# Round 6—Neg vs Harvard DT

## 1NC

### 1

#### Introducing “armed forces” only refers to human troops, not weapons systems

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As is evident from a textual analysis, n177 an examination of the legislative history, n178 and the broad policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that only members of the armed forces count for the purposes of the definition under the WPR. Though not dispositive, the term "member" connotes a human individual who is part of an organization. n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that expression of one thing (i.e., members) implies the exclusion of others (such as non-members constituting armed forces). n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.

An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that Congress conceptualized "armed forces" to mean U.S. combat troops.

The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.

This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). Applied to offensive cyber operations, such a definition leads to the conclusion that the War Powers Resolution likely does not cover such activities. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities. Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Voting issue - they explode the topic, including weapons systems turns this topic into an arms control topic – nuclear weapons, space weaponization, or the CWC and BWC could all be their own topics. Their interpretation makes being negative impossible

### 2

Of Death I try to think like this –

The Well in which they lay us

Is but the likeness of the Brook

That menaced not to slay us,

But to invite by that Dismay

Which is the Zest of sweetness

To the same Flower Hesperian,

Decoying but to greet us –

I do remember when a Child

With bolder Playmates straying

To where a Brook that seemed a Sea

Withheld us by its roaring

From just a Purple Flower beyond

Until constrained to clutch it

If Doom itself were the result,

The boldest leaped, and clutched it –

Emily Dickinson, 1882.

Accessed in this article

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(Jed, “Dickinson, Death, and the Sublime”, The Emily Dickinson Journal 9.1 (2000) 1-20, dml)

### 3

#### Facts are meaningless and bad. Their internal link chains are factoids, which are worse. 1ac was detrimental to the cause of their position. This is not a critique of the law.

Schlag ’13 Pierre Schlag, “Facts (The),” his blog, 1/28/2013, http://brazenandtenured.com/2013/01/28/facts-the/

But let me explain about the facts. First, notice, that the most factish of facts (apologies to Latour) are actually factoids—trivial data bits shorn of any actual narrative. CNN had it down cold: “America has had five presidents who ate fish for breakfast.” What, I ask you, could you possibly do with that qua fact? Still, Americans like facts. It was Joe Friday on Dragnet who first said, “all we want are the facts, ma’am.” Really? That’s all? I don’t think so. He was on a mission. He wanted facts on a mission. And we, the viewers, did too. So I have to say, as a preliminary matter, things already don’t look too good for the facts. Indeed, the possibility that in their most prototypical factishisness, facts are nearly useless while in their most desirable state they are on a mission—well, that’s not an auspicious start. Things get worse. In law and social science (that’s my domain limit here—I feel really cramped) facts generally function as poseurs. The facts, are nearly always posing as the truth about “what-is-actually-going-on.” Facts are frequently presented as “the-real-story” or “the bottom line.” One is no doubt supposed to conclude from this that “facts are facts”—that they are the veritable bedrock of truth. But notice that this doesn’t make any sense. Notice that the “bottom line” is an accounting metaphor. Consider that, “the real story” is an oxymoron deliberately composed of both truth and fiction. Note that “what-is-actually-going-on” is a problematic state hanging precariously on the ungrounded and notoriously unreliable reality/appearance pair. All of this is to say, that the appeal of “getting down to the facts,” (or some such thing) often rests on situating the facts in some initially alluring rhetorical space (e.g. “the real story” “the bottom line”) that turns out, upon further inspection, to be constructed of images, metaphors or fictions of questionable philosophical countenance. (See, Nietzsche, On Lies and Truth in a Non-Moral Sense) Now, it’s not that these metaphors, images or fictions turn facts into non-facts. But still, I ask you: what could be more humbling to a fact then to learn that its appeal rests upon a fiction? Not only do facts frequently function as poseurs, but, when they are at their most factish, they’re often not all that interesting. Factish facts don’t really tell you much of anything you want to know. Imagine a party. Here are some exemplary factish facts: There were 19 people at the party. 9 were women. 10 were men. While the party was happening, gravity exercised a constant force of 32 feet per second/per second. Everyone standing stayed connected to the ground. Not the greatest narrative is it? And notice here that if you stick strictly to the facts (if you admit only of truly factish facts) adding more of these little items will not markedly improve your story line. (For you editors of university press books and law review articles, please pay special attention here.) The only time facts are really interesting (remember law and social science is the domain limit) is when they’re something more than just the facts. Go back to the party. Here’s another fact: Jill left the party with Tom. This fact is more interesting. Well, mildly so. With this sort of fact, you can start imagining possible implications (amorous, murderous, whathaveyou). But note that now we’re no longer talking about “just the facts.” We’re talking about facts with implications, facts with attitude. Why then are facts ever interesting? Well, ironically it’s because they’re not functioning as “just facts,” but something more.

#### Information is uniquely dissuasive—vote neg.

Baudrillard, ’92 (Jean, *Pataphysics of Year 2000*, [online])

Outside of this gravitational pull which keeps bodies in orbit, all the atoms of meaning lose themselves or self-absolve in space. Every single atom follows its own trajectory towards infinity and dissolves in space. This is precisely what we are living in our present societies occupied with the **acceleration of all** bodies, all **messages, all processes** in all possible senses and wherein, via modern media, each event, each narrative, each image gets endowed with the simulation of an infinite trajectory. Every political, historical, cultural fact is invested with a kinetic energy which spreads over its own space and thrusts these facts into a hyperspace where they **lose all meaning** by way of an inability to attain their meaning. It is useless to turn to science-fiction: from this point on, from the here and now, through our computer science, our circuits and our channels, this particle accelerator has definitively disrupted and broken the referential orbit of things. With respect to history, the narrative has become impossible since by definition it is the **potential re-narrativization of a sequence of meaning**. Through the impulse of total diffusion and circulation **each event is liberated for itself only** — each event becomes atomized and nuclear as it follows its trajectory into the void. In order to diffuse itself *ad infinitum,* it has to be fragmented like a particle. This is the way it attains a speed of no-return, distancing it from history once and for all. Every cultural, eventual group needs to be fragmented, disarticulated to allow for its entry into the circuits, each language must be absolved into a binary mechanism or device to allow for its circulation to take place — not in our memory, but in the electronic and luminous memory of the computers. There is no human language or speech (*langage*) that could compete with the speed of light. There is no event that could withstand its own diffusion across the planet. No meaning stands a chance once offered the means of its own acceleration. There is no history that will resist the centrifugal pull of facts or its short-circuiting in real time (in the same order of ideas: no sexuality will resist its own liberation, not a single culture will foreclose its own advancement, no truth will defy its own verification, etc.). Even theory is no longer in the state of "reflecting" on anything anymore. All it can do is to snatch concepts from their critical zone of reference and transpose them to the point of no return, in the process of which theory itself too, passes into the hyperspace of simulation as it loses all "objective" validity, while it makes significant gains by acquiring real affinity with the current system. The second hypothesis, with respect to the vanishing of history, is the opposite of the first, i.e., it pertains not to the acceleration but to the slowing down of processes. This too is derived directly from physics. Matter slows the passage of time. More precisely, time seems to pass very slowly upon the surface of a very dense body of matter. The phenomenon increases in proportion to growth in density. The effect of this slowing down (*ralentissement*) will raise the wavelength of light emitted by this body in a way that will allow the observer to record this phenomenon. Beyond a certain limit, time stops, the length of the wave becomes infinite. The wave no longer exists. Light extinguishes itself. The analogy is apparent in the way history slows down as it brushes up against the astral body of the "silent majorities". Our societies are governed by this process of the mass, and not only in the sociological or demographical sense of the word, but also in the sense of a "critical mass", of going beyond a certain point of no-return. That is where the crucially significant event of these societies is to be found: the advent of their revolutionary process along the lines of their mobility, (they are all revolutionary with respect to the centuries gone by), of their equivalent force of inertia, of an immense indifference, and of the silent power of this indifference. This inert matter of the social is not due to a lack of exchanges, of information or of communication; on the contrary, it is the result of the multiplication and saturation of exchanges. It is borne of the hyperdensity of cities, of merchandise, messages and circuits. It is the cold star of the social, a mass at the peripheries of which history cools out. Successive events attain their annihilation in indifference. **Neutralized and bullet-sprayed by information**, the masses neutralise history retrospect and act as a screen of absorption. They themselves have no history, no meaning, no conscience, no desire. They are potential residues of all history, of all meaning, of all desire. By **inserting themselves into modernity**, all these wonderful things managed to invoke **a mysterious counterpart**, the misappreciation of which has unleashed all current political and social strategies. This time, it's the opposite: history, meaning, progress are no longer able to find their speed or tempo of liberation. They can no longer pull themselves out of this much too dense body which slows down their trajectory, slows down their time to the point from whereon perception and imagination of the future escapes us. All social, historical and temporal transcendence is absorbed via this mass's silent immanence. Already, political events no longer conduct sufficient autonomous energy to rouse us and can only run their course as a silent movie in front of which we all sit collectively irresponsible. That is where history reaches its end, not because of the lack of actors or participants, not due to a lack of violence (with respect to violence, there is always an increasing amount), not due to a lack of events (as for events, there will always be more of them thanks to the role of the media and information!) — but because of a slowing down or deceleration, because of indifference and stupefaction. History can no longer go beyond itself, it can no longer envisage its own finality or dream of its own end, it shrouds or buries itself in its immediate effect, it self-exhausts in special effects, it implodes in current events. Essentially, one can no longer speak of the end of history since it has no time to rejoin its own end. **As its effects accelerate, its meaning inexorably decelerates**. It will end up stopping and extinguishing itself like light and time at the peripheries of an infinitely dense mass... Humanity too, had its big-bang: a certain critical density, a certain concentration of people and exchanges that compel this explosion we call *history* and which is none other than the dispersal of dense and hieratic cores of earlier civilizations. Today, we are living an effect of reversal: we have overstepped the threshold of critical mass with respect to populations, events, information, control of the inverse process of inertia of history and politics. At the cosmic level of things, we don't know anymore whether we have reached this speed of liberation wherein we would be partaking of a permanent or final expansion (this, no doubt, will remain forever uncertain). At the human level, where prospects are more limited, it is possible that the energy itself employed for the liberation of the species (acceleration of birthrates, of techniques and exchanges in the course of the centuries) have contributed to an excess of mass and resistance that bear on the initial energy as it drags us along a ruthless movement of contraction and inertia. Whether the universe infinitely expands or retracts to an infinitely dense and infinitely small core will hinge upon its critical mass (with respect to which speculation itself is infinite in view of the discovery of newer particles). Following the analogy, whether our human history will be evolutionary or involuted will presumably depend upon the critical mass of humanity. Are we to see ourselves, like the galaxies, on a definitive orbit that distances us from each other under the impact of a tremendous speed, or is this dispersal to infinity itself destined to reach an end, and the human molecules bound to draw closer to each other by way of an inverse effect of gravitation? The question is whether a human mass that grows day by day is able to control a pulsation of this genre? Third hypothesis, third analogy. But we are still dealing with a point of disappearance, a point of evanescence, a *vanishing-point,* this time however along the lines of music. This is what I call the stereophonic effect. We are all obsessed with high fidelity, with the quality of musical "transmission" (*rendu*). On the console of our channels, equipped with our tuners, our amplifiers and our baffles, we mix, regulate and multiply soundtracks in search of an infallible or unerring music. Is this, though, still music? Where is the threshold of high fidelity beyond the point of which music as such would disappear? Disappearance would not be due to the lack of music, it would disappear for having stepped beyond this boundary, it would disappear into the perfection of its materiality, into its own special effect. Beyond this point, neither judgement nor aesthetic pleasure could be found anymore. Ecstasy of musicality procures its own end. The disappearance of history is of the same order: there too, we have gone beyond this limit or boundary where, subjected to *factual* and *information-al* sophistication, history as such ceases to exist. Large doses of immediate diffusion, of special effects, of secondary effects, of fading — and this famous Larsen effect produced in acoustics by an excessive proximity between source and receiver, in history via an excessive proximity, and therefore the disastrous interference of an event with its diffusion — create a short-circuit between cause and effect, similarly to what takes place between the object and the experimenting subject in microphysics (and in the human sciences!). All things entailing a certain radical uncertainty of the event, like excessive high fidelity, lead to a radical uncertainty with respect to music. Elias Canetti says it well: "as of a certain point", nothing is true anymore. This is also why the soft music of history escapes us, it disappears under the microscope or into the stereophony of information.

