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### Adv 1

#### Adv 1 is Hegemony

#### US leadership prevents great power war and existential governance crises

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A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferationchanges as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary **for peace** is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

#### We control uniqueness – hard power is the reason

Drezner, 5 [Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Senior Editor at the National Interest, M.A. in Economics and Ph.D. in Political Science from Stanford University, “Gregg Easterbrook, War, and the Dangers of Extrapolation”, <http://www.danieldrezner.com/archives/002087.html>]

Via Oxblog's Patrick Belton, I see that Gregg Easterbrook has a cover story in The New Republic entitled "The End of War?" It has a killer opening: Daily explosions in Iraq, massacres in Sudan, the Koreas staring at each other through artillery barrels, a Hobbesian war of all against all in eastern Congo--combat plagues human society as it has, perhaps, since our distant forebears realized that a tree limb could be used as a club. But here is something you would never guess from watching the news: War has entered a cycle of decline. Combat in Iraq and in a few other places is an exception to a significant global trend that has gone nearly unnoticed--namely that, for about 15 years, there have been steadily fewer armed conflicts worldwide. In fact, it is possible that a person's chance of dying because of war has, in the last decade or more, become the lowest in human history. Is Easterbrook right? He has a few more paragraphs on the numbers: The University of Maryland studies find the number of wars and armed conflicts worldwide peaked in 1991 at 51, which may represent the most wars happening simultaneously at any point in history. Since 1991, the number has fallen steadily. There were 26 armed conflicts in 2000 and 25 in 2002, even after the Al Qaeda attack on the United States and the U.S. counterattack against Afghanistan. By 2004, Marshall and Gurr's latest study shows, the number of armed conflicts in the world had declined to 20, even after the invasion of Iraq. All told, there were less than half as many wars in 2004 as there were in 1991. Marshall and Gurr also have a second ranking, gauging the magnitude of fighting. This section of the report is more subjective. Everyone agrees that the worst moment for human conflict was World War II; but how to rank, say, the current separatist fighting in Indonesia versus, say, the Algerian war of independence is more speculative. Nevertheless, the Peace and Conflict studies name 1991 as the peak post-World War II year for totality of global fighting, giving that year a ranking of 179 on a scale that rates the extent and destructiveness of combat. By 2000, in spite of war in the Balkans and genocide in Rwanda, the number had fallen to 97; by 2002 to 81; and, at the end of 2004, it stood at 65. This suggests the extent and intensity of global combat is now less than half what it was 15 years ago. Easterbrook spends the rest of the essay postulating the causes of this -- the decline in great power war, the spread of democracies, the growth of economic interdependence, and even the peacekeeping capabilities of the United Nations. Easterbrook makes a lot of good points -- most people are genuinely shocked when they are told that even in a post-9/11 climate, there has been a steady and persistent decline in wars and deaths from wars. That said, what bothers me in the piece is what Easterbrook leaves out. First, he neglects to mention the biggest reason for why war is on the decline -- there's a global hegemon called the United States right now. Easterbrook acknowledges that "the most powerful factor must be the end of the cold war" but he doesn't understand why it's the most powerful factor. Elsewhere in the piece he talks about the growing comity among the great powers, without discussing the elephant in the room: the reason the "great powers" get along is that the United States is much, much more powerful than anyone else. If you quantify power only by relative military capabilities, the U.S. is a great power, there are maybe ten or so middle powers, and then there are a lot of mosquitoes. [If the U.S. is so powerful, why can't it subdue the Iraqi insurgency?--ed. Power is a relative measure -- the U.S. might be having difficulties, but no other country in the world would have fewer problems.] Joshua Goldstein, who knows a thing or two about this phenomenon, made this clear in a Christian Science Monitor op-ed three years ago: We probably owe this lull to the end of the cold war, and to a unipolar world order with a single superpower to impose its will in places like Kuwait, Serbia, and Afghanistan. The emerging world order is not exactly benign – Sept. 11 comes to mind – and Pax Americana delivers neither justice nor harmony to the corners of the earth. But a unipolar world is inherently more peaceful than the bipolar one where two superpowers fueled rival armies around the world. The long-delayed "peace dividend" has arrived, like a tax refund check long lost in the mail. The difference in language between Goldstein and Easterbrook highlights my second problem with "The End of War?" Goldstein rightly refers to the past fifteen years as a "lull" -- a temporary reduction in war and war-related death. The flip side of U.S. hegemony being responsible for the reduction of armed conflict is what would happen if U.S. hegemony were to ever fade away. Easterbrook focuses on the trends that suggest an ever-decreasing amount of armed conflict -- and I hope he's right. But I'm enough of a realist to know that if the U.S. should find its primacy challenged by, say, a really populous non-democratic country on the other side of the Pacific Ocean, all best about the utility of economic interdependence, U.N. peacekeeping, and the spread of democracy are right out the window. UPDATE: To respond to a few thoughts posted by the commenters: 1) To spell things out a bit more clearly -- U.S. hegemony important to the reduction of conflict in two ways. First, U.S. power can act as a powerful if imperfect constraint on pairs of enduring rivals (Greece-Turkey, India-Pakistan) that contemplate war on a regular basis. It can't stop every conflict, but it can blunt a lot of them. Second, and more important to Easterbrook's thesis, U.S. supremacy in conventional military affairs prevents other middle-range states -- China, Russia, India, Great Britain, France, etc. -- from challenging the U.S. or each other in a war. It would be suicide for anyone to fight a war with the U.S., and if any of these countries waged a war with each other, the prospect of U.S. intervention would be equally daunting.

#### Legal ambiguity over private contractor status hampers military effectiveness

Minow, 5 [Martha Minow , Jeremiah Smith, Jr. Professor, Harvard Law School Boston College Law Review Volume 46 Issue 5 Number 5 Article 2 9-1-2005 Outsourcing Power: How Privatizing Military Efforts Challenges Accountability, Professionalism, and Democracy]

A. Jeopardy to the Military Investigation of the abuses in Abu Ghraib revealed that private contractor employees "wandered about with too much unsupervised free access in the detainee area." 179 The situation in Abu Ghraib, one hopes, was anomalous in many respects. Abu Ghraib did, however, also expose problems that arise with the command structure, discipline, accountability, security, and predictability when personnel working together include members of the military and private contract employees. 180 This is precisely the situation established when the military contracts out logistical planning and support as it has in Iraq. 181 Marie deYoung, former U.S. Army captain and former employee of Halliburton, observed the loss of control produced by layers of contracting and subcontracting, and the **confusion over lines of authority** and measures of accountability. 182 Congress adopted the Military Extraterritorial Jurisdiction Act to allow the prosecution of contractors in the United States for offenses occurring while they are deployed abroad, but only if the conduct would be a felony if committed in the United States. 133 Congress adopted this law after U.S. military and local Bosnian law enforcement found they had no ability to prosecute employees of DynCorp apparently engaged in human sex trafficking, 184 Through the prostitution ring, employees of DynCorp "purchased" young women and children to serve as their sexual slaves. 185 Once the practice was exposed, the company fired the individuals involved—but there were no prosecutions for statutory rape, human trafficking, or anything under military, Bosnian, or U.S. law. 186 The U.S. military uses this same company to train the Iraqi police. 187 Members of the military can face swift court marshals, but civilian contractors fall outside that jurisdiction and elude any domestic legal system as well. 188 A whistleblower lost her job for exposing the scandal—and later won a damages award on that basis in Britain. 29 If left entirely to the military, it is not obvious that such scandals would get swift treatment. At least one civilian officer in Bosnia was told by his military commanders to lie about the DynCorp sex scandal, and if he had been a member of the armed services, he would not even have been able, as he was, to quit. 19° Yet even with the Military Extraterritorial Jurisdiction Act, procedures to move against civilian contractors remain unclear. 01 Its scope may not apply to civilians who do not work directly for the government. 192 It offers only limited control on the scene for the military commanders or even civilian superlisors. 193 Military lawyers have been writing for a decade about the ambiguity over what law applies to contractors working in military settings. 04 The contract employees are not governed by military discipline or norms; nor are they regulated by rules that apply only to government actors, such as the FOIA, limits on political activities, and conflict of interest rules. 195 Ambiguities remain over what law applies if contract employees are captured or injured in confrontations with enemies)" Both in terms of legal authorization and actual competence and training, can contract employees defend themselves with force—or does that exceed their role and jeopardize the safety of the military members working alongside them?197 Do civilian contractors compromise the security of a mission when they discuss troop movements in a restaurant in Baghdad?'" The Third Geneva Convention would seem to cover combatants who are civilians if they are under the command of a superior, wear distinctive fixed signs recognizable at a distance, carry arms openly, and conduct themselves in accord with the laws of armed conflict, although each of these elements may be ambiguous in the case of particular contract employees.' 99 But Protocol I to the Geneva Convention deprives mercenaries of the privilege of serving as lawful combatants or immunity as prisoners of war upon capture. 2" The line between "contract employee" and "mercenary" for this or other purposes in international law remains unclear. 20 Confusion about **precisely these legal questions** can lead to disorder and ineffectiveness in actual operations, harming military effectiveness. The military can be harmed in a different way if the option of retiring to a new career with a better-paid private contractor appeals to talented officers. Margaret. Stock, a professor at the United States Military Academy at West Point and a reserve officer, explains how retiring officers can benefit from entering the private sector: Military officers may be very tempted to retire in order to work for private military companies because the day after retiring, an individual can collect. his or her retired pay, which is typically 50% of an active duty salary, and at the same time return to work as a consultant in essentially the same capacity, but with a new salary. Such individuals perform the same function while receiving both their retired pay and the consultant salary. 202 Reliance on private sources for important tasks, such as logistics and maintenance of advanced technological weapons, may in addition relieve the military of developing those capacities internally—to the long term detriment of military strength. 205 Similarly; depending upon contracts for the leases of trucks and equipment without ensuring appropriate maintenance plans can leave the military vulnerable at crucial movements to failures beyond their control to remedy.204 If the contractor in turn does not pay subcontractors—as was the case apparently with Halliburton—vendors may grow resentful or even collapse under bankruptcy. 205 Alternatively, the military also may compromise its strength by relying through layers of subcontracts on people it. would never use directly, or by relying on individuals from third-country nations who are paid little and shift loyalties based on who pays them. 205 Global military companies have recruited members of defeated armed groups and militias as mercenaries. 207 Some of the companies do little to screen employees. 20 One contract employee turned out to be a fugitive charged with embezzlement and previously convicted of assault in the United States. 209 The work can attract volatile individuals. Mercenary involvement in the Congo over decades is a notable dimension of the area's violence and instability. 210 Here the use of contractors raises the enduring question about mercenaties.2 " Nicolo Machiavelli argued against mercenaries in his classic work of politics, The Prince, because they work for pay. 212 Illustrating Machiavelli's warning that soldiers working for pay would not take the kind of life-risking action that can turn the tide of battle, some contractors during the Gulf War fled from a possible chemical weapons attack. 2 " Perhaps if the contractors build a team of retired military officers, the ethos of loyalty to the country and the military can be sustained even among these civilian employees. 214 Yet. Machiavelli's warnings become more powerful for other employees, and especially for low-paid employees brought in from other countries under subcontracts.215

#### Codification is key to effective use of force in future conflicts

Tiefer, 13 [ARTICLE RESTRAIN “RISKY BUSINESS”: TREAT HIGHRISK PRIVATE SECURITY CONTRACTORS AS INHERENTLY GOVERNMENTAL CHARLES TIEFER, Commissioner, Commission on Wartime Contracting in Iraq and Afghanistan; Professor, University of Baltimore Law School. This Article represents the views of its author alone and not those of the Commission or any part thereof. The author is grateful for the research assistance of Jen Machlin, Ian Gore, Elisabeth Connell, Megan Burnett, Katherine Furlong, and Alison Schurick, and also the assistance of Bijal A. Shah, Bob Pool and the rest of the school’s library staff.]

III. CONCLUSION The wars in Iraq and Afghanistan were the first long wars for the United States since the Vietnam War over forty years ago. Necessarily, with all the changes in four decades, the United States took many experimental leaps in how to conduct war with an insurgency. Strikingly, the United States used PSCs on a massive scale never seen before. PSCs operated at the very limits of the boundary area between what they can be allowed to do and what is inherently governmental and beyond what they should do. This Article has laid out the choice between the existing policy, of deciding what is inherently governmental only by a relation with combat, and a more robust criterion keeping PSCs out of other high-risk activity. These distinctions matter greatly for post-drawdown Iraq, and, also, for Afghanistan during its own drawdown and afterwards. Unfortunately, if inevitably, these distinctions matter for another reason: the wars to come. The lessons of Iraq and Afghanistan will be with us as long as the lessons of Vietnam, notwithstanding the intense debate over just what those lessons are. The United States Army may someday become irresistibly drawn into Yemen, Somalia, Pakistan, Syria, Mexico, or another place where perils lurk for the United States’ security. Then and there, the United States may use PSCs. Yet, high risks will occur in future wars, too. A story about the supply convoys in Pakistan headed for Afghanistan epitomizes this prospect: “Tribal-area militants will profit, too. They demand protection money from the companies that haul the freight.”151 It seems the problems of PSCs paying the enemy will happen outside Afghanistan, conceivably again and again. The United States will lose out if the PSC industry, and the bureaucratic interests of State and DoD, effectively codify the wrong lessons about the last decade of those long wars. Hopefully, Congress will draw the right lesson. In long future wars, the United States can entrust PSCs with certain limited tasks, but, after that, must do its own war work.

#### Spills over globally and undermines support for heg

Chapman, 10 [NOTES The Untouchables: Private Military Contractors’ Criminal Accountability under the UCMJ, Katherin J. Chapman, Candidate for Doctor of Jurisprudence, May 2010, Vanderbilt University Law School]

I. INTRODUCTION September 16, 2007 has been called Baghdad’s “Bloody Sunday.”1 On that scorching afternoon in Baghdad, Iraq, a team of Blackwater Worldwide2 private military contractors slew seventeen Iraqi civilians3 and wounded twenty-seven others.4 A Blackwater spokesperson claimed that the civilian contractors reacted in response to an attack by enemy combatants and “heroically defended American lives.”5 Despite such claims, U.S. soldiers who arrived at the scene within twenty-five minutes found no evidence of enemy activity and characterized the event as criminal.6 Despite such evidence and notwithstanding four potential sources of criminal law—international law, host-nation law, U.S. civilian law, and U.S. military law—these Blackwater guards escaped criminal accountability for their actions on Bloody Sunday.7 Such private citizens employed by the U.S. military in undeclared wars had fallen into a legal loophole, practically beyond the reach of criminal law. They had become “the Untouchables.”8 Prior to Bloody Sunday, Congress had recognized that something must be done to bridge this gap and amended U.S. military law in 2007 to bring the Untouchables within the grasp of criminal law.9 This Note examines the legal loophole into which modern private military contractors had fallen and concludes that U.S. military law can, and should, be used to hold them criminally accountable. Private military contractors (“PMCs” or “contractors”), like the Blackwater employees, have assumed a pivotal role in U.S. foreign relations and combat worldwide. Following a reduction in the general size of U.S. armed forces, the government has turned increasingly to PMCs to perform many functions previously carried out by military personnel.10 Although these contractors had initially provided mere auxiliary support to the military by supplying instruction, mail delivery, and food services,11 an overextended U.S. military soon utilized PMCs globally in a wide variety of vital roles,12 such as “interrogators, complex systems operators, . . . [and] security for high profile politicians and military commanders.”13 P.W. Singer, a senior fellow and director of the 21st Century Defense Initiative at the Brookings Institution,14 has recently identified three classifications of firms, based on the services they provide, that supply PMCs to the U.S. military: (1) military support firms that deliver “supplementary military services . . . including logistics, intelligence, technical support, supply, and transportation”; (2) military consulting firms that supply “advisory and training services integral to the operation and restructuring of a client’s armed forces”; and (3) military provider firms that focus on the tactical environment by running active combat operations.15 PMCs who come from military provider firms operate “at the forefront of the battlespace, by engaging in actual fighting . . . and/or direct command and control of field units.”16 Such contractors, like those involved in Bloody Sunday, essentially act in a quasi-military capacity. These quasi-military PMCs dress like soldiers, bear arms like soldiers, and fill quintessential soldier roles.17 The U.S. military’s use of PMCs in modern times—since the early 1990s—has reached an unprecedented level.18 As of late 2007, PMCs in Iraq outnumbered military personnel 180,000 to 165,000, with between 20,000 and 30,000 contractors in quasi-military roles.19 As one of the main suppliers of PMCs to the U.S. military, Blackwater provided security to U.S. officials who visited Iraq.20 In performing their roles as bodyguards, Blackwater employees frequently escorted U.S. officials through Baghdad in armed convoys.21 For Iraqi police officers, it became “a standard part of their workday in occupied Iraq to stop traffic to make room for U.S. VIPs, protected by heavily armed private soldiers, to blaze through.”22 On Bloody Sunday, what began as a routine traffic stop by Blackwater contractors escorting U.S. diplomats ended in a hail of gunfire and Iraqi outrage.23 Around noon, the convoy escort, including four heavily armored vehicles, entered Nissour Square in downtown Baghdad.24 After Iraqi police attempted to block traffic in order to let the convoy through quickly, the convoy’s vehicles made an unexpected U-turn and began driving the wrong way down a one-way street.25 According to eyewitnesses, “a large white man with a mustache, positioned atop the third vehicle . . . began to fire his weapon ‘randomly.’ ”26 When the Blackwater contractors shot and killed the driver of one vehicle, his car began to roll forward towards the convoy.27 The situation quickly “spiraled into a shooting spree” as the Blackwater forces opened fire upon the square in all directions.28 Witnesses recounted how men, women, and children were shot and killed while attempting to flee.29 After approximately fifteen minutes, the melee finally ended, leaving seventeen Iraqis dead and over twenty wounded.30 Unfortunately, Bloody Sunday provides a prime example of how the use of contractors may actually undermine the U.S. military’s effectiveness worldwide. Referring the Nissour Square Shootings, Major Jeffrey S. Thurnher emphasized how PMCs could actually be detrimental to military missions overseas, and the Iraqi mission in particular.31 Explaining that PMCs are simply one cog in the Department of Defense’s “‘Total Force’ machine,” Thurnher argued that PMCs must work cohesively with the other elements of the battle force. 32 Because contractors also supply more manpower than the U.S. military in Iraq, “[h]aving such a large contractor force on the battlefield without adequate oversight is dangerous and irresponsible.”33 Additionally, one of the main missions of the counterinsurgency in Iraq is to win **local support**,34 but the use of PMCs can frustrate this goal. When contractors engage in seemingly criminal conduct, as in the shootings on Bloody Sunday, the local populace often fails to distinguish contractors from military personnel. As a result, “[i]n many Iraqi minds, the perceived failures of Blackwater contractors to safeguard Iraqi lives are attributed simply as American failures.”35 This response is evident from Iraq’s Prime Minister Nuri al-Maliki’s description of the “sense of tension and anger among all Iraqis, including the government, over [the Bloody Sunday] crime.”36 In fact, much of the counterinsurgency efforts in Iraq came to a grinding halt immediately after the Nissour Square shootings when the Department of State “ordered all non-U.S. military officials to remain inside the Green Zone” and stopped all diplomatic convoys.37 Although not the only incident of possible criminal conduct by civilian contractors accompanying the U.S. military,38 the Nissour Square shootings highlight the current lack of accountability for quasi-military PMCs. Iraqi backlash from Baghdad’s Bloody Sunday was swift: within twenty-four hours, the Interior Ministry had banned Blackwater from the country.39 Yet, four days later, Blackwater contractors were back in Iraq.40 The return of Blackwater forces to Iraq so soon after the Nissour Square shootings are largely attributable to the U.S. military’s remarkable reliance on contractors.41 PMCs must be held accountable for their criminal actions, not merely to provide personal justice for those injured by their crimes, but also for the strategic objectives of organizing the U.S. military’s available manpower effectively and retaining the support of citizens both domestic and abroad. At the same time, it is simply impractical to bring criminal sanctions against all PMCs for every possible crime that they might commit. Criminal sanctions against contractors should, at the very least, reach egregious crimes and should focus on quasi-military PMCs. Operating at the battlefront, quasi-military PMCs pose the greatest threat to the U.S. military’s ability to control the contingency operation. Additionally, because they bear arms and wear uniforms like members of the U.S. military, the local populace is more likely to attribute their actions to the U.S. military. By providing justice for victims, criminal sanctions will further the strategic goal of winning the locals’ support and trust during counterinsurgency efforts. Unfortunately, while the use of PMCs has grown rapidly in the past decade, the legal apparatus to hold them accountable has failed to keep pace. Currently, four distinct sources of criminal law may hold contractors accountable for their actions: (1) international law, (2) host-nation law, (3) U.S. civilian law, and (4) U.S. military law.42 As this Note will explain, numerous technical, practical, and evidentiary problems have effectively made the first three forms unworkable. The remaining option is U.S. military law in the form of the Uniform Code of Military Justice43 (“UCMJ”), which underwent a significant jurisdictional expansion in 2007. Prior to 2007, the UCMJ had applied to persons serving with or accompanying an armed force in the field during “times of war,”44 which had been interpreted to mean a congressionally declared war.45 Because Congress had not declared war in over sixty-five years, the UCMJ had been an ineffective tool for prosecuting PMCs.4

#### Independently, PMF’s undermine allies – Congress key

Michaels, 4 [Jon D,Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School; M.A., Oxford University; B.A., Williams College, “BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, http://webbox.lafayette.edu/~alexya/courses/readings/Michaels\_Beyond%20Accountability.pdf]

Having canvassed the constitutional, legal, and democratic harms in Parts III and IV, I turn now to the international/diplomatic harms privatization may cause. These harms pose considerable consequences for American foreign policy, for American credibility abroad, and for the interests of containing the proliferation of even less well-regulated military profiteering practices around the world. A. Alienating Friends and Foes Alike Contracting out allows the U.S. government to purchase strategic outcomes at a much lower political cost than if the boys and girls of America’s volunteer army were dispatched. Indeed, an overseas engagement involving contractors might, accordingly, produce neither an official body count nor much political opposition.398 But, the security and flexibility the United States gains without expending domestic political capital and/or the lives of servicemen and women may, however, serve to validate the perception that the American agenda is driven by dollars rather than ideals; that decisions are made in private, smoke-filled backrooms rather than openly on the floors of Congress. It also invites concerns that the United States is represented in zones of hostilities by individuals who are not subject to the same standards of legal conduct and ethical restraint that this nation and the international community expects of the U.S. Armed Forces. 1. Allies Among America’s allies, when the private cavalry is dispatched instead of the U.S. military, they may think that their particular **crisis is outside of core** American **interests**. This suspicion or sense of being slighted can breed resentment and a weakening of ties, a response not altogether lost on American leaders. Congressmen Tom Lantos and Henry Hyde had this precise concern in mind when they questioned the wisdom of contracting out President Karzai’s security detail. In a joint statement, they noted: “[T]he presence of commercial vendors [protecting Karzai] would send a message to the Afghan people and to President Karzai’s adversaries that we are not serious enough about our commitment to Afghanistan to dispatch U.S. personnel.”399 Other allies too may be dissatisfied by the conduct of military engagements by private troops. No doubt the Bosnians would have preferred to receive the help of DynCorp contractors, without their extracurricular involvement in sex-trafficking operations. Moreover, perhaps pro-American leaders in the Middle East similarly feel betrayed, today, by the conduct of American privateers toward Iraqi prisoners.400 Leaders who endorse American foreign policy aims, often at great domestic peril,401 are then placed in an even more difficult situation at home when forced to defend their support in the face of American acts of brutality.402 Of course, transgressions by American soldiers certainly do occur. But, at least those acts can be reported up the chain of command and, in turn, can be swiftly punished, thus demonstrating the U.S. government’s commitment to justice and self-restraint;403 as we have discussed, comparable firmness with contractors is much more difficult to achieve.404

