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#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Constraining targeted killing’s role in the war on terror causes extinction

Louis Rene Beres 11, Professor of Political Science and International Law at Purdue, 2011, “After Osama bin Laden: Assassination, Terrorism, War, and International Law,” Case Western Reserve Journal of International Law, 44 Case W. Res. J. Int'l L. 93

Even after the U.S. assassination of Osama bin Laden, we are still left with the problem of demonstrating that assassination can be construed, at least under certain very limited circumstances, as an appropriate instance of anticipatory self-defense. Arguably, the enhanced permissibility of anticipatory self-defense that follows generally from the growing destructiveness of current weapons technologies in rogue hands may be paralleled by the enhanced permissibility of assassination as a particular strategy of preemption. Indeed, where assassination as anticipatory self-defense may actually prevent a nuclear or other highly destructive form of warfare, reasonableness dictates that it could represent distinctly, even especially, law-enforcing behavior.

For this to be the case, a number of particular conditions would need to be satisfied. First, the assassination itself would have to be limited to the greatest extent possible to those authoritative persons in the prospective attacking state. Second, the assassination would have to conform to all of the settled rules of warfare as they concern discrimination, proportionality, and military necessity. Third, the assassination would need to follow intelligence assessments that point, beyond a reasonable doubt, to preparations for unconventional or other forms of highly destructive warfare within the intended victim's state. Fourth, the assassination would need to be founded upon carefully calculated judgments that it would, in fact, prevent the intended aggression, and that it would do so with substantially less harm [\*114] to civilian populations than would all of the alternative forms of anticipatory self-defense.

Such an argument may appear manipulative and dangerous; permitting states to engage in what is normally illegal behavior under the convenient pretext of anticipatory self-defense. Yet, any blanket prohibition of assassination under international law could produce even greater harm, compelling threatened states to resort to large-scale warfare that could otherwise be avoided. Although it would surely be the best of all possible worlds if international legal norms could always be upheld without resort to assassination as anticipatory self-defense, the persisting dynamics of a decentralized system of international law may sometimes still require extraordinary methods of law-enforcement. n71

Let us suppose, for example, that a particular state determines that another state is planning a nuclear or chemical surprise attack upon its population centers. We may suppose, also, that carefully constructed intelligence assessments reveal that the assassination of selected key figures (or, perhaps, just one leadership figure) could prevent such an attack altogether. Balancing the expected harms of the principal alternative courses of action (assassination/no surprise attack v. no assassination/surprise attack), the selection of preemptive assassination could prove reasonable, life-saving, and cost-effective.

What of another, more common form of anticipatory self-defense? Might a conventional military strike against the prospective attacker's nuclear, biological or chemical weapons launchers and/or storage sites prove even more reasonable and cost-effective? A persuasive answer inevitably depends upon the particular tactical and strategic circumstances of the moment, and on the precise way in which these particular circumstances are configured.

But it is entirely conceivable that conventional military forms of preemption would generate tangibly greater harms than assassination, and possibly with no greater defensive benefit. This suggests that assassination should not be dismissed out of hand in all circumstances as a permissible form of anticipatory self-defense under international law. [\*115]

What of those circumstances in which the threat to particular states would not involve higher-order (WMD) n72 military attacks? Could assassination also represent a permissible form of anticipatory self-defense under these circumstances? Subject to the above-stated conditions, the answer might still be "yes." The threat of chemical, biological or nuclear attack may surely enhance the legality of assassination as preemption, but it is by no means an essential precondition. A conventional military attack might still, after all, be enormously, even existentially, destructive. n73 Moreover, it could be followed, in certain circumstances, by unconventional attacks.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

Vladimir Z. Dvorkin ‘12 Major General (retired), doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences. The Center participates in the working group of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, 9/21/12, "What Can Destroy Strategic Stability: Nuclear Terrorism is a Real Threat," belfercenter.ksg.harvard.edu/publication/22333/what\_can\_destroy\_strategic\_stability.html

Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Nuke terror causes extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

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#### Obama is investing capital to delay a new Senate sanctions on Iran until after November 20th – he’ll hold off the vote now

**Gerstein, 11/12/13** (Josh, Politico, “Iran talks delay puts White House on defense”

http://www.politico.com//story/2013/11/iran-talks-delay-white-house-99707.html)

A ten-day delay in talks aimed at negotiating an interim halt to Iran’s nuclear program could allow opponents of such a deal to build momentum on Capitol Hill, analysts said Monday.

For a time last week, it seemed like the Obama administration was eager to complete such a pact in little more than 48 hours from the time officials disclosed that a serious short-term agreement was on the table. That would have allowed the administration to bring such a package to Congress as a done deal, with lawmakers in the position of having to upend an agreement that had the blessing of at least six major world powers.

However, a late snag in the talks — there was still some dispute Monday about who was responsible for the hitch — led the parties to recess, with plans to reconvene Nov. 20. And that delay is essentially forcing the administration into a more public and high-profile defense of more diplomacy with Iran, and the Senate to hold off on a vote on new sanctions against Tehran.

Vice President Joe Biden spoke to Sen. Chuck Schumer (D-N.Y.) Monday to encourage the Senate to avoid any moves that might scuttle the next round of talks, said a source familiar with the conversation, first reported by BuzzFeed.

And Secretary of State John Kerry is expected to brief members of the Senate Banking Committee at a closed-door session later this week, a congressional source said. Kerry spokeswoman Jen Psaki told reporters returning from the Mideast with the secretary that the briefing will take place Wednesday, Reuters reported.

As top Obama administration officials urged the Senate to hold off any new sanctions action, some supporters of a deal with Iran fretted that the administration had waited until now to make a strong push in Congress and with the public for a pact aimed at halting Tehran’s nuclear program.

“I understand the attractiveness of that strategy, but am still doubtful about the wisdom and effectiveness of it, because it essentially means the president wanted to present Congress with a fait accompli, and this Congress doesn’t react very well to that,” said Trita Parsi of the National Iranian American Council.

Parsi said it was clear that the U.S. administration and others wanted to get an interim deal signed before the debate heated up in Congress again on sanctions.

#### Political capital is key – new sanctions in advance of negotiations will wreck Rouhani’s ability to negotiate and collapse the deal

**Cockburn, 11/11**/13 **-** PATRICK COCKBURN is the author of Muqtada: Muqtada Al-Sadr, the Shia Revival, and the Struggle for Iraq (“The Deal-Wreckers Why Iran’s Concessions Won’t Lead to a Nuclear Agreement”, Counterpunch, <http://www.counterpunch.org/2013/11/11/why-irans-concessions-wont-lead-to-a-nuclear-agreement/>

In Tehran President Hassan Rouhani has so far had a fairly easy ride because of his recent election and the support of the Supreme leader, Ali Khamenei. But if he is seen as offering too many concessions on the nuclear programme and not getting enough back in terms of a relaxation of economic sanctions then he and his supporters become politically vulnerable. There are some signs that this is already happening.

The Reformists in Iran will also be vulnerable to allegations that they have given the impression that they are negotiating from weakness because economic sanctions are putting unsustainable pressure on Iran. If this argument was true then Israel, France and Saudi Arabia can argue that more time and more sanctions will make the Iranians willing to concede even more.

There is no doubt that sanctions do have a serious impact on the Iranian economy, but it does not necessarily follow that it will sacrifice its nuclear programme. The confrontational policy advocated much of the US Congress may, on the contrary decide Iran to build a nuclear weapon on the grounds that the international campaign against Iranian nuclear development is only one front in an overall plan to overthrow the system of government installed in Iran since the fall of the Shah in 1979. In other words, Iranian concessions on nuclear issues are not going to lead to an agreement, because the real objective is regime change.

On the other hand, the decision by President Obama not to launch airstrikes against Syria, Iran’s crucial Arab ally, after the use of chemical weapons on 21 August, has to a degree demilitarised the political atmosphere. This could go into reverse if Congress adds even tougher sanctions and threats of military action by Israel resume. Much will depend on how much political capital President Obama is willing spend to prevent prospects for a deal being extinguished by those who believe that confrontation with Iran works better than diplomacy.

#### Presidential war power battles expend capital – it’s immediate and forces a trade-off in prioritization

O’Neil 7 (David – Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of Executive Privilege”, 2007, 60 Vand. L. Rev. 1079, lexis)

a. Conscious Pursuit of Institutional Prerogatives The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### **Plan’s a perceived loss – that causes Obama’s allies to defect**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### A limited deal prevents Iranian weaponization – risks proliferation and an Israeli nuclear strike

**Stephens, 11/14/13** – columnist for the Financial Times (Phillip, Financial Times, “The four big truths that are shaping the Iran talks” <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>

The first of these is that Tehran’s acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.

Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.

The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel’s prime minister, can offer the rest of the world a watertight insurance policy.

It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran’s future intentions.

By the same token, bombing Iran’s nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it.

You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.

The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.

The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy demands a willingness to take risks.

The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

#### An Israeli strike fails, but triggers World War 3 and collapses the global economy

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.

For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.

Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.

All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well.

By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.

Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond.

Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war.

During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve.

Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.

In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.

An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.

Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.

From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops.

Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony.

Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.

If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.

While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

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The United States federal government should pass a concurrent Congressional resolution expressing Congressional support for implementing a ban on targeted killing through drone strikes, and expressing the intent to remove funding if the executive continues to engage in targeted killing through drone strikes.

#### It competes – it’s non-statutory.

Swaine, 10 **-** Associate Professor, George Washington University Law School (Edward, “THE POLITICAL ECONOMY OF YOUNGSTOWN” <http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty_publications>)

Furthermore, Justice Jackson’s framework also suggested that congressional will

could be expressed non-statutorily – again, at least insofar as its negative was involved. Assessing Truman’s seizure, Jackson appeared to reason that the absence of circumstances qualifying for Category One or Category Two necessarily meant that Category Three applied; where “the President cannot claim that [his action was] necessitated or invited by failure of Congress to legislate,” he suggested, such an action must be incompatible with the implied will of Congress.104 That implied will might be expressed informally,105 as clarified by passages from the other concurrences to which Justice Jackson expressly subscribed.106 Justices Black and Frankfurter, in particular, each invoked congressional inaction – namely, the fact that Congress had refused amendments to the Taft-Hartley Act that would have clearly given President Truman seizure authority.107 If congressional will can be informally expressed, as by refusing to take action, it suggests the relevance of acts by a subset of Congress rather than Congress as a whole. Individual legislators, certainly, may rise in sufficient opposition to defeat a statutory initiative, and a committee may prevent a bill from making the requisite progress. Presumably other “soft law” measures – like simple resolutions passed by the majority of one house only, or concurrent resolutions passed by both houses but not presented to the President – would be even better indicia.108

#### The CP changes the allocation of authority without enforcing legal restrictions on it.

Gersen and Posner, 8 **-** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

Soft statutes can also play an important role in the allocation of authority between Congress and the President. Consider the question of how the courts should evaluate executive action at the boundaries of Article II authority. In Youngstown Sheet & Tube Co. v. Sawyer, n113 Justice Jackson famously established a typology for understanding the borders of Article II power. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum ... ." n114 When Congress has said nothing or there is concurrent authority, there is a "zone of twilight" n115:

When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. n116

The President is on weakest ground when Congress has disapproved of the action: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." n117

Justice Jackson's language is instructive. He does not say "when a formal statute grants or denies presidential authority." Instead, he refers to the express or implied will of Congress, suggesting that implicit acquiescence will be enough to justify executive action in the zone of ambiguous executive authority.

The soft statute should be the preferred mechanism for articulating congressional views in this setting n118 because it is a better indicator of legislative views than legislative inaction. There are dozens of reasons Congress fails to act, and negative inferences in the context of Article II powers are especially hazardous. In fact, the soft law analytic frame makes clear that Justice Jackson's typology is actually incomplete. Speaking of congressional agreement, disapproval, or silence is unnecessarily crude. The House might authorize the presidential action and the Senate might expressly disavow it (or vice versa), creating a twilight of the twilight category.

