge whether their 'adversary intends to negate his opponent's way of life'.38 Evoking the kind of thinking that would become controversial in the Bush doctrine, Hegel similarly argues that: ...a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad. ....the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury...39 **Identity**, even more than physical security or autonomy, is put at stake in such thinking and can be defended and redeemed through warfare (or, when taken to a further extreme of an absolute demonisation and dehumanisation of the other, by mass killing, 'ethnic cleansing' or genocide). However anathema to a classical realist like Morgenthau, for whom prudence was a core political virtue, these have been influential ways of defining national security and defence during the twentieth century and persists into the twenty-first. They infused Cold War strategy in the United States (with the key policy document NSC68 stating that 'the Soviet-led assault on free institutions is worldwide now, and ... a defeat of free institutions anywhere is a defeat everywhere')40 and frames dominant Western responses to the threat posed by Al Qaeda and like groups (as Tony Blair admitted in 2006, 'We could have chosen security as the battleground. But we didn't. We chose values.')41 It has also become influential, in a particularly tragic and destructive way, in Israel, where memories of the Holocaust and (all too common) statements by Muslim and Arab leaders rejecting Israel's existence are mobilised by conservatives to justify military adventurism and a rejectionist policy towards the Palestinians. On the reverse side of such ontologies of national insecurity we find pride and hubris, the belief that martial preparedness and action are vital or healthy for the existence of a people. Clausewitz's thought is thoroughly imbued with this conviction. For example, his definition of war as an act of policy does not refer merely to the policy of cabinets, but expresses the objectives and will of peoples: When whole communities go to war -- whole peoples, and especially civilized peoples -- the reason always lies in some political situation and the occasion is always due to some political object. War, therefore, is an act of policy.42 Such a perspective prefigures Schmitt's definition of the 'political' (an earlier translation reads 'war, therefore, is a political act'), and thus creates an inherent tension between its tendency to fuel the escalation of conflict and Clausewitz's declared aim, in defining war as policy, to prevent war becoming 'a complete, untrammelled, absolute manifestation of violence'.43 Likewise his argument that war is a 'trinity' of people (the source of 'primordial violence, hatred and enmity'), the military (who manage the 'play of chance and probability') and government (which achieve war's 'subordination as an instrument of policy, which makes it subject to reason alone') merges the existential and rationalistic conceptions of war into a theoretical unity.44 The idea that national identities could be built and redeemed through war derived from the 'romantic counter-revolution' in philosophy which opposed the cosmopolitanism of Kant with an emphasis on the absolute state -- as expressed by Hegel's Philosophy of Right, Bismarkian Realpolitik and politicians like Wilhelm Von Humbolt. Humbolt, a Prussian minister of Education, wrote that war 'is one of the most wholesome manifestations that plays a role in the education of the human race', and urged the formation of a national army 'to inspire the citizen with the spirit of true war'. He stated that war 'alone gives the total structure the strength and the diversity without which facility would be weakness and unity would be void'.45 In the Phenomenology of Mind Hegel made similar arguments that to for individuals to find their essence 'Government has from time to time to shake them to the very centre by war'.46 The historian Azar Gat points to the similarity of Clausewitz's arguments that 'a people and a nation can hope for a strong position in the world only if national character and familiarity with war fortify each other by continual interaction' to Hegel's vision of the ethical good of war in his Philosophy of Right.47 Likewise Michael Shapiro sees Clausewitz and Hegel as alike in seeing war 'as an ontological investment in both individual and national completion...Clausewitz figures war as passionate ontological commitment rather than cool political reason...war is a major aspect of being.'48 Hegel's text argues that war is 'a work of freedom' in which 'the individual's substantive duty' merges with the 'independence and sovereignty of the state'.49 Through war, he argues, the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so the corruption in nations would be the product of a prolonged, let alone 'perpetual' peace.50 Hegel indeed argues that 'sacrifice on behalf of the individuality of the state is a substantial tie between the state and all its members and so is a universal duty...if the state as such, if its autonomy, is in jeopardy, all its citizens are duty bound to answer the summons to its defence'.51 Furthermore, this is not simply a duty, but a form of self-realisation in which the individual dissolves into the higher unity of the state: The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.52 A more frank statement of the potentially lethal consequences of patriotism -- and its simultaneously physical and conceptual annihilation of the individual human being -- is rarely to be found, one that is repeated today in countless national discourses and the strategic world-view in general. (In contrast, one of Kant's fundamental objections to war was that it involved using men 'as mere machines or instruments'.53) Yet however bizarre and contradictory Hegel's argument, it constitutes a powerful social ontology: an apparently irrefutable discourse of being. It actualises the convergence of war and the social contract in the form of the national security state. Strategic Reason and Scientific Truth By itself, such an account of the nationalist ontology of war and security provides only a general insight into the perseverance of military violence as a core element of politics. It does not explain why so many policymakers think military violence works. As I argued earlier, such an ontology is married to a more rationalistic form of strategic thought that claims to link violent means to political ends predictably and controllably, and which, by doing so, combines military action and national purposes into a common -- and thoroughly modern -- horizon of certainty. Given Hegel's desire to decisively distil and control the dynamic potentials of modernity in thought, it is helpful to focus on the modernity of this ontology -- one that is modern in its adherence to modern scientific models of truth, reality and technological progress, and in its insistence on imposing images of scientific truth from the physical sciences (such as mathematics and physics) onto human behaviour, politics and society. For example, the military theorist and historian Martin van Creveld has argued that one of the reasons Clausewitz was so influential was that his 'ideas seemed to have chimed in with the rationalistic, scientific, and technological outlook associated with the industrial revolution'.54 Set into this epistemological matrix, modern politics and government engages in a sweeping project of mastery and control in which **all of the world's resources -- mineral, animal, physical, human -- are made part of a machinic process of which war and violence are viewed as normal features.** These are the deeper claims and implications of Clausewitzian strategic reason. One of the most revealing contemporary examples comes from the writings (and actions) of Henry Kissinger, a Harvard professor and later U.S. National Security Adviser and Secretary of State. He wrote during the Vietnam war that after 1945 U.S. foreign policy was based 'on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in emerging countries'. This 'scientific revolution' had 'for all practical purposes, removed technical limits from the exercise of power in foreign policy'.55 Kissinger's conviction was based not merely in his pride in the vast military and bureaucratic apparatus of the United States, but in a particular epistemology (theory of knowledge). Kissinger asserted that the West is 'deeply committed to the notion that the real world is external to the observer, that knowledge consists of recording and classifying data -- the more accurately the better'. This, he claimed, has since the Renaissance set the West apart from an 'undeveloped' world that contains 'cultures that have escaped the early impact of Newtonian thinking' and remain wedded to the 'essentially pre-Newtonian view that the real world is almost entirely internal to the observer'.56 At the same time, Kissinger's hubris and hunger for control was beset by a corrosive anxiety: that, in an era of nuclear weapons proliferation and constant military modernisation, of geopolitical stalemate in Vietnam, and the emergence and militancy of new post-colonial states, order and mastery were harder to define and impose. He worried over the way 'military bipolarity' between the superpowers had 'encouraged political multipolarity', which 'does not guarantee stability. Rigidity is diminished, but so is manageability...equilibrium is difficult to achieve among states widely divergent in values, goals, expectations and previous experience' (emphasis added). He mourned that 'the greatest need of the contemporary international system is an agreed concept of order'.57 Here were the driving obsessions of the modern rational statesman based around a hunger for stasis and certainty that would entrench U.S. hegemony: For the two decades after 1945, our international activities were based on the assumption that technology plus managerial skills gave us the ability to reshape the international system and to bring about domestic transformations in "emerging countries". This direct "operational" concept of international order has proved too simple. Political multipolarity makes it impossible to impose an American design. Our deepest challenge will be to evoke the creativity of a pluralistic world, to base order on political multipolarity even though overwhelming military strength will remain with the two superpowers.58 Kissinger's statement revealed that such cravings for order and certainty continually confront chaos, resistance and uncertainty: clay that won't be worked, flesh that will not yield, enemies that refuse to surrender. This is one of the most powerful lessons of the Indochina wars, which were to continue in a phenomenally destructive fashion for six years after Kissinger wrote these words. Yet as his sinister, Orwellian exhortation to 'evoke the creativity of a pluralistic world' demonstrated, Kissinger's hubris was undiminished. **This is a vicious, historic irony: a desire to control nature, technology, society and human beings that is continually frustrated, but never abandoned or rethought**. By 1968 U.S. Secretary of Defense Robert McNamara, the rationalist policymaker par excellence, had already decided that U.S. power and technology could not prevail in Vietnam; Nixon and Kissinger's refusal to accept this conclusion, to abandon their Cartesian illusions, **was to condemn hundreds of thousands** **more to die** in Indochina and the people of Cambodia to two more decades of horror and misery.59 In 2003 there would be a powerful sense of déja vu as another Republican Administration crowned more than decade of failed and destructive policy on Iraq with a deeply controversial and divisive war to remove Saddam Hussein from power. In this struggle with the lessons of Vietnam, revolutionary resistance, and rapid geopolitical transformation, we are witness to an enduring political and cultural theme: of **a craving for order, control and certainty in the face of continual uncertainty**. Closely related to this anxiety was the way that Kissinger's thinking -- and that of McNamara and earlier imperialists like the British Governor of Egypt Cromer -- was embedded in instrumental images of technology and the machine: the machine as both a tool of power and an image of social and political order. In his essay 'The Government of Subject Races' Cromer envisaged effective imperial rule -- over numerous societies and billions of human beings -- as best achieved by a central authority working 'to ensure the harmonious working of the different parts of the machine'.60 Kissinger analogously invoked the virtues of 'equilibrium', 'manageability' and 'stability' yet, writing some six decades later, was anxious that technological progress no longer brought untroubled control: the Westernising 'spread of technology and its associated rationality...does not inevitably produce a similar concept of reality'.61 We sense the rational policymaker's frustrated desire: the world is supposed to work like a machine, ordered by a form of power and governmental reason which deploys machines and whose desires and processes are meant to run along ordered, rational lines like a machine. Kissinger's desire was little different from that of Cromer who, wrote Edward Said: ...envisions a seat of power in the West and radiating out from it towards the East a great embracing machine, sustaining the central authority yet commanded by it. What the machine's branches feed into it from the East -- human material, material wealth, knowledge, what have you -- is processed by the machine, then converted into more power...the immediate translation of mere Oriental matter into useful substance.62 This desire for order in the shadow of chaos and uncertainty -- the constant war with an intractable and volatile matter -- has **deep roots in modern thought**, and was a major impetus to the development of technological reason and its supporting theories of knowledge. As Kissinger's claims about the West's Newtonian desire for the 'accurate' gathering and classification of 'data' suggest, modern strategy, foreign policy and Realpolitik have been thrust deep into the apparently stable soil of natural science, in the hope of finding immovable and unchallengeable roots there. While this process has origins in ancient Judaic and Greek thought, it crystallised in philosophical terms most powerfully during and after the Renaissance. The key figures in this process were Francis Bacon, Galileo, Isaac Newton, and René Descartes, who all combined a hunger for political and ontological certainty, a positivist epistemology and a naïve faith in the goodness of invention. Bacon sought to create certainty and order, and with it a new human power over the world, through a new empirical methodology based on a harmonious combination of experiment, the senses and the understanding. With this method, he argued, we can 'derive hope from a purer alliance of the faculties (the experimental and rational) than has yet been attempted'.63 In a similar move, Descartes sought to conjure certainty from uncertainty through the application of a new method that moved progressively out from a few basic certainties (the existence of God, the certitude of individual consciousness and a divinely granted faculty of judgement) in a search for pure fixed truths. Mathematics formed the ideal image of this method, with its strict logical reasoning, its quantifiable results and its uncanny insights into the hidden structure of the cosmos.64 Earlier, Galileo had argued that scientists should privilege 'objective', quantifiable qualities over 'merely perceptible' ones; that 'only by means of an exclusively quantitative analysis could science attain certain knowledge of the world'.65 Such doctrines of mathematically verifiable truth were to have powerful echoes in the 20th Century, in the ascendancy of systems analysis, game theory, cybernetics and computing in defense policy and strategic decisions, and in the awesome scientific breakthroughs of nuclear physics, which unlocked the innermost secrets of matter and energy and applied the most advanced applications of mathematics and computing to create the atomic bomb. Yet this new scientific power was marked by a terrible irony: as even Morgenthau understood, the control over matter afforded by the science could never be translated into the control