### Adv 2

#### Adv 2 is Monopoly

#### PMFs are eroding the global monopoly on state use of force—legal regulations are key

Krahmann, 13 [SECURITY DIALOGUE Volume: 44 Issue: 1 Pages: 53-71 Published: FEB 2013 The United States, PMSCs and the state monopoly on violence: Leading the way towards norm change Elke Krahmann Department of Politics and History, Brunel University, UK Email: [Elke.Krahmann@brunel.ac.uk](mailto:Elke.Krahmann@brunel.ac.uk)]

The proliferation of private military and security companies (PMSCs) in Iraq and Afghanistan has raised many questions regarding the use of armed force by private contractors. This article addresses the question of whether the increased acceptance of PMSCs indicates a transformation of the international norm regarding the state monopoly on the legitimate use of armed force. Drawing on theoretical approaches to the analysis of norm change, the article employs four measures to investigate possible changes in the strength and meaning of this norm: modifications in state behaviour, state responses to norm violation, the promulgation of varying interpretations of the norm in national and international laws and regulations, and changes in norm discourse. Based on an analysis of **empirical evidence** from the United States of America and its allies, the article concludes that these measures suggest that the USA is leading the way towards a transformation of the international norm of the state monopoly on violence, involving a revised meaning. Although this understanding has not yet been formally implemented in international law, it has allowed a **growing number** of countries to tolerate, accept or legalize the use of armed force by PMSCs in the international arena. The proliferation of private military and security companies (PMSCs) in the interventions in Iraq and Afghanistan and the seeming impunity of firms such as Blackwater1 have raised many questions regarding the legitimacy and legality of the use of armed force by private contractors (Leander, 2010; Chesterman and Lehnardt, 2007). The Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict, signed by 17 states in September 2008, one year after Blackwater contractors killed 17 innocent civilians in a shootout on the streets of Baghdad, has been considered a key step towards addressing these issues.2 The Montreux Document consists of two parts. The first reiterates the obligations of states under international humanitarian law and human rights law, while the second proposes a set of voluntary good practices, drawn from the codes of conducts of PMSCs and security industry associations. Disregarding the issue of whether the Montreux Document will be effective in curtailing the impunity of PMSCs (Cockayne, 2008), this article takes the document as a point of departure for raising another question: Are we witnessing a transformation of the international norm regarding the state’s monopoly on the legitimate use of violence? The origins of this question lie in the implicit tension between the divergent interpretations of the norm of the state monopoly on violence in international affairs that inform the two parts of the document. The first part rests on the 20th-century understanding of the norm, embodied in international laws and conventions. In this understanding, the norm prescribes that only states and their armed forces may legitimately and legally exercise coercive force for purposes other than self-defence. By contrast, the second part appears to legalize and legitimize the use of armed force by incorporated companies providing international military and security services through the document’s recognition of the legality of these firms and its advocacy of industry self-regulation (Cockayne, 2008: 404). The potential consequences of a shift from the first interpretation of the norm to the second are serious and far ranging. **Widespread** international **acceptance** of the use of military force by PMSCs would allow the industry to operate within a **legal grey zone** created by the focus of existing laws of war on the actions of states. In addition, the legalization and legitimization of the commercial supply of armed force would create a new market in which collective violence and conflicts may be fuelled by the profit motives of PMSCs. In time, the normalization of incorporated military force may even lead to the return of commercial armies like the medieval condottieri or the 16th-century landsknechte (Percy, 2007a; Thomson, 1994). That these scenarios may seem improbable or even ludicrous attests to the widespread acceptance of the norm of the state monopoly on violence. However, as this article will illustrate, several developments suggest that the interpretation of the norm of the state monopoly on violence is changing. Already in the 1990s, PMSCs such as Sandline International and Executive Outcomes intervened in civil wars with combat forces. A decade later, then British foreign minister Jack Straw suggested that ‘a strong and reputable private military sector might have a role in enabling the UN to respond more rapidly and effectively in crises’ (BBC, 2002). This article argues that the employment of armed PMSCs by governmental and nongovernmental actors, as well as the **formal acceptance** of these practices in national and international legal or paralegal documents and **regulations** such as the Montreux Document, suggests a transformation not only in the behaviour of select states, but also in the international norm of the state monopoly on the legitimate use of violence. To do so, the first part discusses the definition and impact of norms in international relations, as well as theoretical approaches to the analysis of norm change and the problems of measuring it. The second part then outlines the historical evolution of the norm of the state monopoly on violence, before the third part examines the empirical evidence for a transformation of the norm, focusing on the USA and its allies.

#### Spills over – US norms key to solve miscalc and a breakdown of institutions

Stanger and Williams, 06 [Allison Stanger and Mark Eric Williams are respectively Professor and Associate Professor of Political Science at Middlebury College”, Private Military Corporations: Beneﬁts and Costs of Outsourcing Security” BY ALLISON STANGER AND MARK ERIC WILLIAM]

Outsourcing and World Order Given the United States’ global influence and power, privatizing the implementation of American foreign policy has at least three signiﬁcant implications for world politics. First, although the democratic deficits that outsourcing yields deeply trouble Americans concerned with conserving democratic accountability and transparency at home, these deficits also bear on international stability. Deliberation and transparency are hallmarks of liberal democracy, and in the realm of foreign policy these same properties tend to reassure other states, even undemocratic ones, that a democracy’s foreign policy actions can be anticipated, and that any abrupt policy change **will be** signaled well in advance. Because states of all stripes base their own calculations upon such signals, the less transparent policymaking becomes via outsourcing, the more likely it is that miscalculations could produce conflict. Further, when Washington delegates military functions to private companies, the question arises of where ultimate accountability and over- sight authority actually reside. Should U.S. law, international law, or military commanders in the field carry the day?40 International ordercannot be built on such ambiguity. Second, the policy ﬂexibility that Washington gains from outsourcing could, in time, become more of a bane than a boon: the greater the US. ability is to pursue policy objectives via PMCs, the fewer incentives Washington has to consult and bargain with other governments about its policy or to make the compromises needed to forge and maintain international coalitions to pursue it. By strengthening the United States’ unilateralist tendencies, this dynamic could weaken the firewall discussed earlier that has sustained the US. monopoly inthe provision and consumption of PMC semces. Finally, the expansive outsourcing practices observed since 1990 have weakened the sinews of established organs of multilateral governance. By default, the authority Washington delegates to PMCs is also authority not delegated to international institutions. Though it is obvious that overlapping spheres of competence are common in an in- terdependent world, **it surely makes a difference for diplomacy**, strategic policy, and multilateral governance whether multilateral organizations. or under—regulated private corporations are the primary representatives of the world’s most powerful state. The more the United States and other governments delegate state power to private corporations rather than to international institutions, the greater the prospects that outsourcing will sap the strength of what were once considered to be the building blocks of international order. As the world’s preeminent power and the **principal consumer and producer** of private military services, the United States, either inadvertently or delib- erately, shapes the norms that will frame future interstate competition. Out- sourcing the implementation of its policy via PMCs can be a useful solution to a range of immediate problems, but the costs such actions generate are likely to be fully realized only in the long term. An under-regulated market for force, therefore, will likely have significant negative consequences down the line, and these effects will only grow more dramatic if other states follow the US. lead.

#### Extinction

Van Creveld 99 [Martin, Professor in the Department of History at the Hebrew University, Jerusalem. His books include Supplying War(1978), Fighting Power (1982), Command in War (1985), Technology and War (1988), and The Transformation of War (1991), “The Rise and Decline of the State,” Cambridge University Press, <http://www.libertarianismo.org/livros/mvcradots.pdf>]

As used to be the case before 1648, all these organizations will interact with each other and bargain with each other. Occasionally, no doubt, they will also make use either of their own forces or, which appears more and more likely, those of contractors in order to direct violence against each other. While such a situation will be nothing new to the inhabitants of much of the Third World – which is characterized by nothing so much as the fact that the state never succeeded in establishing an effective monopoly over violence – in many developed countries the effect on day-to-day security will almost certainly be adverse. People and organizations who used to rest peacefully in the bosom of the state will have to do, indeed already are doing, more to defend themselves, for example, by purchasing all kinds of specialized equipment; fortifying the premises in which they live and operate; mounting their own guards, whether in or out of uni- form; and possibly even setting up their own armed forces under suitable commanders (retired officers and NCOs, no doubt). Compared to what we have witnessed in 1914–45, most of the violence in question will almost certainly be local, sporadic, and on a rather small scale. There can be no question that the future has many conflicts such as Bosnia and Sri Lanka and Rwanda in store; not only will terrorists and guerrillas continue to make their presence felt in many countries, but the possibility of their resorting to chemical, biological, and even nuclear weapons cannot be ruled out.! Contrary to the fears of many and the hopes of a few, however, World War III – meaning a large-scale clash between superpowers each of which dominates the better part of a con- tinent or hemisphere – will almost certainly not take place. But then, if it does take place and nuclear weapons are used in any numbers, then the result will be a return not just to pre-Westphalian days but to the stone age. For people and organizations who are limited to individual states and dependent on them for their defense, livelihood, education, and other services, such a situation represents bad news. For groups as diverse as government employees and the recipients of social security (particularly those who hope to receive benefits in the future), the writing is on the wall. Either they start looking elsewhere for their economic status and, in some cases, even their physical protection; or else there is probably no future for them. As was also the case during previous periods when empires fell apart and feudal structures emerged, often looking elsewhere will mean losing their freedom by becoming the clients of the strong and the rich, whether in the form of individuals or, which is perhaps more likely for the majority, of corporations of various sorts. The reemergence of a politically deprived, disfranchised underclass similar to that which, even in the most ‘‘advanced’’ countries, continued to exist until the French Revolution and beyond appears likely. Some would say that, from California to Italy, it already exists in the form of so-called illegal aliens, guest workers, and so-called economic citizenship" – meaning people who, while subject to taxation and enjoying at least limited access to the justice system and social services provided by the host country, are without any political rights. Conversely, organizations and people whose wealth and status are independent of the state, internationally oriented, and prepared to take advantage of opportunities that are opening up in every field from global communication and trade to providing private education stand to gain; and, as several analysts have argued,# are already gaining at the expense of all the rest. With the state weakening, many of them will undoubtedly find it both easier and more necessary to translate whatever advantages they have into direct political power. Instead of merely lobbying and bribing, as is the case today, they will rule – at least by carrying some of the functions of government, in regard to some people, and to some extent. For each person, whether the coming changes will be good or bad depends on one’s sex, family relationship, economic position, social status, occupation, organizational affiliation, and so on. Above all, it is a question of our willingness to discard old certainties and come to terms with the brave new world awaiting us. In some places change will be accomplished peacefully. The result will be unprecedented prosperity as national borders become less significant, technology advances, economic opportunities open up, and transportation and communications enable different cultures to fructify each other. Regional and local organizations will acquire a new lease on life; as is already happening in Spain (Catalonia), Britain (Scotland and Wales), Belgium (Flanders and the Walloon regions), and Australia (many of whose constituent states now have their own representatives abroad) inter alia. Finally, those who wish to escape at least some of the state’s more meddlesome tendencies will be able to do so by moving elsewhere or simply linking up via the internet. In other places, the retreat of the state will have less fortunate con- sequences. At best, the reemergence of the ‘‘market’’ at the expense of administrative controls and welfare will mean diminished security and, often enough greater turmoil. At worst, the tables may be turned and people may find themselves living under, or governed by, organizations that are less accountable and more authoritarian. Depending on circum- stances, such organizations may or may not be able to keep the peace, both among themselves and with whatever remains of the old states; in which case public authority may collapse, violence break out, the blood of both combatants and noncombatants flow, and at least a temporary reversion to more primitive ways of life ensue. There may even be a few regions and countries which will continue to vegetate much as they have always done, neither keeping up with the accelerating pace of change nor, it is to be hoped, falling into greater confusion than usual.$

#### Maintaining the monopoly on use of force restrains global violence

Macias, 11 [Privatization of Security: a Strategy for Peace or War? Andres Macias, Universidad Externado de Colombia, PhD Candidate - Peace and Conflict]

PSMCs have enabled the involvement of states in foreign conflict zones where the use of public security forces would have been highly criticized or even unauthorized. As an example, they have proved useful in “helping Washington make up for its troop shortage and doing jobs that US forces would prefer not to” 20 in places such as Iraq. However, PSMCs as a peacebuilding tool “is rather small, short-term, and temporary one compared to many government military operations” 21, leaving many doubts concerning the extent to which the goals of reducing violence and building peace may be achieved and remain sustainable. In this sense, PSMCs may facilitate the intervention of developed states in conflict affected regions to provide humanitarian assistance and implement peacekeeping operations, but positive results are not guaranteed and its sustainability is uncertain. At an international level, the absence of accountability in the use of force and coercive means represents a huge challenge for the maintenance of peaceful environments. As Avant asserted, "the market for force has undermined states' collective ability to monopolize violence in the international system” 22. Various international coalitions exist to promote, make, and keep peace, but reliance on private providers of security may hinder the possibility to strengthen current coalitions and create new ones. On the other hand, at a national level, reliance on PSMCs may enable such corporations to have a strong influence on the definition of public security policies. Consequently, PSMCs may begin to seek a share in the definition and elaboration of military security policies, more concerned over securing profits in their provision of security services and not in promoting a less violent and more peaceful world. The international community has argued for a very long time that the best suitable option to prevent intrastate and interstate violence, and therefore, maintain a peaceful international order is through the consolidation of democratic regimes. This argument relies on the assumption that such regimes fight less between each other and are able to build peace agreements based on “elements within democratic polities that promote transparency and restrain the use of raw coercive war"23. However, when the states **lose the monopoly** of the use of coercive means, that assumption becomes irrelevant. It becomes even more complicated when the "privatization (of security services) also shifts power over violence outside 21 Robert over PSMCs becomes once again critical. A state may guarantee transparency in the actions of its security forces and may restrain them from using coercive means when necessary, but when security forces are not bounded to the state machinery, transparency and accountability may be lost, and there may be no restrain[t] in the use of force. 5. Conclusion PSMCs have grown exponentially in the aftermath of the Cold War and have been used with the intention to return order and stability to conflict-affected scenarios assisting the work of national or multinational security forces. However, their real contribution to peacemaking and peacebuilding is questionable, and to some extent, they are not capable to reduce the levels of violence and conflict in the locations where they operate. Therefore, PSMCs may not be catalogued as security instruments used by states to promote peace; or at least, not yet. It is unlikely that PSMCs promote peace in the absence of an adequate control and regulation system capable of restraining their use of force and coercive means when necessary and of making them accountable for their actions and omissions. These companies perform the same tasks, carry the same risks, and may gain the same power as other public security institutions; thus, they should also be controlled and regulated in a similar way. As of today, PSMCs are better characterized as facilitators of war rather than promoters of peace. Peacebuilding and peacekeeping strategies require longterm periods of planning and implementation, but PSMCs are not designed for that; they are instruments used for short-term and temporary intervals. When PSMCs get involved in peacekeeping operations, they are just helping states fulfill the duties left by a shortage of troops and a weak political support. Their business is the provision of security and military services which are used in times of war and conflict; PSMCs enable the occurrence of violence rather than avoid it. Finally, the increasing presence of private security providers undermines the relative monopoly of the use of violence that belonged to the state, compromising the transparent elaboration of public security policies and hindering the possibility to strengthen international coalitions that aim at preserving peace in and among states.

#### External restraints solidify key to restrain violence and maintain effective diplomacy

Kroenig and Schramm, 14 [Pugnacious Presidents: Democratic Constitutional Systems and International Conflict Matthew Kroenig1 Associate Professor and International Relations Field Chair Madison Schramm PhD Student Department of Government Georgetown University , February 24, 2014]

To begin, we draw on a large international relations literature that argues that states with domestic political institutions that place fewer constraints on the chief executive will be more likely to use force abroad.2 In nearly every state, it is the chief executive who retains the ultimate authority to decide whether to initiate international conflict and, when targeted in a dispute, whether to reciprocate. The institutional system and decision-making process that contributes to those decisions on matters of war and peace are thought to shape the probability that a state engages in armed conflict. In particular, states with domestic political systems that place greater constraints on executive power are less likely to experience conflict for a variety of reasons. Ex-ante constraints stymie a leader’s ability to mobilize for war and initiate conflict (Maoz and Russett 1993). Taking international action requires the mobilization of support from the relevant political actors within a society. Where the executive is unconstrained, he or she can initiate international conflict unilaterally with little regard to popular opinion, the preferences of other bodies of government, or due process. In systems with greater constraints on executive power, however, mobilizing support among the broader public and other governmental bodies is more difficult and cumbersome. In these systems, there are fewer foreign policy objectives for which the broader cross-section of relevant political actors will support the use of force rendering conflict less likely. Ex-post constraints dissuade leaders from choosing force for fear of punishment after the fact. According to Weeks, (2012, 330) in order to understand how domestic institutions affect patterns of conflict, “the first question is what kind of regimes face a powerful domestic audience that can punish or, at the extreme, remove leaders who do not represent their interests.” Leaders, therefore, will be less likely to adopt risky or potentially unpopular foreign policies, such as the initiation of international conflict when ex-post constraints are present. Ex-post constraints can also contribute to peace due to successful coercive diplomacy through foreign policy signaling **made possible by domestic audience costs** (Fearon 1994, Schultz 1999). Foreign leaders understand that it is risky for constrained leaders to back down after making public military threats. When constrained leaders issue threats, therefore, they are inherently more credible, allowing constrained leaders to avoid conflict resulting from incentives to misrepresent private information (Fearon 1995). In this vein, many scholars (e.g., Maoz and Russett 1993) have argued that the striking absence of war among democracies is due to greater constraints on executive power in democratic as compared to authoritarian states. Similarly, Jessica Weeks (2012) has demonstrated that authoritarian states with fewer constraints on executive power, such as personalistic dictatorships, are more likely to engage in international conflict than other types of authoritarian states.

#### Statutory restrictions demonstrate compliance—the alt is a legal vacuum

Kemp, 10 [Private Military Firms and Responses to Their Accountability Gap John S. Kemp, J.D. (2010), Washington University School of Law; B.A., History (2007), University of Nebraska–Lincoln]

IV. H.R. 2740: ROOM FOR IMPROVEMENT Effective legislation to ensure contractors are liable for their conduct while abroad is necessary.131 H.R. 2740‘s strength is its specificity in describing who is liable.132 The PATRIOT Act, MEJA, and section 802(a)(10) of the UCMJ are available to prosecutors, but **the statutes lack clarity**. Unlike the language limiting MEJA‘s current reach to contractors for any federal agency that acts to support the mission of the Defense Department,133 H.R. 2740 made it clear that contractors of any department working abroad to support any agency are potentially liable.134 A law including such clear language is necessary to close the longstanding accountability gap. The framework for conducting investigations is another of the bill‘s strengths; **for decades there has been no** legislative guidance as to what should be done in the event of a contractor crime.135 While H.R. 2740 is commendable for attempting to take a stance against contractor abuses, there is room for improvement. First, while H.R. 2740 requires the Justice Department to compose a general report that discusses the number of complaints and investigations pursued,136 the report acts as little more than a fact-finding exercise. Once completed, the bill does not prescribe that the report be used for anything further.137 However, **Congress should pass new legislation** incorporating the language of H.R. 2740 section 3 while also requiring the Department of Justice to investigate each complaint it receives from the FBI. Given the legal vacuum that has surrounded PMFs for the eight years America has carried out operations in the Middle East, it is **strategically important** to demonstrate that complaints are taken seriously rather than merely duly noted**.** Placing American troops and contractors in Iraq and Afghanistan engenders hostility toward the United States; 138 demonstrating that the United States takes allegations of criminal conduct seriously would be one way to repair the country‘s damaged reputation abroad**,** particularly among groups whose support is critical to the success of the United States **in** both its current and **future** political and military **conflicts**.

#### Keeping PMCs outside the legal framework undermines Iraq relations

Brickell, 10 [9-24-2010 filling the Criminal Liability Gap for Private Military Contractors Abroad: U.S. v. Slough and the Civilian Extraterritorial Jurisdiction Act of 2010 Missye Brickell American University Washington College of Law, missye.brickell@gmail.com]

Expanding the scope of criminal liability for PMCs abroad has a number of positive international implications for the United States. Conclusively **bringing PMCs** currently in Iraq and Afghanistan within the U.S. legal framework could provide those countries with greater confidence in the American legal system, and may allow the U.S. to execute its mission more effectively there. It may be difficult for local Iraqis to distinguish between soldiers of the U.S. Armed Forces and PMCs because they can perform similar security functions, so holding PMCs to a high liability standard like that of soldiers under the UCMJ makes sense. The Nisoor Square shooting has also demonstrated how anger over potentially unlawful incidents can be detrimental to the U.S. image and to U.S.-Iraqi relations. The likelihood of insurgency spurred by such events may be decreased if the local population knows there is a clear pathway to bring those responsible to justice.