### 4

#### Refuse attempts to reform the legal system and doom it to its own nihilistic destruction—we must refuse all conceptual apparatuses of capture

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1065

In a later work, Agamben generalizes this logic and transforms it into a basic ethical imperative of his work: ‘[There] is often nothing reprehensible about the individual behavior in itself, and it can, indeed, express a liberatory intent. What is disgraceful – both politically and morally – are the apparatuses which have diverted it from their possible use. We must always wrest from the apparatuses – from all apparatuses – the possibility of use that they have captured.’32 As we shall discuss in the following section, this is to be achieved by a subtraction of ourselves from these apparatuses, which leaves them in a jammed, inoperative state. What is crucial at this point is that the apparatuses of nihilism themselves prepare their demise by emptying out all positive content of the forms-of-life they govern and increasingly running on ‘empty’, capable only of (inflict- ing) Death or (doing) Nothing.

On the other hand, this degradation of the apparatuses illuminates the ‘inoperosity’ (worklessness) of the human condition, whose originary status Agamben has affirmed from his earliest works onwards.33 By rendering void all historical forms-of-life, nihi- lism brings to light the absence of work that characterizes human existence, which, as irreducibly potential, logically presupposes the lack of any destiny, vocation, or task that it must be subjected to: ‘Politics is that which corresponds to the essential inoperability of humankind, to the radical being-without-work of human communities. There is pol- itics because human beings are argos-beings that cannot be defined by any proper oper- ation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust.’34

Having been concealed for centuries by religion or ideology, this originary inoperos- ity is fully unveiled in the contemporary crisis, in which it is manifest in the inoperative character of the biopolitical apparatuses themselves, which succeed only in capturing the sheer existence of their subjects without being capable of transforming it into a positive form-of-life:

[T]oday, it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. It was evident start- ing with the end of the First World War that the European nation-states were no longer capa- ble of taking on historical tasks and that peoples themselves were bound to disappear.35

Agamben’s metaphor for this condition is bankruptcy: ‘One of the few things that can be

declared with certainty is that all the peoples of Europe (and, perhaps, all the peoples of the Earth) have gone bankrupt’.36 Thus, the destructive nihilistic drive of the biopolitical machine and the capitalist spectacle has itself done all the work of emptying out positive forms-of-life, identities and vocations, leaving humanity in the state of destitution that Agamben famously terms ‘bare life’. Yet, this bare life, whose essence is entirely con- tained in its existence, is precisely what conditions the emergence of the subject of the coming politics: ‘this biopolitical body that is bare life must itself be transformed into the site for the constitution and installation of a form-of-life that is wholly exhausted in bare life and a bios that is only its own zoe.’37

The ‘happy’ form-of-life, a ‘life that cannot be segregated from its form’, is nothing but bare life that has reappropriated itself as its own form and for this reason is no longer separated between the (degraded) bios of the apparatuses and the (endangered) zoe that functions as their foundation.38 Thus, what the nihilistic self-destruction of the appara- tuses of biopolitics leaves as its residue turns out to be the entire content of a new form-of-life. Bare life, which is, as we recall, ‘nothing reprehensible’ aside from its con- finement within the apparatuses, is reappropriated as a ‘whatever singularity’, a being that is only its manner of being, its own ‘thus’.39 It is the dwelling of humanity in this irreducibly potential ‘whatever being’ that makes possible the emergence of a generic non-exclusive community without presuppositions, in which Agamben finds the possi- bility of a happy life.

[If] instead of continuing to search for a proper identity in the already improper and sense- less form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity, then they would for the first time enter into a community without presuppositions and without subjects.40

Thus, rather than seek to reform the apparatuses, we should simply leave them to their self-destruction and only try to reclaim the bare life that they feed on. This is to be achieved by the practice of subtraction that we address in the following section.

#### The 1ac is an attempt to command and control a situation whose destructive power is inherently outside of the possibility of comprehension, implicitly accepting the terms of a rigged game that makes a new kind of nuclear biopower that results in the destruction of all others and one’s own suicide possible.

Masco 12. Joseph Masco, Professor of Anthropology and of the Social Sciences at the University of Chicago, “The Ends of Ends,” Anthropological Quarterly [Volume 85, Number 4, Fall 2012](http://muse.jhu.edu/journals/anthropological_quarterly/toc/anq.85.4.html), pg. 1118

The scale of destruction detailed in sIOP-62 is a distinctive moment in human history and is, in Kant’s strict technical sense of the term, sublime. It is beyond comprehension, which raises a crucial issue about how the nuclear state resolves such terror/complexity. In national security plan- ning, the compensation for this experience of cognitive overload was a fixation on command and control, as well as the articulation of specific war calculations, marking degrees of violence for different nuclear war scenarios (see Kahn 1960, Eden 2004). What would likely be an unknown chaos of missiles and bombs launched for the first time from a vast range of technologies, located all over the planet under deeply varied condi- tions, appears on paper as a rational program of cause and effect, threat and preemption, attack and counter attack. this was an apocalyptic vi- sion presented simply as math. From 1962 until today, the sIOP nuclear war plan has been continually revised and rationalized for different global political contexts but never truly abandoned (McKinzie, cochran, Norris, and Arkin 2001). the US maintains the ability to destroy all major popula- tion centers outside the continental US within a few minutes of nuclear conflict. It is important to recognize that this technical capacity to deliver overwhelming violence to any part of the world in mere minutes has relied on structures of the imagination as well as on machines, threat projec- tions, and fantasies, as well as physics and engineering.