of the weapons themselves, into political utility and rational strategy.66 Bacon thought of the new scientific method not merely as way of achieving a purer access to truth and epistemological certainty, but as liberating a new power that would enable the creation of a new kind of Man. He opened the Novum Organum with the statement that 'knowledge and human power are synonymous', and later wrote of his 'determination...to lay a firmer foundation, and extend to a greater distance the boundaries of human power and dignity'.67 In a revealing and highly negative comparison between 'men's lives in the most polished countries of Europe and in any wild and barbarous region of the new Indies' -- one that echoes in advance Kissinger's distinction between post-and pre-Newtonian cultures -- Bacon set out what was at stake in the advancement of empirical science: anyone making this comparison, he remarked, 'will think it so great, that man may be said to be a god unto man'.68 We may be forgiven for blinking, but in Bacon's thought 'man' was indeed in the process of stealing a new fire from the heavens and seizing God's power over the world for itself. Not only would the new empirical science lead to 'an improvement of mankind's estate, and an increase in their power over nature', but would reverse the primordial humiliation of the Fall of Adam: For man, by the fall, lost at once his state of innocence, and his empire over creation, both of which can be partially recovered even in this life, the first by religion and faith, the second by the arts and sciences. For creation did not become entirely and utterly rebellious by the curse, but in consequence of the Divine decree, 'in the sweat of thy brow thou shalt eat bread'; she is now compelled by our labours (not assuredly by our disputes or magical ceremonies) at length to afford mankind in some degree his bread...69 There is a breathtaking, world-creating hubris in this statement -- one that, in many ways, came to characterise western modernity itself, and which is easily recognisable in a generation of modern technocrats like Kissinger. The Fall of Adam was the Judeo-Christian West's primal creation myth, one that marked humankind as flawed and humbled before God, condemned to hardship and ambivalence. Bacon forecast here a return to Eden, but one of man's own making. This truly was the death of God, of putting man into God's place, and no pious appeals to the continuity or guidance of faith could disguise the awesome epistemological violence which now subordinated creation to man. Bacon indeed argued that inventions are 'new creations and imitations of divine works'. As such, there is nothing but good in science: 'the introduction of great inventions is the most distinguished of human actions...inventions are a blessing and a benefit without injuring or afflicting any'.70 And what would be mankind's 'bread', the rewards of its new 'empire over creation'? If the new method and invention brought modern medicine, social welfare, sanitation, communications, education and comfort, it also enabled the **Armenian genocide, the Holocaust and two world wars; napalm, the B52, the hydrogen bomb, the Kalashnikov rifle and military strategy**. Indeed some of the 20th Century's most far-reaching inventions -- radar, television, rocketry, computing, communications, jet aircraft, the Internet -- would be the product of drives for national security and militarisation. Even the inventions Bacon thought so marvellous and transformative -- printing, gunpowder and the compass -- brought in their wake upheaval and tragedy: printing, dogma and bureaucracy; gunpowder, the rifle and the artillery battery; navigation, slavery and the genocide of indigenous peoples. In short, the legacy of the new empirical science would be ambivalence as much as certainty; degradation as much as enlightenment; the destruction of nature as much as its utilisation. Doubts and Fears: Technology as Ontology If Bacon could not reasonably be expected to foresee many of these developments, the idea that scientific and technological progress could be destructive did occur to him. However it was an anxiety he summarily dismissed: ...let none be alarmed at the objection of the arts and sciences becoming depraved to malevolent or luxurious purposes and the like, for the same can be said of every worldly good; talent, courage, strength, beauty, riches, light itself...Only let mankind regain their rights over nature, assigned to them by the gift of God, and obtain that power, whose exercise will be governed by right reason and true religion.71 By the mid-Twentieth Century, after the destruction of Hiroshima and Nagasaki, such fears could no longer be so easily wished away, as the physicist and scientific director of the Manhattan Project, J. Robert Oppenheimer recognised. He said in a 1947 lecture: We felt a particularly intimate responsibility for suggesting, for supporting and in the end in large measure achieving the realization of atomic weapons...In some sort of crude sense which no vulgarity, no humor, no over-statement can quite extinguish, the physicists have known sin, and this is a knowledge they cannot lose.72 Adam had fallen once more, but into a world which refused to acknowledge its renewed intimacy with contingency and evil. Man's empire over creation -- his discovery of the innermost secrets of matter and energy, of the fires that fuelled the stars -- had not 'enhanced human power and dignity' as Bacon claimed, but instead brought destruction and horror. Scientific powers that had been consciously applied in the defence of life and in the hope of its betterment **now threatened its total and absolute destruction**. This would not prevent a legion of scientists, soldiers and national security policymakers later attempting to apply Bacon's faith in invention and Descartes' faith in mathematics to make of the Bomb a rational weapon. Oppenheimer -- who resolutely opposed the development of the hydrogen bomb -- understood what the strategists could not: that the weapons resisted control, resisted utility, that 'with the release of atomic energy quite revolutionary changes had occurred in the techniques of warfare'.73 Yet Bacon's legacy, one deeply imprinted on the strategists, was his view that truth and utility are 'perfectly identical'.74 In 1947 Oppenheimer had clung to the hope that 'knowledge is good...it seems hard to live any other way than thinking it was better to know something than not to know it; and the more you know, the better'; by 1960 he felt that 'terror attaches to new knowledge. It has an unmooring quality; it finds men unprepared to deal with it.'75 Martin Heidegger questioned this mapping of natural science onto the social world in his essays on technology -- which, as 'machine', has been so crucial to modern strategic and geopolitical thought as an image of perfect function and order and a powerful tool of intervention. He commented that, given that modern technology 'employs exact physical science...the deceptive illusion arises that modern technology is applied physical science'.76 Yet as the essays and speeches of Oppenheimer attest, technology and its relation to science, society and war cannot be reduced to a noiseless series of translations of science for politics, knowledge for force, or force for good. Instead, Oppenheimer saw a process frustrated by roadblocks and ruptured by irony; in his view there was no smooth, unproblematic translation of scientific truth into social truth, and technology was not its vehicle. Rather his comments raise profound and painful ethical questions that resonate with terror and uncertainty. Yet this has not prevented technology becoming a potent object of desire, not merely as an instrument of power but as a promise and conduit of certainty itself. In the minds of too many rational soldiers, strategists and policymakers, technology brings with it the truth of its enabling science and spreads it over the world. It turns epistemological certainty into political certainty; it turns control over 'facts' into control over the earth. Heidegger's insights into this phenomena I find especially telling and disturbing -- because they underline the ontological force of the instrumental view of politics. In The Question Concerning Technology, Heidegger's striking argument was that in the modernising West technology is not merely a tool, a 'means to an end'. Rather **technology has become a governing image of the modern universe, one that has come to order, limit and define human existence as a 'calculable coherence of forces' and a 'standing reserve' of energy**. Heidegger wrote: 'the threat to man does not come in the first instance from the potentially lethal machines and apparatus of technology. The actual threat has already affected man in his essence.'77 This process Heidegger calls 'Enframing' and through it the scientific mind **demands that 'nature reports itself** in some way or other that is identifiable through calculation and remains orderable as a system of information'. Man is not a being who makes and uses machines as means, choosing and limiting their impact on the world for his ends; rather man has imagined the world as a machine and humanity everywhere becomes **trapped within its logic**. Man, he writes, 'comes to the very brink of a precipitous fall...where **he himself will have to be taken as standing-reserve**. Meanwhile Man, precisely as the one so threatened, exalts himself to the posture of lord of the earth.'78 Technological man not only becomes the name for a project of lordship and mastery over the earth, but incorporates humanity within this project as a calculable resource. **In strategy, warfare and geopolitics human bodies, actions and aspirations are caught, transformed and perverted by such calculating, enframing reason: human lives are reduced to tools, obstacles, useful or obstinate matter.** This tells us much about the enduring power of crude instrumental versions of strategic thought, which relate not merely to the actual use of force but to broader geopolitical strategies that see, as limited war theorists like Robert Osgood did, force as an 'instrument of policy short of war'. It was from within this strategic ontology that figures like the Nobel prize-winning economist Thomas Schelling theorised the strategic role of threats and coercive diplomacy, and spoke of strategy as 'the power to hurt'.79 In the 2006 Lebanon war we can see such thinking in the remark of a U.S. analyst, a former Ambassador to Israel and Syria, who speculated that by targeting civilians and infrastructure Israel aimed 'to create enough pain on the ground so there would be a local political reaction to Hezbollah's adventurism'.80 Similarly a retired Israeli army colonel told the Washington Post that 'Israel is attempting to create a rift between the Lebanese population and Hezbollah supporters by exacting a heavy price from the elite in Beirut. The message is: If you want your air conditioning to work and if you want to be able to fly to Paris for shopping, you must pull your head out of the sand and take action toward shutting down Hezbollah-land.'81 Conclusion: Violent Ontologies or Peaceful Choices? I was motivated to begin the larger project from which this essay derives by a number of concerns. I felt that the available critical, interpretive or performative languages of war -- realist and liberal international relations theories, just war theories, and various Clausewitzian derivations of strategy -- failed us, because they either perform or refuse to **place under suspicion the underlying political ontologies** that I have sought to unmask and question here. Many realists have quite nuanced and critical attitudes to the use of force, but ultimately affirm strategic thought and remain embedded within the existential framework of the nation-state. Both liberal internationalist and just war doctrines seek mainly to improve the accountability of decision-making in security affairs and to limit some of the worst moral enormities of war, but (apart from the more radical versions of cosmopolitanism) they fail to question the ontological claims of political community or strategic theory.82 In the case of a theorist like Jean Bethke Elshtain, just war doctrine is in fact allied to a softer, liberalised form of the Hegelian-Schmittian ontology. She dismisses Kant's Perpetual Peace as 'a fantasy of at-oneness...a world in which differences have all been rubbed off' and in which 'politics, which is the way human beings have devised for dealing with their differences, gets eliminated.'83 She remains a committed liberal democrat and espouses a moral community that stretches beyond the nation-state, which strongly contrasts with Schmitt's hostility to liberalism and his claustrophobic distinction between friend and enemy. However her image of politics -- which at its limits, she implies, requires the resort to war as the only existentially satisfying way of resolving deep-seated conflicts -- reflects much of Schmitt's idea of the political and Hegel's ontology of a fundamentally alienated world of nation-states, in which war is a performance of being. She categorically states that any effort to dismantle security dilemmas 'also requires the dismantling of human beings as we know them'.84 Whilst this would not be true of all just war advocates, I suspect that even as they are so concerned with the ought, moral theories of violence grant too much unquestioned power to the is. The problem here lies with the confidence in being -- of 'human beings as we know them' -- which ultimately fails to escape a Schmittian architecture and thus eternally exacerbates (indeed **reifies) antagonisms**. Yet we know from the work of Deleuze and especially William Connolly that **exchanging an ontology of being for one of becoming**, where the boundaries and nature of the self contain new possibilities through agonistic relation to others, provides a less destructive and violent way of acknowledging and dealing with conflict and difference.85 My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy -- that it is rather the product of **hegemonic forms of knowledge** about political action and community -- my analysis does suggest some sobering conclusions about its power as an idea and formation. Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies I have described here in fact dominate the conceptual and policy frameworks of modern republican states and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that the enframing world view has come to stand in for being itself. Enframing, argues Heidegger, 'does not simply endanger man in his relationship to himself and to everything that is...it **drives out every other possibility of revealing**...the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but **by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence**. Many of the most destructive features of contemporary modernity -- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from **calculative, 'empirical' discourses of scientific and political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe, policymakers' choices become necessities, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, 'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then **preordain militarism and violence as necessary policy responses**, however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing' and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how the modern ontologies of war efface agency, causality and responsibility from decision making; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for **a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing**. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined (sometimes quite wilfully) within the overarching strategic and security paradigms. Or, more hopefully, policy choices could aim to bring into being a more enduringly inclusive, cosmopolitan and peaceful logic of the political. But this **cannot be done without seizing alternatives from outside the space of enframing and utilitarian strategic thought**, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 **This would seem to hinge upon 'questioning'** as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### Reject the affirmative’s security discourse – this untimely intervention is the only chance for a counter-discourse