#### Iraq relations and democratic signaling contain Mid East war and oil shocks

Dorell, 14 [January, Oren, USA Today, Citing Fred Kagan amongst others, “U.S. war gains in Iraq now lost or threatened, http://www.usatoday.com/story/news/world/2014/01/12/many-iraq-war-gains-now-lost-or-threatened/4393439/

When the last U.S. combat troops departed Iraq in December 2011, they left behind a defeated al-Qaeda and an Iraq where traditional rivals Sunni and Shiite Muslims were sharing power in the world's only Arab democracy. Two years later, al-Qaeda has seized major cities where hundreds of U.S. troops died while fighting alongside their Iraqi brethren. The population once freed by the U.S.-Iraqi alliance has now watched those same jihadist insurgents return to command the streets and impose their will. Indeed, Iraqis are threatened again by civil war over charges of treason and resistance to an authoritarian government. Many significant gains of the 8-year-long Iraq war in which more than 4,400 Americans died have been lost or are now threatened unless swift actions evict the insurgents. "I fear it's only the beginning and much worse will evolve," says Fred Kagan, a military historian and former adviser to President George W. Bush and U.S. military commander David Petraeus. "And I believe it was avoidable." The reversal of fortune in Iraq could have a devastating effect on the battle to end militancy and conflict in the Middle East, say analysts and military experts, entangling the West in a new and dangerous front against emboldened jihadists who the U.S. has even recently declared were on the run. The cities of Fallujah and Ramadi captured this past week by al-Qaeda had been liberated during the Iraq war in the bloodiest combat U.S. troops had seen since Vietnam. The victory left the Iraqi insurgency beaten and humiliated in Anbar province, the heart of the Sunni Muslim homeland that Osama bin Laden himself had claimed would be a graveyard for the hated Americans. If al-Qaeda reasserts control of Anbar, it will be able to boast of defeating the "Great Satan" while establishing a haven from which to make more trouble: pouring fighters into Syria, threatening the borders of Lebanon and Jordan, and linking up with insurgents in Arab Gulf nations friendly to the United States. U.S. allies like Israel and Saudi Arabia could quickly be engulfed in such an expanding conflict, analysts say, raising the possibility of a major war in the Middle East with untold death, global oil shocks and, eventually, U.S. military intervention. "Iraq is not yet lost, but the victory that the United States, our allies and our Iraqi friends achieved at such high cost is now at risk," says Danielle Pletka of the American Enterprise Institute, a public policy think tank. Critics blame Shiite Prime Minister Nouri al-Maliki for mistreating Sunni political rivals, who in turn tolerate the Sunni terrorists they had turned against during the war. They also say President Obama's pullout of troops made it impossible to lock in the war's gains. Those failures have emboldened an al-Qaeda that Obama said was "on its heels" and that is not only gaining ground in Iraq but extending its tentacles across the Middle East, according to numerous analysts of the region. The Obama administration has acknowledged that the terror group responsible for the 9/11 attacks is stepping up operations, yet Obama insists it was time for the Iraqis to defend themselves. "The president made a commitment to end the war in Iraq," White House spokesman Jay Carney said this week. "He fulfilled that commitment." Carney said the United States will continue its "important relationship with Iraq" during this crisis and back it up with equipment such as Hellfire missiles and surveillance drones, as well as press Iraq's leaders "to work together" to resolve their differences peacefully. Colin Kahl, who served as deputy assistant secretary of Defense for the Middle East, says the pullout is not why things have gone awry. "The root of much of today's turmoil in Iraq is political, and we were not able to resolve Iraq's political disputes with 150,000 troops on the ground over the course of eight years," he says. IRAQ'S DEMOCRATIC STATE The 2003 U.S. invasion gave birth to what was the Arab world's only democracy and may have fomented the Arab Spring revolutionary movements that unseated dictators in Egypt and Libya. That development was not just good for Iraqis, but it was seen as a plus for U.S. national security. Iraq under Saddam Hussein was a violent autocracy that started two major wars, one initiated with an invasion of Kuwait that prompted a U.S. military response in 1991 in Operation Desert Storm. Saddam had the largest army in the region, refused to abide by terms of surrender and supported radical groups. In 2005, shortly after Saddam's defeat, Iraqis flooded the polls to vote despite death threats from insurgents. The majority population of Shiites and the minority Sunnis and Kurds — traditional rivals — formed a coalition government. The elections demonstrated "that democracy is just as suitable for Arabs as for other people, and that it was something desired by Arabs," Kagan says. Because democracies tend not to attack one another, the conversion of a country in the heart of the Middle East from a truculent regime to one that decides matters through politics was hailed in the West. Even Arab writers in the region's capitals began openly questioning why they should not have the same benefit. But that harmony is "very much at risk," Kagan said. Many lay the blame on al-Maliki, who moved against his Sunni opponents in harsh ways. His government issued murder and terrorism charges against his Sunni vice president, Tarik al Hashemi, alleging he was supporting insurgents. Last year, he brought corruption charges against his then-finance minister, Rafi al-Issawi, a Sunni. Sunnis initially reacted by holding sit-ins around the country, though with little effect. Shadi Hamid, director of research for Brookings Doha Center, says the U.S. did not apply enough pressure at the time for al-Maliki to change course and avert the crisis in Iraq today. Obama had put Vice President Biden in charge of overseeing many Iraqi affairs when he entered office in 2009, but a U.S. commitment to use diplomatic and aid programs to maintain comity between the government factions was never carried out, Hamid says. Administration support for promoting democracy strengthened in 2011 after the first uprisings of the Arab Spring and the return of militancy to Iraq. But Hamid says the help was minimal and soon dissipated. Pulling the U.S. presence out "was the No. 1 goal," Hamid says. "There was less thought to the potential fallout or how to manage that withdrawal to protect the health of Iraqi democracy going forward." Max Boot, a military historian at the Council on Foreign Relations, says Obama can prod al-Maliki to reverse course by making the intelligence and military aid the prime minister has requested of Washington contingent upon loosening his grip on power. The White House insists it is doing so, and Secretary of State John Kerry said last week that the U.S. will stand with the government of Iraq. Michael Knights, a military specialist at The Washington Institute for Near East Policy, says not all the progress has been lost. Iraq's oil sector surpassed Iran's to become OPEC's second-largest producer, and new laws protect ethnic and religious minorities.

#### Oil shocks go nuclear

Henderson, 7 (Climate Change, Peak Oil And Nuclear War By Bill Henderson 24 February, 2007 Countercurrents.org)

\*\*We reject the ableist language, card modified and struck through.

A steep spike in the price of oil, precipitated perhaps by an attack on Iran or Middle East instability spreading the insurgency to Saudi Arabia, could lead to an economic dislocation (damaging) ~~paralyzing~~ the global economy. Such a shock coming at the end of cheap oil but before major development of alternative energy economies could mean the end of civilization as we know it. And there is a building new cold war with still potent nuclear power Russia and China reacting to a belligerent, unilateralist America on record that it will use military power to secure vital resources and to not allow any other country to threaten it's world dominance.The world is closer to a final, nuclear, world war than at any time since the Cuban missile crisis in 1962 with a beginning arms race and tactical confrontation over weapons in space and even serious talk of pre-emptive nuclear attack.

#### Middle East war escalates

**Russell 9** James, Senior Lecturer Department of National Security Affairs, Spring, “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” Security Studies Center Proliferation Papers, http://www.analyst-network.com/articles/141/StrategicStabilityReconsideredProspectsforEscalationandNuclearWarintheMiddleEast.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

### Solvency

#### This card is long, but we solve and only we solve

LaPlaca, 12 [Anthony, attorney with J.D. from the George Washington University Law School, Settling the inherently governmental functions debate once and for all: the need for comprehensive legislation of private security contractors in Afghanistan, Spring, <http://iissonline.net/settling-the-inherently-governmental-functions-debate-once-and-for-all-the-need-for-comprehensive-legislation-of-private-security-contractors-in-afghanistan-2/>]

B. The Need for a Legislative Solution The best hope for alleviating the IGF dilemma is an express legislative demarcation of activities that are inherently governmental, in lieu of reliance on the abstract and ineffectual characterization of IGFs currently in place. Up to the present, Congress has entertained no such comprehensive legislation. Adherence to the vague FAIR Act definition of IGFs perhaps stems from a reluctance to interfere with the executive’s responsibility to conduct military operations. Congress may feel that sitting halfway around the globe limits its capacity to truly understand the nuances of private contracting in the context of the current war. (87) While legitimate concerns exist, Congress can overcome the challenges of developing an effective legislative solution to the problem of IGFs for reasons discussed below. Prior efforts to reconcile PSCs with the convoluted ban on IGFs have been a patent waste of time and money. By developing an explicit statutory framework differentiating permissible contractor activities from IGFs, thus lowering the number of contractors in the field, Congress can eliminate expenditures allocated for monitoring contract performance, screening contractor personnel, and investigating fraud. (88) Giving the Doll more direct guidelines for outsourcing would also expedite the contracting process by diminishing the need to debate whether a particular function is inherently governmental. (89) Converging the number of contractor and military personnel in Afghanistan is a worthwhile objective for two reasons. First, one major critique of outsourcing security is that it nurtures an irreversible dependency on the private sector. (90) Binding legislation would definitively put an end to future outsourcing of certain functions, alleviating concerns that PSCs will continue to spread into undesired fields. If PSCs are an unavoidable component of contemporary war, then forestalling full-scale reliance on PSCs through legislation is the next best alternative to an outright ban on outsourcing in combat zones. Creating meaningful boundaries for PSCs is in the national interest because it demonstrates the United States’ willingness to abide by Afghani Government demands to lower the visibility of PSCs. With the exception of the IGFs delineated in the FAIR Act, no single authority definitively precludes the DoD from outsourcing specific functions. As an active leader in the process of rebuilding a democratic Afghanistan, it is critical that the United States operates under the banner of a rule of law. Setting up tangible statutory boundaries for outsourcing symbolizes compliance with a more cogent and systematic procurement system that is less apt to impose PSCs where they are not wanted by the local government. Legislative action is preferable to ad hoc executive implementation of the IGF mandate. The president has a stake in the expansion of PSC activities, given that supplementary forces technically are not U.S. soldiers. (91) Since World War I, the definition of IGFs for purposes of federal contracting has simply mirrored the political outlook of the president. (92) When contractors step into the shoes of the military, the president can proudly proclaim a decrease in troop levels, when in actuality the same number of Americans occupies Afghanistan. (93) When executive agencies are permitted to make the rules concerning IGFs, the level of PSCs is easily manipulated at the whim of the president, depending on his perspective on private contracting. (94) While President Obama has professed a policy goal to reduce the number of PSCs, a binding legislative determination of what constitutes IGFs would preclude future presidents from twisting the rules in order to hide the true costs of war and thereby present themselves in a popular light. At its core, the decision whether certain activities are IGFs is an ideological struggle over how American wars should be fought. The nature of the debate over IGFs requires serious deliberation over contracting policies, as opposed to arbitrary implementation of a vague congressional directive. Future policy approaches to PSCs should strike a political compromise between those who feel that war is entirely outside the ambit of private firms and those who believe PSCs are indispensible to the war effort. Ultimate decisions concerning outsourcing functions should emanate from the governmental body most accountable to the American people. Comprehensive statutory guidance on IGFs is not farfetched, given that Congress is already in a position to de facto shut down any PSC function it pleases by leveraging its power to control the federal purse-strings. (95) While DoD still makes most of the critical decisions of when to hire and where to deploy PSCs, Congress can effectively stall any particular contract by refusing to appropriate funds through the annual defense appropriation act. In light of dissatisfaction with PSC performance throughout the war, passive exercise of its constitutional power does little to further the goal of limiting PSCs’ use in the future. Congress must make a statement, through legislation, that outsourcing certain security functions will no longer be tolerated. V. RESTORING “CORE COMPETENCIES” TO THE MILITARY Effective implementation of the policy against outsourcing IGFs requires explicit delineation of the functions that may be outsourced, those that belong exclusively to the public sector, and those that may be contracted out only in special circumstances. The “core competencies” (96) approach to IGFs conforms procurement law to the reality that PSC contracting is circumstantial. This model of defining contractor activities addresses the glaring middle ground of PSC procurement that has complicated the FAIR Act definition. The goal of the core competencies approach is to establish a formal procurement regime that predominantly returns security contracting to the Government and requires congressional approval where the DoD seeks to outsource contentious paramilitary duties. (97) The core competencies model calls upon Congress to demarcate three categories of security functions: absolute IGFs, commercial functions, and core capabilities. (98) First, if there is a consensus that a particular contractor service is inherently governmental, Congress should explicitly terminate all military outsourcing of said functions. Examples of absolute IGFs would include combat operations, maintenance of weapons systems, and any other role deemed adverse to the public interest. (99) Commercial functions might include cooking and cleaning at military bases, chaplain services, static security, and any task perceived to pose little or no conflict with public policy. Finally, “core capabilities” are functions such as guarding convoys, training Afghani forces, or any other job that, depending on the facts and circumstances of the particular contract, belongs in the public sphere. (100) A. IGFs and the Core Competencies Model The fundamental flaw with the present conception of IGFs is that it narrowly envisions only two categories of contractor functions: those that are inherently governmental and those that are commercial. In reality, the classification of a given contract depends on the circumstances in which the contract is to be fulfilled. Unique situational factors such as performance environment, time frame, discretional latitude, and contractual risk shape the PSC’s mission. A contract that appears commercial in one context may clearly be an IGF in another. The existing legal regime acknowledges the variability of private security functions, leaving the DoD to assess risk factors that may indicate a conflict with the public interest. (101) For example, consider prison security, which is generally not considered an IGF under A-76. (102) Identical guarding services are deemed inherently governmental if the DoD finds that the contractor is “more likely to use force … [contingent upon] the degree to which the provider may have to exercise force in public or relatively uncontrolled areas.” (103) Location, regional stability, and probability of combat thus shape the characterization of prison security contracts. Although the DoD is ostensibly required to monitor each contract for symptoms of IGFs, thorough and disinterested evaluation is far-fetched. (104) Given its broad discretion to define IGFs, the DoD has consistently out-sourced functions that Congress believes are inherently governmental. (105) Risk of armed conflict, for example, is a particularly tentative criterion, given the mobility of insurgents and the unpredictability of enemy attacks. Moreover, the degree to which a PSC is likely to use force in “relatively uncontrolled areas” is a difficult standard to apply because it is unaccompanied by any objective grounds for making a determination of regional stability. (106) By directly addressing the most controversial contractor responsibilities, such as protecting moving convoys and training Afghani police forces, the core competencies model most definitively clarifies ambiguity in PSC procurement. The primary focus of the core competencies approach is to derive a list of those activities that should be performed exclusively by government personnel, except in extreme situations. The model is driven by a presumption that the military is to retain the identified core competencies unless it has a compelling reason to outsource them. (107) The DoD would be prohibited by law from outsourcing to PSCs, except where it can prove with substantial evidence the necessity for private contracting. If the DoD can rebut the core competency presumption, then limited contracting of middle-ground activities is acceptable. The core competencies model is most conducive to the advantages of outsourcing security PSCs, and at the same time it places much-needed constraints on outsourcing. Dr. John Nagl testified before Congress that [b]y eschewing contracting in specific areas as a matter of policy, the [F]ederal [government would leave the option legally open to afford itself the flexibility to employ contractors in times of crisis or other extreme circumstances ... giv[ing] commanders and others in the field the access to surge capacity and swift-ness often necessary in an unpredictable contingency environment, while moving the U.S. [G]overnment away from dependence on certain forms of contractors as a more general principle. (108) Requiring DoD to justify the outsourcing of controversial functions on a case-by-case basis, in a public forum, and under the scrutiny of Congress legitimizes the outsourcing process and finally gives substance to the proscription on IGFs. After delineating which functions are IGFs, which are commercial, and which are core capabilities, Congress needs only to establish guidelines for deciding when it is appropriate to outsource core competencies. Listing criteria for approval or disapproval of a private contract that calls for the performance of core competencies ensures that the DoD consistently follows the prohibition on IGFs in good faith and that similarly situated firms bidding on certain contracts are given fair treatment. The ultimate decision whether to hire a given PSC must depend on a totality of the various factors relevant to each individual contract. (109) B. Delegating Responsibility for Outsourcing Core Capabilities Awarding contracts for core capabilities on an individual basis arguably imposes a burdensome intermediate stage in the outsourcing process. Critics may argue that the polarizing debate over the propriety of outsourcing certain controversial functions is even less likely to be resolved in Congress than by agencies within the DoD. Core capabilities are, by definition, a gray area. In other words, why should we expect that congressional deliberation will decisively settle questions over the more contentious contracting functions in a timely manner? However, the core competencies model does not necessarily call for direct congressional intervention into PSC outsourcing. Nuanced questions of outsourcing are too often beyond the grasp of an ever-changing Congress with limited time for deliberating contracts on a case-by-case basis. Congress should therefore delegate the authority to approve or deny outsourcing of core capabilities to a smaller body that is versed in the dynamics of the war in Afghanistan. Entrusting a semi-independent tribunal to award contracts for core capabilities would essentially keep procurement policy in the legislative sphere and would provide for swift assessment of the risk of overlap into the inherently governmental domain based on the facts and circumstances relevant to each contract. Such a commission would be an arbiter charged with aligning DoD outsourcing with the policy disfavoring privatization of IGFs. Although it was dissolved by statute after issuing its Final Report in October 2011, (110) the Commission on Wartime Contracting (CWC) represents an ideal delegation for dealing with core capabilities contracts. The CWC possessed all the attributes of a specialized legislative board capable of making the difficult policy judgments in connection with outsourcing functions that are potentially IGFs. Established by the National Defense Authorization Act for Fiscal Year 2008, (111) the CWC was comprised of eight bipartisan commissioners, all of whom had strong educational backgrounds in Government or in foreign affairs generally. These commissioners were steeped in government experience and were constantly conducting probing reviews of the Government’s policies in Afghanistan. In pursuit of a more enlightened program of wartime contracting, (112) the CWC was authorized to “hold hearings, take testimony, receive evidence, and provide for the attendance and testimony of witnesses as well as the production of documents” upon which it based its policy recommendations to Congress. (113) The CWC possessed the attendant breadth of expertise and institutional readiness imperative to time-sensitive DoD proposals for outsourcing. Between January and mid-March of 2011, the CWC held five hearings regarding wartime procurement to construction companies, suspension of debarments, economics of defense spending, and USAID plans for improving contract performance. (114) Congress equipped the CWC with the power to obtain documents and testimony from witnesses (115) and to gain direct access to the DoD and other federal departments and agencies. (116) In short, the former members of the CWC are familiar with the DoD operations because of CWC hearings with DoD personnel and CWC’s constant access to information relating to the state of procurement law. The natural conclusion is that Congress should revive the CWC, or create an equivalent bipartisan commission for handling core capabilities. Delegation of outsourcing approval to an independent legislative commission would maintain political accountability in outsourcing by taking discretion away from the DoD and putting it into the hands of a public body whose decisions are more visible to the American people. Disagreements over outsourcing core competencies will inevitably emanate from tighter restrictions on outsourcing. But the CWC epitomizes the type of professional intermediate body that has the expertise and tools to keep the DoD from straying from the federal prohibition on outsourcing IGFs. VI.CONCLUSION Intense media coverage of the negative consequences of utilizing PSCs tends to overshadow their indispensability to America’s efforts in Afghanistan. Even the staunchest opponents of privatized war cannot deny that the U.S. Government depends heavily on the services of the private sector to perform critical tasks and provide information imperative to success. Over the past decade, the demands of the Iraq war have necessitated private contractors in Afghanistan, predominantly due to a shortage of U.S. forces. Although their role in Afghanistan will be more limited in the coming years, PSCs are undeniably here to stay. However, the aversion to private security in light of recent events such as Nisour Square is certainly justified. American diplomacy and peacekeeping are at odds with a national military that relies so heavily on unchecked, unaccountable civilian contractors. Efforts to reform government procurement to curtail the behavior of rogue PSC firms like Blackwater Worldwide have failed to rein in the private security industry in compliance with the demands of the Afghani Government. The question remains how to best eliminate PSC misconduct without sacrificing entirely the advantages of privatization. While Congress has recognized that the ban on IGFs has been poorly implemented up to this point, it has yet to take concrete action to clarify the blurry line between IGFs and commercial functions. The explicit delineation of what constitutes IGFs is the appropriate first step towards enhancing government procurement to PSCs. The future success of reform initiatives depends largely on Congress’s ability to statutorily define unallocable contracting duties in a manner that does not wholly undermine the established order of PSCs in Afghanistan. Normative decisions concerning how America fights its wars are the prerogative of the legislature. Systematic statutory rules on procurement to PSCs are necessary to facilitate American counterinsurgency and ease tensions between the U.S. and Afghani governments. In light of the military’s focus on captivating the Afghani people, the visibility of PSCs in volatile areas and their engagement in combat with insurgents compromise the legitimacy of the counterinsurgency effort in the region. Accordingly, Congress should explicitly preclude the Government from outsourcing certain functions by adopting binding legislation that gives teeth to restrictions on private security contracting. The core competencies approach to IGFs gives Congress the ultimate discretion to define national policy on PSC procurement, while at the same time allowing flexibility in an area that naturally defies rigid rules and regulations. It represents a concrete resolution to a difficult question that has yet to provide a satisfactory answer. By allowing the DoD to outsource essential war functions in limited circumstances, Congress can place substantive constraints on private contracting without completely sacrificing the mobility and expertise of PSCs. Most importantly, the core competencies model recognizes that restoring essential duties to the U.S. Government is best for America’s international image.

#### Incorporation into chain of command key to viable norms

Morgan, 08 [Copyright (c) 2008 The University of Chicago Chicago Journal of International Law Summer, 2008 Chicago Journal of International Law 9 Chi. J. Int'l L. 213 LENGTH: 17200 wordsARTICLE: Professional Military Firms under International Law NAME: Richard Morgan \*BIO: \* Law Clerk, the Chambers of the Hon James E Baker, US Court of Appeals for the Armed Forces; Lieutenant (Junior Grade), USN; BA, BM 2002, University of Hartford; BA 2004, Hertford College, University of Oxford; JD 2007, Yale Law School. I would like to extend my thanks to Professor Michael Doyle, M. Christopher Riley, Yoon-Ho Alex Lee, Megan McMillan, and John Sparks for their assistance. The opinions expressed in this Article are the author's own and do not necessarily represent the opinions of any organization with which he has been affiliated or is currently affiliated, p. lexis]

Emerging simultaneously with growing challenges to American interests from other nation-states is the potential decline of the state's monopoly on violence. n141 While declining costs of weapon systems, transportation, and [\*242] communications have empowered substate actors willing to use force to achieve their goals, the traditional system of national sovereignty has provided such actors a haven from the reach of the criminal justice system of opponent foreign states. The norm of incorporation helps to side step this problem, by attributing the acts of a substate transgressor to its sponsor state. Without the norm of incorporation, however, **the ability of the U**nited **S**tates to use international tribunals to achieve its foreign policy goals is greatly decreased. For example, the United States abstained in the vote of Security Council Resolution 1593 (thus helping to assure its passage) to refer the Darfur situation to the ICC, despite objections to the judicial forum. n142 If, arguendo, the Sudanese employed PMFs in addition to the Janjaweed, the lack of a norm of incorporation would necessitate the more problematic finding of implied, rather than explicit, culpability under the Tadic standard in order to hold Sudanese government officials accountable. If both the dominant market role of the United States and the state monopoly on violence are on the wane, then the window in which the US can use its position to establish international norms with regards to the use of PMFs may be short. If direct application of the existing law of armed conflict treaty regime is determined to be either legally or politically unworkable, the United States could use its influence to advocate a new international agreement on the use of PMFs that would incorporate three points from existing treaties. First, the agreement would have to state that countries shall incorporate all armed PMFs under their employment into their armed forces for purposes of the Geneva Conventions. Furthermore, states would have to agree to enforce PMF compliance with the laws of war, according to their responsibilities under Articles 80 and 87 of Protocol I. States also have to guarantee prisoner-of-war status to PMFs incorporated into the armed forces of opposing Parties. Second, for the purposes of ensuring distinction between PMFs and civilians, as well as establishing clear lines of legal responsibility, parties shall inform opposing Parties and the Swiss Federation Council (the depository) of the PMFs that they have so incorporated. Third, states shall, in accordance with their responsibilities as Occupying Powers under Articles 64-67 of the Fourth Geneva Convention, ensure that [\*243] PMFs not incorporated into the armed forces of a Party to the conflict are subject to civilian criminal law. n143 This requirement is essential if any system of distinction of party combatant and civilian PMFs is to be made. A legal framework that would impose substantial responsibilities for PMFs incorporated into the armed forces, yet leave contractors in the private sector largely immune from prosecution, would create incentives for states to avoid liability for the actions of PMFs by claiming that such are actually employed by private parties. Instead, by exposing PMFs not responsible to state parties to what may be a relatively more punitive civilian legal regime, this new international norm would have dual positive effects: state-employed PMFs would seek to affirm their relationships to Parties, and PMFs not incorporated into a Party's armed forces--being clearly subject to a specific domestic regime--would be incentivized to adhere to domestic and international law. Codifying the norm of state responsibility in a treaty regime has several inherent benefits. First, treaties can precisely define the duties and expectations of state parties, allowing for a common point of legal reference when conflicts arise. Second, a written treaty regime would give clear guidelines to PMFs in the performance of their duties, which in turn provide the simultaneous benefits of encouraging appropriate risk-taking and establishing what contractors may not do. n144 There are, however, several drawbacks to this approach. Diplomacy and negotiation are essential to the creation of an international agreement; such processes take time, meaning that treaties negotiated under certain historic circumstances may be inflexible and incapable of adaptation when factual circumstances change. Moreover, where a state possesses a disproportionate interest in the subject matter of an international agreement, that state may be unwilling to make the concessions necessary for international consensus. Thus, the United States government may be reluctant to agree to foreign proposals for constraints on the use of PMFs because of the United States' relative monopoly on their employment. Nonetheless, even if a written treaty regime (based on existing treaties or otherwise) is determined to be politically infeasible, the prudence of developing some form of international law governing PMFs remains. To this end, the United States could use its dominant market position to establish norms for the [\*244] use of PMFs as a part of customary international law. Substantively, the customary law would incorporate the essential components of the norm of state responsibility, including commitment to prosecution or extradition, establishing and enforcing appropriate rules of engagement, clear identification of PMFs employed by the state, and guarantees of humanitarian treatment following capture. Procedurally, a set of international norms could be established through bilateral and multilateral agreements between states providing and consuming PMF services. Analogy can be made to the Proliferation Security Initiative, a legally nonbinding set of agreements wherein participating states establish procedures for cooperation and coordination in the interdiction of proliferated weapons of mass destruction. n145 The Australia Group, an international forum for the harmonization of domestic law governing the export of dual-use components that could be used in the production of chemical or biological weapons, is another helpful analogue. n146 Within the context of PMFs, the United States could enter into bilateral agreements with the other market-dominant states (such as the United Kingdom, Australia, and South Africa) to coordinate domestic policies governing PMFs' use and to share information regarding firms and personnel (including, for example, tax information and criminal records). While such a voluntary coalition would not have the same legal effect as a formal treaty, it nonetheless could encourage a high degree of policy coherence between nation-states regarding PMFs, which in turn could give credence to claims that norms effectuated by those shared policies have achieved the status of customary international law.