US policymakers have experienced many moments of rupture in their global vision, shocks that might have recalibrated how threat, security, fears, and technology were organized. After U-2 pilot Gary Powers was shot down over the soviet Union in 1960, covert spy flights over the Ussr were stopped, leaving policy makers in the Us with no definitive intelligence on soviet military activities. It is difficult today to imagine a period more fraught, more susceptible to paranoid fantasy and projection, and more primed for nuclear conflict. US policymakers lacked basic information about Soviet society and military capabilities, creating a huge information gap that invited speculation and fantasy, as well as paranoia. In a national security culture rehearsing surprise attack, and negotiating increasing confrontations in Europe, southeast Asia, Africa, and Latin America, what could provoke a de-escalation in this nuclear system, which by the early 1960s was already primed for nuclear war on a minute-to-minute basis? the corona system offered a radically new perspective on cold War reali- ties but its role has been historically and culturally limited to revealing the objective facts of soviet nuclear capabilities, not the American fantasies that generated the “missile gap” in the first place.

the corona system was both cutting edge technology and a new form of expressive culture, an early planetary technology mobilized to com- bat official panic. The missed opportunity provided by the first corona photographs was to evaluate the fantasies and paranoia of an American military system that had so thoroughly misjudged the scale of the soviet technological capabilities that preemptive nuclear war was under consid- eration. Instead, the “missile gap” narrative was never publicly retracted, and the satellite photographs that proved this major discourse of the cold War to be false were classified top secret until 1995. Classification pro- tected the technology, but also the self-critique that corona photographs might have generated of official US projections. thus, an opportunity for a public discussion of how national fears are constituted out of a lack of information, fantasy, and political demonology was lost. Instead, a new effort to normalize nuclear crisis was pursued. the Us nuclear stockpile grew to over 30,000 weapons by the end of the 1960s, and space became an increasingly militarized domain. the sIOP target list would continue to grow through the 1980s, eventually including tens of thousands of global targets and constituting a nuclear war system so complex that it is very likely that no single human being understood its internal logics or likely effects. American ideologies of nuclear fear constantly threaten to over- whelm the material evidence of danger, and have become a core part of a now multigenerational commitment to militarism for its own sake. by 2011, the result is that the US spends as much as the rest of the world combined on military matters but has not yet achieved anything like “security.”

The corona system offers us, in Benjamin’s terms, an important oppor- tunity to “brush history against the grain” as it was both a technological marvel—a demonstration of the power of instrumental rationality—and a stark reality check on Us national security culture itself, offering a new optics on the psychopolitics of cold War (Orr 2006). the first photographic survey of the soviet Union from outer space showed that US policymakers took the world to the brink of nuclear war in response to their fantasies of soviet power, not the reality of soviet capabilities. this well documented insight might have produced a fundamental rethinking of how threat, secu- rity, and nuclear power were organized in the Us, establishing a caution- ary tale at the very least. but instead the corona photographs remained a highly classified set of facts through the cold War. this secrecy enabled a system of nuclear normalization to be reinforced rather than interrogated, securing the project of cold War for the next 30 years. In the end, the new optics offered by corona (on both soviet machines and American fanta- sies) were reduced simply to a push for new space technology—higher resolution photographs, better real time transition of data, and so on. In other words, the structure of the security state did not change even when confronted with evidence of its own fantasy projections and error. the “success” of corona ultimately produced an American cold War project even more focused on technological innovation and the projection of nu- clear power rather than one capable of re-thinking its own cultural terms, expert logics, or institutional practices.

The constant slippages between crisis, expertise, and failure are now well established in an American political culture. the cultural history of cold War nuclear crisis helps us understand why. Derrida (1984), work- ing with the long running theoretical discourse on the sublimity of death (which links Kant, Freud, and benjamin), describes the problem of the nuclear age as the impossibility of contemplating the truly “remainderless event” or the “total end of the archive.” For him, nuclear war is “fabulously textual” because until it occurs all you can do is tell stories about it, and because to write about it is to politically engage in a form of future making that assumes a reader, thus performing a kind of counter-militarization and anti-nuclear practice. In the early 1960s, the US nuclear war policy was officially known as “overkill,” referencing the redundant use of hydrogen bombs to destroy targets (rosenberg 1983). This “overkill” installs a new kind of biopower, which fuses an obliteration of the other with collective suicide. the means to an end here constitutes an actual and total end, making the most immediate problem of the nuclear age the problem of dif- ferentiating comprehension from compensation in the minute-to-minute assessment of crisis.

this seems to be a fundamental problem in Us national security cul- ture—an inability to differentiate the capacity for war with the act itself, or alternatively to evaluate the logics of war from inside war. today, space is filled with satellites offering near perfect resolution on the surface of the earth and able to transmit that data with great speed and precision to com- puters and cell phones, as well as early warning systems, missiles, and drones. What we cannot seem to do is find an exterior viewpoint on war itself—a perspective that would allow an assessment not only of the real- ity of conflict but also of the motivations, fantasies, and desires that sup- port and enable it. Indeed expert systems of all sorts—military, economic, political, and industrial—all seem unable to learn from failure and instead in the face of crisis simply retrench and remobilize longstanding and obvi- ously failed logics. War, for example, is not the exception but the norm in the US today—which makes peace “extreme.” so what would it take for Americans to consider not only the means to an end—that is, the tactics, the surges, the preemptions, and surgical strikes—but also to reevaluate war itself? What would it take to consider an actual end to such ends?

#### The 1ac’s invocation of the legal norm forcloses responding to nuclear weapons from the extreme, offering a leveling critique from the periphery and instead relying on the same legal-national security alliance that produced the atomic situation in an attempt to regulate it

Masco 12. Joseph Masco, Professor of Anthropology and of the Social Sciences at the University of Chicago, “The Ends of Ends,” Anthropological Quarterly [Volume 85, Number 4, Fall 2012](http://muse.jhu.edu/journals/anthropological_quarterly/toc/anq.85.4.html), pg. 1107

The concept of the extreme is relational, assuming a counterpoint to ev- eryday experience marked regular, unexceptional, banal. Yet, American life for decades has been founded on machines (and accompanying log- ics and affects) that are simultaneously infrastructural (and thus part of a normalized everyday) and extreme, in the sense of being unprecedentedly violent. Instrumental rationality has—in the form of the atomic bomb—pro- duced a world that is simultaneously normal and extreme, at once capable of informing everyday life or of ending it in a flash. In the atomic bomb, technological means and ends combine in a new constellation: one that exceeds modernist rationality, creating epistemic problems that are em- blematic of our moment. The kind of technical expertise responsible for producing the atomic bomb has engineered an industrialized, globalized, networked world, one now experiencing the combined pressures of politi- cal, military, economic, and environmental crises. In such a world—which relies on a highly developed social commitment to normalizing extremes in the effort to secure profit—self-knowledge and reflexive critique become both ever more vital, yet also more inherently fraught.

In an extreme age, we might well ask: what are the possibilities for a productive shock, an experience or insight that would allow us to rethink the terms of everyday life? In the discipline of biology, the recent discov- ery of microbial extremophiles in deep-sea volcanic vents has fundamen- tally challenged longstanding scientific definitions of life (Helmreich 2008). Living under conditions of extreme heat and pressure, these methane- eating beings have redefined the very limits of life on planet Earth and beyond. What could produce a similar effect in the domain of security? Opportunities for such a critique are ever present, an endless stream of moments in fact, yet constantly subsumed by the normalizing effects of a national security culture committed to a constant state of emergency. A return to basic questions of how to define profit, loss, and sustainability is a key concern today in the Us and this paper asks what kind of analy- sis could begin to redefine the limits of a collective security? What kind of de-familiarization and/or productive shock might allow insight into the cultural terms of expert judgment today in the Us, allowing us to rethink the logics and practices that have simultaneously produced a global war on terror, a global financial meltdown, and a planetary climate crisis? How can Americans—extremophiles of the national sort—assess their own his- tory within a national-cultural formation devoted to the normalization of violence (as war, as boom and bust capitalism, as environmental ruin) as the basis for everyday life?

This short paper does not provide an answer to these questions (would that it could!), but rather seeks to offer a provocation and a meditation on paths constantly not taken in US national security culture. It asks: how can we read against the normalizing processes of the security state to assess alternative futures, alternative visions rendered invisible by the complex logistics of military science, economic rationality, and global governance? to do so is to break from the normalizing force of everyday national secu- rity/capitalism, and interrogate the assumed structures of security and risk that support a global American military deployment and permanent war posture. To accomplish this kind of critical maneuver, however, one needs to be able to recognize the alternative futures rendered void by the specific configurations of politics and threat empowering military industrial action at a given moment. An extreme critique requires the ability to assess the alternative costs and benefits that remain suspended within the spaces of an everyday American life constantly rehearsing (via media, political culture, and military action) terror as normality. What follows then is both an examination and a performance of extremity—pushing a critical history and theory well beyond the usual scholarly comfort level. It seeks less to settle and explain than to agitate and provoke.

### prolif

#### NFU causes prolif – forces others to rely more on nukes to counter US superiority and conventional weapon usability

Andrew Futter and Benjamin Zala 2013; Monterey Institute of International Studies, James Martin Center for Nonproliferation Studies, “ADVANCED US CONVENTIONAL WEAPONS AND NUCLEAR DISARMAMENT”, The Nonproliferation Review, 20:1, 107-122, DOI: 10.1080/10736700.2012.761790

While the idea of increasing the role of advanced conventional weaponry as a component of US national security thinking and practice is not new, Obama is the first president to strongly link these plans with the goal of pursuing a world free from nuclear weapons.3 As a result, the administration’s domestic policy focus must also take into consideration the international impact of the disarmament agenda on the major military fault lines in key US nuclear relationships with Russia, China, and other nuclear weapon states. When the dynamics of these relationships are considered, the Obama plan to reduce the salience of nuclear weapons through\*at least in part\*a greater role for advanced conventional weaponry in order to foster larger nuclear reductions appears unlikely to succeed. The central problem is that US superiority in advanced conventional weaponry makes it very difficult for any US rival to agree to work toward a nuclear-free world when such a move\*already made difficult by existing conventional imbalances\* will magnify US power. More specifically, the close link between nuclear reductions and increases in conventional capabilities essentially works to decrease US vulnerability in a nuclear disarmed world, while at the same time increasing the vulnerability of its current or future rivals and adversaries. As the former US Secretary of Defense Harold Brown has written, ‘‘U.S. conventional power-projection capability and the concern that it may be used to intimidate, attack, or overthrow regimes’’ is far more important in terms of driving proliferation and increasing Russian and Chinese reliance on nuclear weapons than ‘‘fear of U.S. nuclear capability or the content of U.S. nuclear policy.’’4As such, a growing role for advanced conventional weaponry in US national security thinking\*even if it helps to facilitate US nuclear reductions\*appears likely to make Obama’s quest for global zero far more difficult, and perhaps impossible.5’