Calkivik 10 – PhD in Poli Sci @ Univ Minnesota (Emine Asli, 10/2010, "DISMANTLING SECURITY," PhD dissertation submitted to Univ Minnesota for Raymond Duvall, http://conservancy.umn.edu/bitstream/99479/1/Calkivik\_umn\_0130E\_11576.pdf)

It is this self-evidence of security even for critical approaches and the antinomy stemming from dissident voices reproducing the language of those they dissent from that constitutes the starting point for this chapter, where I elaborate on the meaning of dismantling security as untimely critique. As mentioned in the vignette in the opening section, the suggestion to dismantle security was itself deemed as an untimely pursuit in a world where lives of millions were rendered brutally insecure by poverty, violence, disease, and ongoing political conflicts. Colored by the tone of a call to conscience in the face of the ongoing crisis of security, it was not the time, interlocutors argued, for self-indulgent critique. I will argue that it is the element of being untimely, the effort, in the words of Walter Benjamin, “to brush history against the grain” that gives critical thinking its power.291 It might appear as a trivial discussion to bring up the relation between time and critique because conceptions of critical thinking in the discipline of International Relations already possess the notion that critical thought needs to be untimely. In the first section, I will tease out what this notion of untimeliness entails by visiting ongoing conversations within the discipline about critical thought and political time. Through this discussion, I hope to clarify what sets apart dismantling security as untimely critique from the notion of untimeliness at work in critical international relations theory. The latter conception of the untimely, I will suggest, paradoxically calls on critical thought to be “on time” in that it champions a particular understanding of what it means for critical scholarship to be relevant and responsible for its times. This notion of the untimely demands that critique be strategic and respond to political exigency, that it provide answers in this light instead of raising more questions about which questions could be raised or what presuppositions underlie the questions that are deemed to be waiting for answers. After elaborating in the first section such strategic conceptions of the untimeliness of critical theorizing, in the second section I will turn to a different sense of the untimely by drawing upon Wendy Brown’s discussion of the relation between critique, crisis, and political time through her reading of Benjamin’s “Theses on the Philosophy of History.”292 In contrast to a notion of untimeliness that demands strategic thinking and punctuality, Brown’s exegesis provides a conception of historical materialism where critique is figured as a force of disruption, a form of intervention that reconfigures the meaning of the times and “contest[s] the very senses of time invoked to declare critique ‘untimely’.”293 Her exposition overturns the view of critique as a self-indulgent practice as it highlights the immediately political nature of critique and reconfigures the meaning of what it means for critical thought to be relevant.294 It is in this sense of the untimely, I will suggest, that dismantling security as a critique hopes to recover. I should point out that in this discussion my intention is neither to construct a theory of critique nor to provide an exhaustive review and evaluation of the forms of critical theorizing in International Relations. Rather, my aim is to contribute to the existing efforts that engage with the question of what it means to be critical apart from drawing the epistemological and methodological boundaries so as to think about how one is critical.295 While I do not deny the importance of epistemological questions, I contend that taking time to think about the meaning of critique beyond these issues presents itself as an important task. This task takes on additional importance within the context of security studies where any realm of investigation quickly begets its critical counterpart. The rapid emergence and institutionalization of critical terrorism studies when studies on terrorism were proliferating under the auspices of the so-called Global War on Terror provides a striking example to this trend. 296 Such instances are important reminders that, to the extent that epistemology and methodology are reified as the sole concerns in defining and assessing critical thinking297 or “wrong headed refusals”298 to get on with positive projects and empirical research gets branded as debilitating for critical projects, what is erased from sight is the political nature of the questions asked and what is lost is the chance to reflect upon what it means for critical thinking to respond to its times. In his meditation on the meaning of responding and the sense of responsibility entailed by writing, Jean-Luc Nancy suggests that “all writing is ‘committed.’” 299 This notion of commitment diverges from the programmatic sense of committed writing. What underlies this conception is an understanding of writing as responding: writing is a response to the voice of an other.In Nancy’s words, “[w]hoever writes responds” 300 and “makes himself responsible to in the absolute sense.”301 Suggesting that there is always an ethical commitment prior to any particular political commitment, such a notion of writing contests the notion of creative autonomy premised on the idea of a free, self-legislating subject who responds. In other words, it discredits the idea of an original voice by suggesting that there is no voice that is not a response to a prior response. Hence, to respond is configured as responding to an expectation rather than as an answer to a question and responsibility is cast as an “anticipated response to questions, to demands, to still-unformulated, not exactly predictable expectations.”302 Echoing Nancy, David Campbell makes an important reminder as he suggests that as international relations scholars “we are always already engaged,” although the sites, mechanisms and quality of engagements might vary.303 The question, then, is not whether as scholars we are engaged or not, but what the nature of this engagement is. Such a re-framing of the question is intended to highlight the political nature of all interpretation and the importance of developing an “ethos of political criticism that is concerned with assumptions, limits, their historical production, social and political effects, and the possibility of going beyond them in thought and action.”304 Taking as its object assumptions and limits, their historical production and social and political effects places the relevancy of critical thought and responsibility of critical scholarship on new ground. It is this ethos of critique that dismantling security hopes to recover for a discipline where security operates as the foundational principle and where critical thinking keeps on contributing to security’s impressing itself as a self-evident condition. Critical Theory and Punctuality Within the context of International Relations, critical thought’s orientation toward its time comes out strongly in Kimberley Hutchings’s formulation.305 According to Hutchings, no matter what form it takes, what distinguishes critical international relations theory from other forms of theorizing is “its orientation towards change and the possibility of futures that do not reproduce the hegemonic power of the present.”306 What this implies about the nature of critical thought is that it needs to be not only diagnostic, but also self-reflexive. In the words of Hutchings, “all critical theories lay claim to some kind of account not only of the present of international politics and its relation to possible futures, but also of the role of critical theory in the present and future in international politics.” 307 Not only analyzing the present, but also introducing the question of the future into analysis places political time at the center of critical enterprise and makes the problem of change a core concern. It is this question of change that situates different forms of critical thinking on a shared ground since they all attempt to expose the way in which what is presented as given and natural is historically produced and hence open to change. With their orientation to change, their efforts to go against the dominant currents and challenge the hegemony of existing power relations by showing how contemporary practices and discourses contribute to the perpetuation of structures of power and domination, critical theorists in general and critical security studies specialists in particular take on an untimely endeavor. It is this understanding of the untimely aspect of critical thinking that is emphasized by Mark Neufeld, who regards the development of critical approaches to security as “one of the more hopeful intellectual developments in recent years.”308 Despite nurturing from different theoretical traditions and therefore harboring “fundamental differences between modernist and postmodernist commitments,” writes Neufeld, scholars who are involved in the critical project nevertheless “share a common concern with calling into question ‘prevailing social and power relationships and the institutions into which they are organized.’” 309 The desire for change—through being untimely and making the way to alternative futures that would no longer resemble the present—have led some scholars to emphasize the utopian element that must accompany all critical thinking. Quoting Oscar Wilde’s aphorism—a map of the world that does not include Utopia is not even worth glancing at, Ken Booth argues for the need to restore the role and reputation of utopianism in the theory and practice of international politics. 310 According to Booth, what goes under the banner of realism—“ethnocentric self-interest writ large”311 — falls far beyond the realities of a drastically changed world political landscape at the end of the Cold War. He describes the new reality as “an egg-box containing the shells of sovereignty; but alongside it a global community omelette [sic] is cooking.”312 Rather than insisting on the inescapability of war in the international system as political realists argue, Booth argues for the need and possibility to work toward the utopia of overcoming the condition of war by banking on the opportunities provided by a globalizing world. The point that critical thought needs to be untimely by going against its time is also emphasized by Dunne and Wheeler, who assert that, regardless of the form it takes, “critical theory purport[s] to ‘think against’ the prevailing current” and that “[c]ritical security studies is no exception” to this enterprise.313 According to the authors, the function of critical approaches to security is to problematize what is taken for granted in the disciplinary production of knowledge about security by “resist[ing], transcend[ing] and defeat[ing]…theories of security, which take for granted who is to be secured (the state), how security is to be achieved (by defending core ‘national’ values, forcibly if necessary) and from whom security is needed (the enemy).”314 While critical theory in this way is figured as untimely, I want to suggest that this notion of untimeliness gets construed paradoxically in a quite timely fashion. With a perceived disjuncture between writing the world from within a discipline and acting in it placed at the center of the debates, the performance of critical thought gets evaluated to the extent that it is punctual and in synch with the times. Does critical thought provide concrete guidance and prescribe what is to be done? Can it move beyond mere talk and make timely political interventions by providing solutions? Does it have answers to the strategic questions of progressive movements? Demanding that critical theorizing come clean in the court of these questions, such conceptions of the untimely demand that critique respond to its times in a responsible way, where being responsible is understood in stark contrast to a notion of responding and responsibility that I briefly discussed in the introductory pages of this chapter (through the works of Jean-Luc Nancy and David Campbell). Let me visit two recent conversations ensuing from the declarations of the contemporary crisis of critical theorizing in order to clarify what I mean by a timely understanding of untimely critique. The first conversation was published as a special issue in the Review of International Studies (RIS), one of the major journals of the field. Prominent figures took the 25th anniversary of the journal’s publication of two key texts—regarded as canonical for the launching and development of critical theorizing in International Relations—as an opportunity to reflect upon and assess the impact of critical theory in the discipline and interrogate what its future might be. 315 The texts in question, which are depicted as having shaken the premises of the static world of the discipline, are Robert Cox’s 1981 essay entitled on “Social Forces, States, and World Orders”316 and Richard Ashley’s article, “Political Realism and Human Interests.”317 In their introductory essay to the issue, Rengger and Thirkell-White suggest that the essays by Cox and Ashley—followed by Andrew Linklater’s Men and Citizens in the Theory of International Relations318 —represent “the breach in the dyke” of the three dominant discourses in International Relations (i.e., positivists, English School, and Marxism), unleashing “a torrent [that would] soon become a flood” as variety of theoretical approaches in contemporary social theory (i.e., feminism, Neo-Gramscianism, poststructuralism, and post-colonialism) would get introduced through the works of critical scholars.319 After elaborating the various responses given to and resistance raised against the critical project in the discipline, the authors provide an overview and an assessment of the current state of critical theorizing in International Relations. They argue that the central question for much of the ongoing debate within the critical camp in its present state—a question that it cannot help but come to terms with and provide a response to—concerns the relation between critical thought and political practice. As they state, the “fundamental philosophical question [that] can no longer be sidestepped” by critical International Relations theory is the question of the relation between “knowledge of the world and action in it.”320 One of the points alluded to in the essay is that forms of critical theorizing, which leave the future “to contingency, uncertainty and the multiplicity of political projects” and therefore provide “less guidance for concrete political action”321 or, again, those that problematize underlying assumptions of thought and “say little about the potential political agency that might be involved in any subsequent struggles”322 may render the critical enterprise impotent and perhaps even suspect. This point comes out clearly in Craig Murphy’s contribution to the collection of essays in the RIS’s special issue. 323 Echoing William Wallace’s argument that critical theorists tend to be “monks,”324 who have little to offer for political actors engaged in real world politics, Murphy argues that the promise of critical theory is “partially kept” because of the limited influence it has had outside the academy towards changing the world.Building a different world, he suggests, requires more than isolated academic talk; that it demands not merely “words,” but “deeds.”325 This, according to Murphy, requires providing “knowledge that contributes to change.”326 Such knowledge would emanate from connections with the marginalized and would incorporate observations of actors in their everyday practices. More importantly, it would create an inspiring vision for social movements, such as the one provided by the concept of human development, which, according to Murphy, was especially powerful “because it embodied a value-oriented way of seeing, a vision, rather than only isolated observations.”327 In sum, if critical theory is to retain its critical edge, Murphy’s discussion suggests, it has to be in synch with political time and respond to its immediate demands. The second debate that is revelatory of this conception of the timing of critical theory—i.e., that critical thinking be strategic and efficient in relation to political time—takes place in relation to the contemporary in/security environment shaped by the so-called Global War on Terror. The theme that bears its mark on these debates is the extent to which critical inquiries about the contemporary security landscape become complicit in the workings of power and what critique can offer to render the world more legible for progressive struggles.328 For instance, warning critical theorists against being co-opted by or aligned with belligerence and war-mongering, Richard Devetak asserts that critical international theory has an urgent “need to distinguish its position all the more clearly from liberal imperialism.”329 While scholars such as Devetak, Booth,330 and Fierke331 take the critical task to be an attempt to rescue liberal internationalism from turning into liberal imperialism, others announce the “crisis of critical theorizing” and suggest that critical writings on the nature of the contemporary security order lack the resources to grasp their actual limitations, where the latter is said to reside not in the realm of academic debate, but in the realm of political practice.332 It is amidst these debates on critique, crisis, and political time that Richard Beardsworth raises the question of the future of critical philosophy in the face of the challenges posed by contemporary world politics.333 Recounting these challenges, he provides the matrix for a proper form of critical inquiry that could come to terms with “[o]ur historical actuality.”334 He describes this actuality as the “thick context” of modernity (“an epoch, delimited by the capitalization of social relations,” which imposes its own philosophical problematic—“that is, the attempt, following the social consequences of capitalism, to articulate the relation between individuality and collective spirit”335 ), American unilateralism in the aftermath of the attacks on September 11, 2001, and the growing political disempowerment of people worldwide. Arguing that “contemporary return of religion and new forms of irrationalism emerge, in large part, out of the failure of the second response of modernity to provide a secular solution to the inequalities of the nation-state and colonization,”336 he formulates the awaiting political task for critical endeavors as constructing a world polity to resist the disintegration of the world under the force of capital.It is with this goal in mind that he suggests that “responsible scholarship needs to rescue reason in the face irrational war”337 and that intellectuals need to provide “the framework for a world ethical community of law, endowed with political mechanisms of implementation in the context of a regulated planetary economy.”338 He suggests that an aporetic form of thinking such as Jacques Derrida’s—a thinking that “ignores the affirmative relation between the determining powers of reason and history”339 —would be an unhelpful resource because such thinking “does not open up to where work needs to be done for these new forms of polity to emerge.”340 In other words, critical thinking, according to Beardsworth, needs to articulate and point out possible political avenues and to orient thought and action in concrete ways so as to contribute to progressive political change rather than dwelling on the encounter of the incalculable and calculation and im-possibility of world democracy in a Derridean fashion. In similar ways to the first debate on critique that I discussed, critical thinking is once again called upon to respond to political time in a strategic and efficient manner. As critical inquiry gets summoned up to the court of reason in Beardsworth’s account, its realm of engagement is limited to that which the light of reason can be shed upon, and its politics is confined to mapping out the achievable and the doable in a given historical context without questioning or disrupting the limits of what is presented as “realistic” choices. Hence, if untimely critical thought is to be meaningful it has to be on time by responding to political exigency in a practical, efficient, and strategic manner. In contrast to this prevalent form of understanding the untimeliness of critical theory, I will now turn to a different account of the untimely provided by Wendy Brown whose work informs the project of dismantling security as untimely critique. Drawing from her discussion of the relationship between critique, crisis, and political time, I will suggest that untimely critique of security entails, simultaneously, an attunement to the times and an aggressive violation of their self-conception. It is in this different sense of the untimely that the suggestion of dismantling security needs to be situated. Critique and Political Time As I suggested in the Prelude to this chapter, elevating security itself to the position of major protagonist and extending a call to “dismantle security” was itself declared to be an untimely pursuit in a time depicted as the time of crisis in security. Such a declaration stood as an exemplary moment (not in the sense of illustration or allegory, but as a moment of crystallization) for disciplinary prohibitions to think and act otherwise—perhaps the moment when a doxa exhibits its most powerful hold. Hence, what is first needed is to overturn the taken-for-granted relations between crisis, timeliness, and critique. The roots krisis and kritik can be traced back to the Greek word krinõ, which meant “to separate”, to “choose,” to “judge,” to “decide.”341 While creating a broad spectrum of meanings, it was intimately related to politics as it connoted a “divorce” or “quarrel,” but also a moment of decision and a turning point. It was also used as a jurisprudential term in the sense of making a decision, reaching a verdict or judgment (kritik) on an alleged disorder so as to provide a way to restore order. Rather than being separated into two domains of meaning—that of “subjective critique” and “objective crisis”—krisis and kritik were conceived as interlinked moments. Koselleck explains this conceptual fusion: [I]t wasin the sense of “judgment,” “trial,” “legal decision,” and ultimately “court” that crisis achieved a high constitutionalstatus, through which the individual citizen and the community were bound together. The “for and against” wastherefore present in the original meaning of the word and thisin a manner that already conceptually anticipated the appropriate judgment. 342 Recognition of an objective crisis and subjective judgments to be passed on it so as to come up with a formula for restoring the health of the polity by setting the times right were thereby infused and implicated in each other.343 Consequently, as Brown notes, there could be no such thing as “mere critique” or “untimely critique” because critique always entailed a concern with political time: “[C]ritique as political krisis promise[d] to restore continuity by repairing or renewing the justice that gives an order the prospect of continuity, that indeed ma[de] it continuous.”344 The breaking of this intimate link between krisis and kritik, the consequent depoliticization of critique and its sundering from crisis coincides with the rise of modern political order and redistribution of the public space into the binary structure of sovereign and subject, public and private.345 Failing to note the link between the critique it practiced and the looming political crisis, emerging philosophies of history, according Koselleck, had the effect of obfuscating this crisis. As he explains, “[n]ever politically grasped, [this political crisis] remained concealed in historico-philosophical images of the future which cause the day’s events to pale.”346 It is this intimate, but severed, link between crisis and critique in historical narratives that Wendy Brown’s discussion brings to the fore and re-problematizes. She turns to Walter Benjamin’s “Theses on the Philosophy of History” and challenges conventional understandings of historical materialism, which conceives of the present in terms of unfolding laws of history.347 According to Brown, the practice of critical theory appeals to a concern with time to the extent that “[t]he crisis that incites critique and that critique engages itself signals a rupture of temporal continuity, which is at the same time a rupture in political imaginary.”348 Cast in these terms, it is a particular experience with time, with the present, that Brown suggests Benjamin’s theses aim to capture. Rather than an unmoving or an automatically overcome present (a present that is out of time), the present is interpreted as an opening that calls for a response to it. This call for a response highlights the idea that, far from being a luxury, critique is non-optional in its nature. Such an understanding of critical thought is premised on a historical consciousness that grasps the present historically so as to break with the selfconception of the age. Untimely critique transforms into a technique to blow up the present through fracturing its apparent seamlessness by insisting on alternatives to its closed political and epistemological universe.349 Such a conception resonates with the distinction that Žižek makes between a political subjectivity that is confined to choosing between the existing alternatives—one that takes the limits of what is given as the limits to what is possible—and a form of subjectivity that creates the very set of alternatives by “transcend[ing] the coordinates of a given situation [and] ‘posit[ing] the presuppositions’ of one's activity” by redefining the very situation within which one is active.”350 With its attempt to grasp the times in its singularity, critique is cast neither as a breaking free from the weight of time (which would amount to ahistoricity) nor being weighed down by the times (as in the case of teleology).351 It conceives the present as “historically contoured but not itself experienced as history because not necessarily continuous with what has been.”352 It is an attitude that renders the present as the site of “non-utopian possibility” since it is historically situated and constrained yet also a possibility since it is not historically foreordained or determined.353 It entails contesting the delimitations of choice and challenging the confinement of politics to existing possibilities. Rather than positing history as existing objectively outside of narration, what Brown’s discussion highlights is the intimate relation between the constitution of political subjectivity vis-à-vis the meaning of history for the present. It alludes to “the power of historical discourse,” which Mowitt explains as a power “to estrange us from that which is most familiar, namely, the fixity of the present” because “what we believe to have happened to us bears concretely on what we are prepared to do with ourselves both now and in the future.”354 Mark Neocleous concretizes the political stakes entailed in such encounters with history—with the dead—from the perspective of three political traditions: a conservative one, which aims to reconcile the dead with the living, a fascist one, which aims to resurrect the dead to legitimate its fascist program, and a historical materialist one, which seeks redemption with the dead as the source of hope and inspiration for the future.355 Brown’s discussion of critique and political time is significant for highlighting the immediately political nature of critique in contrast to contemporary invocations that cast it as a self-indulgent practice, an untimely luxury, a disinterested, distanced, academic endeavor. Her attempt to trace critique vis-à-vis its relation to political time provides a counter-narrative to the conservative and moralizing assertions that shun untimely critique of security as a luxurious interest that is committed to abstract ideals rather than to the “reality” of politics—i.e., running after utopia rather than modeling “real world” solutions. Dismantling security as untimely critique entails a similar claim to unsettle the accounts of “what the times are” with a “bid to reset time.”356 It aspires to be untimely in the face of the demands on critical thought to be on time; aims to challenge the moralizing move, the call to conscience that arrives in the form of assertions that saying “no!” to security, that refusing to write it, would be untimely. Rather than succumbing to the injunction that thought of political possibility is to be confined within the framework of security, dismantling security aims to open up space for alternative forms, for a different language of politics so as to “stop digging” the hole politics of security have dug us and start building a counter-discourse. Conclusion As an attempt to push a debate that is fixated on security to the limit and explore what it means to dismantle security, my engagement with various aspects of this move is not intended as an analysis raised at the level of causal interpretations or as an attempt to find better solutions to a problem that already has a name. Rather, it tries to recast what is taken-for-granted by attending to the conceptual assumptions, the historical and systemic conditions within which the politics of security plays itself out. As I tried to show in this chapter, it also entails a simultaneous move of refusing to be a disciple of the discipline of security. This implies overturning not only the silent disciplinary protocols about which questions are legitimate to ask, but also the very framework that informs those questions. It is from this perspective that I devoted two chapters to examining and clarifying the proposal to dismantle security as a claim on time. After explicating, in Chapter 4, the temporal structure that is enacted by politics of security and elaborating on how security structures the relation between the present and the future, in this chapter, I approached the question of temporality from a different perspective, by situating it in relation to disciplinary times in order to clarify what an untimely critique of security means. I tried to elaborate this notion of the untimely by exploring the understanding of untimeliness that informs certain conceptions of critical theorizing in International Relations. I suggested that such a notion of the untimely paradoxically calls on critical thought to be on time in the sense of being punctual and strategic. Turning to Wendy Brown’s discussion of the relation between critique and political time, I elaborated on the sense of untimely critique that dismantling security strives for—a critique that goes against the times that are saturated by the infinite passion to secure and works toward taking apart the architecture of security.