In fact, Congress does sometimes use resolutions for these purposes. For example, during 2007, a concurrent resolution was introduced, "expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress." n119 During the same Congress, Senate Resolutions were offered to censure the President, Vice-President, and Attorney General for conduct related to the war in Iraq, detainment of enemy combatants, and wiretapping practices undertaken without warrants. n120 Another proposed resolution expressed the sense of the Senate that the President has constitutional authority to veto individual items of appropriation without additional statutory authorization. n121 These potential soft [\*604] statutes were not passed by majorities, but they are precisely the sort of information on the scope of permissible executive authority that would inform Justice Jackson's analysis. n122

In this scenario, legislative sentiments, expressed in nonbinding mechanisms, are taken as inputs in the decision-making processes of other institutions - the courts - that themselves generate binding rules, that is, hard law. Even without judicial involvement, however, resolutions that assert congressional authority or limitations on presidential authority may influence the way that the two political branches share power with each other - either as moves in a game where each side must both cooperate and compete, or as appeals to public opinion. n123

#### It avoids politics

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

If Congress wishes to resolve a statutory ambiguity, it always has the option of passing a law via bicameralism and presentment. In reality, however, passing laws is extremely difficult, and often the legislative enactment costs are simply greater than the benefits of resolving the ambiguity correctly. n1 Indeed, these high legislative enactment costs are among the reasons that so many of our statutes set forth broad principles rather than specify concrete requirements: gaining consensus on concrete textual mandates imposes even more costs on the already difficult process of legislation. A future Congress may want to clarify these vague statutory mandates as societal, legal, or technological circumstances change, as the consequences of certain policy choices become more apparent, or as legislators simply resolve their differences of opinion. But the costs of legislating a fix are usually too high. n2

Some leading commentators argue that this problem of statutory ossification due to high legislative enactment costs requires judges to interpret statutes as living documents. Professor William Eskridge claims that a statute’s meaning changes over time, and thus judges should “dynamically” interpret statutes.3 Judge Calabresi argues that judges should “update” obsolete statutes by striking down or ignoring any statute that is “sufficiently out of phase with the whole [contemporary] legal framework so that, whatever its age, it can only stand if a current majoritarian or representative body reaffirms it.”4 However, most commentators have criticized such approaches as putting too much power in the hands of unelected and unaccountable judges.5

Instead, Congress has largely relied on administrative agencies to continually update the policies that implement various statutes. When charged with administering statutes, such agencies often have the authority to interpret the legislation's vague commands by translating them into more precise and concrete rules. n6 Moreover, courts have given great deference to agency interpretations of ambiguous statutes under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. n7 These agency interpretations, although the products of a more politically accountable process than judicial interpretations, nonetheless are not as publicly deliberative or as nationally representative as a congressional decision. Worse, many other statutes that are similarly indefinite are not administered by any particular agency, thus leaving courts with the primary responsibility to develop the law - and thus the policy - under these statutes, despite judges' lack of expertise and accountability. n8 But by prohibiting one house of Congress from vetoing agency actions, the Supreme Court, in INS v. Chadha, n9 limited Congress's role in administering statutes, despite its institutional advantages over courts - and, in some respects, over agencies - in developing policy.

In a recent article, Professors Jacob Gersen and Eric Posner suggest that courts should pay greater attention to post-enactment congressional resolutions when interpreting statutes. n10 This Note develops their idea by proposing more modest congressional involvement than the legislative veto invalidated in Chadha: courts should defer to a [\*1509] House or Senate resolution that adopts a reasonable interpretation of an ambiguous statute. n11 For statutes not administered by any agency with interpretive authority, such deference to a congressional resolution would improve lawmaking by bringing to bear the legislature's policy expertise and democratic accountability. But even for statutes administered by agencies, this proposal would increase accountability. Further, this proposal would help to restore checks and balances and the Constitution's original allocation of power by making the House and Senate coequal with executive agencies in interpreting ambiguous statutory provisions. Whenever these institutions disagree, courts should simply adopt their own best reading of the statute, de novo.

I. Statutes Without Agencies

Courts should give Chevron-like deference to any resolution passed by either the House or the Senate that reasonably interprets a statutory ambiguity. When deciding whether to defer to such a congressional resolution, courts should engage in both steps of the Chevron analysis, just as they do for agency interpretations of statutes: First, the statute must be "silent or ambiguous with respect to the specific issue" addressed by the congressional resolution. n12 Second, the resolution's interpretation must be "based on a permissible construction of the statute." n13

### 1nc cp

We defend the entirety of the plan minus the plan text

#### Utilizing the state to combat social wrongs expresses a desire for mastery that reinforces state power – turns the aff

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(Elisabeth, “Heroic Identifications: Or, ‘You Can Love Me Too – I am so Like the State’”, Theory & Event Vol 15, Issue 1 2012, dml)

The post-9/11 desire for mastery derives from the juxtaposition between a desire for freedom and generalized conditions of political powerlessness in contemporary life. It stems from the ways in which formally free individuals are not only materially constrained by multiple and interweaving modes of social power, but are shaped by contemporary global crises such as empire, occupation, and imperialism across broad international populations; from the broadening control of the state and economy over aspects of social life previously ascribed to the “private” realm, such as education, child-rearing, and welfare; from neoliberal capital, terrorism, ethnic wars, racism, sexism, entrenched and broadening levels of poverty, environmental destruction, security privatization, and resource scarcity. Under these conditions, citizens are **excluded from national politics** and made into consumers **rather than active players** in the operations of collective decision-making; multinational corporate powers promote vast levels of exploitation while evading accountability and visibility; jobs and families are uprooted, severed, and micromanaged as a politics of fear pervades work and home life; systems of support from state, family, and community structures are financially broken and systematically destroyed; the nexus of capitalism and state governance pushes the goals of efficiency, subjugation, and flexibility to organize the terms of collective governance and individual citizenship at the expense of notions of justice, freedom, or the good; mediated information exposes various horrors and subjugations from around the world, yet at the same time insists that nothing can be done to change them; no viable political collectivity offers significant societal-wide change, as significant change does not seem probable. Under these conditions, individuals seem **unable to experience freedom or effect change in the world**. They are conditioned by the impinging effects of global capital and global interdependence, as well as **the inability to master or singularly control the powers that generate them**. Affecting individuals to significantly varying degrees depending upon their locations within structures of power and privilege, these conditions also shape ordinary and lived experiences of powerlessness across populations. Experiences of powerlessness are not only frightening but also confusing, as their causes are often difficult to discern. The modes of power that produce them are often nonagentic and spatially unlocatable – global yet micropolitical, impinging yet intangible, faceless yet moving, and replicating with alacrity. They create a widespread and constant sense of precariousness and constraint that is not so much explicitly expressed as experienced as nagging, unarticulated affects of impotence, anxiety, constriction, and anger. Identification with the state aims to address these experiences **by heroically overcoming them**. Identification with state action is also, in part, an effect of a specific type of liberal individualism that valorizes **expectations of mastery over and autonomy from the social world**. American political subjects, often shaped by individualism’s expectations of individual sovereignty and self-determinism, struggle with the continual process of power’s regulatory capacity as well as lived experiences of dependence. Both demonstrate their failure to live up to individualism’s ideal image: to be, in Etienne Balibar’s words, the “subject without subjection,” to be self-reliant, to master power, to pull oneself up by one’s bootstraps, to actively and unilaterally determine the course of one’s existence.13 Awash in the tenets of liberal individualism, freedom here means **autonomy from others and from power**, and is experienced through a type of self-determinism that implies the capacity to control historical and political uncertainty. It is understood to be both the lived experience of mastery and the absence of power over the self. Interdependence **of any sort** is considered unfreedom, so that freedom is sustained through **an aggressive stance toward other individuals**, nations, and even nature.14 To subjects who want yet are unable to live up to this model of agency, bold and unilateral state actions can seem to be one place where **a strong autonomy is still possible**. State action seems to harbor the possibility of unrestrained power over the contingencies of the world, where the ability to control others and the world still gains credence.