#### NFU can’t solve prolif – NPT cred does nothing and it collapses extended deterrence

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

I shall dwell a little more on the strategic and moral dimensions of the ‘nuclear bargain’. The first concerns the promise of extended deterrence and its role in limiting proliferation. This involves a series of dilemmas and a debate which predates the Non-Proliferation Treaty and may well be re-emerging today in connection with the Middle East. Advocates of the NPT are normally also advocates of minimum deterrence as a step towards nuclear disarmament, and of ‘no first use’ of nuclear weapons as a step towards their marginalization and as a way to emphasize that their only use is to deter their use by others, or even that this deterrence should operate by their existence alone. The result in terms of a nuclear order should then be based on ‘mutual assured destruction’. This posture has the virtue of avoiding the ‘mad momentum’ of a nuclear arms race and the illusion of victory in a nuclear war. However, both its credibility and its morality if deterrence fails have been strongly criticized. Its real weakness, I think, is in terms of extended deterrence. It may be the least bad solution if states have only to deter an attack against themselves, but what is its credibility if they have to deter an attack upon their allies, let alone upon other non-nuclear states party to the NPT? Would they not need what Herman Kahn used to call a ‘not too uncredible threat of a first strike’, and does that not mean a strike which would not be suicidal? Would this kind of strike not require a counterforce capability and would it not be enhanced by missile defense? Hence the anti-MAD, pro-counterforce school has argued that the best strategy against the proliferation of nuclear weapons is one that maintains the flexibility and, if possible, the superiority made impossible by ‘minimum’ or, even more, by ‘existential’ mutual deterrence. But if one adopts this argument, does it not set us on the road to what Walker calls ‘counter-enlightenment’—that is, the refusal of universality and reciprocity in favour of war-fighting postures, the mutual search for superiority, the likelihood of an intensified arms race and an increased risk of nuclear war? The only possible way of avoiding both the pitfalls of mutual vulnerability and the dangers of the search for unilateral invulnerability may be essentially political, involving a tightening of alliances and a strategy of engagement materialized by visible physical presence on the territory of one’s non-nuclear allies. But this would look more like NATO than like collective security, and it would leave the unattached without a credible security guarantee unless the alliance were extended to the whole world, which would give it all the characteristics of an empire. These dilemmas are insoluble; I mention them not as an argument for inaction, but to indicate that, like enlightenment in general according to Adorno and Horkheimer, nuclear enlightenment may lead to dialectical reversals and unwanted results. Above all, they indicate that while universal treaties (like the convention against genocide) and declarations of intention are inspiring and legitimizing documents or institutions, their application can never be detached from political interests and priorities, from relations of power and of alliance, of dependence or of rivalry. The question is whether their value as inspirations, as guides or, in Kantian terms, as ‘regulatory ideas’ is morally useful or can lead to hypocrisies and disaffections when confronted with reality. Here lies my main political and moral objection to the idealized picture presented by William Walker of nuclear enlightenment in general and of the Nuclear Non-Proliferation Treaty in particular. It is contained in one word: hypocrisy. Walker directs all his attacks against the cynicism or scepticism of counter-enlightenment, represented by the Bush administration, and its abandonment of the goal of denuclearization. It has certainly made matters much worse, in particular by de-emphasizing the distinction between deterrence and war-fighting, and between nuclear and conventional weapons. But what Walker tends to forget or to downplay is the hypocrisy which prevailed almost without exception among nuclear powers, and to a large extent also among non-nuclear states, about getting rid of their own nuclear weapons and reaching universal nuclear disarmament. I think it is fair to say that none of the leaders of the nuclear powers, with the possible exceptions of Gorbachev and Reagan, ever seriously contemplated following the South African example and abandoning nuclear weapons. At any rate I have no hesitation whatsoever in stating that the thought never crossed the mind of any French political or military authority. Nor can I blame them for their skepticism in this respect, even though I emphatically do not share their belief in the automatic stabilizing, equalizing and, above all, moderating effect of nuclear weapons. I remain convinced that you cannot eliminate knowledge, that nuclear weapons cannot be dis-invented, and that the calculations of the most serious of arms controllers, such as Thomas Schelling in the 1960s, according to which a situation of minimal deterrence, with a few tens of nuclear missiles instead of thousands, would be more stable than the abolition of nuclear weapons, which could not be verified and would give rise to permanent suspicion of surprise attack, remain valid. Nor do I believe that the non-fulfilment by the great powers of their pledge to work towards total nuclear disarmament is a basic cause of proliferation. I think that if they were to keep their word, the power of their example would not be sufficient, in most cases, to prevail against the motivations in terms of status, domination or security that may push some of the non-nuclear states to seek nuclear status. The non-compliance of the nuclear powers with article VI of the treaty simply provides these other states with a ready-made alibi for continuing their quest, and some of them might even be encouraged or reinforced in their decision to go nuclear by the removal of the threat of nuclear retaliation by one of the existing nuclear powers.

#### No Asia war, tons of checks

**Feng 10 –** professor at the Peking University International Studies [Zhu, “An Emerging Trend in East Asia: Military Budget Increases and Their Impact”, http://www.fpif.org/articles/an\_emerging\_trend\_in\_east\_asia?utm\_source=feed]

As such, the surge of defense expenditures in East Asia does not add up to an arms race. No country in East Asia wants to see a new geopolitical divide and spiraling tensions in the region. The growing defense expenditures powerfully illuminate the deepening of a regional “security dilemma,” whereby the “defensive” actions taken by one country are perceived as “offensive” by another country, which in turn takes its own “defensive” actions that the first country deems “offensive.” As long as the region doesn’t split into rival blocs, however, an arms race will not ensue. What is happening in East Asia is the extension of what Robert Hartfiel and Brian Job call “competitive arms processes.” The history of the cold war is telling in this regard. Arm races occur between great-power rivals only if the rivalry is doomed to intensify. The perceived tensions in the region do not automatically translate into consistent and lasting increases in military spending. Even declared budget increases are reversible. Taiwan’s defense budget for fiscal year 2010, for instance, will fall 9 percent. This is a convincing case of how domestic constraints can reverse a government decision to increase the defense budget. Australia’s twenty-year plan to increase the defense budget could change with a domestic economic contraction or if a new party comes to power. China’s two-digit increase in its military budget might vanish one day if the type of regime changes or the high rate of economic growth slows. Without a geopolitical split or a significant great-power rivalry, military budget increases will not likely evolve into “arms races.” The security dilemma alone is not a leading variable in determining the curve of military expenditures. Nor will trends in weapon development and procurement inevitably induce “risk-taking” behavior. Given the stability of the regional security architecture—the combination of U.S.-centered alliance politics and regional, cooperation-based security networking—any power shift in East Asia will hardly upset the overall status quo. China’s military modernization, its determination to “prepare for the worst and hope for the best,” hasn’t yet led to a regional response in military budget increases. In contrast, countries in the region continue to emphasize political and economic engagement with China, though “balancing China” strategies can be found in almost every corner of the region as part of an overall balance-of-power logic. In the last few years, China has taken big strides toward building up asymmetric war capabilities against Taiwan. Beijing also holds to the formula of a peaceful solution of the Taiwan issue except in the case of the island’s de jure declaration of independence. Despite its nascent capability of power projection, China shows no sign that it would coerce Taiwan or become **militarily assertive** over contentious territorial claims ranging from the Senkaku Islands to the Spratly Islands to the India-China border dispute.

### china

#### China is still fundamentally behind, even with nuclear modernization

CEWCES 10-9-2012; Bond University Center for East-East Cultural and Economic Studies, “Nuclear complexity in the Third Nuclear Age” <http://cewces.wordpress.com/2012/10/09/nuclear-complexity-in-the-third-nuclear-age/>

So when you examine China’s nuclear forces, with a low number of nuclear warheads in comparison to the United States and Russia, and older delivery systems, the Chinese nuclear weapons capability and posture is not that threatening. This is reinforced by China’s nuclear posture, which remains minimum deterrence and no-first-use. The modernization described above will ensure that it remains a credible deterrent, as well as give China the potential to move from a basis of minimum deterrent / no first use, to a more robust nuclear posture in the future. The key question to consider is why would it choose to make such a change? A number of factors are emerging which could promote significant changes in both the size and role of China’s nuclear forces, and will demand greater attention by Western policy makers. Of key significance to China is ensuring the survivability and maintaining the credibility of their nuclear deterrent in the face of a range of looming challenges. Looking from the perspective from Beijing, China faces the United States, which although currently de-emphasizing the role of nuclear forces and seeking to significantly reduce the number of nuclear weapons in its arsenal under the Obama Administration, is also maintaining a commitment to sustaining its own credible nuclear deterrent for the foreseeable future. This means that the aging nuclear delivery systems, as well as infrastructure to sustain the US nuclear weapons complex, will need to be modernized sooner rather than later to avoid undermining the credibility of the US nuclear deterrent.