### Deterrence

#### Social science proves no modeling- US signals are dismissed

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### No reverse modeling - norms can’t solve

Saunders 13 **(**Paul, executive director of The Center for the National Interest and associate publisher of The National Interest. He served in the State Department from 2003 to 2005, “We Won't Always Drone Alone,” <http://nationalinterest.org/commentary/we-wont-always-drone-alone-8177>)

A broader and deeper challenge is how others—outside the United States—will use drones, whether armed or unarmed, and what lessons they will draw from Washington’s approach. Thus far, the principal lesson may well be that drones can be extremely effective in killing your opponents, wherever they are, without risking your own troops and without sending soldiers or law enforcement personnel across another country’s borders. It seems less likely that others will adopt U.S.-style legal standards and oversight procedures, or that they will always ask other governments before sending drones into their airspace.¶ Based on their actions, it is almost as if Obama administration officials believe that the United States and its allies will have a long-term monopoly on drones. How else can one explain their exuberant confidence in launching drone attacks? However, the administration’s dramatic expansion in drone strikes—and their apparent effectiveness—will only further shorten Washington’s reign as the drone capital of the world by increasing the incentives to others eager to develop, refine or buy the technology.¶ Have Obama administration officials given any thought to what the world might look like when armed drones are more widespread and when Americans or U.S. allies and partners could become targets? To an outsider, there is little evidence of this kind of thinking in the administration’s use of drones.¶ This is a serious problem. According to an unclassified July 2012 report by the Government Accountability Office, at least 76 countries already have acquired unmanned aerial vehicles, known as UAVs or drones; the report also states that “countries of concern” are attempting to acquire advanced UAVs from foreign suppliers as well as seeking illegal access to U.S. technology. And a 2012 special report by the United Kingdom’s Guardian newspaper indicated that China has 10 or more models, though not all are armed. Other sources identify additional varieties in China. At least 50 countries are trying to build 900 different types of drones, the GAO writes.¶ More generally, the administration’s expanding use of drones is a powerful endorsement of not only the technology, but of the practice of targeted killing as an instrument of foreign and security policy. Having provided this powerful impetus, the United States should not be surprised if others—with differing legal standards and more creative efforts at self-justification—seize upon it once they have the necessary capabilities. According to the GAO, this is already happening—in government-speak, “while only a limited number of countries have fielded lethal or weaponized UAVs, this threat is anticipated to grow.” From this perspective, it is ironic that a president so critical of his predecessor’s unilateralism would practice it himself—particularly in a manner that other governments will find much easier to emulate than the Bush administration’s larger-scale use of force. How does the Obama administration plan to respond if and when China or Russia uses armed UAVs to attack groups they define as terrorists?