#### Their use of the state guarantees mass violence and destroys value to life

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One of the deadliest practices we engage in is that of identifying ourselves with a collective entity. Whether it be the state, a nationality, our race or gender, or any other abstraction, we introduce division – hence, conflict – into our lives as we separate ourselves from those who identify with other groupings. If one observes the state of our world today, this is the pattern that underlies our deadly and destructive social behavior. This mindset was no better articulated than when George W. Bush declared “you’re either with us, or against us.” Through years of careful conditioning, we learn to think of ourselves in terms of agencies and/or abstractions **external to our independent being**. Or, to express the point more clearly, we have learned to **internalize these external forces;** to **conform our thinking** and behavior to the purposes and interests of such entities. We adorn ourselves with flags, mouth shibboleths, and decorate our cars with bumper-stickers, in order to communicate to others our sense of “who we are.” In such ways does our being become indistinguishable from our chosen collective. In this way are institutions born. We discover a particular form of organization through which we are able to cooperate with others for our mutual benefit. Over time, the advantages derived from this system have a sufficient consistency to lead us to the conclusion that our well-being is dependent upon it. Those who manage the organization find it in their self-interests to propagate this belief so that we will become dependent upon its permanency. Like a sculptor working with clay, institutions take over the direction of our minds, twisting, squeezing, and pounding upon them until we have embraced a mindset conducive to their interests. Once this has been accomplished, we find it easy to subvert our will and sense of purpose to the collective. The organization ceases being a mere tool of mutual convenience, and becomes an end in itself. Our lives become “institutionalized,” and we regard it as fanciful to imagine ourselves living in any other way than as constituent parts of a machine that transcends our individual sense. **Once we identify ourselves with the state**, that collective entity does more than represent who we are; **it is who we are**. To the politicized mind, **the idea that “we are the government” has real meaning**, not in the sense of being able to control such an agency, but **in the psychological sense**. The successes and failures of the state become the subject’s successes and failures; insults or other attacks upon their abstract sense of being – such as the burning of “their” flag – become assaults upon their very personhood. Shortcomings on the part of the state become our failures of character. This is why so many Americans who have belatedly come to criticize the war against Iraq are inclined to treat it as only a “mistake” or the product of “mismanagement,” not as a moral wrong. Our egos can more easily admit to the making of a mistake than to moral transgressions. Such an attitude also helps to explain why, as Milton Mayer wrote in his revealing post-World War II book, They Thought They Were Free, most Germans were unable to admit that the Nazi regime had been tyrannical. It is this dynamic that makes it easy for political **officials to generate wars, a process that reinforces the sense of identity and attachment people have for “their” state**. It also helps to explain why most Americans – though tiring of the war against Iraq – refuse to condemn government leaders for the lies, forgeries, and deceit employed to get the war started: to acknowledge the dishonesty of the system through which they identify themselves is to admit to the dishonest base of their being. The truthfulness of the state’s rationale for war is irrelevant to most of its subjects. It is sufficient that they believe the abstraction with which their lives are intertwined will be benefited in some way by war. Against whom and upon what claim does not matter – except as a factor in assessing the likelihood of success. That most Americans have pipped nary a squeak of protest over Bush administration plans to attack Iran – with nuclear weapons if deemed useful to its ends – reflects the point I am making. Bush could undertake a full-fledged war against Lapland, and most Americans would trot out their flags and bumper-stickers of approval. The “rightness” or “wrongness” of any form of collective behavior becomes interpreted by the standard of whose actions are being considered. During World War II, for example, Japanese kamikaze pilots were regarded as crazed fanatics for crashing their planes into American battleships. At the same time, American war movies (see, e.g., Flying Tigers) extolled the heroism of American pilots who did the same thing. One sees this same double-standard in responding to “conspiracy theories.” “Do you think a conspiracy was behind the 9/11 attacks?” It certainly seems so to me, unless one is prepared to treat the disappearance of the World Trade Center buildings as the consequence of a couple pilots having bad navigational experiences! The question that should be asked is: whose conspiracy was it? To those whose identities coincide with the state, such a question is easily answered: others conspire, we do not. It is not the symbiotic relationship between war and the expansion of state power, nor the realization of corporate benefits that could not be obtained in a free market, that mobilize the machinery of war. Without most of us standing behind “our” system, and cheering on “our” troops, and defending “our” leaders, none of this would be possible. What would be your likely response if your neighbor prevailed upon you to join him in a violent attack upon a local convenience store, on the grounds that it hired “illegal aliens?” Your sense of identity would not be implicated in his efforts, and you would likely dismiss him as a lunatic. Only when our ego-identities become wrapped up with some institutional abstraction – such as the state – can we be persuaded to **invest** our **lives** and the lives of our children **in** the **collective** **madness** of state action. We do not have such attitudes toward organizations with which we have more transitory relationships. If we find an accounting error in our bank statement, we would not find satisfaction in the proposition “the First National Bank, right or wrong.” Neither would we be inclined to wear a T-shirt that read “Disneyland: love it or leave it.” One of the many adverse consequences of identifying with and attaching ourselves to collective abstractions is our loss of control over not only the **meaning** and direction **in our lives, but** of the manner in which we can be efficacious in **our efforts to pursue the purposes that have become central to us**.We become dependent upon the performance of “our” group; “our” reputation rises or falls on the basis of what institutional leaders do or fail to do. If “our” nation-state loses respect in the world – such as by the use of torture or killing innocent people - we consider ourselves no longer respectable, and scurry to find plausible excuses to redeem our egos. When these expectations are not met, we go in search of new leaders or organizational reforms we believe will restore our sense of purpose and pride that we have allowed abstract entities to personify for us. As the costs and failures of the state become increasingly evident, there is a growing tendency to blame this system. But to do so is to continue playing the same game into which we have allowed ourselves to become conditioned. One of the practices employed by the state to get us to mobilize our “dark side” energies in opposition to the endless recycling of enemies it has chosen for us, is that of psychological projection. Whether we care to acknowledge it or not – and most of us do not – each of us has an unconscious capacity for attitudes or conduct that our conscious minds reject. We fear that, sufficiently provoked, we might engage in violence – even deadly – against others; or that inducements might cause us to become dishonest. We might harbor racist or other bigoted sentiments, or consider ourselves lazy or irresponsible. Though we are unlikely to act upon such inner fears, their presence within us can generate discomforting self-directed feelings of guilt, anger, or unworthiness that we would like to eliminate. The most common way in which humanity has tried to bring about such an exorcism is by subconsciously projecting these traits onto others (i.e., “scapegoats”) and punishing them for what are really our own shortcomings. The **state** has **trained** **us** to behave this way, in order that we may be counted upon to invest our lives, resources, and other energies **in** **pursuit** **of** the **enemy** du jour. It is somewhat ironic, therefore, that most of us resort to the same practice in our criticism of political systems. After years of mouthing the high-school civics class mantra about the necessity for government – and the bigger the government the better – we begin to experience the unexpected consequences of politicization. Tax burdens continue to escalate; or the state takes our home to make way for a proposed shopping center; or ever-more details of our lives are micromanaged by ever-burgeoning state bureaucracies. Having grown weary of the costs – including the loss of control over our lives – we blame the state for what has befallen us. We condemn the Bush administration for the parade of lies that precipitated the war against Iraq, rather than indicting ourselves for ever believing anything the state tells us. We fault the politicians for the skyrocketing costs of governmental programs, conveniently ignoring our insistence upon this or that benefit whose costs we would prefer having others pay. The statists have helped us accept a world view that conflates our incompetence to manage our own lives with their omniscience to manage the lives of billions of people – along with the planet upon which we live! – and we are now experiencing the costs generated by our own gullibility. We have acted like country bumpkins at the state fair with the egg money who, having been fleeced by a bunch of carnival sharpies, look everywhere for someone to blame other than ourselves. We have been euchred out of our very lives because of our eagerness to believe that benefits can be enjoyed without incurring costs; that the freedom to control one’s life can be separated from the responsibilities for one’s actions; and that two plus two does not have to add up to four if a sizeable public opinion can be amassed against the proposition. By identifying ourselves with any abstraction (such as the state) we give up the integrated life, the sense of wholeness that can be found only within each of us. While the state has manipulated, cajoled, and threatened us to identify ourselves with it, the responsibility for our acceding to its pressures lies within each of us. The statists have – as was their vicious purpose – simply taken over the territory we have abandoned. **Our politico-centric pain and suffering has been brought about by our having allowed external forces to move in and occupy the vacuum we created at the center of our being**. The only way out of our dilemma involves a retracing of the route that brought us to where we are. **We require nothing so much right now as the development of a sense of “who we are” that transcends our institutionalized identities, and returns us** – without division and conflict – **to a centered, self-directed integrity in our lives.**

### 1nc util

#### Upholding life is the ultimate moral standard.

Uyl and Rasmussen,profs. of philosophy at Bellarmine College and St. John’s University, 1981 (Douglas Den and Douglas, “Reading Nozick”, p. 244)

Rand has spoken of the ultimate end as the standard by which all other ends are evaluated. When the ends to be evaluated are chosen ones the ultimate end is the standard for moral evaluation. Life as the sort of thing a living entity is, then, is the ultimate standard of value; and since only human beings are capable of choosing their ends, it is the life as a human being-man's life qua man-that is the standard for moral evaluation.

**Solving Extinction comes first. You have to be alive to be ethical.**

**Gelven, 1994**

[Michael, Prof. Phil. – Northern Illinois U., “War and Existence: A Philosophical Inquiry”, p. 136-137]

**The personal pronouns, like "I" and "We," become governed existentially by the possessive pronouns, like "ours," "mine," "theirs"; and this in turn becomes governed by the adjective "own." What is authentic becomes what is our own as a way of existing.** The meaning of this term is less the sense of possession than the sense of belonging to. It is a translation of the German eigen, from which the term eigentlich (authentic) is derived. **To lose this sense of one's own is to abandon any meaningfulness, and hence to embrace nihilism**. To be a nihilist is to deny that there is any way of being that is our own; for the nihilist, what is one's own has no meaning. The threat here is not that what is our own may yield to what is not, but rather that the distinction itself will simply collapse. **Unless I can distinguish between what is our own and what is not, no meaningfulness is possibleat all**.  This is the foundation of the we-they principle. The pronouns in the title do not refer to anything; they merely reveal how we think. Like all principles, this existential principle does not determine specific judgments, any more than the principle of cause and effect determines what the cause of any given thing is. The we-they principle is simply a rule that governs the standards by which certain judgments are made. Since it is possible to isolate the existential meanings of an idea from the thinglike referent, the notions of we-ness and they-ness can be articulated philosophically. On the basis of this primary understanding, it is possible to talk about an "existential value," that is, the weight o. rank given to ways of existing in opposition to other kinds of value, such as moral or psychological values. But the principle itself is not, strictly speaking, a principle of value; it is an ontological principle, for its foundation is in the very basic way in which I think about what it means to be. **The ground of the we-they principle is, quite simply, the way in which we think about being. Thus, it is more fundamental than any kind of evaluating or judging.**  One of the things that the authentic I can do, of course, is to concern itself with moral questions. **Whether from a deontological sense of obligation or from a utilitarian projection of possiblehappiness, an I that considers these matters nevertheless is presupposed by them.** Although authenticity and morality are distinct, a sense of who one is must precede a decision about how to act. Thus, the question of authenticity comes before the question of obligation. And **since the worth of the I is generated from the prior worth of the we, it follows there can be no moral judgment that cancels out the worth of the I or the We**. This is not to say that anything that benefits the we is therefore more important than what ought to be done. It is merely to say that **any proper moral judgment will in fact be consistent with the integrity of the we.** Thus, I would be morally prohibited from offending someone else merely for my own advantage, but no moral law would ever require me to forgo my existential integrity. This is true not only for moral questions but for any question of value whatsoever: **all legitimate value claims must be consistent with the worth of the I and the We. It is only because my existence matters that I can care about such things as morality, aesthetics, or even happiness**. Pleasure, of course, would still be preferable to pain, but to argue that one ought to have pleasure or even that it is good to have pleasure would simply reduce itself to a tautology: if I define pleasure as the satisfaction of my wants, then to say I want pleasure is tautological, for I am merely saying that I want what I want, which may be true but is not very illuminating.  **The existential worth of existing is thereforefundamental and cannot be outranked by any other consideration. Unless I am first meaningful, I cannot be good; unless I first care about who I am, I cannot genuinely care about anything else, even my conduct.To threaten this ground of all values, the worth of my own being, then becomes the supreme assaultagainst me. To defend it and protect it is simply without peer. It is beyond human appeal or persuasion.**

**Moral absolutism leads to complicity in injustice – only consideration of consequences can create political responsibility**

Jeffrey **Isaac**, James H. Rudy Professor of Political Science and director of the Center for the Study of Democracy and Public Life at Indiana University, Bloomington, Spring **2002**, Dissent, vol. 49, no. 2

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility.** **The concern** may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It **fails to see that the purity of one's intention does not ensure the achievement of what one intends.** **Abjuring violence** or refusing to make common cause with morally compromised parties **may seem like the right thing; but** if **such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters**; (2) it fails to see that **in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice.** This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that **politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant.** Just as the alignment with "good" may engender impotence, **it is often the pursuit of "good" that generates evil.** This is the lesson of communism in the twentieth century: **it is not enough that one's goals be sincere** or idealistic; **it is equally important,** always, **to ask about the effects of pursuing these goals and to judge these effects in pragmatic** and historically contextualized **ways**. Moral **absolutism** inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it **undermines political effectiveness.** WHAT WOULD IT mean for the American left right now to take seriously the centrality of means in politics? First, it would mean taking seriously the specific means employed by the September 11 attackers--terrorism. There is a tendency in some quarters of the left to assimilate the death and destruction of September 11 to more ordinary (and still deplorable) injustices of the world system--the starvation of children in Africa, or the repression of peasants in Mexico, or the continued occupation of the West Bank and Gaza by Israel. But this assimilation is only possible by ignoring the specific modalities of September 11. It is true that in Mexico, Palestine, and elsewhere, too many innocent people suffer, and that is wrong. It may even be true that the experience of suffering is equally terrible in each case. But neither the Mexican nor the Israeli government has ever hijacked civilian airliners and deliberately flown them into crowded office buildings in the middle of cities where innocent civilians work and live, with the intention of killing thousands of people. Al-Qaeda did precisely this. That does not make the other injustices unimportant. It simply makes them different. It makes the September 11 hijackings distinctive, in their defining and malevolent purpose--to kill people and to create terror and havoc. This was not an ordinary injustice. It was an extraordinary injustice. The premise of terrorism is the sheer superfluousness of human life. This premise is inconsistent with civilized living anywhere. It threatens people of every race and class, every ethnicity and religion. Because it threatens everyone, and threatens values central to any decent conception of a good society, it must be fought. And it must be fought in a way commensurate with its malevolence. Ordinary injustice can be remedied. Terrorism can only be stopped. Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left--that it is often politically necessary to employ morally troubling means in the name of morally valid ends. **A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won't work.** In such situations **our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means-**-perhaps the dangerous means--**we have to employ in order to oppose it.** In such situations there is a danger that "realism" can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies. Most striking about the campus left's response to September 11 was its refusal to ask these questions. Its appeals to "international law" were naive. It exaggerated the likely negative consequences of a military response, but failed to consider the consequences of failing to act decisively against terrorism. In the best of all imaginable worlds, it might be possible to defeat al-Qaeda without using force and without dealing with corrupt regimes and political forces like the Northern Alliance. But in this world it is not possible. And this, alas, is the only world that exists. **To be politically responsible is to engage this world and to consider the choices that it presents. To refuse to do this is to evade responsibility. Such a stance may indicate a sincere refusal of unsavory choices. But it should never be mistaken for a serious political commitment.**

#### Extinction will be the greatest moment of suffering in history – abject fear of it is self-defeating – rational attempts to prevent it are best

Epstein and Zhao ‘9  (Richard J. and Y. Laboratory of Computational Oncology, Department of Medicine, University of Hong Kong, Perspectives in Biology and Medicine Volume 52, Number 1, Winter 2009, Muse)JFS

Human extinction is 100% certain—the only uncertainties are when and how. Like the men and women of Shakespeare’s As You Like It, our species is but one of many players making entrances and exits on the evolutionary stage. That we generally deny that such exits for our own species are possible is to be expected, given the brutish selection pressures on our biology. Death, which is merely a biological description of evolutionary selection, is fundamental to life as we know it. Similarly, death occurring at the level of a species—extinction—is as basic to biology as is the death of individual organisms or cells. Hence, to regard extinction as catastrophic—which implies that it may somehow never occur, provided that we are all well behaved—is not only specious, but self-defeating. Man is both blessed and cursed by the highest level of self-awareness of any life-form on Earth. This suggests that the process of human extinction is likely to be accompanied by more suffering than that associated with any previous species extinction event. Such suffering may only be eased by the getting of wis- dom: the same kind of wisdom that could, if applied sufficiently early, postpone extinction. But the tragedy of our species is that evolution does not select for such foresight. Man’s dreams of being an immortal species in an eternal paradise are unachievable not because of original sin—the doomsday scenario for which we choose to blame our “free will,” thereby perpetuating our creationist illusion of being at the center of the universe—but rather, in reductionist terms, because paradise is incompatible with evolution. More scientific effort in propounding this central truth of our species’ mortality, rather than seeking spiritual comfort in escapist fantasies, could pay dividends in minimizing the eventual cumulative burden of human suffering.