#### Arsenal size and alert status proves their NFU isn’t going anywhere

Hui Zhang 5-22-2013; Hui Zhang, a physicist, is leading a research initiative on China's nuclear policies for the Managing the Atom Project in Harvard Kennedy School' s Belfer Center for Science and International Affairs. “China’s No-First-Use Policy Promotes Nuclear Disarmament” The Diplomat, <http://thediplomat.com/flashpoints-blog/2013/05/22/chinas-no-first-use-policy-promotes-nuclear-disarmament/>

“[China] keeps an appropriate level of readiness in peacetime… If China comes under a nuclear attack, the nuclear missile force of the PLASAF will use nuclear missiles to launch a resolute counterattack either independently or together with the nuclear forces of other services.” It should be noted that the term “nuclear counterattack” in the context of China’s nuclear strategy generally means “nuclear retaliation to a first nuclear strike” or “second nuclear strike.” Many experts and scholars are suspicious of China’s no-first-use pledge, with the Pentagon’s 2013 annual report on the Chinese military calling it ambiguous. But China’s nuclear force posture has all the features of a meaningful no-first-use policy. It has a much smaller and simpler arsenal with a much lower alert status than required for a first-use option.

#### China won’t nuke

Moore 6 (Scott; Research Assistant – East Asia Nonproliferation Program – James Martin Center for Nonproliferation Studies – Monterey Institute of International Studies, “Nuclear Conflict in the 21st Century: Reviewing the Chinese Nuclear Threat,” 10/18, http://www.nti.org/e\_research/e3\_80.html)

Despite the tumult, there is broad consensus among experts that the concerns generated in this discussion are exaggerated. The size of the Chinese nuclear arsenal is small, estimated at around 200 warheads;[3] Jeffrey Lewis, a prominent arms control expert, claims that 80 is a realistic number of deployed warheads.[4] In contrast, the United States has upwards of 10,000 warheads, some 5,700 of which are operationally deployed.[5]

Even with projected improvements and the introduction of a new long-range Intercontinental Ballistic Missile, the DF-31A China's nuclear posture is likely to remain one of "minimum deterrence."[6] Similarly, despite concern to the contrary, there is every indication that China is extremely unlikely to abandon its No First Use (NFU) pledge.[7] The Chinese government has continued to deny any change to the NFU policy, a claim substantiated by many Chinese academic observers.[8] In sum, then, fears over China's current nuclear posture seem somewhat exaggerated.

This document, therefore, does not attempt to discuss whether China's nuclear posture poses a probable, general threat to the United States; most signs indicate that even in the longer term, it does not. Rather, it seeks to analyze the most likely scenarios for nuclear conflict. Two such possible scenarios are identified in particular: a declaration of independence by Taiwan that is supported by the United States, and the acquisition by Japan of a nuclear weapons capability.

Use of nuclear weapons by China would require a dramatic policy reversal within the policymaking apparatus, and it is with an analysis of this potential that this brief begins. Such a reversal would also likely require crises as catalysts, and it is to such scenarios, involving Taiwan and Japan, that this brief progresses. It closes with a discussion of the future of Sino-American nuclear relations.

#### No indo-pak war—mutual interest and pressure for restraint

**Mutti 9** – over a decade of expertise covering on South Asia geopolitics, Contributing Editor to Demockracy journal (James, 1/5, Mumbai Misperceptions: War is Not Imminent, http://demockracy.com/four-reasons-why-the-mumbai-attacks-wont-result-in-a-nuclear-war/)

Writer Amitav Ghosh divined a crucial connection between the two messages. “When commentators repeat the metaphor of 9/11, they are in effect pushing the Indian government to mount a comparable response.” Indeed, India’s opposition Hindu nationalist BJP has blustered, “Our response must be close to what the American response was.” Fearful of imminent war, the media has indulged in **frantic hand wringing** about Indian and Pakistani nuclear arsenals and renewed fears about the Indian subcontinent being “the most dangerous place on earth.”

As an observer of the subcontinent for over a decade, I am optimistic that war will not be the end result of this event. As horrifying as the Mumbai attacks were, they are not likely to drive India and Pakistan into an armed international conflict. The media frenzy over an imminent nuclear war seems the result of the media being superficially knowledgeable about the history of Indian-Pakistani relations, of feeling compelled to follow the most sensationalistic story, and being recently brainwashed into thinking that the only way to respond to a major terrorist attack was the American way – a war.

Here are four reasons why the Mumbai attacks will not result in a war:

1. For both countries, a war would be a disaster. India has been successfully building stronger relations with the rest of the world over the last decade. It has occasionally engaged in military muscle-flexing (abetted by a Bush administration eager to promote India as a counterweight to China and Pakistan), but it has much more aggressively promoted itself as an emerging economic powerhouse and a moral, democratic alternative to less savory authoritarian regimes. Attacking a fledgling democratic Pakistan would not improve India’s reputation in anybody’s eyes.

The restraint Manmohan Singh’s government has exercised following the attacks indicates a desire to avoid rash and potentially regrettable actions. It is also perhaps a recognition that military attacks will never end terrorism. Pakistan, on the other hand, couldn’t possibly win a war against India, and Pakistan’s military defeat would surely lead to the downfall of the new democratic government. The military would regain control, and Islamic militants would surely make a grab for power – an outcome neither India nor Pakistan want. Pakistani president Asif Ali Zardari has shown that this is not the path he wants his country to go down. He has forcefully spoken out against terrorist groups operating in Pakistan and has ordered military attacks against LeT camps. Key members of LeT and other terrorist groups have been arrested. One can hope that this is only the beginning, despite the unenviable military and political difficulties in doing so.

2. Since the last major India-Pakistan clash in 1999, both countries have made concrete efforts to create people-to-people connections and to improve economic relations. Bus and train services between the countries have resumed for the first time in decades along with an easing of the issuing of visas to cross the border. India-Pakistan cricket matches have resumed, and India has granted Pakistan “most favored nation” trading status. The Mumbai attacks will undoubtedly strain relations, yet it is hard to believe that both sides would throw away this recent progress. With the removal of Pervez Musharraf and the election of a democratic government (though a shaky, relatively weak one), both the Indian government and the Pakistani government have political motivations to ease tensions and to proceed with efforts to improve relations. There are also growing efforts to recognize and build upon the many cultural ties between the populations of India and Pakistan and a decreasing sense of animosity between the countries.

3. Both countries also face difficult internal problems that present more of a threat to their stability and security than does the opposite country. If they are wise, the governments of both countries will work more towards addressing these internal threats than the less dangerous external ones. The most significant problems facing Pakistan today do not revolve around the unresolved situation in Kashmir or a military threat posed by India. The more significant threat to Pakistan comes from within. While LeT has focused its firepower on India instead of the Pakistani state, other militant Islamic outfits have not.

Groups based in the tribal regions bordering Afghanistan have orchestrated frequent deadly suicide bombings and clashes with the Pakistani military, including the attack that killed ex-Prime Minister Benazir Bhutto in 2007. The battle that the Pakistani government faces now is not against its traditional enemy India, but against militants bent on destroying the Pakistani state and creating a Taliban-style regime in Pakistan. In order to deal with this threat, it must strengthen the structures of a democratic, inclusive political system that can also address domestic problems and inequalities. On the other hand, the threat of Pakistani based terrorists to India is significant. However, suicide bombings and attacks are also carried out by Indian Islamic militants, and vast swaths of rural India are under the de facto control of the Maoist guerrillas known as the Naxalites. Hindu fundamentalists pose a serious threat to the safety of many Muslim and Christian Indians and to the idea of India as a diverse, secular, democratic society. Separatist insurgencies in Kashmir and in parts of the northeast have dragged on for years. And like Pakistan, India faces significant challenges in addressing sharp social and economic inequalities. Additionally, Indian political parties, especially the ruling Congress Party and others that rely on the support of India’s massive Muslim population to win elections, are certainly wary about inflaming public opinion against Pakistan (and Muslims). This fear could lead the investigation into the Mumbai attacks to fizzle out with no resolution, as many other such inquiries have.

4. The international attention to this attack – somewhat difficult to explain in my opinion given the general complacency and utter apathy in much of the western world about previous terrorist attacks in places like India, Pakistan, and Indonesia – is a final obstacle to an armed conflict. Not only does it put both countries under a microscope in terms of how they respond to the terrible events, it also means that they will feel international pressure to resolve the situation without resorting to war. India and Pakistan have been warned by the US, Russia, and others not to let the situation end in war. India has been actively recruiting Pakistan’s closest allies – China and Saudi Arabia – to pressure Pakistan to act against militants, and the US has been in the forefront of pressing Pakistan for action. Iran too has expressed solidarity with India in the face of the attacks and is using its regional influence to bring more diplomatic pressure on Pakistan.

### solvency

#### Restrictions are nothing but scraps of paper. The aff is politically useless.

**Fatovic 9**—Director of Graduate Studies for Political Science at Florida International University [added the word “is” for correct sentence structure—denoted by brackets]

(Clement, *Outside the Law: Emergency and Executive Power* pg 1-5, dml)

But the problem for any legal order is that law aims at fixity in a world beset by flux. The greatest challenge to legally established order comes not from the resistance of particular groups or individuals who object to any of its substantive aims but from the unruliness of the world itself. The stability, predictability, and regularity sought by law eventually runs up against **the unavoidable instability, unpredictability, and irregularity of the world**. Events constantly threaten to disrupt and destabilize the artificial order established by law. Emergencies-sudden and extreme occurrences such as the devastating terrorist attacks of September 11, an overwhelming natural disaster like Hurricane Katrina, a pandemic outbreak of avian flu, a catastrophic economic collapse, or a severe food shortage, to name just a few-dramatize **the limitations of the law** in dealing with unexpected and incalculable contingencies. Designed for the ordinary and the normal, law cannot always provide for such extraordinary occurrences in spite of its aspiration to comprehensiveness. When such events arise, the responsibility for formulating a response usually falls to the executive.