#### Back to Adv 2…Congressional incorporation key to interoperability

Isenberg 9 (David, Researcher and Leader of the Norwegian Initiative on Small Arms Transfers (NISAT) – IPRI, “Private Military Contractors and U.S. Grand Strategy”, International Peace Research Institute, January, <http://object.cato.org/sites/cato.org/files/articles/isenberg-private%2520military-contractors-2009.pdf>)

TODAY, THE U.S. GOVERNEMENT'S growing reliance on contractors constitutes an attempt to circumvent or evade public skepticism about the United States' self- appointed role as global policeman. Viewing PMCs through a market framework focuses attention on questions of efficiency, at the expense of more fundamental considerations about the policy being pursued. The related question of whether force should be used - either by uniformed military personnel or else by private contractors - is often neglected.69 In this respect, the low visibility and presumed low cost of private contractors appealed to those policy analysts who favor a global U.S. military presence, but fear that such a strategy cannot command public support. Max Boot, senior fellow for national security studies at the Council on Foreign Relations, has long championed the use of contractors on these grounds. Writing in The American Interest Boot explained: In a perfect world, Congress would bring the size of our armed forces into closer alignment with our massive defense commitments. But our legislature, like most democratic legislatures, is loath to spend what's needed on defense, and it is even more reluctant to conscript its citizens... Just as Victorian parliaments stinted on the size of the British army, forcing reliance on regiments raised in India, so too our Congress will never provide enough uniformed personnel to address every perceived need... Thus, in all likelihood, we will continue to muddle along with a mixture of private and public providers of security services. Governments also rely on contractors in order to shift responsibility and blame for their actions. A state employing contractor personnel to advance its foreign policies faces less international responsibility in terms of attribution than would be the case if it relied on its own armed forces.71 But states bear responsibility for the actions of contractors they employ. They should not be allowed to evade responsibility, especially with respect to contractors functioning as the equivalent of the states' armed forces. The United States is the world's leading user of private contractors because the U.S. government has assumed the role of guarantor of global stability at a time when the American public is unwilling to provide the resources necessary to support this strategy.72 Washington either has to use private contractors to fill the gap between goals and means or else change its goals, and policymakers have shown little interest in the latter. As the United States relies more heavily upon military contractors to support its role as world hegemon, it reinforces the tendency to approach global crises in a unilateral, as opposed to multilateral manner, further ensuring that the burdens will be carried disproportionately by U.S. taxpayers, and especially U.S. troops.73 Other states have not kept up with the ongoing qualitative changes in the United States military; their armed forces are not readily deployable nor easily interoperable with American personnel and equipment. In contrast, military contractors have not only geared themselves to serving the American marketplace, they have been instrumental in bringing about those changes within the U.S. military. The marketplace, in other words, can often more readily satisfy the United States' operational requirements than can our allies and prospective regional partners. 74 The use of contractors has other deleterious effects, **including the weakening of our system of government**. Deborah Avant, a professor of political science at the University of California at Irvine and the Director of International Studies and the Center for Research on International and Global Studies, identifies three features that are common to democracies - constitutionalism, transparency and public consent, and concludes that the use of private security contractors in Iraq had "impeded constitutionalism and lowered transparency." She speculates that it had circumvented or impeded "effective public consent." 75 **Because Congress has less** information about and **control over the use of contractors** than the use of troops, the White House and the Pentagon can rely on contractors to evade congressional (and, indirectly, public) opposition. 76 PMC employees usually remain outside the formal chain of command and are not allowed to take part in hostilities because they are regarded as civilians under International Humanitarian Law. However, in most of the military interventions today the distinction between frontline and hinterland blurs, bringing PMCs who are most active in logistics, site and convoy security and weapon maintenance ever closer to theater and to an active participation in hostilities. This not only increases risks that they will become a target of military attacks, it also calls upon the regular forces to extend their protection to these companies. Additionally, coordination is needed to prevent conflicts between the regular forces and the PMCs. The increase of so-called blue-on-white fire in Iraq — accidental attacks between U.S. forces and the contractors — indicates how difficult that is. 77 On a broader level, because the use of PMC receives less attention than the use of regular troops, this reduces the political cost of using force. Bluntly put, if someone is contributing to the war effort but is not on active duty in the U.S. military, nobody beyond his or her immediate family cares if they get killed. By contrast, the death of even a single infantryman or marine routinely winds up on the front page of the major papers.

#### Solves war with China

Armitage and Nye 12 (Richard L., Former Deputy Secretary of the State and President – Armitage Foundation and Joseph S., University Distinguished Service Professor – Harvard Kennedy School, “The U.S.-Japan Alliance: Anchoring Stability in Asia”, Center for Strategic and International Studies, August, <http://csis.org/files/publication/120810_Armitage_USJapanAlliance_Web.pdf>)

Japan can more fully exercise defense and military diplomacy through capacity building and **bilateral and multilateral measures**. A new roles and missions review should expand the scope of Japan’s responsibilities to include the defense of Japan and defense with the United States in regional contingencies. The most immediate challenge is in Japan’s own neighborhood. China’s **assertive claims** to most of the East China Sea and virtually all of the South China Sea and the **dramatic increase in the operational tempo** of the PLA and other maritime services, including repeated circumnavigation of Japan, reveal Beijing’s intention to assert greater strategic influence throughout the “First Island Chain” (Japan-Taiwan-Philippines) or what Beijing considers the “Near Sea.” In response to these kinds of anti-access/area denial (A2AD) challenges, the United States has begun work on new operational concepts such as Air Sea Battle and the Joint Operational Access Concept (JOAC). Japan has begun work on parallel concepts such as “dynamic defense.” While the U.S. Navy and the Japan Maritime Self-Defense Forces (JMSDF) have historically led in bilateral interoperability, the new environment requires significantly greater jointness and interoperability across services in both countries and bilaterally between the United States and Japan. This challenge should be at the core of the bilateral RMC dialogue and must be fully integrated and driven forward by senior leadership in the U.S. Departments of Defense and State together with the Japanese Ministries of Defense (MOD) and Foreign Affairs (MOFA). In a time of budgetary constraints, RMC cannot be addressed piecemeal or by lower-level officials. Two additional areas for potential increased alliance defense cooperation are in minesweeping in the Persian Gulf and joint surveillance of the South China Sea. The Persian Gulf is a **vital global trade and energy transit hub**. At the first rhetorical sign or indication of Iran’s intention to close the Strait of Hormuz, Japan should unilaterally send minesweepers to the region to counter this internationally illegal move. P**eace and stability** in the South China Sea are yet another **vital allied interest** with especially **profound salience for Japan**. With 88 percent of Japan’s supplies, including vital energy resources, transiting through the South China Sea, it is in Japan’s interest to increase surveillance in collaboration with the United States to ensure stability and continued freedom of navigation. The distinction between the “Defense of Japan” and regional security is thin. A sealed-off Strait of Hormuz or a military contingency in the South China Sea will have severe implications for the security and stability of Japan. The once-touted sword and shield analogy oversimplifies current security dynamics and glosses over the fact that Japan requires offensive responsibilities to provide for the defense of the nation. Both **allies require** more robust, shared, and interoperable Intelligence, Surveillance, and Reconnaissance (ISR) **capabilities and operations** that extend well beyond Japanese territory. For their part, U.S. Forces in Japan (USFJ) should have specific roles assigned in the defense of Japan. With the goal of operational competency and eventual USFJ-JSDF joint task force capability in mind, the United States should allocate greater responsibility and sense of mission to the USFJ. Amidst looming budget cuts and fiscal austerity in both Washington and Tokyo, smarter use of resources is essential to maintain capabilities. **A primary manifestation of** **smarter resource implementation is interoperability**. Interoperability is not a code word for buying U.S. equipment. At its core, it is the fundamental ability to work together. The U.S. Navy and JMSDF have demonstrated this ability for decades. The U.S. Air Force and Japan Air Self-Defense Force (JASDF) are making progress; but U.S. Army/Marine Corps cooperation with the Japan Ground Self-Defense Force (JGSDF) has been limited due to a contrast in focus. The United States has concentrated its efforts on fighting ground wars in the Middle East, while Japan has conducted peacekeeping and disaster relief operations.

#### Escalates

Wittner 11 (Lawrence S. Wittner, Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", [www.huntingtonnews.net/14446](http://www.huntingtonnews.net/14446))

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

#### Back to heg: active maintenance prevents transition wars

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Change is inevitable, but it is often incremental and nonlinear. In the coming decades, China may surge out of its unimpressive condition and close the gap with the United States. Or China might continue to rise in place—steadily im-proving its capabilities in absolute terms while stagnating, or even declining, relative to the United States. At the time of this writing, the United States remains mired in the worst economic crisis since the Great Depression and carries the largest debt in its history. Moreover, the recent partisan standoff over raising the debt ceiling suggests the American political system is losing the capacity for compromise on basic issues, let alone on large-scale problems. It is impossible to say whether the current malaise is the beginning of the end of the unipolar era or simply an aberration. The best that can be done is to make plans for the future on the basis of long-term trends; and the trends suggest that the United States’ economic, technological, and military lead over China will be an enduring feature of international relations, not a passing moment in time, but a deeply embedded condition that will persist well into this century. In recent years, scholars’ main message to policymakers has been to prepare for the rise of China and the end of unipolarity. This conclusion is probably wrong, but it is not necessarily bad for Americans to believe it is true. Fear can be harnessed in the service of virtuous policies. Fear of the Soviet Union spurred the construction of the interstate highway system. Perhaps unjustiªed fears about the decline of the United States and the rise of China can similarly be used in good cause. What could go wrong? One danger is that declinism could prompt trade conflicts and immigration restrictions. The results of this study suggest that the United States beneªts immensely from the free ºow of goods, services, and people around the globe; this is what allows American corporations to specialize in high-value activities, exploit innovations created elsewhere, and lure the brightest minds to the United States, all while reducing the price of goods for U.S. consumers. Characterizing China’s export expansion as a loss for the United States is not just bad economics; it blazes a trail for jingoistic and protectionist policies. It would be tragically ironic if Americans reacted to false prophecies of decline by cutting themselves off from a potentially vital source of American power. Another danger is that declinism may impair foreign policy decisionmaking. If top government officials come to believe that China is overtaking the United States, they are likely to react in one of two ways, both of which are potentially disastrous. The first is that policymakers may imagine the United States faces a closing “window of opportunity” and should take action “while it still enjoys preponderance and not wait until the diffusion of power has already made international politics more competitive and unpredictable.”158 This belief may spurpositive action, but it also invites parochial thinking, reckless behavior, and preventive war.159 As Robert Gilpin and others have shown, “[H]egemonic struggles have most frequently been triggered by fears of ultimate decline and the perceived erosion of power.”160 By fanning such fears, declinists may inadvertently promote the type of violent overreaction that they seek to prevent. The other potential reaction is retrenchment—the divestment of all foreign policy obligations save those linked to vital interests, deªned in a narrow and national manner. Advocates of retrenchment assume, or hope, that the world will sort itself out on its own; that whatever replaces American hegemony, whether it be a return to balance of power politics or a transition to a postpower paradise, will naturally maintain international order and prosperity. Order and prosperity, however, are unnatural. They can never be presumed. When achieved, they are the result of determined action by powerful actors and, in particular, by the most powerful actor, which is, and will be for some time, the United States. Arms buildups, insecure sea-lanes, and closed markets are only the most obvious risks of U.S. retrenchment. Less obvious are transnational problems, such as global warming, water scarcity, and disease, which may fester without a leader to rally collective action. Hegemony, of course, carries its own risks and costs. In particular, America’s global military presence might tempt policymakers to use force when they should choose diplomacy or inaction. If the United States abuses its power, however, it is not because it is too engaged with the world, but because its engagement lacks strategic vision. The solution is better strategy, not retrenchment. The ªrst step toward sound strategy is to recognize that the status quo for the United States is pretty good: it does not face a hegemonic rival, and the trends favor continued U.S. dominance. The overarching goal of American foreign policy should be to preserve this state of affairs. Declinists claim the United States should “adopt a neomercantilist international economic policy” and “disengage from current alliance commitments in East Asia and Europe.”161 But the fact that the United States rose relative to China while propping up the world economy and maintaining a hegemonic presence abroad casts doubt on the wisdom of such calls for radical policy change.

## 2ac

### AT: T “Restriction” = Prohibition

#### Counter interpretation – limitations

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

### AT: T “Armed Forces” – 2ac

#### We meet – “military combatant companies” are distinct

Isenberg, 09 [“Private Military Contractors and U.S. Grand Strategy, DAVID ISENBERG ,researcher and leader of the Norwegian Initiative on Small Arms Transfers (NISAT) at the International Peace Research Institute, Oslo (PRIO), and the author of Shadow Force: Private Security Contractors in Iraq (Greenwood, 2009)]

Because PMCs are businesses their core mission is to make a profit and they adapt to meet the needs of their clients.6 Three main categories of activities stand out: • Military combatant companies provide forces capable of combat. These types of firms constitute a tiny minority of PMCs, even though they tend to receive the most publicity. 7 • Military consulting firms traditionally provide training and advisory services, though some have expanded into personal security and bodyguard services.8 • Military support firms provide nonlethal aid and assistance, such as weapons maintenance, technical support, explosive ordnance disposal, and intelligence collection and analysis.9

#### Counter interp – combat contractors under international law – this prevents state manipulation of definitions

Hoppe, 8 – Ph.D. candidate, European University Institute (Carsten, “Passing the Buck: State Responsibility for Private Military Companies” EJIL (2008), Vol. 19 No. 5 , 989 – 1014 doi: 10.1093/ejil/chn074)

Thus, the contractors’ personnel can be considered members of the armed forces of the hiring state under Article 3 HC IV and Article 91 AP I for the duration of the contract and the armed conflict. This need not open the floodgates of international responsibility: a state that hired contractor personnel to perform a coercive service can avoid responsibility by demonstrating that the contract in question was neither for the provision of coercive services nor for services entailing the use of coercive force beyond self-defence in a zone of armed conflict, or show that the contractual relationship had ended. A party could similarly demonstrate that the group otherwise lost the connection to the state – in an extreme situation, the contractor firm may itself become a party to the conflict. E Can the Requirements for POW Status Exclude Responsibility? A second question is whether the provisions of Article 1 of the Regulations and Article 43 of AP I put additional limitations on the kind of units that can give rise to state responsibility for the armed forces. I will discuss the two provisions in turn. Article 1 of the Hague Regulations extends the ‘ rights, laws, and duties of war ’ to certain militia and volunteer forces, ‘ commanded by a person responsible for his subordinates ’ ; ‘ have a fixed distinctive emblem recognizable at a distance ’ ; ‘ carry arms openly ’ ; and ‘ conduct their operations in accordance with the laws and customs of war ’ . Article 1 of the Regulations, while illustrating the scope of the armed forces of a state, does not in all its provisions impact on the responsibility of the state. First, the provision specifically addresses the rights and duties of the militia and volunteer forces, not of the state they belong to. 119 State responsibility, however, is concerned with the rights and duties of the state to which the conduct may be attributable. Secondly, understanding the requirements of Article 1 as factual limitations on the kinds of volunteer units and militia for which the state could be responsible would yield nonsensical results. Consider that a state could not incur responsibility for a violation of IHL committed by a volunteer who failed to carry his arms openly, or for the conduct of a militiaman whose unit regularly violated the laws of war. While the unit in question may lose certain privileges and rights if it does not comply with the requirements of Article 1, this has no impact on the responsibility of the state of whose armed forces it may form part. Similarly, Article 43 of AP I imposes the requirement of being ‘ subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict ’ as a requirement for combatant status. 120 However, this question should be clearly distinguished from the definition of armed forces for the purposes of attribution under IHL. Otherwise contractors performing coercive services who meet the definition of armed forces and possess a factual link to a party would not be people forming part of the armed forces under Article 91 of AP I if they did not display an internal discipline system, and/or the hiring state failed (effectively) to enforce ‘compliance with the rules of international law applicable in armed conflict ’ against the contractors ’ personnel. However, the very wording of Article 43 hints that this is not the appropriate construction of the provision. The first sentence of Article 43.1 employs a definition stating that ‘ the armed forces ’ ‘ consist of ’ and then supplying the different components. The second sentence, however, takes the ‘armed forces ’ already as a given, and specifies rules operating on the armed forces. This interpretation is confirmed by the use of the word ‘such ’ at the beginning of the clause, indicating that ‘ armed forces ’ composed in the way described in the first sentence trigger other obligations. The addressees of these obligations are not expressly mentioned, which may be due to the desire of the drafters to ensure their applicability both for states, which thus have a duty to ensure an internal discipline system and enforce compliance with IHL, but also for armed forces acting independently of recognized states, in which case they or the movement they represent will be the addressees of the obligations as parties to the conflict. As was the case in my analysis of Article 1 HR above, failure by the hiring state to ‘ subject [its contracted unit] to an internal disciplinary system which, ‘ inter alia’, shall enforce compliance with the rules of international law applicable in armed conflict ’ surely could not result in the consequence that such state could in turn not be held responsible for violations of IHL or HRL by the personnel of that unit under the customary rule of attribution in the laws of war. If a state were free to structure the content of this responsibility in a way that would circumvent Article 43 by not imposing obligations on a contractor unit, the provision would be rendered absurd. An examination of the travaux préparatoires of AP I confirms that a failure to meet the criteria of being ‘ subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict ’ does not exclude a unit from the armed forces. 121 As we have seen, contractors exercising coercive services under a contract with a state can be considered persons forming part of the armed forces of a state under Articles 3 of Hague IV, and 91 and 43 of AP I. Contractors providing such services are not excluded from the armed forces as ‘ persons following the armed forces ’ . As regards their inclusion under Article 43 as groups and units ‘responsible to a Party ’ , I have argued that contractors can meet the three key requirements: as regards organization, coordinated groups of contracted employees working together to provide a service may well qualify. With respect to a command responsible to a party, again a group of contractors who report to an officer of the hiring state should meet the requirements. Lastly, the further elements set out in Article 43 dealing with enforcement of IHL will not shield a state from responsibility for contracted personnel that meets the other requirements, as the provisions set out obligations of the units and the party they belong to. A failure properly to exercise these obligations will not sever a link between the contractor unit and the state hiring it if the other elements supporting responsibility are established. 4 Conclusion In comparing responsibility of a state for a classical soldier to all the options for attribution of private conduct, a responsibility gap becomes evident: unless a state outright incorporates the contracted personnel into its armed forces, or the contractors can be regarded as completely dependent on the state (a tough burden of proof to meet), the state will always face less responsibility for acts of those persons than for acts of soldiers, and its responsibility will be harder to prove. The gap remaining between responsibility of the hiring state for attributable contractor and soldiers’ conduct consists in the lack of responsibility of the hiring state for the off-duty conduct of contractors not part of the armed forces, or for exercising elements of governmental authority, such as interrogation and combat contractors, and the ultra vires or uncontrolled conduct of other contractors exercising coercive services, such as those providing guarding and protection services. Faced with this gap and the danger that states will strategically exploit it to minimize their international responsibility, authors have emphasized the role that positive obligations of states with respect to contractors ’ conduct may play to close it. By analysing these obligations, I have shown that positive obligations of the state under IHL narrow this gap to some degree. The gap closes in international armed conflict with respect to interrogation contractors in POW camps, but the off-duty conduct of combat and guarding and protection contractors would still be checked only by the general duties to vet, train, instruct, and report, and possibly to prevent known ongoing violations. In occupation, the off-duty conduct of contractors providing coercive services may give rise to responsibility of the hiring state where it failed to exercise due diligence in supervising them. In non-international armed conflict, only the general duties to vet, train, instruct, and report could narrow the gap, exposing the state to a substantially lower responsibility risk as compared to the conduct of its national soldiers. Adducing positive due diligence obligations under HRL to equalize responsibility for contracted personnel exercising combat, guarding and protection, or interrogation services with responsibility for the states ’ own soldiers is subject to a twofold limitation: first, limits on the extraterritorial application of the HRL instruments and, secondly, the due diligence nature of the obligations. Extraterritorial applicability will have to be tested on a case-by-case basis. In the case where the responsibility gap arises, that is where the conduct of contractors is not attributable to the hiring state, the requisite control will have to be exercised by the national armed forces or other state agents, including contractors whose conduct is at the time attributable to the hiring state. Territorial control over the area in which the violation happened may exist by virtue of an occupation or other territorial control, for example during an invasion. Physical control on the other hand, putting individuals in the power of the hiring state, exists for example over individuals who are kidnapped or arrested in an impromptu fashion or detained more formally in a detention facility. All three instruments discussed will apply where the hiring state is an occupying power, or where the violations occur in an area controlled by agents of the hiring state. However, where combat contractors are off duty, or guarding and protection contractors engage in conduct outside their instructed duties, and the area they operate in is not controlled by the hiring state, there will not be a basis for extraterritorial jurisdiction unless there is physical control over the victims. Where the victims at the time of the violation either are under the control of the hiring state or have been handed from hiring state control into contractor control, jurisdiction can also be established under all three systems. However, where the hiring state does not have control over the persons interrogated, the off-duty conduct of these contractors will not be within the reach of any of the three instruments I discussed. If applicable, the reach of the duty to prevent under the different instruments varies. The Human Rights Committee recognizes a due diligence duty of states to intervene where there is a credible threat to the lives of people under their jurisdiction and, regarding the prohibition on torture or cruel, inhuman, or degrading treatment or punishment, a duty to prevent abuse by third parties by inter alia training interrogation personnel and reviewing and supervising interrogations. Where the ICCPR applies, states will in a given situation be likely either to have the requisite control to attribute under ILC Article 8, or to have violated their positive obligation to control such interrogations. The state also incurs a quasi-heightened duty to prevent recurrence of similar violations. The American Convention on Human Rights as interpreted provides for a very high, albeit not strict, responsibility where initially healthy people die in custody, closing any possible gap left with respect to uncontrolled or off-duty conduct of detention or interrogation contractors. Where applicable, the ECHR, under Articles 2 and 3, may establish a duty on hiring states to plan any security operation which risks threatening the right to life, where they hire the third party, even if the risk stems from uncontrolled or off-duty conduct of contractors ’ personnel involved in such operations. On the other hand, the duty to prevent by intervening does not seem to offer much help in filling the regulatory gap unless the Court would be willing to expand the identification requirement for potential victims to a location. Then the duty could be more helpful. Under Article 3 ECHR states have to ensure that detainees are not subject to potentially lethal attacks at the hands of third persons; thus, where applicable, closing the regulatory gap that would materialize if one were of the view that interrogation and detention are not the exercise of governmental authority, or if PMSC personnel violate detainees ’ rights when off duty. As we have seen, the positive obligations of states with respect to the conduct not attributable to them that I have discussed here under the heading of the obligation to prevent human rights abuses constitute obligations of due diligence. Thus, even if extraterritorial jurisdiction can be established, the hiring state will not be held responsible if it can demonstrate that it exercised due diligence with respect to the contractors ’ conduct. Positive obligations of hiring states with respect to conduct not attributable to them are of course important, and may in the specific situations where they are applicable contribute to ensuring that a hiring state will not effectively circumvent responsibility it would incur for soldiers by relying on contractors. Yet, bringing responsibility to bear will be much more difficult due to a multitude of factors, including the limited reach of positive IHL obligations in non-international armed conflict, the uncertainty inherent in the concept of due diligence, and the complex questions extraterritorial application poses in the HRL systems. Thus responsibility qua positive obligations is very far from the simple and effective responsibility rule that states envisaged for armed conflict when they first codified state responsibility for violations of IHL by state forces in 1907. The present article suggests that certain contractors exercising coercive functions do not fall into the category of persons accompanying the armed forces, and can indeed be attributed to the hiring state as members of the armed forces. Where they are organized as a recognizable group and are expected to ‘shoot back ’ beyond self-defence on a routine basis, the hiring state will be responsible under Article 3 of HC IV and Article 91 of AP I. Hence, the clearest case will be that of combat contractors, while certain convoy or personal protection contractors may qualify provided they operate as a recognizable independent group. The interrogation example seems most doubtful, especially where the situations resembles more the close integration of a small number of individuals into an operation run by the national armed forces. I have furthermore shown that neither the requirements that they be under a command responsible to a party, nor the often adduced criteria for obtaining POW status, ultimately exclude this classification.