### 1nc preemption good

**High consequence low probability scenario planning is key to pedagogical change—their ambigious impacts prevents application of their politics of hope.**

**Junio and Mahnken 13**—Stanford AND Naval War College

(Timothy and Thomas, “Conceiving of Future War: The Promise of Scenario Analysis for International Relations”, International Studies Review Volume 15, Issue 3, pages 374–395, September 2013, dml)

**This** article **introduces political scientists to scenarios**—**future counterfactuals**—**and demonstrates their value** in tandem with other methodologies and across a wide range of research questions. The authors describe best practices regarding the scenario method and argue that scenarios contribute to **theory building** and **development, identifying new hypotheses, analyzing data-poor research topics, articulating “world views,” setting new research agendas, avoiding cognitive biases,** and **teaching**. The article also establishes **the low rate at which scenarios are used in the international relations subfield and situates scenarios in the broader context of political science methods**. The conclusion offers two detailed examples of the effective use of scenarios.

In his classic work on scenario analysis, The Art of the Long View, Peter Schwartz commented that “**social scientists** often have a hard time [building scenarios]**; they have been trained to stay away from ‘what if?’ questions and concentrate on ‘what was?**’” (Schwartz 1996:31). While Schwartz's comments were impressionistic based on his years of conducting and teaching scenario analysis, his claim withstands empirical scrutiny. **Scenarios—counterfactual narratives about the future—**are **woefully underutilized** among political scientists. The method is almost never taught on graduate student syllabi, and a survey of leading international relations (IR) journals indicates that scenarios were used in only 302 of 18,764 sampled articles. **The low rate at which political scientists use scenarios**—less than 2% of the time—**is surprising; the method is popular** in fields as disparate as business, demographics, ecology, pharmacology, public health, economics, and epidemiology (Venable, Li, Ginter, and Duncan 1993; Leufkens, Haaijer-Ruskamp, Bakker, and Dukes 1994; Baker, Hulse, Gregory, White, Van Sickle, Berger, Dole, and Schumaker 2004; Sanderson, Scherbov, O'Neill, and Lutz 2004). **Scenarios also are a common tool** employed by the policymakers whom political scientists study**.**

**This** article **seeks to** elevate the status of scenarios in political scienceby **demonstrating their usefulness** for **theory building** and **pedagogy. Rather than constitute** mere speculation regarding an unpredictable future, as critics might suggest, **scenarios assist scholars** with **developing testable hypotheses**, gathering data, and identifying a theory's upper and lower bounds. Additionally, **scenarios are** an **effective way** to teach students to apply theory to policy. In the pages below, a “best practices” guide is offered to advise scholars, practitioners, and students, and an argument is developed in favor of the use of scenarios. The article concludes with two examples of how **political scientists** have **invoked the scenario method** to improve the specifications of their theories, propose falsifiable hypotheses, and design new empirical research programs**.**

Scenarios in the Discipline

**What do counterfactual narratives about the future look like?** Scenarios may range in length from a few sentences to many pages. **One of the most common uses** of the scenario method, which will be referenced throughout this article, **is** to study the conditions under which **high-consequence**, **low-probability** events may occur**. Perhaps** the best example of this is **nuclear warfare, a circumstance that has never resulted, but has captivated generations of political scientists.** For an introductory illustration, let us **consider a** very simple **scenario regarding how a first use of a nuclear weapon might occur**:

During the year 2023, the US military is ordered to launch air and sea patrols of the Taiwan Strait to aid in a crisis. These highly visible patrols disrupt trade off China's coast, and result in skyrocketing insurance rates for shipping companies. Several days into the contingency, which involves over ten thousand US military personnel, an intelligence estimate concludes that a Chinese conventional strike against US air patrols and naval assets is imminent. The United States conducts a preemptive strike against anti-air and anti-sea systems on the Chinese mainland. The US strike is far more successful than Chinese military leaders thought possible; a new source of intelligence to the United States—unknown to Chinese leadership—allowed the US military to severely degrade Chinese targeting and situational awareness capabilities. Many of the weapons that China relied on to dissuade escalatory US military action are now reduced to single-digit-percentage readiness. Estimates for repairs and replenishments are stated in terms of weeks, and China's confidence in readily available, but “dumber,” weapons is low due to the dispersion and mobility of US forces. Word of the successful US strike spreads among the Chinese and Taiwanese publics. The Chinese Government concludes that for the sake of preserving its domestic strength, and to signal resolve to the US and Taiwanese Governments while minimizing further economic disruption, it should escalate dramatically with the use of an extremely small-yield nuclear device against a stationary US military asset in the Pacific region.

**This** short story **reflects a future event that,** while unlikely to occur **and far too vague to be used for military planning,** contains **many dimensions of political science theory. These include** the following: **what leaders perceive as “limited,” “proportional,” or “escalatory” uses of force; the importance of** private **information about capabilities** and commitment; audience costs in international politics; **the relationship between military expediency and political objectives during war; and the role of compressed timelines for decision making**, among others. **The purpose** of this article **is to explain to scholars how such stories, and** more rigorously developed narratives **that specify variables of interest and draw on extant data,** may **improve the study of IR.** An important starting point is to explain how future counterfactuals fit into the methodological canon of the discipline.

### at: Imperialism

#### Blanket rejection of imperialism re-inscribes orientalist binaries and justifies the worst atrocities—US democratic engagement vital to recasting the relationship and responding to suffering

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Nevertheless, the point remains that conflict exists within the Third World, and this cannot simply be read off from the machinations of "western imperialism." To do so is to deny the capacity of the peoples in the periphery to forge their own history -a classic example of imperialist thinking. It is the case that power is concentrated firmly in the hands of the western powers, but it is not the case that this [a]ffects *sic* all nations of the periphery in a uniform way. It is in this light that there is a basis for a re-assessment of nationalism, and therefore the case for intervention by western powers, in the developing world. Third World Nationalism and Western Intervention There is a long history of western intervention in the periphery, which can easily be denounced as imperialism. This applies to the colonial period, and to the alarming number of interventions which have taken place since 1945. These interventions occurred for a variety of reasons, such as access to important raw materials, strategic interests in the context of the Cold War, and (not least) a US political culture in which the rulling elite has consistently believed that it has a divine right to expand beyond its territorial boundaries (Kiernan 1980). Western rhetoric concerning the promotion of democracy against Communism during the Cold War can be dismissed as nonsense when one considers the countless interventions designed to prop up right-wing dictators, and even overturn liberal-democracies (see Blum 1986; Pearce 1982). Moreover, during the Cold War western intervention in the Third World was far more common than so-called communist expansion (Halliday 1983: 97-104). Nevertheless, there is now a belief in the west, even among those on the Left, that there is case for western intervention in the Third World in the post-Cold War era. This is said to be the case because "oppressed peoples are looking for forms of western intervention that can save them from the horrors visited on them by their 'own' and neighbouring regimes....To uphold national sovereignty and damn intervention is to give a free hand to genocide" (Shaw 1993: 16). What is crucial here is that Shaw justifies intervention on the basis of the sound observation that conflicts exist within the Third World, and these cannot simply be read off from the actions of an omnipresent "West."This is made clear when Shaw (1993: 17) argues that "(t)he left has a particular duty to respond, not to the self-serving nationalist rhetoric of corrupt and repressive third world governments, but to the people who suffer from them/' This statement echoes Bill Warren's critique of (some versions of) dependency theory, which all too easily justified a reactionary nationalism in the name of so-called anti-imperialism (Warren 1980: chs.l and 7). On the other hand, many people on the western Left argue that intervention and imperialism amount to one and the same thing, and they cite the history of reactionary and bloody interventions by the western world since 1945 (or earlier - Chomsky's 1993 taken us back to 1492). On this basis, interventions in the 1990s in the Gulf and Somalia are regarded as imperialist in character (Pilger 1993: 10-11). There are however competing strands within this school of thought, which I allude to below. The problem with these two views is that they tend to talk past each other. While both approaches may appeal to the justice of their respective positions, it is seldom spelt out what is meant by this concept, a weakness intensified by the one-sided nature of both approaches. On the one hand, the interventionists appeal to justice and the rights of subjects (rather than states) in the periphery, but they tend to do so in isolation from the real world of international politics. On the other hand, opponents of intervention focus on realpolitik and the bloody history of western interventions, but in so doing they tend to provide no clear grounds for any forms of intervention. These points can be illustrated by an examination of the competing positions in the Gulf War. The interventionists argued that United Nations' action to remove Iraqi forces from Kuwait was largely justifiable (Halliday 1991). The best criterion for what constitutes a just war can be found in the work of Michael Walzer (1977). He argues that war is justified when it is in response to an act of aggression by one state against the territorial integrity of another. In a new edition of this work Walzer (1992: xi-xxiii) has argued that the Gulf War constitutes a just war. This is so for the following reasons: (i) the Iraqi invasion of Kuwait in August 1990 was against the wishes of its citizens, and the rest of the population; (ii) the declared aims of the UN forces were to liberate Kuwait, and to ensure that Iraq would be incapable of further aggression; (iii) the UN forces did not go on to overthrow Saddam Hussein or to occupy Iraq, except to guarantee some safety for the Kurds after their unsuccessful uprising. On the other hand, others have argued that United States' imperialism is so om-nipotent that the only correct position was to support the Iraqi regime. The United Nations is simply a tool of US imperialism, and the US' chief concern was economic (oil) and/or strategic (the preservation of Israel and Arab client regimes). Proponents of this view pointed out the double standards by which Iraq was condemned for its occupation of Kuwait, while there were no calls for "just wars" against Israel, Indonesia or in the past, South Africa (Samara 1991: 265-6). This point is more relevant than the interventionists would sometimes have us believe, as I show below. First, however, the pro-Iraq position needs further clarifi¬cation. The key argument of this position is that Saddam Hussein represented a challenge to the status quo in the Middle East, whereby there were great discrepancies between the wealth of Arab states, and local "comprador" classes deposited their oil wealth in western banks. In this respect, the Iraqi takeover of Kuwait represented a liberation for that country (Samara 1991: 260-1). There are strong grounds for dismissing this position as every bit as opportunist as that of the worst hawks in successive United States' administrations. Saddam Hussein's nationalism can hardly be described as progressive - he was an old ally of the United States, especially during the latter stages of the Iran-Iraq war, his treatment of Kurds within Iraq has been brutal and he has persistently attempted to control the cause of Palestinian national liberation (Halliday 1990: 73). To simply assume that Saddam Hussein was now a progressive anti-imperialist because he had fallen out with his old allies is naive at best, and at worst represents a mirror-image of the US approach that "our enemy's enemy is our friend." (Elliott 1992: 11) Furthermore, Iraqi treatment of those living in Kuwait during the occupation can hardly be described as a 'liberation" - rather, it was characterised by extremely repressive measures against the population. Moreover, to point to isolated examples of successful social pro¬grammes in Iraq (Gowan 1991) is hardly sufficient (and indeed is patronising) to secure progressive credentials. Once again. Warren's point that anti-imperialist rhetoric is not necessarily progressive seems pertinent. A less extreme anti-interventionist position was to not take sides in the war, but at the same time not call for action against the Iraqi regime. The basic justification for this view was that the international order was so unjust and exploitative that no one had the right to impose their will on anyone else. Of course this view abstracts from the fact that the Iraqi regime had done just that, and it becomes a call for lack of action - the logic of this view is that there can be no change for the better until the glorious day of world-wide socialism. Moreover, this view implicitly rests on the view that the capitalist state always unproblematically serves the functional needs of capital, and so actions by capitalist states are always seen as inherently "bad." So, according to this view the West intervened in the Gulf because it suited its interests, but is reluctant to intervene in Bosnia because it too suits its interests. While I think that there is a great deal of truth in this assertion, it takes things too far. Just because the West has no intrinsic interest in intervention in Bosnia does not mean that we should simply leave it there (or worse still appeal to the Yugoslavian "class struggle" in a way that totally abstracts from the concrete conditions in the region), as many Marxists in the west imply (see Callmicos 1993) ~ instead, when there is a case for some form of intervention (as I believe there is in Bosnia) there should be criticism of western governments precisely on the grounds that strategic or economic interests should not determine foreign policy (Magas 1992). The common assertion that these interests always win the day is to dismiss the struggle for alternatives from the outset. Similarly, just because intervention in one place may take imperialist forms (such as in Somalia in 1992-3) does not mean that the case against any form of intervention is established**.** Standard western Left views (which I show below have much in common with post-modernism) can again be seen as based on an approach which is defeatist. The structures of international capitalism are seen as so universally bad that there is no room for reform within this system. Struggle for reforms against this system is thereby discounted at the outset. We are therefore forced back to the logic of a Frankian "pessimism of the intellect, pessimism of the will" (Bernstein and Nicholas 1983), in which there is no hope for the Third World until the glorious day of redemption (that is world-wide revolution led by "the vanguard party"). As Elliott (1992: 11) argues, this perspective "proffered an abstract internationalism whereby the cure for all remediable ills was postponed to an indefinite future...." So, to summarise: the pro-Iraq position is based on a patronising Third Worldist/ dependency approach in which all the ills of a country are blamed on the West, and so anti-western positions are automatically progressive. The anti-sanctions position rests on a similarly misguided view that the "world-system" is so omnipresent and bad that the call for reforms within it is doomed to failure**.** Does this mean then, that the interventionist view is correct? In terms of the Gulf War, I think not. In terms of interventions in other places at other times, the only answer that can be given is that it depends on the concrete circumstances (rather than by recourse to an omnipresent imperialism which is assumed to always win the day). On the question of the Gulf War, the pro-intervention position abstracts from the motives that guided US-led intervention. As already stated, there were enormous double standards in the decision to punish Saddam's invasion whilst other equally illegal occupations had not led to military action, or even sanctions. It does seem odd that interventionists such as Fred Halliday and Norman Geras supported the US actions in the Gulf but made no call for similar action against South Africa, Israel or Indonesia (Cockbum 1991: 15-16). According to this view, the US intervened in the Gulf in order to maintain its hegemony in the region, and to help preserve regimes that had entered into an effective partnership with the West whereby the former deposited oil profits in the metropolitan countries in return for military protection (Stork and Lesch 1990; Bromley 1991; Brenner 1991: 134).