#### Restrictions won’t be modeled- precedent already set

Jacobson 13 **(**Mark R., senior transatlantic fellow at the German Marshall Fund of the United States. From 2009 to 2011, he served with NATO’s International Security Assistance Force in Afghanistan, “Column: Key Assumptions About Drones Are Based on Misconceptions,” <http://www.vnews.com/opinion/4393278-95/drones-drone-armed-civilian>]

Armed drones are neither as simple as model airplanes nor as complex as high-performance fighter jets. Of course, a remote-controlled helicopter that you can build in your garage is certainly not as capable as the $26.8 million MQ-9 Reaper, the primary U.S. hunter-killer drone. But drones are much less expensive than fighter aircraft, and in an age of increasing austerity, it is tempting for nations to consider replacing jets with drones. More than 50 countries operate surveillance drones, and armed drones will quickly become standard in military arsenals. The challenge is to consider what international rules, if any, should govern the use of armed drones. The United States is setting the precedent; our approach may define the global rules of engagement. Of course, we cannot expect other nations to adopt the oversight and restrictions we have. What doors are we opening for other nations’ use of drones? What happens when terrorist groups acquire them? The United States must prepare for being the prey, not just the predator.

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html)

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revolution in which billions and trillions of dollars will be made. To stop it you'd have to first stop science, and then business, and then war."

#### Chinese drones don't threaten US interests or military superiority - they're too far behind

Zhou 13 (Dillon, Freelance writer and former research assistant @ Cyber Conflict Studies Association, "China Drones Prompt Fears of a Drone Race With the US," http://www.policymic.com/articles/19753/china-drones-prompt-fears-of-a-drone-race-with-the-us)

There are several facts that provide some solace to the U.S. as China's drones are far from being a real challenge to the American drone program.¶ First, the Chinese drones are nowhere as sophisticated as U.S. drones in their range and proper hardware for optic systems and motors to power the "dragons." The DSB report notes that the U.S. technical systems are almost unrivaled at present.¶ Second, China lacks the manpower to properly support their new fleet of drones. Whereas the U.S. has been training and honing a large force of UAV pilots, technicians and operation managers for 15 years.¶ Finally, the U.S. drone program is about 20 years ahead of the Chinese program. The current models on show are considered to be prototypes and not finished products. The Chinese also have not had a chance to gain real experience with their drones during real operation.

#### No international consensus or over drones – too hard for agreement

Carafano 13 (James Jay, vice president for foreign and defense policy studies @ Heritage, 3/25, “The Future of Drones,” <http://nationalinterest.org/commentary/the-future-drones-8264>)

4. Will we get new laws of war?

No. The laws of war were written to be agnostic about technology. They do not need to be rewritten when a new capability appears. At most, as in the case of weapons of mass destruction, new regimes might be created to regulate or ban use. But when it comes to drones, there is really nothing exceptional about the technology they employ. Manned weapons systems use the same technologies. Why would you need new rules for one and not the other?

Further, even if there was a reason to rewrite the laws of war, it won’t happen anytime soon. The UN has melted down over trying to agree on a conventional arms treaty. It is hard to believe any kind of consensus of drone war will emerge any time soon.

#### US-led norms over weapons fail - nukes prove

Fisher 7 (Jason, Judicial Clerk to the Honorable James O. Browning, United States District Court for the District of New Mexico, "Targeted Killing, Norms, and International Law," 45 Colum. J. Transnat'l L. 711, lexis)

n164. Id. That is not to suggest, as realists would, that powerful States may simply impose their norms on others. Thomas, supra note 18, at 8. Prominence is necessary but not sufficient for a norm to succeed and power is an important aspect of norm prominence but it is not solely determinative of it. Florini, supra note 28, at 375. For example, consider the failure of the United States, acting as a norm entrepreneur, to "conventionalize" nuclear weapons and counter the beginnings of the nuclear taboo in the 1950s. Tannenwald, supra note 122, at 7, 23-26.

#### No large-scale drone war - susceptibility to air defenses ensures they'll be limited to only permissive environments

Lewis 12 (Michael, Associate Professor of Law at Ohio Northern University, "SYMPOSIUM: THE 2009 AIR AND MISSILE WARFARE MANUAL: A CRITICAL ANALYSIS: Drones and the Boundaries of the Battlefield," Spring, 47 Tex. Int'l L.J. 293, lexis)

Like any weapons system drones have significant limitations in what they can achieve. Drones are extremely vulnerable to any type of sophisticated air defense system. They are slow. Even the jet-powered Avenger recently purchased by the Air Force only has a top speed of around 460 miles per hour, n20 meaning that it cannot escape from any manned fighter aircraft, not even the outmoded 1970s-era fighters that are still used by a number of nations. n21 Not only are drones unable to escape manned fighter aircraft, they also cannot hope to successfully fight them. Their air-to-air weapons systems are not as sophisticated as those of manned fighter aircraft, n22 and in the dynamic environment of an air-to-air engagement, the drone operator could not hope to match the situational awareness n23 of the pilot of manned fighter aircraft. As a result, the outcome of any air-to-air engagement between drones and manned fighters is a foregone conclusion. Further, drones are not only vulnerable to manned fighter aircraft, they are also vulnerable to jamming. Remotely piloted aircraft are dependent upon a continuous signal from their operators to keep them flying, and this signal is vulnerable to disruption and jamming. n24 If drones were [\*299] perceived to be a serious threat to an advanced military, a serious investment in signal jamming or disruption technology could severely degrade drone operations if it did not defeat them entirely. n25

These twin vulnerabilities to manned aircraft and signal disruption could be mitigated with massive expenditures on drone development and signal delivery and encryption technology, n26 but these vulnerabilities could never be completely eliminated. Meanwhile, one of the principal advantages that drones provide - their low cost compared with manned aircraft n27 - would be swallowed up by any attempt to make these aircraft survivable against a sophisticated air defense system. As a result, drones will be limited, for the foreseeable future, n28 to use in "permissive" environments in which air defense systems are primitive n29 or non-existent. While it is possible to find (or create) such a permissive environment in an inter-state conflict, n30 permissive environments that will allow for drone use will most often be found in counterinsurgency or counterterrorism operations.

### ILAW

#### Targeted killing doesn't violate international law

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

Targeted killings are also condemned because of the possibility that innocent citizens, who are truly unassociated with terrorist activities and fit the definition of "civilians" under international law, might be harmed. n250 Targeted killings are nevertheless consistent with customary international law even where a preemptive strike incidentally causes civilian casualties so long as the acting nation took all reasonable steps to prevent unnecessary harm and the operation was proportionate to the perceived threat. n251 Additionally, "a terrorist should not be granted immunity simply because he can surround himself with non-terrorists." n252 Protocol I condemns the practice of surrounding oneself with civilians as a shield from adverse military strikes. n253

#### International law supports targeted killing – consistent with UN resolutions, precautionary measures are widely accepted as legitimate

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

U.N. Security Council Resolution 1373 specifically recognizes a state's "inherent right of individual or collective self-defence," and calls on states to "prevent and suppress terrorist acts." n254 This resolution commands members to "take the necessary steps to prevent the commission of terrorist attacks," n255 which is consistent with the type of authority the Russian Federal Law on the Counteraction of Terrorism appears to legitimize and with the type of authority exercised by Israel and the United States pursuant to their targeted killing [\*696] and counterterrorism policies. n256 Russia, "guarantor of international norms as a charter member of the Security Council," n257 understands and upholds these international legal instructions. Nowhere in these documents are the states' rights and duties qualified by due process concerns for terrorists.¶ In the unique circumstances of violent terrorists, arrests are impossible or would merely result in a higher death toll. n258 For example, an Israeli arrest of the Palestinian terrorist leaders would require that Israel "invade Palestinian cities and kill hundreds of civilians along the way." n259 Israel's Deputy Defense Minister stated simply that "those who preach to us tend to forget that our first responsibility is to protect Israelis." n260 The Defense Minister then posed the question: "If I know that somebody (in the Palestinian-controlled areas) is preparing a car bomb, what am I supposed to do? Write him a warning letter? Send him a subpoena?" n261 The states facing terrorist threats have learned, through experience, that traditional or passive reactions to terrorism are wholly ineffective. n262 Accordingly, "Israel has responded the only way it can, and precisely as any other country would." n263¶ Targeted killing policies are consistent with international law because, as preventative measures, targeted attacks are not retaliatory in nature. n264 Further, terrorists are not considered civilians, n265 which releases states from any obligation to provide these unlawful [\*697] actors with guarantees of rights and due process. n266 International law requires that nations take precautionary measures to protect the hostile state's civilians from harm, n267 and as targeted killing policies focus on an individual attacker, n268 civilians are collateral damage only infrequently. Moreover, Russia, along with a number of other countries, recently reaffirmed its commitment to respecting human rights in the global war on terrorism. n269 In light of the international legality of an active counterterrorism strategy, nations facing terrorist threats would benefit from enacting a law similar to Russia's Federal Law on the Counteraction of Terrorism.¶

#### No terminal – just says we need more water – obviously this isn’t an extinction claim –modern economics allows distribution to key nations

#### No water wars – empirics are on our side

Allouche 11 (Jeremy Allouche 11 is currently a Research Fellow at the Institute of Development Studies at the University of Sussex. "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade" Food PolicyVolume 36, Supplement 1, January 2011, Pages S3-S8 Accessed via: Science Direct Sciverse)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change **and greater inputs of capital** have **dramatically increased labour productivity in agriculture.** More generally, the neo-Malthusian view has suffered because during the last two centuries **humankind has breached many resource barriers that seemed unchallengeable**.¶ Lessons from history: alarmist scenarios, resource wars and international relations¶ In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an **instrumental purpose**; security and conflict are here used for raising water/food as key policy priorities at the international level.¶ In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none **of these declarations have been followed up by military action**.¶ The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems.¶ None **of the** various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18).¶ As shown in The Basins At Risk (BAR) water event database, **more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale** (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 ([FAO, 1978] and [FAO, 1984]).¶ The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however **no direct correlation between water scarcity and transboundary conflict**. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example [Allouche, 2005], [Allouche, 2007] and [Rouyer, 2000]). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians ([Dinar and Dinar, 2005] and [Brochmann and Gleditsch, 2006]).¶ In terms of international relations, the threat of water wars due to increasing scarcity **does not make much sense in the light of the recent** historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable.¶ The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict ([Brauch, 2002] and [Pervis and Busby, 2004]). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, **the evidence base to substantiate the connections is thin** ([Barnett and Adger, 2007] and [Kevane and Gray, 2008]).