### AT: Glennon

#### Legal restrictions are effective policy tools and the aff’s technical approach is the best heuristic for mediating ethical concerns and legal manipulability---the alt’s moralism fails

Ioannis Kalpouzos 7, Professor of Law at The City Law School, "David Kennedy, Of War and Law", J Conflict Security Law, (2007) 12 (3): 485-492, jcsl.oxfordjournals.org/content/12/3/485.full

It is important, however, not to sweepingly and debilitatingly generalise discontent about the current situation. The **structural** **disconnects** of the legal system **do not mean that law** and legal language **cannot be** part of **the solution**. Actions and motives are abstracted in logical categories that seem to reflect a normative consensus or a structural status quo. Admittedly, the intercession of the law-creating process by the structural and conceptual wall of sovereignty differentiates it from the equivalent process in national legal orders. The often-described weaknesses of the international system, the absence of a sovereign to impose formal validity and the often-disheartening problems of enforcement are very real difficulties that plague international law and, especially, the laws of war. The stakes there may seem higher and the scrutinising process weaker. Such problems are sometimes intimidating for legal analysis, but should not be off-putting and they should not lead to disregard of the importance of law as a tool in the international system. To the extent that war is the continuation of politics with the admixture of other means, and that politics is the interaction between different actors in society, **legal regulation** of such an interaction, **in peace or war, is possible and**, indeed, **necessary**. The task might be discouragingly complex but **the better the use of legal tools,** the more accurate the observation of practice, and the more legitimate the processes of legal abstraction are, **the more** the **rules will be** valid and **effective**.¶ Ultimately, Kennedy's diagnosis warrants a prescription. The question that arises is, to which extent focusing on ‘lawfare’ holds interpretative value in order to address the issues at hand. Although the conflicts within legal concepts and among legal institutions cannot, of course, be resolved once and for all and although there will always be room for manipulation and instrumentalisation of the rules, any approach should seek to clarify the interrelations between concepts and actors. Kennedy does provide interesting insights on this interrelation, but he does so at a rather macroscopic level. The diagnosis of structural and conceptual confusion warrants a **technical legal approach** for dealing with the specific issues that arise from it. Formal legal thoroughness will never substitute personal moral choices, **but it can** be an important tool in the effort to minimise the uncertainty in the use of the rules and the weakness of the institutional structure. The law or even a formal expert consensus will never substitute the necessary choices by soldiers on the ground or by politicians deciding to wage war, but legal language provides a formal platform for claims to be supported and actions to be justified. **This will not substitute** the important **moral choices**, but it can ground them in a legal structure that reflects substantive core values and provides useful tools to assess them.¶ Furthermore, there is a fear that by focusing on ‘lawfare’ one can come very close to accept it. Accordingly, the relativisation of the formal validity of legal claims can clear the way for supporting utterly subjective decisions, allowing more powerful actors to manipulate the loopholes. The structural and substantive loopholes of the legal system are real enough, and Kennedy is right to point that out, **but by accepting** the practice of ‘**lawfare’**, a degree of unwarranted justification can be attached to the exploitation of these loopholes. This, arguably, will not work in favour of the cohesiveness of the legal system, especially in an area as legally contentious as the laws of war. Kennedy's disenchantment with the expert consensus and its practical use is perhaps understandable, and his exhortation to ‘experience politics as our vocation and responsibility as our fate’ (p. 172) is altogether laudable, but we need more than that. We need to know exactly how to assess decisions and actions on the ground, and professionalism in ‘**lawfare’** and moral exhortations are not substitutes for legal analysis. Both the strengths and weaknesses of this book reinforce the need for a clearer understanding of the relevant legal rules, their interaction and the nature of the existing legal regime.

#### Legal constraints are what make political constraints effective

**Huq, 12** - Assistant Professor of Law, University of Chicago Law School (Aziz, “BINDING THE EXECUTIVE (BY LAW OR BY POLITICS)”, August, <http://www.law.uchicago.edu/files/file/400-ah-binding.pdf>) **PV = Posner and Vermeule**

To see the utility of reorienting attention to the interaction of legal and political mechanisms, notice how the respective frailties and strengths of legal and political mechanisms of executive constraint play out. Objections that legal rules are mere parchment barriers lose much of their force when a political coalition stands behind that law or constitutional principle. The Madisonian architecture of separated powers in which each branch defends its own prerogatives may be fragile, but congressional coalitions can and do nonetheless push to enforce specific legal constraints for electoral or normative reasons. That political coalitions should marshal their capital behind specific laws is not surprising: statutes and other rules often embody, in a temporally durable form, the political commitments of a given political coalition. Statutes, moreover, can be used as focal points for organizing by that coalition to **enable resistance** against the disruptive initiatives of new Presidents and emergent factions. The interaction of law with political commitments can be observed in granular form within the executive. American political culture has developed in a path-dependent fashion that invests legal rules with normative significance. With notable outliers on both sides of the aisle, most officials express sincere normative preferences for legality and constitutionalism.207 Legality has its own standing constituency. That lobby is cultivated by law schools and by law professors who profess to teach what the Constitution and federal statutes command. This has consequences for the breadth of presidential discretion because lawyers trained in this tradition currently staff the length and breadth of the executive branch. These lawyers’ preferences for legality impose frictions on executive initiatives that run afoul of legal limits. At the limit, these lawyers are likely aware of the leverage they have by dint of the fact that their noisy exit would inflict damage on the government’s policy projects. As one scholar of executive branch legal interpretation has recently observed, **good-faith lawyering** by attorneys within the Justice Department and other components of the executive will constrain presidential options so long as “the press, the lawyerly public, and Congress [] care about preserving the traditional structures of executive-branch legal interpretation.” 208 Outside government, legal rules and legally constituted institutions also furnish something of a solution to some of the transaction cost and information cost problems for groups within the general public wishing to challenge government policy decisions. 209 Laws and legal institutions reduce the coordination and informational costs for the public associated with identifying undesirable acts by the government in three ways. First, legislators and judges, as holders of institutional power and as generally recognized experts in matters of legality, are vested with publicly recognized authority to draw attention and to seek remediation.210 Compared to ordinary citizens, they also have greater access to media platforms. They can thus better disseminate information, priming the electorate to attend to issues and thereby lowering the costs of collective action. 211 Second, legislators and judges have credible tools to threaten the executive ranging from politically damaging criticism to enactment of new rules further binding the President.212 Finally, specific legal rules can mitigate informational and coordination problems beyond their function as focal points. The First Amendment, most obviously, ensures that information in the public sphere may be transmitted freely; prior restraints against national media are de facto unknown today. In the national security domain, remedies such as habeas corpus have served as informational platforms by revealing details of executive policies that contradict official narratives.213 Ex ante legal prohibitions also make public coordination easier because violation of legal rules is evidence that an executive act is undesirable, harmful, or unjustified. Whatever justifications the executive offers, the public knows that a previous political coalition already weighed the costs and benefits of a policy and found a categorical bar appropriate.

### Yes china

#### US-China tensions are rising – makes conflict and miscalc likely

Zenko 3-24-14 (Micah, Douglas Dillon Fellow – Council on Foreign Relations, “How to Avoid a Naval War With China,” Foreign Policy, 3-24, [http://www.foreignpolicy.com/articles/2014/03/24/how\_ to\_avoid\_a\_naval\_war\_with\_china](http://www.foreignpolicy.com/articles/2014/03/24/how_%20to_avoid_a_naval_war_with_china))

War between the United States and China is not preordained. But tensions are high, especially in the fiercely contested waters of the East and South China seas -- and even further into the Pacific. Communication is the best medicine: the United States should be explicit with what it needs to know about China's behavior in the waters near its coast. Unfortunately, the intentions and supporting doctrine for Beijing's growing naval capabilities are unclear, specifically regarding disputes with China's Exclusive Economic Zone (EEZ). Most countries, including the United States, agree that territorial waters extend 12 nautical miles from a nation's coastline, while EEZs extend much further -- usually up to 200 nautical miles. There is also consensus that while the United Nations Convention on the Law of the Sea (UNCLOS) established EEZs as a feature of international law and gives coastal states the right to regulate economic activities within them, it does not provide coastal states the right to regulate foreign military activities in their EEZs beyond their 12-nautical-mile territorial waters. However, China and some other countries like North Korea interpret UNCLOS as giving coastal states the right to regulate all economic and foreign military activities within their EEZs. There are numerous international agreements that regulate interactions at sea. The United States and Soviet Union signed the Incidents at Sea Agreement (INCSEA) in 1972 after Soviet warships collided with a U.S. destroyer. While INCSEA allowed for U.S. and Russian commanders to communicate directly, and ultimately avoid an escalation of force between warships, it really functioned as a stopgap between the 1972 signature and 1977 implementation of the International Regulations for Preventing Collisions at Sea (COLREGS). And while the 2000 Code for Unalerted Encounters at Sea (CUES) is not an international agreement or legally binding, it does offer safety measures and procedures, and a means to limit mutual interference and uncertainty when warships, submarines, public vessels, or naval aircraft are in close proximity. The fundamental difference of interpretation between China and most of the world exists on parts IV (archipelagic states) and V (EEZ) of the UNCLOS. The disagreement between China and the United States centers on three issues: First, China asserts that military activities in the EEZ are subject to coastal state approval. Second, excessive maritime claims of territorial sovereignty are a significant sticking point between China and many other nations operating in the East China Sea and the South China Sea. And third, China's demarcation line in the South China Sea, commonly referred to as the "nine-dashed line," is nebulous and defined as neither a territorial sea nor EEZ. Beijing appears to purposefully leave this description vague. Until China agrees that its EEZ is not to be treated as territorial waters, COLREGS, CUES, and any INCSEA-like agreement offers only a partial solution to avoiding dangerous interactions on the high seas. While there are a growing number of U.S.-China military exchanges among senior uniformed officers, these efforts must be bolstered by China's willingness to operate appropriately within their EEZ, thus helping to prevent conflict at sea. The United States and China must also agree that all of its government-controlled ships, including those of the State Oceanic Administration (SOA) and Fisheries Law Enforcement Command (FLEC), must operate in accordance with COLREGS and CUES, because many encounters between the United States and China -- outside China's territorial waters but within its EEZ -- have been between U.S. ships and those of the FLEC and SOA. The United States could be drawn into a conflict over a territorial dispute involving China, especially since the United States has bilateral defense treaties with Japan and the Philippines. Clear and unambiguous understanding of expected actions in the EEZs by China and the United States has both near and long-term implications. The immediate effect could be safer, more professional, and more respected interactions between Chinese and non-Chinese ships. Clearly agreed upon interpretations of what are appropriate actions within this body of water would immediately improve transparency and predictability, and hopefully prevent military conflict. In the longer-term, this effort could serve as a springboard to resolving other U.S.-China diplomatic, military, and economic issues.

### AT: Fettweis

#### Fettweis wrong

Beede, 11 [BENJAMIN R. BEEDE Rutgers, The State University of New JerseyFettweis, Christopher J. 2008. Losing Hurts Twice as Bad: The Four States to Moving Beyond Iraq. New York, NY: W.W. Norton & Company. 270 pages. ISBN-13: 978-0393067613, $25.95 hardcover, p. internet]

Fettweis’ book might easily be dismissed as an intriguing analysis, but one that has been superseded by the advent of the Obama Administration, and the changes in direction that the Obama team has advocated and that it may implement. Fettweis made a number of assumptions that have now been invalidated, moreover, including a continuation of prosperity. Despite its flaws, however, the book is a provocative contribution to the literature that criticizes the forcefulness of the U.S. foreign and military policy. Fettweis states that his objective is to analyze the “likely consequences of disaster in Iraq” (16), but he really has two purposes. One is to explain to people in the United States how they can adjust to the loss of the Iraq war. The second is to persuade readers that the United States can safely reduce its activity in international affairs. Although the author’s discussion of Iraq must be addressed, this review emphasizes Fettweis’ contention that the United States can safely be less assertive in world affairs because the world is not as dangerous a place as often claimed, and his closely related point that the public needs to develop a more discriminating approach to assessing threats from abroad, thereby enabling it to hold its government to higher levels of competency and accountability. Fettweis’ book title comes from a remark by sports figure Sparky Anderson that “losing hurts twice as bad as winning feels good” (13). He believes that this observation is valid, and he comes back to those words repeatedly. To support his contention concerning the significance of Anderson’s statement, Fettweis borrows from the literature of psychology to explain how people experience losses, ranging from having relatives or friends taken from them by death to having their favorite sports teams lose games. In competitive situations, the harmful psychological effects of losing are said to be intensified significantly when one adversary or opponent was “supposed” to win because of its strength. The number of instances where large countries have lost to guerrilla movements demonstrates that perceptions of the military advantages that the seemingly stronger side enjoys may well be outweighed by other factors, however (see Arreguin-Toft 2005; Record 2007). Fettweis recommends a rapid withdrawal of the U.S. forces from Iraq. He believes that the Iraq war has “been the worst kind of defeat for the United States: an unnecessary one, in a war that should never have been fought” (16, emphasis in the original). Not only was the war a huge error, Iraq is in such bad OCTOBER BOOK REVIEWS | 865 shape that the United States cannot do much to assist its reconstruction. A long-term occupation might eliminate many problems in Iraq, but he doubts the United States will stay long enough to affect major changes in that country. Little harm will come from the withdrawal, despite predictions by many that there would be civil war in Iraq and a security breakdown in the entire region. Fettweis is not a specialist in Middle Eastern affairs, and his interest is in the effects the Iraq war is having and will have on the United States, not so much in the Iraq situation. Thus, his book is not comparable to studies like that by O’Leary (2009). There are at least two schools of thought about the Iraq war, but Fettweis ignores this division of opinion. One school, which includes Fettweis, criticizes the Bush Administration for having rashly invaded Iraq and for having failed to plan and execute the operation properly. Fettweis writes that “[w]e were led into the Iraq morass not by evil people lying on behalf of oil companies but by poor strategists with a shallow, naive understanding of international politics” (29). Another school of interpretation views the Iraq (and Afghanistan) commitments simply as steps in a campaign undertaken to give the United States a lasting hegemony in the world. From the Bush Administration’s perspective, Iraq might even be considered a success. The executive branch demonstrated once again that it can wage war with few checks on its actions, and gave the United States a greater presence in the Middle East. The Obama Administration has altered Bush’s course to some extent, but so far, there has not been a radical shift. Indeed, there has been and remains the possibility of a greater commitment in the region, especially into Pakistan. Iraq and the United States have agreed to the removal of coalition forces by 2011, but the continued violence in Iraq and the construction of substantial military bases suggest that a U.S. military presence might continue past 2011. In February 2009, Secretary of Defense Gates reiterated the Obama Administration’s commitment to 2011, but in late May 2009, the army chief of staff, George Casey, declared that his service branch, at least, is planning for U.S. forces to remain in Iraq for another decade. In any event, there is little prospect for a full disengagement from southwest Asia any time soon. Given one of the purposes of his book, it is hardly surprising that Fettweis focuses almost entirely on Iraq. He ignores Afghanistan, except for repeatedly citing the Soviet persistence in trying to hold that country as an example of a great power making the error of invading a small country in the face of deep nationalism in the latter. He might have been well advised to view the entire area of southwestern Asia. Ahmed Rashid (2008) has described the U.S. involvement in the region that has extended well beyond Iraq and Afghanistan, and that suffers from the same kinds of misjudgments made in Iraq and Afghanistan, especially an overreliance on military measures and a reluctance to commit substantial resources to economic development. Fettweis uses Iraq to argue for a strategy of restraint based on his sanguine view that “we [the United States and, indeed, the entire world] are living in a golden age” (31, emphasis in the original), and that “[g]reat power conflict today is all but unthinkable; therefore, calculations surrounding the dangers posed by a united Eurasia should change, since the threats it once posed no longer exist” (208). With the end of the Cold War, the ability of the enemies of the United States to harm this country is quite limited. Hostile acts can be perpetrated, but such attacks cannot overthrow the United States (31). This strategy is hardly new. Years ago, it was summarized in these words, “Instead of preserving obsolete Cold War alliances and embarking on an expensive and dangerous campaign for global stability, the United States should view the collapse of Soviet power as an opportunity to adopt a less interventionist policy” (Carpenter 1992, 167). Despite the optimistic picture painted by some national security theorists, the world does contain some dangerous elements. David E. Sanger (2009), for example, presents a chilling picture of nuclear weapons in very possibly unsteady hands. Much is said in the book concerning national “credibility,” that is, the ability of a country to maintain its prestige and its reputation for decisive action based on its past performance. Fettweis argues that many governmental leaders, academic commentators, and journalists have been obsessed with this element of national power and have wanted the United States to deal with virtually any political crisis that occurs (161-75). Fettweis states that “[f]or some reason, U.S. policymakers seem to be especially prone to overestimate the threats they face” (116). There is no explanation of why this should be the case, nor is there any comparison with the propensity of leaders in other countries to make similar inaccurate projections. Numerous instances can be cited where governmental leaders and commentators have argued heatedly for “action” on the ground that “inaction” will damage the reputation of the United States. Early in the Carter Administration, for example, National Security Advisor Zbigniew Brzezinski dedicated himself for some time to instigating the dispatch of navy task force to the Horn of Africa during a period of tension between Ethiopia and Somalia. After failing to persuade the secretaries of state and defense that such action was necessary, Brzezinski waged a covert effort through the media to bring a decision in favor of his policy (Gardner 2008, 40-2). Two case histories cited in the book as examples of a disastrous insistence on maintaining credibility are the Spanish and British efforts to hold the Netherlands and the British colonies that became the United States, respectively. More recent instances that could have been cited are the controversies in the United States concerning the “loss” of China in the late 1940s and the establishment of a communist regime in Cuba in the late 1950s. Sensitivity concerning Cuba led in part to the intervention in the Dominican Republic in 1965, and other episodes where the United States committed itself to fighting insurgencies in Latin America. OCTOBER BOOK REVIEWS | 867 Concerns about the political impact of the “loss” of Vietnam played a significant role in decisions to support the Republic of Vietnam. These episodes are largely omitted, though. Fear is a potent political weapon, and foreign threats, whether real or imaginary, are highly useful within the domestic political arena. Claims of a “missile gap” helped John F. Kennedy win the presidency, for example. The armed services and the various intelligence agencies are rewarded because of fears of foreign threats. Although the armed forces may be cautious about entering a given conflict or making other violent moves, they are unlikely to stress the peaceful nature of the world if they want to retain their budgets and their prestige. Another element in strategy formulation in the United States has been its experience with long-term threats. White (1997) asserts that the long conflict with the Soviet Union fundamentally structured the discussion and resolution of public policy issues in the United States, and greatly strengthened the presidency at the expense of Congress and the political parties. Although his book was written before 9/11, his observation that political activists and the public have become accustomed to protracted battles with foreign enemies makes it easy to understand why they could readily accept a “long war” against terrorism. Somewhat along the same line, Sherry (1995) maintains that this country has been under emergency conditions from the Great Depression onward, perhaps even before, permeating the United States with “militarism” in its broadest sense. Going back even further, some writers have argued that United States’ assertiveness may be traced to the late nineteenth and especially the early twentieth century. Lears (2009) points critically to Theodore Roosevelt as a key player in this development, and Ninkovich (1999) offers a more favorable view of the “crisis internationalism” of Woodrow Wilson. Fettweis touches on this history, but he underestimates the extent to which the United States has been conditioned to react vigorously to a range of foreign policy issues, and overestimates the differences in foreign and military policy brought about by changes from one administration to another. Given this conditioning, changing the mind-sets of both elites and the public may be an extremely difficult task. To a degree, Fettweis’ arguments resemble those of the “American empire” theorists, such as Bacevich (2008), Johnson (2006), and Gardner and Young (2005). Critics of the “American empire” believe that the United States produces much of the unrest and the tension in the world through its unilateral actions and its emphasis on military power. Fettweis does not go that far, but his advocacy of “strategic restraint” is certainly compatible with such views. He agrees that the United States’ involvements—especially military commitments—abroad may unsettle conditions in countries as much as they may stabilize them, but his purpose is primarily to reassure the people of the United States that less assertive activity by their country will not result in world chaos. Thus he does not have much to say about the motivations of elite figures 868 | POLITICS & POLICY / October 2011 who advocate an active foreign policy. His argument seems to be that the United States is vastly overextended in its commitments as a result of a number of individual mistakes stemming from an overconcern with credibility rather than a flawed strategy. Despite his disclaimers, Fettweis’ words sometimes resemble the arguments of pre-World War II isolationists. Indeed, throughout the book, the word “internationalists,” which properly describes those concerned with international cooperation, is used to refer to those who should be termed “interventionists,” whether their motivations are power political, economic, or humanitarian, or a mixture of the three. Fettweis believes that there was little that the United States could have done to prevent the outbreak of World War II in Europe, moreover. On the contrary, firmer U.S. support of France and Great Britain might have encouraged those countries to force Germany to evacuate the newly reoccupied Rhineland and to render it much more cautious in its later actions. After he successfully implemented his plan to put troops into the Rhineland in 1936, Hitler told his confidants that a French demand for a withdrawal would have been successful owing to Germany’s military weakness. Fettweis even praises the United States because it “had the wisdom to remain neutral for more than two years” and thus “escaped the worst of the suffering” (206). This is surely wrong. An earlier involvement in the war would doubtless have reduced U.S. casualties and other costs because invasions of Europe would have been unnecessary if the French and British had held at least part of the continent, and because Germany might not have developed a cushion of occupied territories to protect it from land attacks and from air assaults for a time. Whether a public educated by books like this one would be able to make suitable threat assessments, and thereby be better able to exercise control over governmental actions abroad is another question. Fettweis’ work may be quite persuasive because he expresses his views clearly and avoids highly charged language. However, if elites agree about dangers from abroad, then popular opinion may have little effect on policy making and policy implementation. Fettweis’ thinking is significantly flawed by his assumption that “politics is, and always will be, the enemy of strategy,” and reiterates his point (26, 157). Fettweis adds that “it would be naive to suggest that it is possible to keep politics completely separate from strategy, nor would it be fully desirable to do so in a democracy” (26-7), but “for the sake of this book, we will attempt to clarify the national interest by keeping the two realms separate, to the extent possible” (27). Determining national strategy is necessarily a highly political act, and it cannot be established without considering the demands of major internal stakeholders. What he terms “politics” may often be differing opinions based on different data or interpretations of the same data. Political survival is critical for a political leader, and such leaders can understandably be hesitant in exercising restraint if they believe their opponents will attack them, perhaps decisively, for being “soft” on the enemies of the day. Fettweis is fond of the term “realist” to OCTOBER BOOK REVIEWS | 869 refer to some defense and foreign policy analysts, but describing someone as a “realist” may simply mean that the person agrees with the views of the individual applying that description. In certain instances, “realism” can mean being restrained, and, in other instances, being highly assertive. Appropriate policy decisions are likely to be made on the basis of accurate intelligence and careful assessments rather than adherence to a general outlook.