### at: militarism

#### Democracy checks excessive use of state power; they allow elite takeover which turns serial policy failure.

Partridge 1999

Ernest, Philosophy @ UC Riverside, “With Liberty for Some,” <http://gadfly.igc.org/papers/liberty.htm>

No one can doubt that many governments have proven to be "dangerous" and tyrannical. But libertarians would have us believe that all governments, per se, are not to be trusted - that "the best government is no government." That claim requires an argument. American history teaches us that because the founders of our government were very suspicious of the powers and abuses of the state, they first attempted, under the Articles of Confederation, the sort of minimalist government that the libertarians might endorse – a government that failed. Following that they tried again, this time with a system of "checks and balances" that separated the powers of government, and then they completed their task with a "Bill of Rights" that explicitly stated limits on the powers of the government over its citizens. Ultimately, the sovereignty over that government resides in the voting public (or at least did so until Bush v. Gore on December 12, 2000).. If we don't like the way we are being governed, we can replace our leaders at the ballot box. Unfortunately, if we don't like the way the telephone company or the public utilities treat us, we can not vote their management out of office - unless, of course, we are wealthy enough to own significant amounts of stock in these companies. Yet these private interests control our lives, without restraint - unless, of course, in accord with liberal policy and contrary to the advice of the libertarians, we have been wise and fortunate enough to enable our collective surrogate, the government, to regulate these private interests in our behalf. Clearly, all governments, being institutions designed by imperfect human beings, are imperfect to some degree. But no one has effectively demonstrated that anarchy is to be preferred. Every civilized human being lives under some system of government, for better or worse. Perhaps there is some compelling reason for this.

#### Their militarism argument is structurally inaccurate

George Bause (former Lieutenant Colonol in the US air force) 1974 “Myths, Realities, and

the Military-Industrial Complex” http://www.airpower.au.af.mil/airchronicles/aureview/1974/sep-oct/bause.html

accusations against the MIC¶ It seems that to explore the MIC adequately we must consider those characteristics of the complex that most of its critics ascribe to it. To do this we must deal with the idea of conspiracy, the element of secrecy, the subject of preparation as confrontation, the level of defense spending, war profiteering, military retirees in industry, the size of the complex, the lack of control over it, and the evaluation of the MIC as “institutionally rigid.”¶ Conspiracy. American history is replete with the writings of many who see conspiracy at every turn. Richard Hofstadter, in his Paranoid Style in American Politics (1965), used the phrase “paranoid style” in describing the grand theories of conspiracy of those persons who have obvious feelings of persecution. The perception of the person evidencing this approach to life sees an amorphous group of agents who have a design upon the resources of the land and its people. The paranoid stylist sees his role as being unselfish and full of deep patriotism, quite righteous, and morally indignant. The rhetoric of the conspiracy claimants has been labeled for what it is. No evidence has been produced to substantiate a de facto conspiracy. To label as “conspiracy” a concern about national security says more about the perceptions of the accuser than it does about the situation. Honest differences amongst all elements of the MIC are as varied as the general population. People connected with the complex are among the strongest advocates of détente, SALT, and a smaller voluntary military.¶ Secrecy. The question of secrecy looms large to many when matters of a military nature are discussed, and perhaps it will loom even larger as a result of present domestic problems in government. Since those outside the complex do not possess information and often question the credibility of information provided by the military or the government, questions are raised as to the validity of considered threats. The secrecy game is insidious because it can be used so simplistically as to invalidate any discussion. Critics will have to decide how valid the annual posture statements of the Secretary of Defense are. There are very few areas that are not available for public discussion. Size of forces, amounts of arms, contractual developments, and relative strengths are in the public domain. Internal efforts within the Department of Defense evidence not only awareness of this concern but positive steps to raise the level of public understanding and discussion. The broad accusation of a conspiracy of silence and secrecy can be substantiated in some few situations but cannot be supported as a blanket accusation.¶ Confrontation. Often the claim is made that military preparation leads necessarily to confrontation, that a force in readiness is a force anxious to exercise its war muscles. It seems that certain elements feel that they are the only ones who want a state of peace. Is there not a legitimate place in the world for a maintenance of peace? The notion of a complete trust system, wherein one can accept in faith the idea that a state system or even an international system can bring peace and a cessation of hostility, does not equate with any picture of man in either modern ethical systems or ancient ones. Biblical understanding of man usually places man in two worlds (often pictured, as in the language of Augustine, as two cities): the city of God, founded on love and trust of God and our fellowman, and its earthly opposite, the city of Man, founded symbolically by Cain. Cain’s city always has with it some aspect of the venom of his original fratricide. God’s city is a trust system; man’s city a distrust system. There is ample history to substantiate the latter. The logical corollary for a system designed to maintain peace and deter aggression is the vocation of military service. Can reason suggest that the role of government is to withdraw from the protection of its people? All forms of power, whether sexual, economic, political, or military, have potential for misuse. But to isolate one form of power without relating it to its function and its need in an imperfect world seems less than responsible.¶ Defense spending. Another rather obvious fiction is the concern voiced by many that the defense budget has loose purse strings and a runaway percentage of the economy. The claim has been made that it has less control and less scrutiny than other programs emanating from Washington. This myth is just not true in fact or practice, past or present. The defense budget receives more scrutiny, not less. Systems analysis, planning, programming and budgeting systems, and other tools of cost analysis have been applied more in the Department of Defense than in any other government activity. The number of military personnel has been decreased from 3,547,000 in 1968 to 2,199,000 in 1974, and the defense budget from 12 percent of the gross national product in 1954 to 5.9 percent in 1973.¶ Furthermore, one’s consideration of cost must relate it to the total American economy. Complexes surrounding education, medicine, farm products, transportation, etc., derive their support from several levels of government (state, county, and municipal), whereas the military budget is drawn totally from the federal coffer. The subject of our national commitments and our national responsibility to the world at large needs balanced study before the United States exits from the international arena. Recent struggles in the Near East and the accompanying energy crisis reinforce the significant global role of the United States today.¶ War profiteering. Accompanying the controversy over the runaway defense budget was the contention, always renewed in America during and after wars, of the making of enormous war profits. A spiraling inflation, together with the high cost of sophisticated weaponry and the ever increasing cost overruns, easily substantiated the general distrust of an anguished and long-suffering nation. The popular image presented in numerous volumes and articles on war profiteering was finally put to rest with more extensive audits by the General Accounting Office in the Defense Industry Profits Study of March 1971. The study shows, among other things, that thirty-two large defense contractors selected at random who did more than ten percent of their total business with DOD made basically the same profit as thirteen contractors, also randomly selected, who did less than ten percent of their business with DOD.¶ Military retirees in industry. A corollary to the profiteering myth is the idea that the number of retired military participating in second careers with war-making industries is excessive or, even worse, is another symptom of the evils of the MIC. Calculations drawn from a study made by Senator William Proxmire indicated that only eight percent of the officers, colonel through general, were employed by the 100 largest defense industries. Even high estimates place only forty percent of all retired military in the defense and aerospace sector of the economy. It hardly seems wrong or a necessary evil to expect persons with specific skills and developed vocational roles to pursue a second career in an area where they have background and experience. When questions of proportionality, level of entry, and diversification of employment are thoroughly analyzed, the evidence gives very little that is conclusive. Early fears in this area, inflamed by rhetoric and exaggeration, have subsided with each new study.¶ Size of MIG. If the former fictions and exaggerations are accepted, there still needs to be some consideration given to the problem implicit in any core of interest as large and powerful as that associated with the MIC, but these concerns and implications could well be leveled against any other big complex. To isolate them as an evil in one area without relating to all structures is an argumentum ad hominem and adds little to thoughtful discourse.¶ Lack of control. Critics frequently point out that the concern for national security which unites military, industrial, and governmental security planners lacks any kind of countervailing force in the social order. This seems to neglect the fact that there are numerous and strong countervailences within the complex. Not only do we find a variety of views within the military itself but also we find independent groups within government (Senate, House of Representatives, National Security Council, etc.) and outside government (RAND Corporation, Brookings Institution), all of which have had impact in trying to keep expenditures down, reduce procurement, and develop decision-making processes for a time of restraint. Again, it is important to note that systems analysis, planning-programming-budgeting systems, as well as other means of relating costs to effectiveness, have been pioneered in government by the Department of Defense. Would that other complexes were able to make judgments in social and educational areas as effectively.¶ Rigidity. Finally, the general accusation is frequently made that the MIC is institutionally rigid. Those who delight in this argument stereotype the military and those associated with it. The discipline of order, regulation, and institutional commitment are symptoms that impede innovation or adaptation. To validate this argument, a critic would have to be aware of the process of change occurring within all facets of the MIC. It seems difficult for persons within the structures to comprehend fully all the changes taking place. To draw a fair comparison, one would have to make a study relating the degree of changes among several complexes, such as the teaching-administration-education complex, the physician-medicine-hospital complex, and other similar interlocking structures. It is very difficult to justify the generality that members of the MIC are any more conservative institutionally than administrators, doctors, teachers, etc.¶ the facts to be known¶ Modern technology has had enormous impact on the defense scene. The requirement to understand the complexities of the management of a continuous flow of new systems has created an entirely new atmosphere for the men and women who manage, operate, and maintain current systems. It certainly is not an atmosphere that lacks change. Thus the changing scene has thrust upon persons within the military—and in the MIC as well—the need to be adaptive as well as innovative. The static scene of a “Beetle Bailey” environment is an anachronism in the light of change. The very nature of the demands has a significant influence on the person selected, the kinds of peers he competes with, the continuous education he receives, and the advancement that comes to a person of ability. It is obvious to persons inside and outside the MIC that change in the complex is integral to its life at this stage in history. A maginot-line mentality is a guarantee of failure for the military as well as industrial support systems.¶ It seems to me that the time is more than past for persons of good will to stop scapegoating the MIC and start affirming the fact that our nation needs and demands cooperation among technology, management, industry, government, and the military to solve the problems of security and deterrence. There is not a MIC conspiracy; arguments as to secrecy have been exaggerated, and public information is available to the seeker; preparation is responsible and does not necessitate confrontation; spending is under control; profiteering is grossly exaggerated; countervailing forces do exist; and the labeling of the MIC as institutionally rigid is not accurate.