The executive has a unique relationship to the law and the order that it seeks, especially in a liberal constitutional system committed to the rule of law. Not only is the executive the authority most directly responsible for enforcing the law and maintaining order in ordinary circumstances, it is also the authority most immediately responsible for restoring order in extraordinary circumstances. But while the executive is expected to uphold and follow the law in normal times, **emergencies** sometimes **compel the executive to** exceed the strict letter of the law. Given the unique and irrepressible nature of emergencies, the law often provides **little effective guidance**, leaving executives to their own devices. Executives possess special resources and characteristics that enable them to **formulate responses more** rapidly**,** flexibly**, and** decisively **than can legislatures, courts, and bureaucracies**. Even where the law seeks to anticipate **and** provide **for emergencies by** specifying the kinds of actions **that** public **officials are permitted or required to take**, **emergencies create** unique opportunities **for the executive to** exercise an extraordinary degree of discretion. And when the law seems to be inadequate to the situation at hand, executives often claim that it [is] necessary to **go beyond its dictates** by consolidating those powers ordinarily exercised by other branches of government or **even by expanding the range of powers ordinarily permitted**. But in seeking to bring order to the chaos that emergencies instigate, executives who take such action also **bring attention to** the deficiencies of the law **in maintaining order**, often with serious consequences for the rule of law.

The kind of extralegal action that executives are frequently called upon to take in response to emergencies **is** deeply problematic **for liberal constitutionalism**, which gives pride of place to the rule of law, both in its self-definition and in its standard mode of operation. If emergencies test the limits of those general and prospective rules that are designed to make governmental action limited and predictable, that is because **emergencies are** largely unpredictable **and** potentially limitless.1 Yet the rule of law, which has enjoyed a distinguished position in constitutional thought going back to Aristotle, has always sought to place limits on what government may do by substituting the arbitrariness and unpredictability of extemporary decrees with the impartiality and regularity of impersonal rules promulgated in advance. The protection of individual freedom within liberal constitutionalism has come to be unimaginable where government does not operate according to general and determinate rules.2 The rule of law has achieved primacy within liberal constitutionalism because it is considered vital to the protection of individual freedom. As Max Weber famously explained of the modern bureaucratic state, legitimacy in the liberal state is not based on habitual obedience to traditions or customs sanctified by time or on personal devotion to a charismatic individual endowed with superhuman gifts but on belief in the legality of a state that is functionally competent in administering highly impersonal but "rational rules." 3 In fact, its entire history and aim can be summed up as an attempt to curtail the kind of discretionary action associated with the arbitrary "rule of men"-by making government itself subject to the law.

The apparent primacy of law in liberal constitutionalism has led some critics to **question its capacity to deal with emergencies**. Foremost among these critics is German political and constitutional theorist Carl Schmitt, who concluded that liberalism is incapable of dealing with the "exception" or "a case of extreme peril" that poses "a danger to the existence of the state" without resorting to measures that contradict and undermine its commitments to the rule of law, the separation of powers, the preservation of civil liberties, and other core values.4 In Schmitt's view, liberalism is wedded to a "normativistic" approach that seeks to regulate life according to strictly codified legal and moral rules that not only **obscure the "decisionistic" basis of all law** but also **deny the role of** personal decision-making **in the** interpretation**,** enforcement**, and** application **of law**. 5 Because legitimacy in a liberal constitutional order is based largely on adherence to formal legal procedures that restrict the kinds of actions governments are permitted to take, actions that have not been specified or authorized in advance **are simply ruled out**. According to Schmitt, the liberal demand that governmental action always be controllable **is** **based on the naive belief that the world is thoroughly calculable**. 6 If it expects regularity and predictability in government, it is because it understands the world in those terms, **making it** oblivious **to the problems of contingency**. Not only does this belief that the world is subject to a rational and predictable order make it difficult for liberalism to justify actions that stand outside that order, it also **makes it difficult for liberalism** even to acknowledge emergencies when they do arise. But Schmitt's critique goes even further than this. When liberal constitutionalism does acknowledge the exception, its commitment to the rule of law forces it to choose between potential suicide if it adheres strictly to its legalistic ideals and undeniable hypocrisy if ignores those ideals? Either way, the argument goes, **emergencies expose the inherent shortcomings and weaknesses of liberalism**.

It is undeniable that the rule of law occupies a privileged position within liberal constitutionalism, but it is a mistake to identify liberal constitutionalism with an excessively legalistic orientation that renders it incapable of dealing effectively with emergencies. Schmitt is correct in pointing out that liberal normativism seeks to render government action as impersonal and predictable as possible in normal circumstances, but the history of liberal 'I· constitutional thought leading up to the American Founding reveals that its main proponents recognized the need to supplement the rule of law with a personal element in cases of emergency. The political writings of John Locke, David Hume, William Blackstone, and those Founders who advocated a strong presidency indicate that many early liberal constitutionalists were **highly attuned** to the limitations of law in dealing with events that disrupt the regular order. They were well aware that rigid adherence to the formalities of law, both in responding to emergencies and in constraining the official who formulates the response, **could undermine important substantive aims and values**, thereby sacrificing the ends for the means.

Their reflections on the chronic instability and irregularity of politics reveal an appreciation for the **inescapable**-albeit temporary-**need** for the sort of discretionary action that the law ordinarily seeks to circumscribe. As Locke explained in his classic formulation, that "it is impossible to foresee, and so by laws to provide for, all Accidents and Necessities, that may concern the publick means that the formal powers of the executive specified in law must be supplemented with "prerogative," the "Power to act according to discretion, for the publick good, without the prescription of the Law, and sometimes even against it." 8 Unlike the powers of the Hobbesian sovereign, which are effectively absolute and unlimited, the exercise of prerogative is, in principle, limited in scope and duration to cases of emergency. The power to act outside and even against the law **does not mean that the executive is "above the law”**—morally or politically unaccountable—**but it does mean that** executive power isultimately irreducible to law**.**

## 2NC

### nuclear k

#### Our alternative is to refuse to be complicit in the affirmative’s nuclear compensation. This creates better policy making.

Wellen 9. Russ Wellen, nuclear weapons correspondent for the Huffington Post, The Agonist, Scholars & Rogues, and The Faster Times, and moderator of the foreign policy newsgroup “The Terralist”, 2009, “Going to Zero: What Nuclear Weapons Really Mean” October, 14 http://thefastertimes.com/nukesandotherwmd/2009/10/14/what-nuclear-weapons-really-mean/