### AT: Montiero

#### Montiero’s wrong

Wohlforth 12 William, Daniel Webster Professor in the Department of Government at Dartmouth College, “Nuno Monteiro. “’Unrest Assured: Why Unipolarity is not Peaceful.’ Reviewed by William Wohlforth” October 31st, http://www.h-net.org/~diplo/ISSF/PDF/ISSF-AR17.pdf

Third, setting up the article as a claim that unipolarity is not peaceful runs into a problem: Unipolarity is peaceful. The Most Peaceful. Ever. Period. No one expects any imaginable anarchic inter-state system to be perfectly peaceful, with no war at all. In my 1999 paper, I stressed that “unipolarity does not imply the end of all conflict... It simply means the absence of two big problems” — hegemonic rivalry and counter-hegemonic balancing—that were present in all earlier systems. As a result “unipolarity favors the absence of war among the great powers.” Like any statement about the war-proneness of any international system, this is a relative claim. International relations scholarship does not have theories that make anything other than relative predictions about the war-proneness of systems. Monteiro tries but fails to escape this reality. He writes: “Rather than assess the relative peacefulness of unipolarity vis-à-vis bipolar or multipolar systems, I identify causal pathways to war that are characteristic of a unipolar system and that have not been developed in the extant literature (12). The latter portion of this sentence is exactly right, but the former bit is contradicted just a few pages later when Monteiro presents evidence that “Unipolarity is the most conflict prone of all systems .. .“ (18). While conflict researchers debate the causes, they are nearly united in agreeing that the post-1990 international system is the least afflicted by war.5 There are many ways to measure war: the overall number that occur, the number of people killed, the probability that any state will be at war in any year, the size or cost of military forces compared to economic output or population, or, perhaps best, the probability that any individual will die as a result of organized inter-group violence. By all those measures, we are living in the most peaceful period since the modern inter-state system took shape in the seventeenth century. Indeed, Stephen Pinker assembles masses of evidence to suggest that there has never been a less violent time in all of human history.6 It is hard to think of any way to measure war that does not show the unipolar period as remarkably peaceful— except for the ones Monteiro uses: “the percentage of years that great powers spend at war, and the incidence of war involving great powers,” (18) with the United States defined as the only great power after 1990. That is a very convoluted way to say ‘Iraq and Afghanistan.’ The fact that the United States ended up in two grinding counter-insurgency operations in no way contradicts the claim that unipolarity is unprecedentedly peaceful.

### AT: No Transitions Wars

#### Historical data proves transition wars

Schweller, 11 [After Unipolarity: China's Visions of International Order in an Era of U.S. Decline, Randall L. Schweller, ull Professor of Political Science at The Ohio State University, where he has taught since 1994. He earned his PhD from Columbia University in 1993 and was as an Olin Fellow at Harvard University in 1993-94, After Unipolarity Randall L. Schweller and China’s Visions of International Order in Xiaoyu Pu an Era of U.S. Decline, p. Project Muse]

History tells us that dramatic **structural changes rarely unfold** smoothly or **peacefully**. Realists as far back as Thucydides have noted the danger of situations in which states undergo rapid rises and declines in relative power, where one state aspires to hegemonic status and another seeks to maintain it. Indeed, history’s most destructive and inºuential armed conflicts have been titanic struggles called hegemonic wars: systemwide military contests of unlimited means between coalitions led by a declining leader and a rising challenger. The fundamental issue at stake in hegemonic wars is the maintenance or acquisition of prestige, deªned as the reputation for power that serves as the everyday currency of international politics. Prestige decides who will order and govern the international system, the nature of that order (its social purpose), and how that order will be provided (whether by means of coercive or legitimate authority).8 The main causal driver of Robert Gilpin’s theory of hegemonic war and international change is the law of uneven rates of growth among states, which redistributes power in the international system. Hegemonic wars concentrate power in the hands of one victorious state, in whose interests a new international order is established. For a time, roughly twenty-ªve years, there is little disjuncture between actual power and prestige, and so the international order remains stable and legitimate. Over time, however, the law of uneven growth diffuses power throughout the system. As the hegemon’s competitors grow more powerful, their dissatisfaction with the status quo, ambitions, and demands for prestige and inºuence grow as well. Prestige, however, tends to be sticky: reputations for power, divisions of territory, and the institutional architecture of the international order do not move in lockstep with changes in power. When a large enough disjuncture arises, the system enters a state of disequilibrium.9 Eventually, **serious international crises ensue**, as spectacular growth in the economic and military capabilities of rising powers triggers “**intense competition** among countries for resources and markets, military power, political influence, and prestige.”10 Dramatic shifts in power also engender security dilemmas. Whatever their true intentions, rapidly growing states often appear as threats to their neighbors, as well as to the hegemon and its allies.11Prior to military confrontation or even the threat of such conºict, we argue that the rising challenger must delegitimize the hegemon’s global authority and order.12 This delegitimation phase, which appears years before the critical inºection point of a power transition, creates the conditions for the emergence of a revisionist counterhegemonic coalition. During this phase, the revisionist power voices its dissatisfaction with the established order and forges the social purpose that will become the foundation of its demand for a new world order. This phase occurs within the larger cyclical pattern of (1) a stable order, (2) the deconcentration and delegitimation of the hegemon’s power, (3) arms buildups and the formation of alliances, (4) a resolution of the international crisis, often through hegemonic war, and (5) system renewal.13 Is contemporary international politics following this conventional pattern and, if so, where are we in the cycle?

### AT: Georgetown - Morrissey

#### Morrisey is false and we control uniqueness – trends

**Drezner 12/27/13**—professor of international politics at Tufts University's Fletcher School

(Daniel, “The Year of Living Hegemonically”, <http://www.foreignpolicy.com/articles/2013/12/27/the_year_of_living_hegemonically>, dml)

These sorts of trends tend to give U.S. strategists the heebie-jeebies. A staple of international relations thinking for decades has been that U.S. hegemony is the mainstay of global order. According to this "theory of hegemonic stability," peace and prosperity are only likely to persist when a liberal superpower is prepared to act to keep markets open and stamp out brewing conflict. If Mead or Robert Kagan are correct, then a United States that is both unwilling and unable to stabilize the rest of the world really should be a source of concern. Here's the thing, though: at the same time that commentators were bemoaning U.S. decline, the world was looking up. I suspect that ThinkProgress and Britain's Spectator magazine would agree on very little in politics, but this month they both ran features pointing out something important: **2013 was "the best year in human history." Their data is incontrovertible**. If you look at human development indicators, all of the key metrics -- infant mortality, infectious diseases, per capital income -- are **trending in the right direction**. By the end of 2013, the smallest fraction of the world's population will be living in poverty. Both traditional and human security measures reveal the same trend. Whether it's violent crime, discrimination, civil or interstate war, the aggregate data shows **a more peaceable world**. Or, as the Spectator put it: "Every day in every way, the world grows richer, safer and smarter." If you don't believe political partisans, then buy Angus Deaton's The Great Escape and you'll discover the same message. Despite the post-2008 trend of predicting that the global order is crumbling and the world is going to hell, the opposite is transpiring. How and why can this be happening when American power is on the wane? Those fearful of disorder have made two fundamental errors in judgment. First, they assume that China, Iran, and others want to rewrite the global rules of the game. Not so. To be sure, these countries want to preserve their sovereignty and expand their sphere of influence -- and on these issues, they will clash with the United States. On the other hand, contra Mead, they will also clash with each other as well. Furthermore, Beijing, Moscow, and Tehran very much want to participate in the global economy. Indeed, the reason Rouhani is trying to negotiate a nuclear deal is to get Iran out from under the dead weight of crippling economic sanctions. And contra what everyone expected in the wake of the 2008 financial crisis, emerging markets are not eager to topple the existing global order. Indeed, the recent trade deal in Bali suggests that, if anything, they want to reinforce the existing rules of the game. The bigger error, however, has come from analysts confusing a U.S. reluctance to use military force in the Middle East with a decline in American power and influence. The truth is that the United States still wields considerable power, which is one reason why 2013 turned out to be such a good year. Whether one looks at global capital flows or the use of the dollar as a reserve currency, the data point in the same direction: the resilience of American economic power. And even as the sequester hits, the United States also continues to possess an unparalleled edge in military capabilities. It is true that Syria continues to hemorrhage lives and livelihoods. Even there, however, it was the threat of American force that triggered an agreement to remove Syria's chemical weapons. U.S. military power has also helped to **tamp down conflict** in the Central African Republic, as well as deliver massive humanitarian relief to the Philippines. Indeed, given the depths of its domestic political dysfunction, one can only imagine what America's rivals must think. In 2013 alone, the federal government couldn't evade a stupid, counterproductive budget sequester, a government shutdown, and brinksmanship with the debt ceiling. There was no agreement on immigration reform, much less on policies such as climate change, education, or infrastructure. Despite mounting gridlock and policy own goals, however, the United States ends 2013 with a rapidly declining federal budget deficit, a surging energy sector, and accelerating growth in the economy and employment. President Obama was justified in noting that **2014 could be a breakthrough year** for the United States. The most brilliant strategists living in Moscow, Beijing, or Tehran can't displace the structural strengths of the United States. Which means that for those capitals, 2014 will prove to be a very frustrating year.

#### Threat inflation would get our authors fired

Earl C. Ravenal 9, distinguished senior fellow in foreign policy studies @ Cato, is professor emeritus of the Georgetown University School of Foreign Service. He is an expert on NATO, defense strategy, and the defense budget. He is the author of *Designing Defense for a New World Order.*What's Empire Got to Do with It? The Derivation of America's Foreign Policy.” *Critical Review: An Interdisciplinary Journal of Politics and Society* 21.1 (2009) 21-75

The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly(not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates). In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that virtually every governmental role, and especially national-security roles, and particularly the roles of the uniformed mili- tary, embody expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.¶ Sub-rational models (such as “public choice”) fail to take into account even a partial dedication to the “national” interest (or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the (perhaps otherwise) self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged.¶ My own direct observation suggests that defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed” (even though, of course, some values are).¶ A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction. For these reasons, “public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure, obvious, and even not-so-obvious,“rent-seeking” would not only be shameful; it would present a severe risk of career termination. And, as mentioned, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operatecompared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.

#### One speech act doesn’t cause securitization

Irina Ghughunishvili 10, “Securitization of Migration in the United States after 9/11: Constructing Muslims and Arabs as Enemies”, Submitted to Central European University Department of International Relations European Studies In partial fulfillment of the requirements for the degree of Master of Arts Supervisor: Professor Paul Roe <http://www.etd.ceu.hu/2010/ghughunishvili_irina.pdf>

As provided by the Copenhagen School securitization theory is comprised by speech act, acceptance of the audience and facilitating conditions or other non-securitizing actors contribute to a successful securitization. The causality or a one-way relationship between the speech act, the audience and securitizing actor, where politicians use the speech act first to justify exceptional measures, has been criticized by scholars, such as Balzacq. According to him, the one-directional relationship between the three factors, or some of them, is not the best approach. To fully grasp the dynamics, it will be more beneficial to “rather than looking for a one-directional relationship between some or all of the three factors highlighted, it could be profitable to focus on the degree of congruence between them. 26 Among other aspects of the Copenhagen School’s theoretical framework, which he criticizes, the thesis will rely on the criticism of the lack of context and the rejection of a ‘one-way causal’ relationship between the audience and the actor. The process of threat construction, according to him, can be clearer if external context, which stands independently from use of language, can be considered. 27 Balzacq opts for more context-oriented approach when it comes down to securitization through the speech act, where a single speech does not create the discourse, but it is created through a long process, where context is vital. 28 He indicates: In reality, the speech act itself, i.e. literally a single security articulation at a particular point in time, will at best only very rarely explain the entire social process that follows from it. In most cases a security scholar will rather be confronted with a process of articulations creating sequentially a threat text which turns sequentially into a securitization. 29 This type of approach seems more plausible in an empirical study, as it is more likely that a single speech will not be able to securitize an issue, but it is a lengthy process, where a the audience speaks the same language as the securitizing actors and can relate to their speeches.

#### Their reductive understanding of war literally makes it a useless metaphor

David **Chandler 9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

In focusing on biopower as a means of critiquing universalist policy discourses of global security, critical theorists of global war from diverse fields such as security studies (Jabri, 2007), development (Duffield, 2007) or critical legal theory (Douzinas, 2007) are in danger of reducing their critique of war to abstract statements instrumentalizing war as a technique of global power. These are abstract critiques because the political stakes are never in question: instrumentality and the desire for regulation and control are assumed from the outset. In effect, the critical aspect is merely in the reproduction of the framework of Foucault – that liberal discourses can be deconstructed as an exercise of regulatory power. Without deconstructing the dominant framings of global security threats, critical theorists are in danger of reproducing Foucault’s framework of biopower as an ahistorical abstraction. Foucault (2007: 1) himself stated that his analysis of biopower was ‘not in any way a general theory of what power is. It is not a part or even the start of such a theory’, merely the study of the effects of liberal governance practices, which posit as their goal the interests of society – the population – rather than government.

In his recent attempt at a ground-clearing critique of Foucauldian international relations theorizing, Jan Selby (2007) poses the question of the problem of the translation of Foucault from a domestic to an international context. He argues that recasting the international sphere in terms of global liberal regimes of regulation is an accidental product of this move. This fails to appreciate the fact that many critical theorists appear to be drawn to Foucault precisely because drawing on his work enables them to critique the international order in these terms. Ironically, this ‘Foucauldian’ critique of ‘global wars’ has little to do with Foucault’s understanding or concerns, which revolved around extending Marx’s critique of the ‘freedoms’ of liberal modernity. In effect, the post-Foucauldians have a different goal: they desire to understand and to critique war and military intervention as a product of the regulatory coercive nature of liberalism. This project owes much to the work of Agamben and his focus on the regulation of ‘bare life’, where the concentration camp, the totalitarian state and (by extension) Guantánamo Bay are held to constitute a moral and political indictment of liberalism (Agamben, 1998: 4).

In these critical frameworks, global war is understood as the exercise of global aspirations for control, no longer mediated by the interstate competition that was central to traditional ‘realist’ framings of international relations. This less-mediated framework understands the interests and instrumental techniques of power in global terms. As power becomes understood in globalized terms, it becomes increasingly abstracted from any analysis of contemporary social relations viewed in terms of neoliberal governance, liberal power or biopolitical domination. In this context, global war becomes little more than a metaphor for the operation of power. This war is a global one because, without clearly demarcated political subjects, the unmediated operation of regulatory power is held to construct a world that becomes, literally, one large concentration camp (Agamben, 1998: 171) where instrumental techniques of power can be exercised regardless of frameworks of rights or international law (Agamben, 2005: 87). For Julian Reid (2006: 124), the ‘global war on terror’ can be understood as an inevitable response to any forms of life that exist outside – and are therefore threatening to – liberal modernity, revealing liberal modernity itself to be ultimately a ‘terrorising project’ arraigned against the vitality of life itself. For Jabri, and other Foucauldian critics, the liberal peace can only mean ‘unending war’ to pacify, discipline and reconstruct the liberal subject:

### AT: Jabri

#### Catastrophes empirically cause a focus on practical solutions---denial is false

Robert Wuthnow 10, Gerhard Andlinger Prof of Sociology at Princeton, PhD in Sociology from Cal Berkeley, “Be Very Afraid: The Cultural Response to Terror, Pandemics, Environmental Devastation, Nuclear Annihilation, and Other Threats,” p. 21, google books

The notable feature of the perilous times that humanity has faced over the past half century is that the response has made them seem manageable enough that we roll up our collective sleeves and work on practical solutions. There have been relatively few panics involving spontaneous outbreaks of irrational behavior. Work, family life, and other routine activities have continued. Individuals have sometimes shouldered the small tasks of learning about impending crises and pitching in to support research or protect their families. These responsibilities, though, have seldom required great sacrifices on the part of large populations, at least not in the Western world. Social movements have emerged and policies have been affected, but regimes have rarely been toppled as a result. None of this can be understood simply as denial. Were denial the correct interpretation, billions would not have been spent on weapons, deterrence programs, research, and communication. Millions of readers and television viewers would not have paid attention to warnings and documentaries. People responded, but in ways that incorporated the problem solving into ordinary roles and competencies. Nor can the normality of the response be explained by arguing that the dangers envisioned generated little upheaval because they never happened. A nuclear holocaust did not occur, but enough destruction did take place that people could imagine the results. There were also chemical spills, accidents at nuclear plants, terrorist attacks, and natural disasters. Enough went wrong, even with well-intentioned planning, that danger could not be ignored. Indeed, it is truly surprising that more chaos, more panic, more soul searching, and more enervating fear did not ensue.

#### No catch all solutions to structural violence

Moore 4 – Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, John Norton Moore, pages 41-2

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty or social injustice, competition for resources, incidents and accidents, greed, fear, and perceptions of "honor," or many other such factors. Such factors may well play a role in motivating aggression or in serving as a means for generating fear and manipulating public opinion. The reality, however, is that while some of these may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high risk decisions leading to war that is the key to more effectively controlling war. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents.I1 **Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so.** Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war as is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may be to doom us to war for generations to come.

#### Discourse isn’t the primary shaper of reality --- material change from the plan outweighs --- internal link turns reps

Thierry Balzacq 5, Professor of Political Science and IR @ Namar University, “The Three Faces of Securitization: Political Agency, Audience and Context” European Journal of International Relations, London: Jun 2005, Volume 11, Issue 2

However, despite important insights, this position remains highly disputable. The reason behind this qualification is not hard to understand. With great trepidation my contention is that one of the main distinctions we need to take into account while examining securitization is that between 'institutional' and 'brute' threats. In its attempts to follow a more radical approach to security problems wherein threats are institutional, that is, mere products of communicative relations between agents, the CS has neglected the importance of 'external or brute threats', that is, threats that do not depend on language mediation to be what they are - hazards for human life. In methodological terms, however, any framework over-emphasizing either institutional or brute threat risks losing sight of important aspects of a multifaceted phenomenon. Indeed, securitization, as suggested earlier, is successful when the securitizing agent and the audience reach a common structured perception of an ominous development. In this scheme, there is no security problem except through the language game. Therefore, how problems are 'out there' is exclusively contingent upon how we linguistically depict them. This is not always true. For one, language does not construct reality; at best, it shapes our perception of it. Moreover, it is not theoretically useful nor is it empirically credible to hold that what we say about a problem would determine its essence. For instance, what I say about a typhoon would not change its essence. The consequence of this position, which would require a deeper articulation, is that some security problems are the attribute of the development itself. In short, threats are not only institutional; some of them can actually wreck entire political communities regardless of the use of language. Analyzing security problems then becomes a matter of understanding how external contexts, including external objective developments, affect securitization. Thus, far from being a departure from constructivist approaches to security, external developments are central to it.

### AT: Sovereignty

#### No one will accept major changes to the structure of sovereignty

Rosa Brooks 12, Professor of Law at Georgetown University Law Center and a Bernard L. Schwartz Senior Fellow at the New America Foundation, “Strange Bedfellows: The Convergence of Sovereignty-Limiting Doctrines in Counterterrorist and Human Rights Discourse,” Law and Ethics Summer/Fall

None of these projects would be straightforward; each might be seen as facing barriers so high as to be virtually insurmountable. If the various institutional and legal “fixes” we might envision are unrealistic in the near term, is there any responsible way forward? The overall thrust of this essay has been to call for intellectual honesty about the logical implications of emerging sovereignty-limiting doctrines. But, perhaps, this is one of those areas where discretion—even disingenuousness—is the better part of valor, or at least the better part of preserving stability. Stephen Krasner makes a variant of this argument in some of his recent work. Krasner famously dubbed sovereignty “organized hypocrisy,” noting that while the notion of “sovereignty” has long been associated with clear legal criteria and rules, states have, for just as long, routinely ignored those rules when it suited them to do so.18 To Krasner, this organized hypocrisy is nonetheless functional—or at least **more functional than any available alternative.** In a 2010 essay on “The Durability of Organized Hypocrisy,” Krasner argues that this remains true today.19 He grants that emerging normative or legal doctrines will continue to challenge and delegitimize traditional notions of sovereignty, and significant “shocks”— such as “the possibility of mega-terrorist attacks”—might lead to radical change: “Governments in advanced countries would begin to reconfigure their bureaucratic structures to… [reflect] new rules and principles about responsibilities for territories or functions beyond national borders.” But, argues Krasner, “Such fundamental challenges to the existing sovereignty regime are not to be welcomed. Any new set of principles…would be contested. External actors, even if their claims were legitimated…would not find it easy to exercise the authority they had asserted…there are no formulaic solutions.” Krasner concludes, **“Sovereignty has worked very imperfectly but it has still worked better than any other structure that decision-makers have been able to envision**.”20 In other words: in the end, perhaps, when it comes to teasing out the implications of emerging sovereigntylimiting doctrines, organized hypocrisy is the best we can do.