\*MIC = Military-Industrial Complex

#### No influence on foreign policy

Ripsman, 9 – Norrin M., Associate Professor, Department of Political Science, Concordia University (Neoclassical Realism, the State, and Foreign policy, pp 183. Edited by Steven E Lobell, Norrin M Ripsman, Jeffery W Talliaferro (professors of poli sci). )

Aside from a direct electoral payoff, political leaders are also interested in those domestic actors who can provide resources that can be used either to retain power or, in cases of corrupt regimes, to line their pockets. In this regard, we might expect that wealthier groups would have more influence than those with only limited resources. Nonetheless, money and resources should be of only limited utility, since – unlike direct, coherent electoral clout – they tend to be spread across interest groups. Thus, while one group may offer a large material payoff for pursuing its preferred policy option, it is conceivable that one or more actors that oppose the policy will be able to provide a countervailing payoff that, even if smaller, would allow the executive to select its preferred policy without forgoing the bulk of the payoff. For this reason, I do not expect so-called “military-industrial complex” (MIC) or “iron triangle” interest groups to have any significant influence over foreign security policy.36 These groups, particularly firms that produce armaments or otherwise supply the military, and those engaged in defense-related research and development, are supposed to exert – together with the military and their allies in the government – a decisive influence over issues ranging from defense spending and weapons procurement to decisions of war and peace. Yet it is not clear why they must do so. To begin with, on individual procurement decisions, firms compete against each other and can raise countervailing rewards for the executive; therefore, the government should be able to choose its own preferred option independently of MIC interest groups at little cost. Furthermore, on those issues where the MIC interest groups are united (say in favoring higher overall defense spending or encouraging the use of force), firms and interest groups in other sectors of the economy that would lose out as a result can coalesce to offer a countervailing reward. So it seems unreasonable to privilege this one cluster of economic interests over other well-endowed interests.37

### at: root cause

#### Infinite non-falsifiable root causes means root cause focus over specific consequences dooms us to war

**Moore 4** – Professor of Law at the University of Virginia. He formerly served as the first Chairman of the Board of the United States Institute of Peace and as the Counselor on International Law to the Department of State. (John Norton, Winter, “Beyond the Democratic Peace: Solving the War Puzzle”, 44 Va. J. Int'l L. 341, Lexis Law)

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty and social injustice, competition for resources, incidents and accidents, greed, fear, perceptions of "honor," and many other factors. Such factors may well play a role in motivating aggression or generating fear and manipulating public opinion. The reality, however, is that while some of these factors may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high-risk decisions leading to war that is the key to more effectively controlling armed conflict. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents. n158 Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war that is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may doom us to war for generations to come.

 [\*394]  A useful framework for thinking about the war puzzle is provided in the Kenneth Waltz classic Man, the State and War, n159 first published in 1954 for the Institute of War and Peace Studies, in which he notes that previous thinkers about the causes of war have tended to assign responsibility at one of the three levels of individual psychology, the nature of the state, or the nature of the international system. This tripartite level of analysis has subsequently been widely copied in the study of international relations. We might summarize my analysis in this classical construct by suggesting that the most critical variables are the second and third levels, or "images," of analysis. Government structures, at the second level, seem to play a central role in levels of aggressiveness in high-risk behavior leading to major war. In this, the "democratic peace" is an essential insight. The third level of analysis, the international system, or totality of external incentives influencing the decision to go to war, is also critical when government structures do not restrain such high-risk behavior on their own. Indeed, nondemocratic systems may not only fail to constrain inappropriate aggressive behavior, they may even massively enable it by placing the resources of the state at the disposal of a ruthless regime elite. It is not that the first level of analysis, the individual, is unimportant - I have already argued that it is important in elite perceptions about the permissibility and feasibility of force and resultant necessary levels of deterrence. It is, instead, that the second level of analysis, government structures, may be a powerful proxy for settings bringing to power those who are disposed to aggressive military adventures and in creating incentive structures predisposed to high-risk behavior. We might also want to keep open the possibility that a war/peace model focused on democracy and deterrence might be further usefully refined by adding psychological profiles of particular leaders as we assess the likelihood of aggression and levels of necessary deterrence. Nondemocracies' leaders can have different perceptions of the necessity or usefulness of force and, as Marcus Aurelius should remind us, not all absolute leaders are Caligulas or Neros. Further, the history of ancient Egypt reminds us that not all Pharaohs were disposed to make war on their neighbors. Despite the importance of individual leaders, however, the key to war avoidance is understanding that major international war is critically an interaction, or synergy, of certain characteristics at levels two and three - specifically an absence of  [\*395]  democracy and an absence of effective deterrence.

Yet another way to conceptualize the importance of democracy and deterrence in war avoidance is to note that each in its own way internalizes the costs to decision elites of engaging in high-risk aggressive behavior. Democracy internalizes these costs in a variety of ways including displeasure of the electorate at having war imposed upon it by its own government. And deterrence either prevents achievement of the objective altogether or imposes punishing costs making the gamble not worth the risk. n160

III. Testing the Hypothesis  
Hypotheses, or paradigms, are useful if they reflect the real world better than previously held paradigms. In the complex world of foreign affairs and the war puzzle, perfection is unlikely. No general construct will fit all cases even in the restricted category of "major interstate war;" there are simply too many variables. We should insist, however, on testing against the real world and on results that suggest enhanced usefulness over other constructs. In testing the hypothesis, we can test it for consistency with major wars. That is, in looking, for example, at the principal interstate wars in the twentieth century, did they present both a nondemocratic aggressor and an absence of effective deterrence? n161 And although it, by itself, does not prove causation, we might also want to test the hypothesis against settings of potential wars that did not occur. That is, in non-war settings, was there an absence of at least one element of the synergy? We might also ask questions about the effect of changes on the international system in either element of the synergy. That is, what, in general, happens when a totalitarian state makes a transition to stable democracy or vice versa? And what, in general, happens when levels of deterrence are dramatically increased or decreased?

## 2nc

### 2nc CP

**Politicizing our personal relations to criticize world ordering allows us to recognize our position as global civilizers, which is the first step towards critical emancipation. Evaluating the violence here is a necessary precondition to dealing with violence out there. Reject the aff to open space for local community.**

**Nayar 99**, (Jayan, Law Student at the University of Warwick, Re-Framing International Law for the 21st Century: Orders of Inhumanity, 9 Transnational Law & Contemporary Problems 599, Fall 1999)

So, back to the question: to what extent, for this, "our world," do we contemplate change when "we" imagine transformed "world-orders?" In addition to the familiar culprits of violent orderings, such as government, financial institutions, transnational corporations, the World Bank, the IMF, and the WTO (as significant culprits they indeed are), do we, in our contemplations of violent orders, vision our locations within corporate "educational" institutions as "professional academics" and "researchers," our locations within corporate NGOs as "professional activists," our locations within "think-tanks" and "research organizations" as "professional policy-formulators," and whatever other locations of elite "expertise" we have been "trained" to possess, as ordered sites, complicit and parasitic, within a violent "world-order"? Do we see in our critiques of world-orderings, out there, the orderings we find, right here, in our bodies, minds, relationships, expectations, fears and hopes? Would we be willing to see "our (ordered) world" dismantled in order that other worlds, wherein our "privileges" become extinguished, may flourish? These concerns are, then, I believe, the real complexities of judgment and action. **Consideration should be given**, not only to those of the political-structural, so often honed in on, but also **to the** [\*628] **issue of the political-personal, which ultimately is the "unit" of "worlds" and of "orders." If "globalization," as a recent obsession of intellectual minds, has contributed anything to an understanding of the ways of the "world,"** I suggest, **it is that we cannot escape "our" implication within the violence of "world (mis)orders."**

IV. A WORLD FOR TRANSFORMATION: TWO POEMS

Despite the fixation of the beneficiaries of ordered worlds, **even the ordered "critic," with the prescribed languages, visions and possibilities of human socialities, other realities of humanity nevertheless persist.** Notwithstanding the globalization of social concern and the transnationalization of professionalized critique and reformatory action, struggles against violence remain energized, persistent and located. They are waged through the bodies of lives lived in experiential locations against real instruments of terror, functioning within embodied sites of violence. Non-information and non-representation of the existence of such struggles, and non-learning of the wisdoms thus generated do not negate their truths or the vibrancy of their socialities. n51

**"We" are participants in ordered worlds, not merely observers. The choice is whether we wish to recognize our own locations of ordered violence and participate in the struggle to resist their orderings, or whether we wish merely to observe violence in far-off worlds in order that our interventionary participation "out there" never destabilizes the ground upon which we stand.** I suggest that **we betray the spirit of transformatory struggle, despite all our expressions of support and even actions of professionalized expertise, if our own locations, within which are ordered and from which we ourselves order, remain unscrutinized.**

#### By locating their imagination in the state, the 1ac relocates violence outside of the self, turning the case.

KAPPELER 95 [Susanne Kappeler, The Will To Violence: The Politics of Personal Behavior, pg 1-4]