#### Long timeframe and adaptation solves

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### Warming is irreversible

ANI 10 (“IPCC has underestimated climate-change impacts, say scientists”, 3-20, One India, http://news.oneindia.in/2010/03/20/ipcchas-underestimated-climate-change-impacts-sayscientis.html)

According to Charles H. Greene, Cornell professor of Earth and atmospheric science, "Even if all man-made greenhouse gas emissions were stopped tomorrow and carbon-dioxide levels stabilized at today's concentration, by the end of this century, the global average temperature would increase by about 4.3 degrees Fahrenheit, or about 2.4 degrees centigrade above pre-industrial levels, which is significantly above the level which scientists and policy makers agree is a threshold for dangerous climate change." "Of course, greenhouse gas emissions will not stop tomorrow, so the actual temperature increase will likely be significantly larger, resulting in potentially catastrophic impacts to society unless other steps are taken to reduce the Earth's temperature," he added. "Furthermore, while the oceans have slowed the amount of warming we would otherwise have seen for the level of greenhouse gases in the atmosphere, the ocean's thermal inertia will also slow the cooling we experience once we finally reduce our greenhouse gas emissions," he said. This means that the temperature rise we see this century will be largely irreversible for the next thousand years. "Reducing greenhouse gas emissions alone is unlikely to mitigate the risks of dangerous climate change," said Green.

#### CO2 is not the one cause for climate change – solar radiation and ocean interactions are ignored

Patterson 11 [Norman Paterson is a Professional Engineer and Consulting Geophysicist with 60 years’ experience in Mineral and Environmental Geophysics. He obtained his Ph. D in Geophysics at the University of Toronto in 1955, and was elected Fellow, Royal Society of Canada in 1977. “Global Warming: A Critique of the Anthropogenic Model and its Consequences”, Geoscience Canada - Volume 38, Number 1, March 2011, Chetan]

WHAT CAUSES WARMING? It is likely that the cyclical warming and cooling of the earth results from a number of different causes, none of which, taken alone, is dominant enough to be entirely responsible. The more important ones are solar changes (including both irradiance and magnetic field effects), atmosphere–ocean interaction (including both multidecadal climatic oscillations and unforced internal variability), and greenhouse gases. All of these factors have been discussed by IPCC, but the first two have been dismissed as negligible in comparison with the greenhouse-gas effect and man’s contribution to it through anthropogenic CO2 . It is claimed (e.g. Revelle and Suess 1957) that the particular infrared absorption bands of CO2 provide it with a special ability to absorb and reradiate the sun’s longer wavelength radiation, causing warming of the troposphere and an increase in high-altitude (cirrus) cloud, further amplifying the heating process. Detailed arguments against this conclusion can be found in Spencer et al. (2007) and Gerlich and Tscheuschner (2009). These scientists point out (among other arguments, which include the logarithmic decrease in absorptive power of CO2 at increasing concentrations), that clouds have poor ability to emit radiation and that the transfer of heat from the atmosphere to a warmer body (the earth) defies the Second Law of Thermodynamics. They argue that the Plank and Stefan-Boltzman equations used in calculations of radiative heat transfer cannot be applied to gases in the atmosphere because of the highly complex multi-body nature of the problem. Veizer (2005) explains that, to play a significant role, CO2 requires an amplifier, in this case water vapour. He concludes that water vapour plays the dominant role in global warming and that solar effects are the driver, rather than CO2 . A comprehensive critique of the greenhouse gas theory is provided by Hutton (2009).

#### -- No ecocollapse

Easterbrook 3 (Gregg, Senior Fellow – New Republic, “We’re All Gonna Die!”, Wired Magazine, July, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=)

If we're talking about doomsday - the end of human civilization - many scenarios simply don't measure up. A single nuclear bomb ignited by terrorists, for example, would be awful beyond words, but life would go on. People and machines might converge in ways that you and I would find ghastly, but from the standpoint of the future, they would probably represent an adaptation. Environmental collapse might make parts of the globe unpleasant, but considering that the biosphere has survived ice ages, it wouldn't be the final curtain. Depression, which has become 10 times more prevalent in Western nations in the postwar era, might grow so widespread that vast numbers of people would refuse to get out of bed, a possibility that Petranek suggested in a doomsday talk at the Technology Entertainment Design conference in 2002. But Marcel Proust, as miserable as he was, wrote Remembrance of Things Past while lying in bed.

#### The most comprehensive studies prove that the harmful effects of acid rain are myths.

Doug Bandow, 1998. Senior Fellow at the Cato Institute and worked with the Natural Resources and Environment Cabinet Council while a Special Assistant to President Reagan. “Environmentalism: The Triumph of Politics,” Action Institute, http://www.acton.org/publications/randl/rl\_article\_271.php.

Politicians are also remarkably vulnerable to scaremongering by special-interest groups and activists. One apocalyptic vision is Acid Rain. In 1980 the Environmental Protection Agency claimed that Sulfur Dioxide emissions caused Acid Rain, which had supposedly increased the average acidity of Northeast lakes one-hundred-fold over the last forty years and was killing fish and trees alike. A year later the National Research Council predicted that the number of acidified lakes would double by 1990. So, naturally, Congress included stringent provisions to cut so2 emissions (already down 50 percent from the 1970s) at a cost of billions of dollars annually when it reauthorized the Clean Air Act. Yet in 1987, epa research raised doubts about the destructiveness of acid rain. Then came the most complete study of Acid Rain ever conducted, the half billion dollar National Acid Precipitation Assessment Project (napap), which concluded that the allegedly horrific effects of Acid Rain were largely a myth.

#### No impact, air pollution doesn’t kill

Schwartz, 03 - ADJUNCT SCHOLAR, COMPETITIVE ENTERPRISE INSTITUTE (Joel, “PARTICULATE AIR POLLUTION: WEIGHING THE RISKS,” April, <http://cei.org/pdf/3452.pdf>)

Nonetheless, both the Bush Administration and congressional Democrats have proposed sweeping new measures to further crack down on power plant emissions. The Administration’s Clear Skies Initiative and a more stringent Democratic alternative are largely justified by claims that current levels of particulate matter (PM) pose a serious public health threat. Supporters of these bills promise substantial benefits from additional PM reductions. Nevertheless, the benefit claims for PM reductions rest on a weak foundation. EPA based its new annual fine PM (PM2.5) standard on a study known as the American Cancer Society (ACS) study of PM and mortality, which assessed the association between the risk of death between 1982 and 1998 with PM2.5 levels in dozens of American cities. Although the ACS study reported an association between PM and mortality, some odd features of the ACS results suggest that PM is not the culprit. For example, according to the ACS results, PM increased mortality in men, but not women; in those with no more than a high school degree, but not those with at least some college education; in former- smokers, but not current- or never-smokers; and in those who said they were moderately active, but not those who said they were very active or sedentary. These odd variations in the relationship between PM2.5 and mortality seem biologically implausible. Even more surprising, the ACS study reported that higher PM2.5 levels were not associated with an increased risk of mortality due to respiratory disease; a surprising finding, given that PM would be expected to exert its effects through the respiratory system. EPA also ignored the results of another epidemiologic study that found no effect of PM2.5 on mortality in a cohort of veterans with high blood pressure, even though this relatively unhealthy cohort should have been more susceptible to the effects of pollution than the general population. The evidence therefore suggests that the existing annual standard for PM2.5 is unnecessarily stringent. Attaining the standard will be expensive, but is unlikely to improve public health.

#### Russia relations solve global nuclear war

### Allison 11

#### Tea Party influence jacks US/Russian relations – domestic politics key

Sokov 13

#### US/Russia relations is the critical internal link to global warming

**Light, Wong and Charap**, 6/30/**2009** (Andrew – senior fellow at the Center for American Progress, Julian – senior policy analyst at CAP, and Samuel – fellow at CAP, U.S.-Russia Climate and Energy Efficiency Cooperation: A Neglected Challenge, Center for American Progress, p. http://www.americanprogress.org/issues/2009/06/neglected\_challenge.html)

The summit between President Barack Obama and Russian President Dmitri Medvedev in Moscow on July 6-8 comes in the middle of a packed international schedule of bilateral and multilateral meetings for the United States. on climate change. In the run up to the critical U.N. climate talks in Copenhagen at the end of this year, when the extension or successor to the existing Kyoto Protocol must be agreed upon, it is crucial that the United States and Russia—both major emitters of greenhouse gases and potentially leaders on this crucial issue—explore ways of working together to ensure a positive outcome at these talks. Enhancing cooperation on climate change and energy efficiency should be a major plank of U.S. Russia policy and should be discussed at the highest levels when President Obama meets with President Medvedev next week. Russia, like the United States, is a significant contributor to global warming. If the European Union is disaggregated Russia is the third-largest emitter of carbon dioxide behind the United States and China and still currently ahead of India. More importantly Russian per capita emissions are on the rise, and are projected at this point to approach America’s top rank as per capita emitter by 2030. Russia is also the third-largest consumer of energy and one of the world’s most energy-intensive economies. Making Russia a partner on these issues could be critical in order to **advance a sound global climate change agenda**.

### A2 unpop decisions now

Extend Chemerisky- it’ll be a close 5-4 vote to strike down limits now as of August- means that past decisions FROM LAST TERM cannot affect this terms docet- the story is that aggregrate limits will be stuck down now but if pol cap is lost on another case, the court will choose a make up call, mccutcheon, to change the legitimacy – thumpers don’t apply

#### Strike down of aggregate limits is likely – momentum

UPI, 8-4 (“Under the U.S. Supreme Court: Taking the cuffs off political money,” ln)

The U.S. Supreme Court opened the floodgates to corporate political contributions for "independent electioneering" in 2010's Citizens United vs. FEC, practically drowning federal political campaigns in money.¶ Now the same five-justice majority that held sway in Citizens United may be poised to loosen restrictions on campaign finance even further.¶ The justices are set to hear an appeal next term brought by an Alabama man, Shaun McCutcheon, and the Republican National Committee. They are challenging what are called "aggregate limits" -- the restrictions on the total amount of contributions that can be given directly during a particular two-year election cycle.¶ The Federal Election Campaign Act sets up separate limits on the amounts that individuals may contribute to federal candidates and other political committees, some indexed for inflation.¶ Currently, an individual may contribute as much as $2,500 per election to federal candidates, $30,800 per calendar year to a national party committee and $5,000 per calendar year to any non-party political committee, the Federal Election Commission explains.¶ Those "base" limits are not under challenge.¶ But FECA also sets an overall limit on the aggregate amount individuals may contribute in a two-year period. Last year, those limits restricted what an individual may contribute to no more than $46,200 to all federal candidates, and no more than $70,800 to federal political action committees and political party committees.¶ The RNC and McCutcheon seek to break through those barriers on direct contributions.¶ The plaintiffs asked a three-judge U.S. District Court panel in Washington for an injunction against the continued implementation of the aggregate limits, saying they were unconstitutional or weren't justified by a narrowly tailored government interest.¶ In 1976's Buckley vs. Valeo, the U.S. Supreme Court ruled limits on political contributions implicate fundamental First Amendment interests, but such limits may be imposed as long as they are closely drawn to match a sufficiently important governmental interest, such as corruption.¶ The panel dismissed the RNC-McCutcheon suit, and the suit's contention that aggregate limits must be subjected to "strict" court scrutiny.¶ The panel opinion said: "Contribution limits are subject to lower scrutiny because they primarily implicate the First Amendment rights of association, not expression, and contributors remain able to vindicate their associational interest in other ways," rejecting the argument the contribution limits were unconstitutionally low and overbroad because "it is not the judicial role to parse legislative judgment about what limits to impose."¶ The opinion said the plaintiffs' "arguments for strict scrutiny of the aggregate contribution limits at issue here cannot be reconciled with Buckley. The burdens imposed by the current aggregate contribution limits are indistinguishable in both kind and degree from the aggregate limit the [Supreme] Court in Buckley upheld against a similar First Amendment challenge."¶ At its core, "Buckley's distinction between regulation of contribution limits and regulation of expenditure limits has provided the structure for constitutional review of campaign-finance laws for nearly 40 years," the opinion said. "This [Supreme] Court has expressly reaffirmed it, and Congress has relied upon it, as have numerous state legislatures. Its reasoning remains sound, and overruling it now would disserve important principles of stare decisis [settled case law]."¶ The panel also rejected the cascade effect of Citizens United -- though the Supreme Court may yet vindicate that view.¶ "Plaintiffs raise the troubling possibility that Citizens United undermined the entire contribution limits scheme," the panel opinion said, "but whether that case will ultimately spur a new evaluation of Buckley is a question for the Supreme Court, not us."¶ The RNC and McCutcheon appealed the panel's ruling directly to the U.S. Supreme Court, where it may get a friendly reception from the five-justice conservative majority led by Justice Anthony Kennedy.¶ Kennedy, of course, wrote the majority opinion in 2010's Citizens United vs. FEC, effectively ending the restrictions on political contributions from the general funds of corporations and unions for independent electioneering.