### AT: Alt

#### The alt isn’t feasible --- restraints on the use of force key to limiting violence

Elshtain, 05 [Jean Bethke, was the Laura Spelman Rockefeller Professor of Social and Political Ethics in the Divinity School, Political Science, and the Committee on International Relations at the University of Chicago, “RESPONSE TO “AGAINST THE NEW INTERNATIONALISM” Against the New Utopianism”, Ethics & International Affairs 19, no. 2 (2005)]

JUST WAR TRADITION In Burke's analysis and criticism of my own positions--portions of which are clear and fair in exposition--he offers a very brief and, I fear, misleading account of the just or justified war tradition. One of the many problems with my argument, Burke claims, is "overreliance on just war theory as a guide both to jus ad bellum conditions for decisions about force and jus in bello protection of civilians" (p. 80). He further claims, without argument or substantiation, that "just war principles of proportionality and unintentional harm fail to address adequately such dangers," referring to the dangers I cite of "either deepening the injustice already present or creating new instances of injustice" (p. 80). As Burke surely knows, proportionality and discrimination are key in hello criteria. If just war limitations fail, it must be with reference to some unstated standard of Burke's own. What is this standard? Has he a compelling, plausible alternative to how states might strive to avoid "creating new instances of injustice"? If so, this should be spelled out as a real alternative to current in bello norms. **Burke** not only **fails to spell out** such **an** **alt**ernative, but cannot do so. That is, he absolves himself of the **duty to identify** ethical **limits to the use of force** by imagining a world in which such conflicts have simply melted away. (I will have more to say on this below.) In addition, Burke ignores altogether jus ad bellum criteria that are intended to serve as an ethical and conceptual framework for practical reasoning regarding the use of force among statespersons. But statespersons also disappear in Burke's normative schema because states are to be dismantled. Indeed, it is difficult to see any real political actors altogether in his constructive case because the United Nations, transformed into a mega-collective security apparatus, takes up all the "political"--if one could call it that--space. Politics, as all students of it know, involves contestation over various goods--a contestation that is never-ending as one cannot perfectly "reconcile competing human wills," as St. Augustine put it. **By eliminating the political space** occupied by states and transcending it in a kind of Hegelian dialectical move that **is** rather **breathtaking**, Burke transfers politics to some mega- or meta-level. MORAL AMBIGUITY In criticizing my position of "equal moral regard for all persons" and an international ethic that, once a certain set of criteria are met, calls upon responsible states to act when people are being systematically, egregiously, and unremittingly assaulted, Burke pounces on my use of the "Spider-Man ethic"--namely, that "the more powerful have greater responsibilities" For Burke this means that the United States is "recast as superhero, with all the absence of moral ambiguity such a metaphor implies" (p. 80). With all due respect to Mr. Burke, I do not believe he knows anything about Spider-Man. Any reader of Marvel Comics appreciates that Spider-Man is a tormented superhero and that his life is riddled with moral conflict and ambiguity. Does his loyalty to family and girlfriend take precedence over his duty to protect the innocent from torture and death? How can he be fair to the "domestic" and the "trans-domestic" at the same time? Spider-Man is always in danger of stretching himself too thin; always a bit exhausted; always wondering if he is doing the right thing. I chose Spider-Man rather than, say, Superman precisely because of the perduring conflicts Spidey faces. What a pity that Burke has not familiarized himself with this existential and troubled hero! If I am guilty of anything here it is in assuming that those engaged in cultural criticism have some knowledge of the world of superheroes, the troubled (Spider-Man, Batman) and the untroubled (Superman). (Alas, and I sigh as I write this, my explanation will probably be another strike against me--a case of cultural imperialism.) Let me be clear about what I call for in the essay Burke criticizes: it is a world of "minimally decent" states--not perfect states and certainly not a world of perpetual peace. (If there is such a world, it is not of this earth.) But **to say this is not** to fall into **despair, but** rather to endorse a chastened and restrained hope **that the world can be made less brutal** and less unjust, and this means more respect for human rights and more democracies, insofar as democracy involves respect for persons qua persons. Saying this does not dictate any particular form of government save that no one is born to be a slave, to be tormented, or to be slaughtered because of who he or she is--whether American or Palestinian or Israeli or Jew or Christian or Muslim or male or female. The real challenge to my perspective is to require of me that I spell out the criteria for what counts as "minimally decent" and what threshold conditions obtain--that is to say, at what point armed intervention becomes necessary to uphold equal moral regard. That would be a real challenge to my essay. I fear that Burke's rejoinder fails to articulate such a challenge because he cannot resist a flight into utopianism. A PRESCRIPTIVE ARGUMENT? Burke's prescriptive argument is not only improbable but also impossible as a course for a world of human beings organized presently within hundreds of entities called states. His indictment of the state is relentless. Indeed, reading Burke you would never know that states have carried human aspirations and hopes; that much of the dignity and purpose of human beings derives from their location in particular communities with particular histories and traditions and stories and languages. States, at their best, help to protect and to nourish certain goods. As the late, great Hannah Arendt put it, "No one can be a citizen of the world as he [and she] is a citizen of a particular country." Burke wants "collective decision-making," a world beyond states. When one thinks of the challenges of representation and transparency in contemporary states--none of which is any longer monocultural--the notion that anything that would meaningfully count as representation could pertain in a world body defies common sense. One would likely wind up with a small group of elites, claiming to be something like a Hegelian class of disinterested persons, dictating policy. How could it be anything else in the absence of any concrete account by Burke of the principles of authority and legitimacy that are to characterize his proposed global order? Or without any compelling account of how politics is to be organized? What would be the principle of political organization? What, indeed, would be the purview of citizenship--conspicuous by its absence in his account? Burke criticizes my ethic as being allegedly based on a "narrow dialogue between government elites," ignoring thereby the "profound problem of accountability to citizens inherent in all security policy-making." I could not agree more that accountability is a "profound problem" and that to deal with it requires certain sorts of domestic institutional arrangements. And of course in endorsing democracy I thereby endorse citizen participation. The term "domestic" already signals a distinction between a particular set of arrangements culminating in states and arrangements beyond that level. It is states that can be pressured to take responsibility for aberrant behavior--for example, the U.S. military courts-martial of the out-of-control rogues who enacted their own sordid pornographic fantasies with prisoners in Abu Ghraib. One doesn't court-martial people for carrying out faithfully an official policy. There is most certainly fault to be found here--whether in ambiguous statements about what is permitted or in insufficient training of those guarding prisoners, admittedly in a difficult situation over which the U.S. military was just beginning to take control. We rightly judge a military by whether it indicts and punishes perpetrators of wrong: Why is nothing said about this by Burke? Surely Burke owes us an account of a coherent set of institutional arrangements to carry out such **a role in a world characterized by** ethnic revisionists, **murderous jihadists**, one-party dictatorships, **child soldiering**, rape campaigns, human trafficking, genocides, corruption, exploitation, **and** all **the rest**. It is through states and through the national contingents of international bodies--whether of churches or the Red Cross or human rights groups or guilds of various professional organizations--that persons can try to act and to organize. **Once they do**, such entities based in one state connect up to other such entities to form international networks that can put pressure simultaneously on particular states and on relevant international or transnational bodies. To assume a world beyond this sort of politics **is to assume what** never was and **never will be**--namely, that there will no longer be a need to "reconcile competing human wills." Defending, as Burke claims to be doing, a "liberal ethic of war and peace" (p. 82) means, surely, to think of rules and laws and responsibility and accountability. Liberalism is premised on a world of states and, depending on whether one is a Kantian or some other sort of liberal, a world in which the principle of state sovereignty can be overridden under some circumstances. KANT'S FANTASY So I, pace Burke, have not forgotten "the vision of the great cosmopolitan" Immanuel Kant. Instead, I profoundly disagree with it. **Perpetual peace is a fantasy** of at-oneness, as I have called it, of a world in which differences have all been rubbed off and sameness invites "the definitive abolition of the need to resort to war" (p. 83). For Kant, all hostilities must be concluded without any "secret reservation of material for a future war" (4) Otherwise, one has a mere--mere--truce, not authentic peace. Here, and elsewhere, we find Kant downgrading the humanly possible work and the arduous tasks of diplomats, statespersons, international organizations of citizens, and so on, in favor of a utopian fantasy of eternity--the ability of human beings to, in effect, freeze a particular vision or arrangement and for that arrangement to continue undisturbed in perpetuity. To reduce soldiering, as Kant does, to hiring men "to kill or be killed" is stunningly reductionist, and it mocks those who have died to fight fascism, slavery, and other evils. Kant may enjoin the destruction of standing armies until he is blue in the face, but that is not going to happen. It is not going to happen because eliminating human **fear**, envy, jealousy, anger, **rage**--including rage at injustice--is not possible. What Burke calls **"dismantl[ing] security dilemmas**, brick by terrible brick" (p. 85) also requires the dismantling of human beings as we know them. His positive vision runs contrary to the entirety of the historic and even paleontological record; there has never been an epoch in which armed conflict has been altogether absent. The challenge is not to eliminate--presumably if that could be done **it** would by now have been done--but rather to limit the occasions for war and the destructiveness of war. (And, contrary to Burke, modern warfare such as the United States fights is less, not more, destructive, capable of realizing the ideal of discrimination better than ever before; consider whether it would have been better to be in Baghdad in 2003 or in Berlin in 1944.) People fight for good reasons and for bad ones. It is the obligation of citizens and responsible statespersons to distinguish good and bad reasons to engage in armed conflict and--here I agree with Burke--to find ways to chasten overambitious and enthusiastic recourse to the use of force. This can only be done if particular citizens in particular places act politically to tame their own states when they find them in the wrong. require some sort of workable set of principles that places limits on the use of force and animates realistic and hopeful possibilities in a way that abstract models cannot. Those who endorse utopian visions of perpetual peace neglect the hard, nitty-gritty political and ethical work. I hope Burke turns his considerable intelligence and learning to a concrete account of how a Kantian vision can be realized and, when he does so, I believe he will realize that the dualistic contrast between "perpetual peace" and "perpetual war" is a chimera that ignores ambiguity, nuance, the smudginess of real human lives and history--the very things he accuses me of downplaying when they form the very background assumptions out of which I work.

#### Giroux is a loser and his hyperbolic language proves how utopian the alt is

**Giroux no date** – makes sad faces when he doesn’t get tenure (Henry, http://www.henryagiroux.com/bio.html, props to Max and Layne)

After getting my teaching certificate, I became a community organizer and a high school teacher. Worn thin after six years of teaching high school social studies, I applied for and received another scholarship, this one to attend Carnegie-Mellon University. I finished my course work early and spent a year unemployed while writing my dissertation. I finally got a job at Boston University. Again politics and culture worked their strange magic as I taught, published, and prepared for tenure. My tenure experience changed my perception of liberalism forever. Thinking that is I worked hard at teaching and publishing I would easily get tenure, I did my best to follow the rules. I was dead wrong about the rules and the alleged integrity of the tenure process.   
Having published fifty articles, two books, and given numerous talks, I went through the tenure process unanimously at every level of the university. I was finally denied tenure by John Silber, President of Boston University, who not only ignored the various unanimous tenure committee recommendations but solicited letters supporting denial of my tenure from notable conservatives such as Nathan Glazer and Chester Finn. Glazer’s review was embarrassing in that it began with the comment, “I have read all of the work of Robert Giroux.” The Dean of Education had threatened to resign if I did not receive tenure. Of course, he didn’t. Silber’s actions had a chilling effect on many faculty who had initially rallied to my support. Slowly, realizing that the tenure process was a rigged affair and that anyone who complained about it might compromise their own academic career. One faculty member apologized to me for his refusal to meet with Silber to protest my tenure decision. Arguing that he owned two condos in the city, he explained that he couldn’t afford to act on his conscience since he would be risking his investments. Of course, his conscience took a back seat in his list of assets.   
By the time I met Silber to discuss my case, I was convinced that my fate had already been decided. Silber met me in his office, asked me why I wrote such “shit,” and made me an offer. He suggested that if I studied the philosophy of sience and logic with him as my personal tutor, I could maintain my current salary and would be reconsidered for tenure in two years. The only other catch was that I had to agree not to write or publish anything during that time. I was taken aback, and responded with a joke by asking him if he wanted to turn me into George Will. He missed the humor, and I left. I declined the offer, was denied tenure, and after sending off numerous job applications finally landed a job at Miami University. Working-class intellectuals do not fare well in the culture of higher education, especially when they are on the left. I have been asked many times since this incident whether I would have continued the critical writing that has marked my career if I had known that I was going to be fired because of the ideological orientation of my work.  Needless to say, for me, it is better to live standing up than on one’s knees. Maybe the lesson here is that the success that many working-class kids achieve in this culture may be more accidental than the result of an unswerving commitment to the ethic of hard work and individual responsibility.

#### Our advantage isn’t based on myopic security discourse- multiple independent fields support our hegemony advantage, prefer our advantage because it is interdisciplinary

William Wohlforth (professor of government at Dartmouth College) 2009 “ Unipolarity, Status Competition, and Great Power War”Project Muse

Mainstream theories generally posit that states come to blows over an international status quo only when it has implications for their security or material well-being. The guiding assumption is that a state’s satisfaction [End Page 34] with its place in the existing order is a function of the material costs and benefits implied by that status.24 By that assumption, once a state’s status in an international order ceases to affect its material wellbeing, its relative standing will have no bearing on decisions for war or peace. But the assumption is undermined by cumulative research in disciplines ranging from **neuroscience and evolutionary biology to economics, anthropology, sociology, and psychology** that human beings are powerfully motivated by the desire for favorable social status comparisons. This research suggests that the preference for status is a basic disposition rather than merely a strategy for attaining other goals.25 People often seek tangibles not so much because of the welfare or security they bring but because of the social status they confer. Under certain conditions, the search for status will cause people to behave in ways that directly contradict their material interest in security and/or prosperity.

#### Reject non interdisciplinary explanations of IR

Steve **Smith**, Vice Chancellor of the Univ. of Exeter, BA, MA, PhD IR From Univ. of Southhampton, , Are Dialogue and Synthesis Possible in International Relations? International Studies Review (200**3**) 5,

No research agenda can lead to synthesis, simply because different approaches see different worlds. With regard to dialogue, it is important to make four points: (1) Any research agenda should be empirically (or problem) driven and not determined a priori by the kinds of empirical questions deemed relevant. (2) Such an agenda needs to be open to all interpretations of events and not preclude ex cathedra any particular approach. (3) Such an agenda should also be **interdisciplinary** because the study of international relations **cannot be restricted to any one discipline**. Being interdisciplinary permits us to **open up epistemological and methodological space** while, lessening claims for the exceptionalism of international relations as a field. (4) Such an agenda **would not use methodology and epistemology to police the boundaries** of what can and cannot be talked about and studied. Several other contributors to this forum, namely, Frank Harvey, Joel Cobb, and Andrew Moravcsik, criticize this author’s answers to the questions posed to us. Harvey and Cobb’s basic complaint is that these responses fail to provide the criteria by which to assess work in each approach. The argument here, however, is decidedly not that there are no standards but that the standards for assessing work within any one approach must be the standards of that research tradition. Appealing to any neutral ground for judging work merely reintroduces the epistemological orthodoxy of the mainstream in the disguise of neutral scholarly standards. In this regard, this author sides with Friedrich Kratochwil’s comment that there is no philosopher’s stone on which to build foundational truth claims. This statement does not imply, however, that there are no standards for assessing work. Far from wishing to protect any theory from fatal criticism, the point is to ensure that no one theory gets protected by epistemological gatekeeping. (143)

#### Your security K is just a bunch of non-falsifiable conspiracy theories – they cherry-pick examples – this turns their methodology arguments

Marijke Breuning (professor of political science at the University of North Texas) December 2009 “Thinking Critically About Security Studies” International Studies Review Volume 11, Issue 4, Pages 792-794

In their zeal to critique conspicuous consumption and the American love affair with the SUV, Simon Dalby and Matthew Paterson resort to the familiar argument that the Dutch consume less oil because they choose "to walk, ride bicycles, or take the train" (p. 184). They forget to mention that this is an easy choice in a very densely populated country with public transportation plentiful in most locations, whereas gas is pricey and parking expensive (and difficult to find)—just as public transportation is preferred by many in New York City but generally not an option for residents of the many small towns of the American Midwest. These examples are typical of the interpretations offered in the volume's chapters. Greater reflection on initial judgments might have enabled the authors to arrive at deeper insights. Finally, there is the issue of assumptions. The contributors share a conviction that their perceptions are on target. There is no serious consideration of alternative explanations. Moreover, the explanations tend to attribute a unity of purpose to decisions **made by disparate entities** (e.g., government, business, and media) and occasionally resemble **conspiracy theories**. For instance, Marie Thorsten implies that TV shows such as 24 are designed to facilitate citizens' acceptance of the Bush administration's position that torture was both effective and acceptable. She does not consider the possibility that such shows may also turn people against such tactics or that they simply may have little impact because viewers understand them to be fictional entertainment. She also does not consider that the appearance of this show may have been a lucky happenstance for its creator, not something done by design and collusion. Ultimately, critical security studies as presented in this volume is remarkably uncritical. Careful investigation and considered judgment is replaced with the **affirmation of foregone conclusions**. More is required to successfully address contemporary security challenges.

## 1ar

### Walton

#### The rise of the rest is inevitable, but absolute US power makes the transition safe---the alt is transition wars

Walton 7 Lecturer in International Relations and Strategic Studies at the University of Reading in Reading, England, 07 [Dale C, “geopolitics and the great powers in the twenty-first century”, http://books.google.com/books?id=AQLTD1R-47AC&printsec=frontcover&source=gbs\_navlinks\_s#v=onepage&q=&f=false

Although international political conditions will differ enormously in the coming decades from those of the middle 1940’s, it would be grossly irresponsible for the United States to shrug off its burdens of great power status and return to the slumber that it once enjoyed. Almost certainly, if the United States had refused to take an active role in European politics in the middle of the twentieth century, a world would have emerged in which American values would not have flourished and even their survival on the North American continent would have been profoundly threatened. America’s refusal to play a substantial role in the great power struggles of this century would have similarly deleterious effects. Importantly, if the United States withdraws to its hemisphere a third world war is far more likely. In a meta region full of young rising powers the presence of a strategically mature superpower can be expected to have a stabilizing effect; the enormous military resources possessed by America compels would be aggressors to consider carefully before launching a strategic adventure. Even more chillingly, as noted above, it is possible that the multipolar system could become sufficiently unbalanced that it would collapse, with a power such as China building a coalition that would allow it ultimately to emerge as the master of eastern Eurasia and the greatest power in the world. nited States is the “court of last resort” protecting against such an eventuality. The latter possibility does not contradict the above argument that us unipolarity is unsustainable - as an extra Eurasian power lacking the ruthlessness to destroy potential great power competitors preventatively, Washington simply cannot sustain unipolarity indefinitely. Nonetheless, while **the** emerging **multipolar** **system** appears robust it **should receive “care and feeding**” – otherwise it is vulnerable to grossly unbalanced events such as the creation of a very aggressive coalition dedicated to achieving Eurasian hegemony and willing if necessary to fight a third world war t o achieve it. Most likely such a coalition would not be able to simply bully its way to hegemony; it probably would have to fight, the results being a war enormously costly in blood, perhaps even one that would **dwarf World War II** in its price. If the aggressive coalition won, in turn, the multipolar system would be destroyed and the United States would face a competitor far more powerful than itself , and in all likelihood a world in which **democracy and personal liberty would be in eclipse**. In any case it is a geopolitical imperative for the United States that no power or coalition attains hegemony in Eastern Eurasia, much less that an explicitly hostile state or coalition succeeds in doing so. If the United States is to guard its national interests in this century, **it is vital that it ensures** the **transition** from unipolarity **to multipolarity occurs in a**s **gentle** a **manner** as possible. In this capacity, it is important to understand that the United States is in long term relative decline, but, at the same time to acknowledge that it has very great military, financial and diplomatic resources at its disposal. If Washington deploys these resources wisely it can maximize its security over the long term and **minimize the probability of a great power war.**

### impact u

#### Violence down now

**Gat, 13** (AZAR GAT, DPhil in History (University of Oxford, 1986); Ezer Weitzman Professor of National Security, Political Science Department, Tel Aviv University; recent books: War in Human Civilization (Oxford University Press, 2006); Victorious and Vulnerable: Why Democracy Won in the 20th Century and How It Is Still Imperiled (Hoover Institution, Rowman & Littlefield, 2010); Nations: The Long History and Deep Roots of Political Ethnicity and Nationalism (Cambridge University Press, 2013). Is war declining – and why? Azar Gat⇑ Department of Political Science, University of Tel Aviv azargat@post.tau.ac.il , March 19th 2013)