What is striking is that the violence which is talked about is always the violence committed by someone else: women talk about the violence of men, adults about the violence of young people; the left, liberals and the centre about the violence of right extremists; the right, centre and liberals about the violence of leftist extremists; political activists talk about structural violence, police and politicians about violence in the `street', and all together about the violence in our society. Similarly, Westerners talk about violence in the Balkans, Western citizens together with their generals about the violence of the Serbian army. Violence is recognized and measured by its visible effects, the spectacular blood of wounded bodies, the material destruction of objects, the visible damage left in the world of `objects'. In its measurable damage we see the proof that violence has taken place, the violence being reduced to this damage. The violation as such, or invisible forms of violence - the non-physical violence of threat and terror, of insult and humiliation, the violation of human dignity - are hardly ever the issue except to some extent in feminist and anti-racist analyses, or under the name of psychological violence. Here violence is recognized by the victims and defined from their perspective - an important step away from the catalogue of violent acts and the exclusive evidence of material traces in the object. Yet even here the focus tends to be on the effects and experience of violence, either the objective and scientific measure of psychological damage, or the increasingly subjective definition of violence as experience. Violence is perceived as a phenomenon for science to research and for politics to get a grip on. But violence is not a phenomenon: it is the behaviour of people, human action which may be analysed. What is missing is an analysis of violence as action - not just as acts of violence, or the cause of its effects, but as the actions of people in relation to other people and beings or things. Feminist critique, as well as other political critiques, has analysed the preconditions of violence, the unequal power relations which enable it to take place. However, under the pressure of mainstream science and a sociological perspective which increasingly dominates our thinking, it is becoming standard to argue as if it were these power relations which cause the violence. Underlying is a behaviourist model which prefers to see human action as the exclusive product of circumstances, ignoring the personal decision of the agent to act, implying in turn that circumstances virtually dictate certain forms of behaviour. Even though we would probably not underwrite these propositions in their crass form, there is nevertheless a growing tendency, not just in social science, to explain violent behaviour by its circumstances. (Compare the question, `Does pornography cause violence?') The circumstances identified may differ according to the politics of the explainers, but the method of explanation remains the same. While consideration of mitigating circumstances has its rightful place in a court of law trying (and defending) an offender, this does not automatically make it an adequate or sufficient practice for political analysis. It begs the question, in particular, `What is considered to be part of the circumstances (and by whom)?' Thus in the case of sexual offenders, there is a routine search - on the part of the tabloid press or professionals of violence - for experiences of violence in the offender's own past, an understanding which is rapidly solidifying in scientific model of a `cycle of violence'. That is, the relevant factors are sought in the distant past and in other contexts of action, e a crucial factor in the present context is ignored, namely the agent's decision to act as he did. Even politically oppositional groups are not immune to this mainstream sociologizing. Some left groups have tried to explain men's sexual violence as the result of class oppression, while some Black theoreticians have explained the violence of Black men as the result of racist oppression. The ostensible aim of these arguments may be to draw attention to the pervasive and structural violence of classism and racism, **yet they not only fail to combat such inequality, they actively contribute to it**. Although such oppression is a very real part of an agent's life context, these `explanations' ignore the fact that not everyone experiencing the same oppression uses violence, that is, that these circumstances do not `cause' violent behaviour. They overlook, in other words, that the perpetrator has decided to violate, even if this decision was made in circumstances of limited choice. To overlook this decision, however, is itself a political decision, serving particular interests. In the first instance it serves to exonerate the perpetrators, whose responsibility is thus transferred to circumstances and a history for which other people (who remain beyond reach) are responsible. Moreover, it helps to stigmatize all those living in poverty and oppression; because they are obvious victims of violence and oppression, they are held to be potential perpetrators themselves.' This slanders all the women who have experienced sexual violence, yet do not use violence against others, and libels those experiencing racist and class oppression, yet do not necessarily act out violence. Far from supporting those oppressed by classist, racist or sexist oppression, it sells out these entire groups in the interest of exonerating individual members. It is a version of collective victim-blaming, of stigmatizing entire social strata as potential hotbeds of violence, which rests on and perpetuates the mainstream division of society into so-called marginal groups - the classic clienteles of social work and care politics (and of police repression) - and an implied `centre' to which all the speakers, explainers, researchers and careers themselves belong, and which we are to assume to be a zone of non-violence. Explaining people's violent behaviour by their circumstances also has the advantage of implying that the `solution' lies in a change to circumstances. Thus it has become fashionable among socially minded politicians and intellectuals in Germany to argue that the rising neo-Nazi violence of young people (men), especially in former East Germany, needs to be countered by combating poverty and unemployment in these areas. Likewise anti-racist groups like the Anti. Racist Alliance or the Anti-Nazi League in Britain argue that `the causes of racism, like poverty and unemployment, should be tackled and that it is `problems like unemployment and bad housing which lead to racism'.' Besides being no explanation at all of why (white poverty and unemployment should lead specifically to racist violence (and what would explain middle- and upper-class racism), it is more than questionable to combat poverty only (but precisely) when and where violence is exercised. It not only legitimates the violence (by `explaining' it), but constitutes an incentive to violence, confirming that social problems will be taken seriously when and where `they attract attention by means of violence - just as the most unruly children in schools (mostly boys) tend to get more attention from teachers than well-behaved and quiet children (mostly girls). Thus if German neo-Nazi youths and youth groups, since their murderous assaults on refugees and migrants in Hoyerswerda, Rostock, Dresden etc., are treated to special youth projects and social care measures (to the tune of DM 20 million per year), including `educative' trips to Morocco and Israel,' this is am unmistakable signal to society that racist violence does indeed 'pay off'.

#### the impact is the effacement of their own subject positions within power, which turns the case, vote neg on presumption

Salter 85. M.G. Salter, lecturer in criminal law at the University of Birmingham, “The Rule of Power in the Language of Law,” The Liverpool Law Review Vol.VII(1) [1985] pg. 36

Through such codes of discipline language itself lays down the forms of discourse which are judged appropriate and inappropriate. For their continued vigour, these codes actually depend upon the multiplicity of points of resistance by those - including the staff - who are subject to them. Resistances actively serve as footholds, targets, supports and adversaries for power. Power relations here are not then attributable to, or owned by a single group or class, but arise in an apparently anonymous manner from interactions within the local situations in which they first appear.

Now if this is true, it has real consequences for the common sense of legal culture. It suggests that its truth- claims concerning the power/truth relation are themselves possible and comprehensible only because power operates within their own discourse, productively excluding some interpretations, attitudes and actions as "inappropriate" and therefore creating a possible common ground for their intelligibility as such. (4) This productivity of power appears in the mutual implication of positive and negative determinations of all legal meaning over time and through productive disowning. For example, during a contract law tutorial the tedious determination of what an "offer" is for Contract law, involves the progressive unfolding of all that it does not mean, i.e. invitation to treat, continuing negotiations etc. Thus the limiting process of disowning - the self-exercise of the power of exclusion in meaning- determination - presents itself to be ultimately productive of truth.

Further we can see that all claims to a truthful critique - including those of this text - are "positive" and productive of truth only through their power of disowning the overall position that is successfully criticised. The experience of a continually disowned/re-owned world of law is then the pre-condition for the production of insight and truth-claims about its workings - including common sense views about the unproductivity of power. Thus at both the level of particular explication of meanings and that of the overall development within the "discipline" of law, the juxta-position of truth and power now appears no longer to be sustainable. Our discursive knowledge of the power/truth connection is, by virtue of its discursive character, implicated in that which it examines. This appears when we consider the derivation of much of the "knowledge" imparted by "criminology" courses from languages of punishment. Here not only does such "academic knowledge" emanate from the exercise of this form of state power, but by largely treating crime as about the explanation of criminal behaviour, this "knowledge" returns to support and legitimate the institutional exercise of criminalising powe**r**. It does this partly by reducing intellectual and theoretical problems to social policy ones. This leaves the whole exercise quite untroubled by critical thought. Therefore the implication of power, knowledge and legal discourse goes far deeper than simple encouragement or application. Instead legal discourse and power relations mutually imply one another to the extent that they cannot be conceived of without each other. For example, the power relations at work in the court room between the judge, jury, public, media, court officers, advocates, witnesses and accused give rise to a distinctive "knowledge" available for "Legal Methods" courses. It becomes available through a hierarchy of relations between and among law- reporters, publishers, lecturers, students, college traditions and government administrators. Here power demarcates what is sayable, to whom, in what manner, about what and when; yet the consequences of this demarcation is to open up and temporalise a common historical world of law and "legal education". We shall examine later how it produces a domain of legal subjects, objects and rituals for determining their truth through an ever-proliferating discourse on law.

## 1nr

### 1nr WOT

#### Losing the war won’t shift to new narratives of national security –it entrenches current discourses by putting politicians on the defensive – that turns case and leads to the continuation of the conservative, realist logic that justified the war on terror to begin with

**Krebs, 11** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: The Rise and Fall of the Cold War Consensus,” pp. 1-2, 3/7/11, http://blog.lib.umn.edu/gpa/globalnotes/Krebs,%20MIRC%202011\_final.pdf)**Red**

**When it comes to many political phenomena, including** the dominant discourses and ideas that underpin the making of **foreign policy, the prevailing view is that inertia is the norm and that** substantial **innovation comes only in the wake of** **massive policy failure.** Failure may not itself dictate the new path, but it discredits dominant ideas, reworks power structures, and shakes up stagnant organizations. **When it comes to political language, however, a common view is that changeability is the norm: politicians adopt and jettison formulations as they see fit, maneuvering according to the political winds.** This paper argues that **these familiar perspectives both have it wrong** when it comes to the rise and fall of dominant **narratives of national security.** First, such narratives **exhibit far more stability than the realist view suggests, and they are marked by discontinuities, rather than continuous flux.** Among scholars, there is growing awareness of the ways in which language structures politics and shapes contestation,1 which would be impossible if it were not often relatively stable.2 Second, **the politics of failure trump its psychology.** As a result, **even substantial foreign policy failure is not likely to prompt a narrative revolution. In fact, policy success,** more than failure, **can open space for change** in dominant narratives. These claims are provocative, but they nicely fit the history of **the** so-called **Cold War** consensus, as the paper shows. Its **logic legitimated US intervention in two wars widely seen as frustrating failures. Yet the Korean War did not undermine, but rather consolidated the emerging narrative. The Vietnam War,** **often portrayed as the moment of that narrative’s unraveling, was nothing of the sort, because the prior consensus had begun to erode well before the war’s Americanization,** let alone the Tet Offensive. In the wake of the Cuban Missile Crisis, liberal Cold Warriors increasingly argued that the rules of the international game had changed, that demonstrated American power and will had finally persuaded the Soviet Union of shared interests. **Narrative divergence thus preceded the Vietnam War. If anything, the war limited the extent of the liberal-left’s challenge,** and it even promoted a new consensus, as long-standing conservative skeptics finally jumped fully and enthusiastically onto the internationalist wagon. **What accounts for this** complex mix of stability and change in the Cold War **narrative, and** perhaps **more generally in narratives of national security?** I argue that **the answer lies in the social-political production of conflict outcomes. Failures of military ventures do not reveal themselves as such all at once. Early on, political opponents have incentives to hedge their rhetorical bets, critique the war from the terrain of the dominant narrative, and thus reproduce or at best emend that narrative**—as did conservative nationalists during Korea and liberal internationalists during Vietnam. **Military failure provides the impetus for a challenge to the dominant security narrative, but its politics deprive alternatives of powerful advocates. In contrast, even though military success does not provide actors with strong reasons to challenge the underlying narratives, it does create conducive political conditions** if they are so inclined: **success can be interpreted as** proving the wisdom of the status quo, but it can also can be interpreted as **having been so successful as to require a new framework.** Indeed, some liberals made precisely this argument after the Cuban Missile Crisis. Success, however, legitimates alternatives without delegitimizing the status quo, and the result, therefore, is not the establishment of a new dominant narrative, but rather the collapse of consensus.

#### The aff misidentifies the internal link to narrative change – winning the war on terror is key to create the space for broader change. The plan simply re-entrenches dominant ideas.