When viewed on film, a nuclear weapons test might strike the discerning eye as a rip in the very fabric of existence. While one might view a supernova in the same light, not only doesn’t the explosion of a star occur within the confines of a planet, but in an entire galaxy. Furthermore, a supernova is ultimately a creative force that leads to the formation of new stars. By contrast, a nuclear explosion is a “destroyer of worlds,” as Robert Oppenheimer famously described the first test, Trinity. He prefaced that expression with the words “I am become Death,” from the Bhagavad Gita. In fact, viewing a nuclear explosion can induce a variety of religious experience (apologies to William James). We’re engulfed by the sight of the mushroom cloud unfurling and billowing in slow, majestic motion. An inner peace obtains. Never mind that it’s as insidious as being aroused by a snuff film. Besides a break in the space-time continuum, nuclear weapons were a leap forward in the weapons-development continuum. But it wasn’t long before they could be filed under the category of watch out what you wish for. Once the Pentagon and policy makers began coming to their senses, they realized that the larger, strategic weapons were, to understate the case, impractical. Even smaller, tactical weapons intended for battlefield use remained on the shelf because they failed to prove immune to the atomic and, especially, the hydrogen bomb’s point-of-no-return taint. Hawks, however, seem oblivious to how far nuclear weapons have fallen — from the ultimate weapon to cold storage. Deterrence may make it all worthwhile to hawks, but, in fact, it reduces a nuclear-weapons program to a shotgun behind our national-security door. Not that much of the American public has a problem with deterrence. After all, what’s behind the door in many American households is an assault rifle. Not only are we accustomed to overkill, we like our retaliation massive (our actual nuclear policy for a brief period in the 50s). In fact, the quantum leap in weaponry that the development of nuclear weapons represents is an opportunity for those of us opposed to them to examine the very nature of war itself. After all, what are nuclear weapons if not war writ large? But, as with other weapons remarkable for their brutality, such as land mines and cluster bombs, an obstacle to comprehending their meaning is just as inherent in them as the opportunity. In other words, the immediacy of the threat makes stop-gap measures imperative. These not only mitigate against reflection, but make it seem like impotent musing. **Yet one can’t help but wonder if those who favor proliferation, deterrence, or even an attenuated disarmament understand a key characteristic of humans. Not only aren’t most of us equipped to survive in a post-apocalypse world, we’re incapable of imagining it.** Meanwhile, the Pentagon has become less bullish about nuclear weapons, if only out of frustration with how hamstrung their use is by constraints. But the military is traditionally buoyed by its reflexive belief that the country with the most powerful weapons will prevail, as well as a professed willingness to die for its country. Policy makers too may feel some insulation from the consequences of their decisions. They could swear they heard somewhere about an atomic shelter for the federal government. Unfortunately for them, while it existed — in West Virginia — it closed in 1995. Also, their sites set on the big picture, their own vulnerability eludes them, as do national doubts about starting the human project over after a nuclear holocaust. More to the point, though, inadequately informed about nuclear weapons, **they’ve become complacent about their risk since the end of the Cold War. Those of us opposed to nuclear weapons need to take care lest hawks and self-described realists consign us to ideological exile, where we’d be neither seen nor heard.** Usually it’s a mistake to allow members of the latter two groups to dictate the terms of the debate. But, in this case, it might prove advantageous to try seeing things from their point of view. **First, we need to stop acting horrified by nuclear weapons’ capacity for destruction.** While, in truth, assimilating nuclear weapons into a national defense strategy may have been making a deal with the devil, to the military, they were a tool devoid of moral implications. Conservative civilians, however, have fewer qualms about viewing nuclear weapons as not only not immoral, but moral, because, to them, the loss of American lives is tolerable if it’s in the service of our national freedom myth. Unfortunately, refraining from making value judgments can only take us so far because the two arguments currently most popular with nuclear weapons advocates are tough to defeat by reason. First, there’s that old standby, deterrence, in response to which one might argue, “What about that one accident?” As Mohamed ElBaradei can attest, “the mere existence of nuclear weapons exponentially increased the risk that they’d end up being used either intentionally or unintentionally.” Even Robert McNamara said, “It can be confidently predicted that the combination of human fallibility and nuclear arms will inevitably lead to nuclear destruction.” Apparently, to conservatives, our good fortune in eluding disaster thus far is sufficient indicator that our luck will hold. If it’s not broke, don’t fix it is the conservative default position, immune to reason. But, their second argument has logic on its side. It runs something like this: If the world goes to zero nukes, that leaves the United States at the mercy of a sole state, or non-state actor, that manages to rustle up just one bomb. Even if the weapons are retained but disassembled, in the time required to assemble them, the aggressor, armed and ready, can launch or detonate a nuclear weapon. In the process of trying to win arguments like these, we may come to doubt ourselves. Our argument of last resort becomes, well, nuclear weapons just feel like an offense against nature. Perhaps responding to them with our gut is inevitable because ultimately it’s a nation’s emotional state that determines whether it’s moving toward or away from proliferation. On the one hand, the national egos of Pakistan and India were swollen with pride after their first nuclear tests. On the other, a movie, The Day After, helped to pave the way for the Nuclear Freeze movement in the 80s, as well as crystallize Ronald Reagan’s opposition to nuclear weapons. Thus does disarmament also depend on the kindness of presidents, such as the present one. In fact, Barack Obama would do us all a service if he framed disarmament as honoring the sainted Reagan’s legacy and realizing his dream of a world free of nuclear weapons. Nuclear Weapons Hold a Mirror up to War Earlier I suggested that **the urgency of nonproliferation distracts us from the broader subject to which nuclear weapons defer: war itself. Once we discover just how protracted the struggle is, though, we realize that reflecting on the nature of war is no longer a luxury, but a necessity if humanity wishes to avoid remaining boxed into a corner with weapons of mass destruction.** Sometimes it seems as if what characterizes those who believe war is inevitable, as opposed to those who don’t, is what can either be described as an insensitivity to, or the maturity to accept, the loss of life in large numbers. After all, to the public, one of the most critical functions of a leader is to bear the consequences of agreed-upon policies on their consciences for the sake of all of us. In fact, the unconscious reason that much of the public exhibits a diestinct lack of enthusiasm for prosecuting George Bush and Dick Cheney is because they shouldered that burden (and because **we, in bestowing upon them that awesome responsibility, are complicit**).

#### Even if without much efficacy, voting negative alone is sufficient to demonstrate that alternative ways of being in the world ARE POSSIBLE

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1069

The contingency of the outcome is certainly not the reason to evade the wager on ‘happy life’ or renounce all dreams of it, which would merely turn the contingent into the necessarily impossible. What we must do with our dreams is simply take the risk of using them without any fear of using them up, of ‘destroying’ and ‘falsifying’ them, of going to the bottom of them and finding nothing but the void. And even if they all amount to nothing, if the potential subjects of whatever being shrug and say ‘whatever’ in response to Agamben’s vision of happy life, this only means that ‘not only this is pos- sible’, that the possibility of a happy life remains a possibility, a possibility to succeed or, in Beckett’s terms, to fail better. This is the ultimate limit of Agamben’s optimism, beyond which his thought cannot venture, having dispensed with both will and necessity and finding its ground in absolute contingency alone. This curious optimism, which is only strengthened with each successive failure, resonates with Wallace Stevens’ famous words in Notes on the Supreme Fiction, ‘It is possible, possible, possible, it must be pos- sible. It must be that in time the real will from its crude compoundings come.’

## 1NR

### facts

#### Simulation is sadface

**Antonio 1995**

Robert J., Professor of Sociology at the University of Kansas, “Nietzsche's Antisociology: Subjectified Culture and the End of History,” American Journal of Sociology, Vol. 101, No. 1 (Jul., 1995), pp. 1-43

The "problem of the actor," Nietzsche said, "troubled me for the longest time."'12 He considered "roles" as "external," "surface," or "foreground" phenomena and viewed close personal identification with them as symptomatic of estrangement. While modern theorists saw dif- ferentiated roles and professions as a matrix of autonomy and reflexivity, Nietzsche held that persons (especially male professionals) in specialized occupations overidentify with their positions and engage in gross fabrica- tions to obtain advancement. They look hesitantly to the opinion of oth- ers, asking themselves, "How ought I feel about this?" They are so thoroughly absorbed in simulating effective role players that they have trouble being anything but actors-"The role has actually become the character." This highly subjectified social self or simulator suffers devas- tating inauthenticity. The powerful authority given the social greatly amplifies Socratic culture's already self-indulgent "inwardness." Integ- rity, decisiveness, spontaneity, and pleasure are undone by paralyzing overconcern about possible causes, meanings, and consequences of acts and unending internal dialogue about what others might think, expect, say, or do (Nietzsche 1983, pp. 83-86; 1986, pp. 39-40; 1974, pp. 302-4, 316-17). Nervous rotation of socially appropriate "masks" reduces persons to hypostatized "shadows," "abstracts," or simulacra. One adopts "many roles," playing them "badly and superficially" in the fashion of a stiff "puppet play." Nietzsche asked, "Are you genuine? Or only an actor? A representative or that which is represented? . . . [Or] no more than an imitation of an actor?" Simulation is so pervasive that it is hard to tell the copy from the genuine article; social selves "prefer the copies to the originals" (Nietzsche 1983, pp. 84-86; 1986, p. 136; 1974, pp. 232- 33, 259; 1969b, pp. 268, 300, 302; 1968a, pp. 26-27). Their inwardness and aleatory scripts foreclose genuine attachment to others. This type of actor cannot plan for the long term or participate in enduring net- works of interdependence; such a person is neither willing nor able to be a "stone" in the societal "edifice" (Nietzsche 1974, pp. 302-4; 1986a, pp. 93-94). Superficiality rules in the arid subjectivized landscape. Neitzsche (1974, p. 259) stated, "One thinks with a watch in one's hand, even as one eats one's midday meal while reading the latest news of the stock market; one lives as if one always 'might miss out on something. ''Rather do anything than nothing': this principle, too, is merely a string to throttle all culture. . . . Living in a constant chase after gain compels people to expend their spirit to the point of exhaustion in continual pretense and overreaching and anticipating others." Pervasive leveling, improvising, and faking foster an inflated sense of ability and an oblivious attitude about the fortuitous circumstances that contribute to role attainment (e.g., class or ethnicity). The most medio- cre people believe they can fill any position, even cultural leadership. Nietzsche respected the self-mastery of genuine ascetic priests, like Socra- tes, and praised their ability to redirect ressentiment creatively and to render the "sick" harmless. But he deeply feared the new simulated versions. Lacking the "born physician's" capacities, these impostors am- plify the worst inclinations of the herd; they are "violent, envious, ex- ploitative, scheming, fawning, cringing, arrogant, all according to cir- cumstances. " Social selves are fodder for the "great man of the masses." Nietzsche held that "the less one knows how to command, the more ur- gently one covets someone who commands, who commands severely- a god, prince, class, physician, father confessor, dogma, or party conscience. The deadly combination of desperate conforming and overreaching and untrammeled ressentiment paves the way for a new type of tyrant (Nietzsche 1986, pp. 137, 168; 1974, pp. 117-18, 213, 288-89, 303-4).

### solvency

#### The president already notifies Congressional leadership in advance

NSC 6-11-1952 (National Security Council on Atomic Energy); “Staff Study Prepared by Representatives of the Special Committee of the National Security Council on Atomic Energy” Foreign Relations of the United States, 1952–1954 Volume II, Part 2, National Security Affairs, Document 37 http://history.state.gov/historicaldocuments/frus1952-54v02p2/d37

15. If time and circumstances permit, the Congress would pass and the President would approve a Joint Resolution “declaring war”, before atomic weapons were employed. In the past such resolutions have provided: (1) that the state of war between the United States and the———Government which has been thrust upon the United States is hereby formally declared; (2) that the President is authorized and directed to employ the entire military forces of the United States and the resources of the Government to carry on war against the---Government; and (3) that to bring the conflict to a successful termination “all of the resources of the country are hereby pledged by the Congress of the United States.” A resolution in these terms would clearly authorize the President to use atomic weapons and any other weapons he considered necessary to bring the conflict to a successful termination. 16. However, atomic weapons are uniquely suited for surprise and possibly decisive attacks, without warning and without formal declaration of war by the enemy. In case of a surprise attack upon the United States, it would be necessary, in the interest of national defense, to launch an immediate atomic counter-attack. In such event, the President would take action under his constitutional powers as Commander-in-Chief, consulting with appropriate leaders of the Congress at the earliest possible moment**.** In contingencies short of a surprise attack upon the United States, the President will doubtless want to consult appropriate Congressional leaders before making a decision.