#### McCutcheon will be the make-up call --- its uniquely politicized and judges frequently switch sides on the issues

Corn-Revere, 8-13 (Robert, partner in the Washington, D.C. office of Davis Wright Tremaine where he specializes in media and First Amendment law, “Burning the house to roast the pig: Can elections be saved by banning political speech?,” http://www.scotusblog.com/2013/08/burning-the-house-to-roast-the-pig-can-elections-be-saved-by-banning-political-speech/)

Citizens United has been a lightning rod for criticism because it answered the second of those questions in the affirmative. Well, actually, the answer was in the negative, because the real question before the Supreme Court was whether the First Amendment permits the federal government to criminalize core political expression shortly before primaries or general elections when the speaker takes a corporate form.¶ Somehow, it suggests a different answer when the question is framed as whether the federal government may make political speech a felony notwithstanding the First Amendment, rather than asking whether corporations, like Soylent Green, are people. Nevertheless, the reaction to Citizens United was a predictable political Rorschach test: Supporters of restricting corporate (and union) political expenditures denounced the decision as a distortion of the First Amendment and called on various measures to rein in such an expansive reading of constitutional rights, including by amending the Constitution itself.¶ One proposed constitutional amendment would limit constitutional protections to “natural persons,” specifying that the words “people, person, or citizen as used in this Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state.” Another would empower Congress to “advance the fundamental principle of political equality for all” by regulating “the raising and spending of money and in-kind equivalents” with respect to federal and state elections. Specifically, it would authorize regulation of campaign contributions, as well as “expenditures that may be made by, in support of, or in opposition to such candidates.”¶ The reaction mirrors the vociferous (and nearly successful campaign) to limit the scope of the First Amendment following the Supreme Court’s decisions in Texas v. Johnson (1989) and United States v. Eichman (1990), which invalidated state and federal laws prohibiting desecration of the U.S. flag. Multiple bi-partisan proposals were advanced in successive congressional sessions, including this proposed amendment in the 109th Congress: “The Congress shall have power to prohibit the physical desecration of the flag of the United States.” As in the current dispute over the extent to which political contributions count as “speech,” supporters of the flag amendments echoed then-Chief Justice William Rehnquist’s dissenting sentiment in Johnson that “the public burning of the American flag by Johnson was no essential part of any exposition of ideas, and at the same time it had a tendency to incite a breach of the peace.”¶ The next Citizens United?¶ Are we about to witness a similar constitutional confrontation when the Supreme Court takes up campaign finance regulations once again in McCutcheon?¶ In McCutcheon, the Supreme Court will consider the extent to which campaign contributions may be protected as speech as one of the questions raised when it hears arguments on October 8. The principal questions are whether aggregate limits for campaign contributions imposed by federal law violate the First Amendment. Petitioners do not challenge restrictions on base contributions (e.g., the ceiling on individual contributions to a candidate, a political action committee, or a party committee), but argue that the aggregate limit on total contributions unconstitutionally restricts the number of candidates a contributor may support. Petitioners also ask the Court to reopen the distinction between direct expenditures and contributions, first articulated in Buckley, with the latter protected only secondarily as an aspect of the First Amendment right of association.¶ So, is a political contribution speech? Just as a gas-soaked American flag and a match are not speech if not used for an expressive purpose, neither is money unless it is used to promote a message, such as a contribution to a political campaign. As First Amendment scholar Geoffrey Stone has written, “[e]ven though an object may not itself be speech, if the government regulates it because it is being used to enable free speech it necessarily raises a First Amendment issue.” If that were not true, Stone reasons, “then the government could make it a crime for any person to use money to buy a book.” It is no different here. The mystery is why First Amendment associational rights – if, indeed, that is all that is involved here – would receive less rigorous constitutional protection than First Amendment rights of expression. After all, the right to association, and constitutional limits on the government’s ability to restrict it, has been critical in the evolution of the First Amendment.¶ Is money speech? Consider Holder¶ Another mystery is how the competing ideological factions on the Court appear largely to switch sides on whether a contribution may have a constitutionally cognizable expressive component depending on the nature of the regulation at issue. For example, in Holder v. Humanitarian Law Project (2010) the Court split six to three, upholding a federal prohibition against providing “material support or resources” to groups deemed by the U.S. government to be terrorist organizations. The law defines the term “material support” broadly to encompass “any property, tangible or intangible, or service, including currency or monetary instruments or financial securities,” but also such things as “training, expert advice or assistance.” The prohibition reaches support even for peaceful activities, and the government conceded in the Ninth Circuit that it would even bar filing an amicus brief in support of a group designated as a foreign terrorist organization.¶ In Holder, the conservatives, led by the Chief Justice (but including Justice John Paul Stevens) were concerned that material support, even if limited to peaceful pursuits, could be diverted to aid terrorism because “money is fungible.” At the same time, the liberal dissenters, in an opinion by Justice Stephen Breyer, wrote that the majority’s reasoning “stretch[ed] the concept of ‘fungibility’ beyond constitutional limits” because, among other problems, “there is no natural stopping place” for the rationale. To be fair, Justice Breyer’s dissent focused on those applications of the law where “material support” took the form of speech, but the law expressly encompassed all forms of support, and the dissent highlighted the ambiguity of trying to draw a firm line between money and speech.¶ Assessments of the Roberts Court’s First Amendment record have rightfully identified Holder as a low point in its protection of freedom of expression. For example, Dean Erwin Chemerinsky described Holder as “[p]erhaps the most troubling First Amendment decision of the Roberts Court.” The central problem, as identified both by Justice Breyer and Dean Chemerinsky, was that the majority in Holder approved restrictions on speech without the slightest proof it was likely to cause harm. If such is a legitimate concern with respect to limiting support for foreign organizations – and it is – then the Court should be wary about approving broad limits on “material support” for political speech in the United States.¶ The Holder majority may well be criticized for inconsistency if some of the same Justices that approved the restrictions of the Antiterrorism and Effective Death Penalty Act of 1996 are now more skeptical of the aggregate contribution limits of the Federal Election Campaign Act and the Bipartisan Campaign Reform Act. Likewise, those who criticize the Court for decisions like Holder should check their premises before urging the Court to uphold the lower court in McCutcheon.

### A2 winners win

#### Negativity bias proves – disagreement produces a stronger response

Grosskopf and Mondak 98 (Anne and Jeffery, University of Pittsburgh + Florida State Univ., “Do Attitudes Toward Specific Supreme Court Decisions Matter?” Political Research Quarterly, p. 652)

The pattern of effects reported here also comports well with the concept of a negativity bias. Respondents who agreed with both the abortion and the flag-burning decisions gave the Court minimal credit for ruling twice in the preferred direction, but people who disagreed with one or both edicts reacted more strongly against the Court in response. This pattern reveals why the Court must operate with caution: favorable response to its rulings is, in itself, likely to be insufficient to offset the damage inflicted by too many high-salience, unpopular decisions. The dominance of negativity also means that aggregate confidence in the Supreme Court can change even if large portions of the American public are unaware of a particular decision, because effects will be unidirectional. Where positive perceptions do not cancel out negative views, critical reactions to a decision by even a relatively small percentage of the public can trigger a measurable decline in confidence.

#### Judicial stripping of executive agencies drain court capital --- contradicts tons of entrenched precedent

McCutchen ’94 (Peter B., Bigelow Teaching Fellow and Lecturer in Law, University of Chicago Law School, ARTICLE: MISTAKES, PRECEDENT, AND THE RISE OF THE ADMINISTRATIVE STATE: TOWARD A CONSTITUTIONAL THEORY OF THE SECOND BEST, 80 Cornell L. Rev. 1, ln)

A little over forty years ago, Justice Jackson characterized the rise of the administrative state as "probably the most significant legal trend of the last century." n1 He coined the term "Fourth Branch" to describe administrative agencies and contended that this fourth branch "has deranged our three-branch legal theories much as the concept of a fourth dimension unsettles our three-dimensional thinking." n2 Today, forty years later, our legal theories remain deranged. Current approaches to separation of powers problems remain inadequate to the task of coping with the administrative state.¶ The reason is simple. The structural Constitution n3 sets forth a system of government that allocates power among three depart [\*2] ments. n4 This division is intended to ameliorate the corrupting effect of power. Thus, the powers delegated to each department are carefully limited in scope, and each of the three departments acts as a check on the power of the others. In Madison's justly famous words, "ambition must be made to counteract ambition." n5 There is no room for a fourth branch within this tripartite scheme of governance. In exercising executive, legislative, and judicial power, administrative agencies combine powers that the Constitution separates; moreover, agencies are subject to none of the checks imposed upon the three traditional departments. In short, the administrative state is unconstitutional.¶ Nevertheless, the Supreme Court has not invalidated the post-New Deal administrative state as inconsistent with the constitutional text. The Court's unwillingness to do so is, in large part, pragmatic. Even if the Court were disposed to order the task of dismantling the federal bureaucracy, it might not have the political capital necessary to realize its objective. Moreover, to declare the administrative state unconstitutional would require the Court to overrule an immense and deeply rooted body of precedent. It is easy to understand that the Court would be unwilling to adopt a constitutional theory with such far-reaching implications.

#### Citing international law spends a ton of capital – backlash is massive and immediate – it also turns whole the case

Alford, ’08 (Roger P., Prof of Law @ Pepperdine, INTERNATIONAL AND FOREIGN LAW SOURCES IN INTERPRETING THE CONSTITUTION: LOWER COURTS AND CONSTITUTIONAL COMPARATIVISM, 77 Fordham L. Rev. 647)

This is not how advocates of constitutional comparativism thought the plot line would advance. The plan, developed by "an emerging vanguardist intellectual movement," was to transform American constitutional law and its interpretation by convincing judges to reject traditional notions of sovereignty and become key participants in the construction of a new global system. n4 As one commentator put in it in 2004, "eventually, and possibly sooner than we think, the nature and path of American constitutional development will be radically altered." n5 That was the plan anyway. What was not planned was the domestic backlash against comparativism. That backlash was swift and immediate. In the weeks and months following Lawrence v. Texas n6 and Roper, n7 proponents of constitutional comparativism were challenged like never before. Just days after Roper was decided, Sarah Cleveland, a strong advocate of constitutional comparativism, approached Justice Sandra Day O'Connor at a cocktail party to praise her for embracing this new trend. Justice O'Connor responded rather sharply, "Well, it certainly has gotten us into a lot of trouble!" n8 Trouble indeed. Academics loudly and repeatedly admonished the justices for being sloppy, selective, disingenuous, and antidemocratic. n9 Leaders from the judicial, executive, and political branches joined in the chorus of condemnation. n10 [\*649] During their confirmation hearings, Supreme Court nominees John Roberts and Samuel Alito expressed their firm opposition to the interpretive approach. n11 Original leaders of the movement now sound more defensive than ever, as demonstrated by Justice John Paul Stevens's statement from the bench conceding that, "I know it is not popular to refer to international commentary on issues like this ... ." n12¶ This backlash has severely dampened the enthusiasm for constitutional comparativism. Since Roper, the Supreme Court has been conspicuously silent on the subject and has repeatedly rejected opportunities to rely on international and comparative material in constitutional cases. Despite deciding over fifty constitutional cases since Roper, the Supreme Court has not once relied on contemporary foreign or international law and practice to interpret constitutional provisions. This is notwithstanding the obvious opportunities to do so in contexts such as abortion, n13 free speech, n14 free exercise of religion, n15 due process, n16 equal protection, n17 and the death [\*650] penalty. n18 The Supreme Court's silence on this issue is deafening. The only notable examples of constitutional comparativism since Roper have been in the Second Amendment case of District of Columbia v. Heller n19 and the Guantanamo habeas corpus case of Boumediene v. Bush. n20 Of course, in both those cases the approach adopted was of the variety Justice Antonin Scalia advocates: historical comparisons used to understand the original meaning of constitutional text. n21 While the Supreme Court's enthusiasm for constitutional comparativism has waxed and now waned, lower state and federal courts have remained resolutely agnostic about this new movement. By any measure, the effort to encourage inferior state and federal courts to embrace constitutional comparativism has been an abject failure. This is of tremendous practical significance because over ninety-nine percent of all cases are resolved by lower state and federal courts. n22 "Although the United States Supreme Court is technically the final word on federal law and cases," as a practical matter, lower courts are "the courts of last resort for most litigants and the [\*651] sources of doctrinal development for most legal issues." n23 Accordingly, if lower courts eschew constitutional comparativism, then this constitutes the rejection of a comparative interpretive methodology in virtually all cases.