**Krebs, 13** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: Explaining the Rise and Fall of the Cold War Consensus,” University of Minnesota, 8/30/13, Online //Red)

Contemporaries and historians have often blamed the errors and tragedies of US policy during the Cold War—from military brinkmanship and imprudent intervention to alliance with rapacious autocrats and brutal rebels to an inflated defense budget—on the “Cold War consensus.” By this account, an ideological and policy consensus so took hold by 1948 that alternatives to militarized global containment could not get a hearing. That consensus dragged the United States into the disastrous Vietnam War, and it unraveled only amidst the trauma of Vietnam in the late 1960s.1 This story of the Cold War consensus’ rise and fall appears to fit well with a well-established and intuitive theory of change in major foreign policy ideas and discourses. That theory avers that large-scale shocks, often unexpected military defeats, unsettle settled minds and discredit dominant ideas with respect to national security policy and thus are crucial drivers of change.2 This article shows that the standard history of the Cold War consensus **is wrong** and develops an alternative theoretical architecture to explain its consolidation and collapse. It points toward a reinterpretation of major puzzles of the Cold War, but it also has substantial theoretical stakes: **how we explain fundamental change in the national security arena** and in other policy domains as well. Scholars have long invoked the Cold War consensus, but they have failed to study it rigorously. This article attempts to do so by conceptualizing the Cold War consensus as a dominant public narrative of national security and by tracking that narrative via a content analysis of foreign affairs editorials. The consensus’ history then looks quite different: the zone of narrative agreement was narrower than many believe; this narrow Cold War narrative did not achieve dominance—that is, the consensus did not coalesce—until well into the 1950s; it began to erode before the Americanization of the Vietnam War in 1965; and a new dominant narrative (or consensus) did not take its place. How to explain the Cold War narrative’s rise to dominance and its subsequent fall from that perch? The answer cannot lie simply with the shifting realities of global politics: the narrative was most dominant precisely when the communist bloc was becoming more diverse—that is, when the consensus was least apropos—and no new consensus took its place in the 1960s. This article points rather to the surprising domestic politics surrounding triumph and frustration on Cold War battlefields. In a nutshell, the argument is that **the politics of protracted military failure impede change in the national security narrative** in whose terms government officials had legitimated the mission, while **victory generates space for unorthodox ideas to penetrate.** Dominant narratives of national security, such as the Cold War consensus, depict the protagonists and the setting of security competition, and they define the range of sustainable policy options. They endure as long as leading political and cultural elites continue to reproduce them, and their dominance erodes when elites publicly challenge key tenets. However, early on in an uncertain and protracted military campaign, battlefield setbacks give both doves (war opponents) and hawks (war supporters) in the opposition **incentives to criticize the war’s conduct while reaffirming the underlying narrative.** While opposition doves pull their rhetorical punches to avoid bearing the political costs of wartime criticism, opposition hawks are moved by the prospect of gain, but the effect is the same: to blunt the scope of wartime critique and to bolster the underlying narrative of national security. In contrast, **victory creates a political opening for its** “**owners**” **to advance an alternative**: riding a political high, they can argue that, as a result of their wise and resolute policies, **the world has changed**, that a different narrative is now more apposite. In short, this article argues that, when it comes to public narratives of national security, the **conventional wisdom has it backwards: military failure promotes the consolidation or continuation of narrative dominance**, while **victory opens space for narrative challenge.** Applying this theoretical argument to the two signal events of the first half of the Cold War, I show how the frustrations of the Korean War facilitated the Cold War narrative’s rise to dominance, while the triumph of the Cuban Missile Crisis made possible the consensus’ breakdown before the upheaval of Vietnam. The high costs of the Korean War might have undermined the Cold War globalism in whose name the United States had waged the war. But leading Republican opponents, who supported the war but opposed its globalist logic, insisted that the war had resulted from the fact that the Truman administration’s battle against communism had **not been global enough.** They thus helped consolidate the global Cold War that they feared would yield **an imperial presidency and an imposing national-security state.** The Cuban Missile Crisis, seen at the time as a one-sided triumph for John F. Kennedy, paradoxically created political space for the young president to deviate publicly from the previously dominant narrative, from the Cold War consensus. Kennedy had long privately articulated a more sophisticated view of the Soviet Union’s ambitions, the diversity of communist regimes, and the superpowers’ shared interests, but **only after his great victory did he feel free to articulate publicly the narrative foundation for détente.** Hawkish opponents drew precisely the opposite lesson: that the crisis was proof of the wisdom of the Cold War narrative’s core propositions. As a result, no new national security narrative emerged as dominant in the crisis’ wake. Documenting and explaining the rise and fall of the Cold War narrative is intrinsically important, as it speaks to enduring questions of the Cold War—from the origins of America’s national-security state to the conditions of possibility for détente to the drivers of the US intervention in Vietnam. But the Cold War consensus is also an important case. Hardly questioned narratives often structure national debates over security and foreign policy for a time. We know them by shorthand expressions that encapsulate their portraits of the protagonists, scene, and action of a global drama: the civilizing mission of liberal empire, the Nazi obsession with “living space,” the Gaullist vision of French restoration and grandeur, the communist faith in capitalist aggression and imperialism, the Iranian Revolutionary regime’s Great and Little Satans, the Israeli discourse of “no partner for peace,” and **most recently the War on Terror.** These constitute what the historian Ernest May once termed the “axiomatic” dimension of foreign policy: the “**broad formulation that fixes priorities and provides standards** by which the appropriate choices among alternatives may be made.”3 Scholars have devoted the lion’s share of their attention, however, to what May called the “calculated”: the level of effort expended, the scope of targets, the means states employ. Even Legro, in his important work on states’ ideas about international society, focuses on collective “causal beliefs” about the “effective means for achieving interests” in international politics.4 The narrative underpinnings of policy debate have received far less attention, yet are arguably more important. Through its examination of the Cold War consensus, this article suggests rethinking conventional theories of change in foreign policy—and perhaps in other arenas too.

### 1nr politics impact o/v

#### New sanctions pressure will collapse the talks – risks Iranian nuclear prolif and strikes on Iran

**Kahl, 11/15/13** - Dr. Colin H. Kahl is a Senior Fellow and Director of the Middle East Security Program at the Center for a New American Security and an Associate Professor at the Edmund A. Walsh School of Foreign Service at Georgetown University, and was an NDT finalist for the University of Michigan (“Requirements for an Enduring Diplomatic Solution to the Iranian Nuclear Challenge” <http://www.cnas.org/sites/default/files/publications-pdf/CNAS_InflectionPoint_Kahl_0.pdf>)

The long-simmering nuclear crisis with Iran is approaching a critical inflection point. The election of Hassan Rouhani, a moderate former nuclear negotiator, as Iran’s new president has reenergized diplomacy between Iran and the P5+1 (the United States, Britain, China, France, Germany, and Russia). Sanctions have taken a heavy toll on the Iranian economy, and Rouhani believes he has a popular mandate and sufficient latitude from Iran’s Supreme Leader, Ayatollah Ali Khamenei, to reach an accommodation with the international community in exchange for lessening the pressure. The prospects for a comprehensive agreement to peacefully resolve the nuclear impasse have never been higher.

The most recent round of talks between Iran and the P5+1, held in Geneva, concluded on November 10. The negotiations were serious and sustained, including several hours of intensive bilateral discussions between the United States and Iran. Differences between the parties have been narrowed, bringing the broad contours of an interim nuclear agreement into view. Nevertheless, a number of sticking points remain.1 Talks are set to resume in Geneva on November 20.

We do not yet know whether an initial deal will materialize. But if it ultimately resembles the agreement described in recent press reports, it would be a meaningful first step on the road to a final, comprehensive accord to address the Iranian nuclear challenge.

In the coming months, the opportunity to meaningfully constrain Iranian nuclearization could be seized, leading to a peaceful resolution of a decades-long conflict, or squandered, setting the stage for an Iranian nuclear bomb, another war in the Middle East, or both. Achieving a peaceful solution that prevents Iran from acquiring nuclear weapons will require continued commitment to serious, tough-minded negotiations, and close cooperation between the Obama administration and Congress. Given the profound distrust between the United States and Iran, care must be taken to maintain diplomatic momentum and avoid missteps and backsliding that could otherwise put the parties on the road to confrontation. In particular, as U.S. negotiators work to get an initial agreement by the end of 2013 to halt the most troubling and urgent dimensions of Iran’s nuclear enterprise, Congress should refrain from imposing additional sanctions or taking other actions that would tie the hands of U.S. diplomats and undermine the prospects for success.

#### New sanctions pressure makes a US strike on Iran likely

**Channel News Asia, 11/12/13** (“New Iran sanctions would risk war: White House warns Congress”

<http://www.channelnewsasia.com/news/world/white-house-warns/884486.html>

WASHINGTON: The White House warned US lawmakers on Tuesday that tightening sanctions on Iran could box America into a "march to war" and derail a diplomatic push to limit Tehran's atomic program.

The warning marked a significant toughening of President Barack Obama's stance towards skeptical US lawmakers as he prepares to resume high-stakes nuclear diplomacy with Iran later this month.

"The American people do not want a march to war," White House spokesman Jay Carney told reporters.

Obama has vowed he will not allow Iran to develop a nuclear weapon, but last week's intense negotiations between Iran and six world powers failed to reach an interim deal to halt its program.

This setback fuelled skepticism in Congress about the administration's plans to freeze planned new economic sanctions.

Secretary of State John Kerry heads to Capitol Hill on Wednesday to make the case for continued diplomacy.

Meanwhile, the White House prepared the ground by warning that limiting Obama's scope to negotiate could leave him little option but a recourse to military force against Tehran's nuclear operations.

Key senators, some responding to Israel's denunciation of the proposed agreement, are framing plans to stiffen sanctions or to curtail Obama's power to ease current measures.

The White House implicitly warned that new sanctions could embolden hardliners in Tehran who oppose talks, and force Obama to begin preparations for military action.

Carney said Americans "justifiably and understandably prefer a peaceful solution that prevents Iran from obtaining a nuclear weapon, and this agreement, if it's achieved, has the potential to do that.

"The alternative is military action," Carney warned.

#### Increasing sanctions speeds up nuclearization

**Kahl, 11/15/13** - Dr. Colin H. Kahl is a Senior Fellow and Director of the Middle East Security Program at the Center for a New American Security and an Associate Professor at the Edmund A. Walsh School of Foreign Service at Georgetown University, and was an NDT finalist for the University of Michigan (“Requirements for an Enduring Diplomatic Solution to the Iranian Nuclear Challenge” <http://www.cnas.org/sites/default/files/publications-pdf/CNAS_InflectionPoint_Kahl_0.pdf>)

Finally, attempting to generate an existential crisis for the Islamic Republic could backfire by increasing the regime’s incentives to acquire nuclear weapons. This is especially true in the current diplomatic context. If the United States escalates economic or military pressure at the very moment that Iran has begun to finally negotiate in earnest, Khamenei will likely conclude that the real and irrevocable goal of U.S. policy is regime change rather than a nuclear accord.19 Solidifying this perception would enhance, rather than lessen, Tehran’s motivation to develop a nuclear deterrent as the only means of ensuring regime survival.

### 1nr uniqueness

#### And he’s making a full-court press – he’s personally involved to neutralize the Israel lobby

**Weisman, 11/12/13** (Jonathan, “Iran Talks Face Resistance in U.S. Congress” New York Times, <http://www.nytimes.com/2013/11/13/world/middleeast/iran-talks-face-resistance-in-us-congress.html?_r=0>)

Secretary of State John Kerry will meet behind closed doors on Wednesday afternoon with members of the Senate Banking, Housing and Urban Affairs Committee to try to head off a new round of stiff sanctions on Iran that administration officials fear could derail the talks in Geneva.

In addition, Vice President Joseph R. Biden Jr.; Mr. Kerry; Wendy R. Sherman, the administration’s chief negotiator; and David S. Cohen, under secretary of the Treasury for terrorism and financial intelligence, are scheduled to brief Senate Democratic leaders that day in a full-court press to win backing of the diplomatic initiative.

But the administration is running headlong into Prime Minister Benjamin Netanyahu of Israel and pro-Israel lobbyists pressing their case that the deal taking shape would be a major blunder.

Diplomats from the United States and five other countries are pursuing an accord that would cause Iran to freeze its nuclear program in exchange for the loosening of some of the sanctions that have crippled the Iranian economy. Talks broke off this weekend but are scheduled to resume on Nov. 20.

But they are facing bipartisan doubt about their course. “I understand what they’re saying about destroying a chance for a peaceful outcome here with new sanctions, but I really do believe if the new sanctions were crafted in the right way, they would be more helpful than harmful,” said Senator Lindsey Graham, Republican of South Carolina.