#### Congress will defer – plan’s artificial restriction on the executive makes things worse

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian,Terror in the Balance: Security, Liberty, and the Courts p. 47-48)

The concern we have just articulated, that Congress will block or delay justified security measures, itself explains congressional practice. Legislators themselves know that Congress is not well suited for emergency action. Rather than trying to legislate for emergencies during emergencies, legislators act beforehand, authorizing the president and executive agencies to act if an emergency arises and generally granting them massive discretion.53 Legislative action during emergencies consists predominantly of ratifications of what the executive has done, authorizations of whatever it says needs to be done, and appropriations so that it may continue to do what it thinks is right. Aware of their many institutional disadvantages—lack of information about what is happening, lack of control over the police and military, inability to act quickly and with one voice—legislators confine themselves to expressions of support or concern.

The historical record of emergency-driven ratifications, authorizations, and appropriations does not show that the deliberative processes of Congress have been engaged. The more plausible explanation is that Congress, knowing itself helpless before the emergency, looks to the executive for leadership, gratefully defers to its judgment, and provides it with any legislation that it may desire. On this view, unauthorized executive action ought to be rare—and indeed it is, as we shall note below. When it does occur, one does not know whether to blame the executive for acting hastily or Congress for failing to overcome its institutional disabilities despite an emergency.

### prolif

#### Prolif is inevitable, there’s no modeling, and the plan can’t save the NPT or US nonprolif leadership

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

Probably the most important reason for the crisis of the nuclear order, and for my rather pessimistic assessment of its chances of being solved any time soon, is the sharp decline of the international political order on which the NPT was based. The two elements on which any such order has to rely—power and legitimacy—have been profoundly modified in a direction unfavourable to the West. As a result, inequality is seen by the have-nots as less inevitable and acceptable, and belief in reciprocity is in short supply, both among the nuclear powers and among the nonnuclear states aspiring either to join the club or to fight it. The authority of the West, in particular of the United States, and that of the international institutions it has created but within which its control is increasingly challenged, have been considerably weakened in the last few years. Conversely, the rise of new centres of powers outside the West (whether potential challengers like China and India, a Russia newly powerful thanks to the energy crisis, violent and fanatical but wealthy and technologically able subnational or transnational groups, or armed militias resisting conventional armies) has given rise to a general feeling in ‘the rest’ that they no longer have to accept and follow rules which they have not created and which they feel are intended to perpetuate a domination which belongs to the past. As Bruno Tertrais has pointed out, to the regional reasons which are usually predominant in the decision to acquire nuclear weapons is added a global one: the feeling that the old international order is no longer legitimate, that the world is entering a period of uncertainty where new rules have to be written, and that these rules should be written less by a declining ‘West’ than by an ascending ‘Rest’.10 This feeling has, of course, been enormously strengthened and accelerated by the Iraq disaster. The loss in American prestige and influence since 2003 is quite unprecedented. Some of the reasons for this are profoundly debatable: practically all Muslim countries and most countries of the South see not only the Iraq war but also the Afghan war as basically anti-Islamic, or neo-colonial, or both, and most of us now accept this lumping together of the two interventions. Other reasons are shared even by those of America’s allies that believe in the necessity of fighting terrorism, genocide and the proliferation of weapons of mass destruction. The way the Iraq war has been conducted projects an image of recklessness, of mendacity, of resort to immoral practices like torture and, on top of all this, of ineffectiveness and incoherence. All this has eroded whatever trust previously existed in America’s promises and protection, and in its wisdom and predictability, and this loss of trust obviously has deeply damaging consequences for the NPT bargain. Other actions or omissions by the Bush administration are more directly linked to the nuclear issue. The tolerance of the nuclearization of Israel, India and Pakistan that preceded it has been more wholehearted under its tenure. It may have justified the agreement to help India in nuclear matters, in violation at least of the spirit of the NPT, by appealing to political circumstances. But in any case such decisions show a clear choice of political alliances over general collective security and the general doctrine of non-proliferation. The legalistic argument that these countries had not signed the treaty, as if that made their possession of the bomb any less dangerous, is not very convincing. Similarly, the Bush administration’s commitment to regime change, coupled with the contrast between the overthrow of Saddam Hussein and the lack of military action against the no less evil but nuclear-armed North Korea, creates a clear incentive for any ‘rogue state’ or member of the ‘axis of evil’ to acquire nuclear arms as quickly as possible.11 Of course, the United States and the West more generally are not alone in wishing the failure of such attempts. They are joined in this wish by China and Russia, who play the role of balancers or arbiters, and by the regional neighbours and rivals of countries like North Korea or Iran, who fear their domination or their aggressiveness and would not mind being spared agonizing decisions by the success of western sanctions. But even these regional adversaries of the would-be proliferators are not immune to the powerful and ubiquitous wave of anti-American and, by extension, anti-western resentment and accusations of hypocrisy. As Kishore Mahbubani has put it, ‘All across the world, from street bazaars to university corridors, from corporate boardrooms to government offices, in daily conversations there is disbelief that America is “threatening” Iran with UN Security Council sanctions when America itself has demonstrated—most clearly in the case of Iraq—that it will not accept the authority of the council.’ Similarly, ‘while the treaty remains alive on paper, it has become spiritually dead. Many middle powers have quietly decided that it is a question of when, and not if, they will go nuclear.’12 None of these countries would find it acceptable to be branded as criminal or punished by nuclear powers for trying to follow in their footsteps. Only ‘country-neutral’ measures which apply equally to all have a chance of being accepted. Even a proposal such as that formulated by George Shultz, William Perry, Henry Kissinger and Sam Nunn in January 2007,13 aiming at a world free of nuclear weapons and calling for intermediate measures that run counter to current American policies (such as the ratification of the Comprehensive Test Ban Treaty), is likely to be greeted by the non-nuclear states with irony and distrust. They are bound to ask why respected American statesmen who for decades made the case for nuclear deterrence are suddenly in favour of banning the bomb. They are bound to think that the American strategic establishment saw nothing wrong with nuclear weapons as long as they were confined to the developed world and has discovered their madness when they have become accessible to newcomers. Their response is bound to be: ‘Start by abandoning your own nuclear weapons, or wait until we join the club and abandon them together.’ The situation, then, is every bit as dire as Walker sees it; but its roots are deeper than he implies and the remedies he suggests are not very likely to succeed. Sticking to the Non-Proliferation Treaty and relying on the IAEA and the UN Security Council to enforce it, while permitting and encouraging civilian nuclear energy, looks more and more like a losing proposition. Governments are not seriously intending to commit themselves to the revolutionary step of the universal renunciation of nuclear weapons; and while this goal is making new converts, its chances of adoption are rather decreasing than increasing, for reasons both technical (easier access to the weapons, even, probably, by non-state groups) and political (lack of mutual trust).

#### Also – changes in US policy are irrelevant to political proliferation decisions

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While U.S. nuclear policy is certainly a major consideration in Russian and Chinese nuclear strategic thought, there is mixed evidence regarding it as a strong causal factor across cases of nuclear proliferation over the past twenty years. First, Pakistan’s 1998 nuclear weapons tests were based heavily on its perception of India as a threat.14 Second, in 2004, the Central Intelligence Agency’s special advisor report on Iraq’s weapons of mass destruction (WMD) program assessed that ‘‘Iran was the pre-eminent motivator’’ underlying Iraq’s latent WMD program.15 Subordinate reasons for Iraq’s program were to balance against Israel and wield influence throughout the Arab world. Third, although the case of India shows some evidence that states might link their proliferation efforts to the connection between U.S. nuclear policy\*and the policies of other nuclear states recognized by the NPT\*and the status and international prestige of being a great power, some analysts disagree on the relative causal weight of factors behind India’s decision to develop nuclear weapons. For example, in the 1970s Paul Power showed that the leadership of India viewed the NPT as a discriminatory treaty that produced a monopoly of power and failed to prevent the growth of existing nuclear arsenals.16 Indian Prime Minister Morarji Desai said that India would sign the NPT only if the other nuclear weapon states destroyed their arsenals.17 In 1998, following India’s detonation of nuclear devices, T.V. Paul assigned primary causal weight to India’s perception of NPT-recognized nuclear states as a privileged class in international politics. Their unwillingness to recognize India as an equal exacerbated the perception.18 In 1999, Sumit Ganguly argued that three factors were behind India’s 1998 nuclear tests: scientific advances in India’s nuclear research and development program; ideological and domestic political influences that were constrained by national security considerations; and perceived security threats in the absence of security assurances from the NPT recognized nuclear states.19 Rodney Jones, however, disagrees with Ganguly’s analysis. Jones argues that India’s Bharatiya Janata Party (BJP), which directed the nuclear tests, sought to raise India’s global status through the tests to improve the BJP’s political popularity.20 Furthermore, nuclear reversals have occurred despite the largely static nature of U.S. nuclear policy at the time of the reversals. Several states\*Argentina, Brazil, and Egypt, for example\*tried to develop nuclear weapons programs but then gave up.