### A2 cap

#### Court capital is key for controversial campaign finance decisions

Hasen 11 (Richard L. – William H. Hannon Distinguished Professor of Law, Loyola Law School-Los Angeles, “ARTICLE: CITIZENS UNITED AND THE ILLUSION OF COHERENCE”, 2011, 109 Mich. L. Rev. 581, lexis)

Although these findings would likely give the Justices considerable pause before overturning core campaign contribution limitations, it does not mean that the Court's campaign finance jurisprudence is likely to remain stagnant. Campaign finance issues are barely understood by the public and generally not a national priority. n261 Only extreme opinions like Citizens United are likely to get the public's attention. Assuming this same five-Justice majority stays on the Court, the Justices will be presented with many less-salient ways to loosen the campaign finance rules. n262 However, complete deregulation, along the lines proposed by Justice Thomas, would take political courage to issue additional politically unpopular decisions. It is not clear that there are five Justices willing to spend considerable goodwill and political capital on such a strategy.

#### The Court is actively concerned about protecting its political capital with the president—justices will make decisions based on this concern

Claeys, ‘11 (Eric R., Staff Writer, “Obamacare and the Limits of Judicial Conservatism,” http://www.nationalaffairs.com/publications/detail/obamacare-and-the-limits-of-judicial-conservatism)

All the same, conservatives on the Supreme Court may worry about protecting the Court's political capital long after the public has forgotten about Obamacare. When Justice Scalia respects precedent, defers to Congress, or refrains from construing indeterminate text, he does so at least in part to preserve the Court's standing in relation to Congress and the president. In Lane, he found it "ill advised" for the Court "to adopt or adhere to constitutional rules that bring us into constant conflict with a coequal branch of Government." In the 1995 case Plaut v. Spendthrift Farm, he indicated that he prefers "high walls and clear distinctions" in structural constitutional law because "low walls and vague distinctions will not be judicially defensible in the heat of interbranch conflict." Depending on how he reads the relevant precedents and the term "proper," Scalia (or Alito, or Roberts) may decide that the theory followed by Judges Hudson and Vinson yields walls too low and distinctions too vague. Even if a ruling against the mandate did not provoke a crisis or a political backlash from Obamacare supporters *in the short term*, these conservatives might worry about its effects on interdepartmental relations over the long term.

#### Court perceives its political capital as finite – even if it’s not

Young 99 (Ernest, Assistant Professor, University of Texas School of Law, Assistant Professor, University of Texas School of Law, lexis)

1. The opportunity cost of immunity rulings. The first reason, and the simplest, is that **the Court** has limited political capital. 261 As Dean Choper has argued, "the federal judiciary's ability to persuade the populace and public leaders that it is right and they are wrong is determined by the number and frequency of its attempts to do so, the felt importance of the policies it disapproves, and the perceived substantive correctness of its decisions." 262 There is thus likely to be, at some point, a limit on the Court's ability to continue striking down federal statutes in the name of states' rights. 263 To the extent that this limit exists, then the Court's extended adventure in aggressive enforcement of state sovereign immunity will trade off with its ability to develop a meaningful jurisprudence of process or power federalism. If protecting state authority to regulate private conduct is the key to a viable state/federal balance, then a considered reaffirmation, explanation, or extension of Lopez may do more good than another expansion of Seminole Tribe.

"Political capital," of course, is a pretty vague concept. It might be that the Court's ability to enforce federalism limits is more like muscles than money: it atrophies unless it is exercised regularly. 264 The National League of Cities story arguably illustrates this phenomenon, in that the Court's failure to apply the doctrine to check federal power in a series of subsequent cases may have helped lead to the outright rejection of the doctrine in Garcia. 265 The important point, however, is that **the Justices who matter most on these issues tend to think in terms of** limited capital and worry about judicial actions **that may draw down the reserves**. 266 Political capital is thus likely to function as an internal constraint on the Court's willingness repeatedly to confront Congress.

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### Impact

#### Domestic politics overwhelms all alt causes – it shapes how we interact with Russia

Sokov 13 (Nicholas – Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation (VCDNP), “US-Russian Relations: Beyond the Reset”, 1/29, http://www.europeanleadershipnetwork.org/us-russian-relations-beyond-the-reset\_459.html)

Fundamental differences in the assessment of the “Arab Spring” also contribute to the negative trend in the US-Russian relationship. When looking at Arab states, the West sees oppressive regimes that are doomed and tries to influence the outcome by supporting pro-democracy secular elements of the opposition. An important element in the Western approach is an attempt to minimize human casualties. Moscow sees Western interference or at least support of opposition forces as misguided, at best. The better informed experts in Moscow no longer see the “Arab Spring” as a Western attempt to establish control over the region under the guise of democratization (the way they perceived the “Rose,” the “Orange” and the other revolutions in the post-Soviet states). Instead, they see major destabilization in the neighborhood and the emergence of Islamist regimes with varying degrees of radicalism. Today’s events in Syria repeat the pattern that has become standard. Moscow tries to stabilize the situation (whether by limited political support or by calls for a dialogue and managed transition) while the West supports the popular uprising and blames Moscow for not helping. In the meantime, events on the ground develop independently of both. The list can be continued. The bottom line, however, is already clear. While objectively there is plenty of ground for cooperation – and long-term interests of Russia and the United States are very close, perhaps even coincide in many issue-areas – domestic politics and differences in perceptions prevent such cooperation. Of course, a new Cold War is hardly on the cards: neither side is interested in uncontrolled escalation of tensions and, in all fairness, neither can afford it. But the reset policy has, by and large, failed: its limited success did not translate into broad cooperation, and not for the lack of trying on the part of the Obama administration. It would be futile to hope that dialogue on nuclear disarmament – even in the unlikely case it leads to an agreement (domestic politics will likely prevent serious negotiations from even starting) – will hardly pull bilateral relations out of the deep ravine they reside in at the moment.

#### Conservatives will attack justices that use international law in their decisions

Millhiser, ’10 (Ian, staff writer, “Like a Broken Record, Conservatives Repeat Scare Tactics About Foreign Law in US Courts,” http://thinkprogress.org/justice/2010/05/27/176801/foreign-law-broken-record/?mobile=nc)

Sotomayor has been a justice for almost a full Supreme Court term now, and she has somehow resisted the urge to transform America into France. Nevertheless, the right-wing is already reviving Sessions’ silly conspiracy theory to attack the President’s latest nominee to the Supreme Court.¶ Yesterday, for example, the conservative Washington Times, claimed that a curriculum change Kagan presided over while Dean of Harvard Law School somehow reflects contempt for American law. According to their editorial, “under Ms. Kagan’s leadership . . . Harvard dropped constitutional law as a required course for graduation, while adding a requirement for a course in ‘International/Comparative Law.’” Such a “de-emphasis on the Constitution itself” the editorial claims, predicts that a Justice Kagan would join with Justice Sotomayor to make all of Sessions’ foreign law nightmares come truly.

## Case

#### Targeted killing doesn't violate international law

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

Targeted killings are also condemned because of the possibility that innocent citizens, who are truly unassociated with terrorist activities and fit the definition of "civilians" under international law, might be harmed. n250 Targeted killings are nevertheless consistent with customary international law even where a preemptive strike incidentally causes civilian casualties so long as the acting nation took all reasonable steps to prevent unnecessary harm and the operation was proportionate to the perceived threat. n251 Additionally, "a terrorist should not be granted immunity simply because he can surround himself with non-terrorists." n252 Protocol I condemns the practice of surrounding oneself with civilians as a shield from adverse military strikes. n253

#### International law supports targeted killing – consistent with UN resolutions, precautionary measures are widely accepted as legitimate

Cavaliero 11 (Clare, Associate, Pillsbury Winthrop Shaw Pittman LLP. J.D. 2011, The George Washington University, "PROTECTING ITS OWN: SUPPORT FOR RUSSIA'S FEDERAL LAW ON THE COUNTERACTION OF TERRORISM," 43 Geo. Wash. Int'l L. Rev. 663, lexis)

U.N. Security Council Resolution 1373 specifically recognizes a state's "inherent right of individual or collective self-defence," and calls on states to "prevent and suppress terrorist acts." n254 This resolution commands members to "take the necessary steps to prevent the commission of terrorist attacks," n255 which is consistent with the type of authority the Russian Federal Law on the Counteraction of Terrorism appears to legitimize and with the type of authority exercised by Israel and the United States pursuant to their targeted killing [\*696] and counterterrorism policies. n256 Russia, "guarantor of international norms as a charter member of the Security Council," n257 understands and upholds these international legal instructions. Nowhere in these documents are the states' rights and duties qualified by due process concerns for terrorists.¶ In the unique circumstances of violent terrorists, arrests are impossible or would merely result in a higher death toll. n258 For example, an Israeli arrest of the Palestinian terrorist leaders would require that Israel "invade Palestinian cities and kill hundreds of civilians along the way." n259 Israel's Deputy Defense Minister stated simply that "those who preach to us tend to forget that our first responsibility is to protect Israelis." n260 The Defense Minister then posed the question: "If I know that somebody (in the Palestinian-controlled areas) is preparing a car bomb, what am I supposed to do? Write him a warning letter? Send him a subpoena?" n261 The states facing terrorist threats have learned, through experience, that traditional or passive reactions to terrorism are wholly ineffective. n262 Accordingly, "Israel has responded the only way it can, and precisely as any other country would." n263¶ Targeted killing policies are consistent with international law because, as preventative measures, targeted attacks are not retaliatory in nature. n264 Further, terrorists are not considered civilians, n265 which releases states from any obligation to provide these unlawful [\*697] actors with guarantees of rights and due process. n266 International law requires that nations take precautionary measures to protect the hostile state's civilians from harm, n267 and as targeted killing policies focus on an individual attacker, n268 civilians are collateral damage only infrequently. Moreover, Russia, along with a number of other countries, recently reaffirmed its commitment to respecting human rights in the global war on terrorism. n269 In light of the international legality of an active counterterrorism strategy, nations facing terrorist threats would benefit from enacting a law similar to Russia's Federal Law on the Counteraction of Terrorism.¶

#### No terminal – just says we need more water – obviously this isn’t an extinction claim –modern economics allows distribution to key nations

#### \*No water wars – empirics are on our side

Allouche 11 (Jeremy Allouche 11 is currently a Research Fellow at the Institute of Development Studies at the University of Sussex. "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade" Food PolicyVolume 36, Supplement 1, January 2011, Pages S3-S8 Accessed via: Science Direct Sciverse)

#### \*Long timeframe and adaptation solves

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation.///// Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.