When quite **a number of scholars** **simultaneously and independently** of one another arrive at **very similar conclusions** on an **issue of cardinal theoretical and practical significance**, their thesis **deserves**, and has received, **great attention**. The thesis is that **war and violence** in general have progressively **decreased in recent times, during the modern era, and** even **throughout history.** Of course, despite their unanimity, all these scholars could still be wrong. Indeed, each of them tells a similar story of people’s **disbelief at their findings**, most notably that **we live in the most peaceful period in** human **history**. Some of them even explain the general incredulity by the findings of evolutionary psychology according to which we tend to be overly optimistic about ourselves but overly pessimistic about the world at large. Having myself written about the marked decrease in deadly human violence (Gat, 2006), I agree with the authors’ general thesis. However, their unanimity falters over, and they are less clear about, the historical trajectory of and the reasons for the decline in violence and war, questions that are as important as the general thesis itself. Previous Section Next Section Hobbes was right, and Rousseau wrong, about the state of nature Steven Pinker’s The Better Angels of Our Nature (2011) towers above all the other books surveyed here in size, scope, boldness, and scholarly excellence. It has deservedly attracted great public attention and has become a best-seller. Massively documented, this 800-page volume is lavishly furnished with statistics, charts, and diagrams, which are one of the book’s most effective features. The book, spanning the whole human past as far back as our aboriginal condition, points to two major steps in the decline of violence. The first is the sharp decline in violent mortality which resulted from the rise of the state-Leviathan from around 5,000 years ago. This conclusion is based on the most comprehensive studies of the subject published over the past 15 years (Keeley, 1996; LeBlanc, 2003; Gat, 2006), which demonstrate on the basis of anthropological and archaeological evidence that Hobbes’s picture of the anarchic state of nature as a very violent one was fundamentally true. Pinker rightly summarizes that violent mortality with the rise of states dropped from a staggering estimated 15% of the population, 25% of the men, in pre-state societies, to about 1–5%. The main reason for this drop is the enforcement of internal peace by the Leviathan, but also, less noted by Pinker, lower mobilization rates and a smaller exposure of the civilian population to war than with tribal groups, as will be explained shortly. This conclusion regarding the dramatic drop in violent mortality with the transition to the state is at odds with the claim made by Jack Levy & William Thompson in their book, The Arc of War (2011). As the book’s title implies, Levy & Thompson posit a great increase in warfare during history, before a decrease during the past two centuries. Thus, the book claims that mortality in fighting greatly increased, ‘accelerated’ in the authors’ language, with the transition to the state. They reach this conclusion by making several mistaken assumptions. First, although professing ignorance about the distant past because of the lack of evidence on the behavior of hunter-gatherer societies before the adoption of agriculture some 10,000 years ago, they cite and are heavily influenced by the old Rousseauite anthropology of the generation after the 1960s, which recent studies have refuted. Obviously, one does not have to accept the above findings regarding the pervasiveness and great lethality of prehistoric warfare. But Levy & Thompson simply do not engage with them. They accept as true the Rousseauite premise that sparse human population could not possibly have had that much to fight about. However, recently extant hunter-gatherer societies prove the opposite. Australia is our best laboratory of hunter-gatherer societies, because that vast continent was entirely populated by them and ‘unpolluted’ by agriculturalists, pastoralists or states until the arrival of the Europeans in 1788. And the evidence shows that the Australian tribes fought incessantly with one another. Even in the Central Australian Desert, whose population density was as low as one person per 35 square miles, among the lowest there is, conflict and deadly fighting were the rule. Much of that fighting centered on the water-holes vital for survival in this area, with the violent death rate there reckoned to have been several times higher than in any state society. In most other places, hunting territories were monopolized and fiercely defended by hunter-gatherers because they were quickly depleted. Even among the Inuit of Arctic Canada, who were so sparse as to experience no resource competition, fighting to kidnap women was pervasive, resulting in a violent death rate 10 times higher than the USA’s peak rate of 1990, itself the highest in the developed world. In more hospitable and densely populated environments casualties averaged, as already mentioned, 15% of the population and 25% of the men, and the surviving men were covered with scars (Gat, 2006: chs 2, 6). We are not dealing here with a piece of exotic curiosity. Ninety-five percent of the history of our species Homo sapiens sapiens – people who are like us – was spent as hunter-gatherers. The transition to agriculture and the state is very recent, the tip of the iceberg, in human history. Furthermore, the human state of nature turns out to be no different than the state of nature in general. Here too, science has made a complete turnabout. During the 1960s people believed that animals did not kill each other within the same species, which made humans appear like a murderous exception and fed speculations that warfare emerged only with civilization. Since then, however, it has been found that animals kill each other extensively within species, a point pressed on every viewer of television nature documentaries. There is nothing special about humans in this regard. Thus, lethal human fighting did not ‘emerge’ at some point in history, as Levy & Thompson posit. Previous Section Next Section Violent death sharply decreased with the rise of the Leviathan As mentioned earlier and as Pinker well realizes, violent mortality actually dropped steeply with the emergence of the state-Leviathan. Here is where Levy & Thompson make a second mistake. For measuring the lethality of warfare they use evidence of battle mortality, but this is highly misleading for various reasons. First, pre-state tribes’ main fighting modes were not the battle but the raid and the ambush – capturing the enemy by surprise and often annihilating entire sleeping camps: men, women, and children. Second, the size of battles merely indicates the size of the states and their armies, which are obviously larger than tribal groups in absolute terms. Yet **the main question is relative casualties**, what percentage of the population died violently. And here the fact is that while states and their armies grew by a factor of tens, hundreds, and thousands, giving a spectacular impression of large-scale fighting, **relative casualties actually decreased** under the state, and not only because of internal peace. Indeed, casualties decreased precisely because states grew large. Take Egypt, for example, part of the ‘acceleration’ of war with the emergence of states in Mesopotamia, Egypt, Greece, and China, according to Levy & Thompson. The size of the Egyptian army with which Pharaoh Ramses II fought the Hittite empire at the Battle of Kadesh (commonly dated 1274 BCE) was 20,000–25,000 soldiers. This was a very large army by the standards of the time. Yet the total population of Egypt was about 2–3 million, so the army constituted 1% of the population at most. This was very much the standard in large states and empires throughout history because of the great financial and logistical problems of maintaining large armies for long periods at great distances from home. Thus, in comparison to the high military participation rates of small-scale tribal societies, participation rates, and hence war casualties, in large states’ armies were much lower. Moreover, in contrast to the great vulnerability of women and children in small-scale tribal warfare, the civilian population of Egypt was sheltered by distance from the theaters of military operations and not often exposed to the horrors of war. Such relative security, interrupted only by large-scale invasions, is one of the main reasons why societies experienced great demographic growth after the emergence of the state. It is also the reason why civil war, when the war rages within the country, tends to be the most lethal form of war, as Hobbes very well realized. Warfare and feuds in the pre- and early-modern eras Levy & Thompson further posit that between the 14th and early 19th centuries, Europe was the scene of a second ‘acceleration’ in the historical trajectory of violence. This is very much in line with the prevailing perceptions regarding early modern European history, but these perceptions are most probably wrong, and for the same reason as before: Levy & Thompson count absolute battle casualties, and obviously states became more centralized during this period and armies grew in number, so battles also grew in size. Yet it was the anarchy and feudal fragmentation in Europe between the fall of the Roman Empire and 1200 that were responsible for the pervasive insecurity and endemic violence that characterized the Dark Ages and resulted in, among other things, a sharp demographic decline. Again, small-scale usually meant more, not less, violent mortality. The focus on early modern Europe is misleading also in another way: in the late Middle Ages the Mongol conquests inflicted on the societies of China, Central Asia, and Eastern Europe casualties and destruction that were among the highest ever suffered during historical times. Estimates of the sharp decline experienced by the populations of China and Russia, for example, vary widely. Still, even by the lowest estimates they were at least as great, and in China almost definitely much greater, than the Soviet Union’s horrific rate in World War II of about 15%. The receding of medieval anarchy in the face of the growing European state-Leviathans was the first step towards a steep decline in the continent’s violent mortality rate beginning in early modernity and continuing to the present day. The studies and data cited by Pinker with respect to the domestic aspect of this trend are strikingly paralleled by those of Robert Muchembled’s History of Violence (2012). The work of a historian, the book meticulously documents, on the basis of French legal records, a 20-fold decrease in homicide rates between the 13th and 20th centuries. Earlier studies of other parts of Europe, starting with Gurr (1981), have come up with similar findings. Like Pinker, Muchembled attributes the steep decline to the state’s growing authority, as its justice system effectively replaced and deterred ‘private justice’, vendetta, and pervasive violence, all of them endemic in unruly societies. Correspondingly, again like Pinker, Muchembled invokes Norbert Elias’s (2000) ‘civilizing process’, whereby the defense of honor by sword and knife, a social norm and imperative in most traditional societies, is gradually given up among both the nobility and the general populace. The civilizing process is partly a function of the growing authority of the state’s rule and justice system. But there were other factors involved, which Pinker excels in identifying and weaving together. Although he is not a historian, his historical synthesis is exemplarily rich and nuanced. He specifies the growing humanitarian sensibilities in Europe of the Enlightenment, which he traces to, among other things, the gradual improvement in living conditions, growing commercial spirit and, above all, the print revolution with the attendant values and habits of reasoning, introspection, and empathy that it inculcated among the reading elites. As Pinker points out, not only did homicide rates decline but also other previously common forms of violence, such as judicial disembowelment and torture, were becoming unacceptable by the 18th century. This was the beginning of a continuous process which during the following centuries would bring about, among other things, the abolition of slavery and the decline of capital punishment, tyranny, and political violence in the developed world – most notably in the areas where the values of Enlightenment humanitarianism triumphed. Both Pinker and Muchembled identify a change in the trend towards increased violence and homicide rates in the United States and Europe from the 1960s on. They attribute this change (Pinker is particularly elaborative here) to the erosion of public authority and some reversal of the ‘civilizing process’ with the cults of youth culture, defiance of authority, radical ideologies of violence by the ‘oppressed’, and the fragmentation of the stable family structure. Pinker identifies a return to a downward trend in violence from about 1990 on, which he attributes to an ebbing of much of the above through reasserted state action and changes in the public mood. A last point worth mentioning in this context: Muchembled reveals that throughout the steep decline in homicide rates, from medieval times to the present, 90% or more of all cases have been perpetrated by men, especially between the ages of 20 and 30 years old. As Daly & Wilson (1988: 145–149) have shown, this ratio is found in each and every society studied around the globe, from hunter-gatherers to agricultural and industrial societies, irrespective of the vastly different homicide rates among them. Previous Section Next Section The decline of war and the three `Long Peaces' after 1815 We now move to the decline of war, which is our main concern here. Most people are surprised to learn that the occurrence of war and overall mortality in war sharply decreased after 1815, most notably in the developed world. The ‘Long Peace’ among the great powers after 1945 is more recognized and is widely attributed to the nuclear factor, a decisive factor to be sure, which concentrated the minds of all the protagonists wonderfully. The (inter-)democratic peace has been equally recognized. But in actuality, the **decrease in war had been very marked before the nuclear era** **and encompassed both democracies and non-democracies**. In the century after 1815, **wars among economically advanced countries declined in their frequency to** about **one-third of** what they had been in the **previous centuries, an unprecedented change**. Indeed, the Long Peace after 1945 was preceded by the second longest peace among the great powers, between 1871 and 1914, and by the third longest peace, between 1815 and 1854 (Gat, 2006: 536–537, 608). Thus, the three longest periods of peace by far in the modern great powers system all occurred after 1815. Clearly, one needs to explain the entire trend, while also accounting for the glaring divergence from it: the two World Wars. Previous Section Next Section Is modern war more lethal and destructive than before? In his earlier works, Levy (1983) was among the first to document the much-reduced frequency of war after 1815. But what brought about this change? Levy & Thompson assume – this is perhaps the most natural hypothesis – that wars declined in frequency because they became too lethal, destructive, and expensive. Supposedly, a trade-off of sorts was created between the intensity and frequency of warfare: fewer, larger wars supplanting many smaller ones. This hypothesis barely holds, however, because, again, relative to population and wealth wars have not become more lethal and costly than earlier in history. Furthermore, as Levy & Thompson rightly document, the wars of the 19th century – the most peaceful century in European history – were particularly light, in comparative terms, so there is no trade-off here. True, the World Wars, especially World War II, were certainly on the upper scale of the range in terms of casualties. Yet, as already noted, they were far from being exceptional in history. Once more, we need to look at relative casualties, general human mortality in any number of wars that happen to rage around the world, rather than at the aggregate created by the fact that many states participated in the World Wars. I have already mentioned the Mongol invasions, but other examples abound. In the first three years of the Second Punic War, 218–16 BCE, Rome lost some 50,000 citizens of the ages of 17–46, out of a total of about 200,000 in that age demographic (Brunt, 1971). This was roughly 25% of the military-age cohorts in only three years, the same range as the Russian and higher than the German rates in World War II. This, and the devastation of Rome’s free peasantry during the Second Punic War, did not reduce Rome’s propensity for war thereafter. During the Thirty Years War (1618–48) population loss in Germany is estimated at between one-fifth and one-third – either way higher than the German casualties in World War I and World War II combined. People often assume that more developed military technology during modernity means greater lethality and destruction, but in fact it also means greater protective power, as with mechanized armor, mechanized speed and agility, and defensive electronic measures. Offensive and defensive advances generally rise in tandem. In addition, it is all too often forgotten that the vast majority of the many millions of non-combatants killed by Germany during World War II – Jews, Soviet prisoners of war, Soviet civilians – fell victim to intentional starvation, exposure to the elements, and mass executions rather than to any sophisticated military technology. Instances of genocide in general during the 20th century, much as earlier in history, were carried out with the simplest of technologies, as the Rwanda genocide horrifically reminded us. Nor have wars during the past two centuries been economically more costly than they were earlier in history, again relative to overall wealth. War has always involved massive economic exertion and has been the single most expensive item of state spending (e.g. massively documented, Bonney, 1999). Examples are countless, and it will suffice to mention that both 16th- and 17th-century Spain and 18th-century France were economically ruined by war and staggering war debts, which in the French case brought about the Revolution. Furthermore, death by starvation in premodern wars was widespread. Previous Section Next Section Is it peace that has become more profitable? So if wars have not become more costly and destructive during the past two centuries then why have they receded, particularly in the developed world? The answer is the **advent of the industrial–commercial revolution** after 1815, the most profound transformation of human society since the Neolithic adoption of agriculture. The correlation between the decline of war in the developed world and the process of modernization, both unfolding since 1815, is surely not accidental, and the causation is not difficult to locate. In the first place, given explosive growth in per capita wealth, about 30- to 50-fold thus far, the Malthusian trap has been broken. Wealth no longer constitutes a **fundamentally finite quantity**, and wealth acquisition progressively **shifted** away **from a zero-sum game**. Secondly, economies are no longer overwhelmingly autarkic, **instead having become increasingly interconnected** by specialization, scale, and exchange. Consequently, foreign devastation potentially depressed the entire system and was thus **detrimental to a state’s own wellbeing**. This reality, already noted by Mill (1848/1961: 582), starkly manifested itself after World War I, as Keynes (1920) had anticipated in his criticism of the reparations imposed on Germany. Thirdly, greater economic **openness has decreased the likelihood of war by disassociating economic access from the confines of political borders and sovereignty**. It is no longer necessary to **politically possess a territory in order benefit** from it. Of the above three factors, the second one – commercial interdependence – has attracted most of the attention in the literature. But the other two factors have been no less significant. Thus, the greater **the yield of competitive economic cooperation, the more counterproductive and less attractive conflict becomes**. Rather than war becoming more costly, as is widely believed, **it is in fact peace that has been growing more profitable.** Referring to my argument in this regard, Levy & Thompson (2011: 72–75) excused themselves from deciding on the issue on the grounds of insufficient information regarding the cost of premodern war. But as already noted, the information on the subject is quite clear.

#### Their indicts only apply to Pinker’s normative stance on stuff like human nature—trends are unequivocal, even for invisible violence

**Jervis 11**--Robert, Adlai E. Stevenson Professor of International Politics at Columbia University, "Pinker the Prophet", Nov-December Issue of the National Interest, <http://nationalinterest.org/bookreview/pinker-the-prophet-6072>

Pinker’s scope is enormous, ranging in time from prehistory to today and covering wars(both international and civil), crime, torture, abuse of women and children, and even cruelty to animals. This breadth is central because violence in all of these domains has declined sharply. Students of any one of these areas are familiar with a narrow slice of the data, but few have stepped back to look at the whole picture. In fact, many scholarsand much of the educated public**simply deny the good news**. But prehistoric graves and records from twentieth-century hunter-gatherers reveal death rates due to warfare five to ten times that of modern Europe, and the homicide rate in Western Europe from 1300 to today has dropped by a factor of between ten and fifty. When we read that after conquering a city the ancient Greeks killed all the men and sold the women and children into slavery, we tend to let the phrases pass over us as we move on to admire Greek poetry, plays and civilization. But this kind of slaughter was central to the Greek way of life.  
Implicit throughout and explicit at the very end is Pinker’s passionate belief that contemporary attacks on the Enlightenment and modernity are fundamentally misguided. Critics often argue that material and technical progress has been achieved without—or even at the cost of—moral improvement and human development. Quite the contrary, he argues; we are enormously better than our ancestors in how we treat one another and in our ability towork together to build better lives.  
To make such bold and far-reaching claims, one must draw on an equally vast array of sources. And so Pinker does. The bibliography runs to over thirty pages set in small type, covering studies from anthropology, archaeology, biology, history, political science, psychology and sociology. With this range comes the obvious danger of superficiality. Has he understood all this material? Has he selected only those sources that support his claims? Does he know the limits of the studies he draws on? I cannot answer these questions in all the fields, but in the areas I do know—international relations and some psychology—his knowledge holds up very well. **With the typical insider’s distrust of interlopers, I was ready to catch him stacking the deck** or twisting arguments and evidence about war. While he does miss some nuances, these are not of major consequence. It is true that despite the enormous toll of World Wars I and II, not only have there been relatively few massive bloody conflicts since then (and an unprecedented period of peace among the major powers), but the trends going back many centuries reveal a decline in the frequency of war, albeit not a steady one. The record on intrastate conflicts is muddier because definitions vary and histories are incomplete, but **most studies** reveal a decline there as well. In the aftermath of the Cold War, civil wars broke out in many areas, and some still rage (most obviously in Congo), but, contrary to expectations, this wave has subsided. In parallel, Pinker marshals multiple sources using different methodologies to show that however much we may fear crime, throughout the world the danger is enormously less than it was centuries ago. When we turn to torture, domestic violence against women, abuse of children and cruelty to animals, the progress over the past two millennia is obvious. Here what is particularly interesting is not only the decline in the incidence of these behaviors but also that until recently they were the norm in both the sense of being expected and of being approved.

#### “Shifting violence” thesis is false—they have no credible data of their own

**Russett et al 6** (Bruce, (Dean Acheson Prof. IR @ Yale U., Editor of Journal of Conflict Resolution and Past President of the International Studies Association), Bethany Lacina, (PhD Student in Political Institutions and Comparative Politics @ Stanford U.), and Nils Petter Gleditsch, (Adjunct Prof. Pol. Sci. @ Norweigan U. Science and Technology Center for Study of Civil War and International Peace Research Institute), International Studies Quarterly, “The Declining Risk of Death in Battle”, 50:3, Wiley Interscience)

**The Correlates of War (COW) data set** tracking the incidence and characteristics of interstate, intrastate (civil), and extrastate (often called colonial or imperial) wars **is one of the most widely cited sources of conflict data** in international relations scholarship. Sarkees, Wayman, and Singer (2003) recently introduced readers of ISQ to an update of this data set through 1997. According to them, the data "reflect a disquieting constancy in warfare" (2003:49) with relatively little change over the past 150 years in the rate at which human lives are being lost to battle. This pessimism is surprising given that the new COW data, in accord with similar conflict monitoring projects (Esty et al. 1998; Gleditsch et al. 2002; Harbom, Högbladh, and Wallensteen 2006; Marshall and Gurr 2006), find a decrease in the number of armed conflicts in recent years (Sarkees, Wayman, and Singer 2003:Figure 4).1 There has been no direct conventional war between major powers since 1954, and the incidence of interstate war has declined over the past half century. Of course, the number of ongoing armed conflicts is not necessarily proportional to their total cost. It is here the authors make their case, arguing that "with the risk of death in battle trending neither up nor down since the date of Napoleon's exile," (Sarkees, Wayman, and Singer 2003:65) **warfare is actually shifting** between types—from imperial wars in the late nineteenth century, to interstate wars in the early 1900s, to civil wars in the post-World War II era—while the global level of battle violence remains relatively constant (Sarkees, Wayman, and Singer 2003:64). Their argument concurs with literature arguing that contemporary civil wars are fundamentally "new," in that they are driven by primordial ethnic hatreds and are especially vicious compared with conventional wars and ideological internal conflicts (Snow 1996; Duffield 1998; Kaldor 1999; Henderson 2002). **We challenge that** conclusion by questioning the authors' interpretation of their own data and by pointing to several irregularities in the COW data. In the first section, we reinterpret the data presented by Sarkees et al., pointing out that their "flat-line" finding is driven primarily by the massive spikes in the middle of their timeline representing the two World Wars. These wars were several orders of magnitude more deadly than any conflicts before or since, and their presence in the regression line obscures other trends. We then discuss problems of consistency in the COW deaths data, leading to a reanalysis of the data on deaths in COW wars. We find that the annual incidence of battle deaths declined in the decades after World War II, **and again** after the end of the Cold War.2

### at rana

#### Threats are objective --- Rana’s claim is too sweeping, the alt is impossible

**Cole, 12 –** professor of law at Georgetown (David, “Confronting the Wizard of Oz: National Security,

Expertise, and Secrecy” 44 Conn. L. Rev. 1617-1625 (2012), <http://scholarship.law.georgetown.edu/facpub/1085>)

Rana is right to focus our attention on the assumptions that frame modern Americans’ conceptions about national security, but his assessment raises three initial questions. First, it seems far from clear that there ever was a “golden” era in which national security decisions were made by the common man, or “the people themselves,” as Larry Kramer might put it.8 Rana argues that neither Hobbes nor Locke would support a worldview in which certain individuals are vested with superior access to the truth, and that faith in the superior abilities of so-called “experts” is a phenomenon of the New Deal era.9 While an increased faith in scientific solutions to social problems may be a contributing factor in our current overreliance on experts,10 I doubt that national security matters were ever truly a matter of widespread democratic deliberation. Rana notes that in the early days of the republic, every able-bodied man had to serve in the militia, whereas today only a small (and largely disadvantaged) portion of society serves in the military.11 But serving in the militia and making decisions about national security are two different matters. The early days of the Republic were at least as dominated by “elites” as today. Rana points to no evidence that decisions about foreign affairs were any more democratic then than now. And, of course, the nation as a whole was far less democratic, as the majority of its inhabitants could not vote at all.12 Rather than moving away from a golden age of democratic decision-making, it seems more likely that we have simply replaced one group of elites (the aristocracy) with another (the experts). Second, to the extent that there has been an epistemological shift with respect to national security, it seems likely that it is at least in some measure a response to objective conditions, not just an ideological development. If so, it’s not clear that we can solve the problem merely by “thinking differently” about national security. The world has, in fact, become more interconnected and dangerous than it was when the Constitution was drafted. At our founding, the oceans were a significant buffer against attacks, weapons were primitive, and travel over long distances was extremely arduous and costly. The attacks of September 11, 2001, or anything like them, would have been inconceivable in the eighteenth or nineteenth centuries. Small groups of non-state actors can now inflict the kinds of attacks that once were the exclusive province of states. But because such actors do not have the governance responsibilities that states have, they are less susceptible to deterrence. The Internet makes information about dangerous weapons and civil vulnerabilities far more readily available, airplane travel dramatically increases the potential range of a hostile actor, and it is not impossible that terrorists could obtain and use nuclear, biological, or chemical weapons.13 The knowledge necessary to monitor nuclear weapons, respond to cyber warfare, develop technological defenses to technological threats, and gather intelligence is increasingly specialized. The problem is not just how we think about security threats; it is also at least in part objectively based.

### at giroux

#### The role of the ballot is to strengthen the Military Industrial Complex

Dunlap 11 – Professor of Law @ Duke

(Charles Jr., Daedalus, MIT Press Journals)//BB

What do all the developments of the past half-century mean after the ½ftieth anniversary of Eisenhower’s exhortation? Ledbetter claims that the warning “is as urgent today as ever.” He points not only to the “mounting long-term costs” of defense but also–somewhat disconnectedly– to the alleged “use of martial power” for the detention of terrorism suspects at Guantánamo Bay and wiretaps of Americans.45 While Eisenhower might have been disturbed by such events, Ledbetter seems to conflate these contemporary issues with the gravamen of Eisenhower’s concern: that is, the emergence of a near-conspiratorial alignment of military leaders and their analogues in the arms industry. That combination does not exist. Indeed, one might say that Eisenhower’s warning was heard and heeded–with unintended consequences. The fading of the American military-industrial complex impacts U.S. military capability; the effect on America’s Air Force is but one illustration. Whatever influence the Air Force may have enjoyed in Eisenhower’s day is long gone. Consider Air Force Lieutenant General David Deptula’s dismal assessment from Fall 2010: “[W]e have a geriatric bomber force,” Deptula concludes, and “a geriatric ½ghter force. We have a geriatric Air Force, quite frankly.”46 Aircraft age is not the only issue; numbers and sophistication are also a concern. For example, Defense News surmised that America’s current bomber fleet constitutes a “puny force against any serious adversary.”47 Even so, historian Michael Auslin of the American Enterprise Institute says that today’s budget restrictions are hitting airpower especially hard; consequently, he says, “[S]ome of the stunning joint creations of the Air Force and America’s defense industrial base . . . will likely never be repeated.” If budgetary trends are not reversed, he warns, the Air Force’s “future will look even grimmer than it does now.”48 The deterioration of America’s defense infrastructure has captured the attention of Congress. During hearings on the defense industrial base in Fall 2010, Congress acknowledged “the security challenges posed by a shrinking defense industrial base and domestic supply chain.”49 Furthermore, Congress recognized that U.S. arms makers face the “proliferation of foreign-made and counterfeit parts, outdated technology, and a depleted manufacturing workforce.”50 But there are still too few tangible indications that “an alert and knowledgeable citizenry” will compel the necessary steps to ensure the appropriate level of military-industrial muscle is met and maintained. Meanwhile, we must not ignore the fact

that other nations–including potential adversaries–are strengthening their industrial base. The Pentagon’s 2010 report reveals that China’s defense industries have undergone a “broad-based transformation” since the 1990s. In fact, “[a]ugmented by direct acquisition of foreign weapons and technology, these reforms have enabled China to develop and produce advanced weapon systems that incorporate mid-1990s technology in many areas, and some systems–particularly ballistic missiles–that rival any in the world today.”51 Ominously, China’s industry is developing air capabilities to a degree that suggests China’s intention to challenge “U.S. air power in the region.”52 In other developments that show the internationalization of the arms industry, Russia and India have signed a deal to build hundreds of new “½fth generation” warplanes designed to best America’s most advanced ½ghters.53 In light of such reports, many experts are concerned that any additional cuts in U.S. defense spending “will dangerously erode the technological edge that America’s armed forces depend upon, and deserve.”54 As Ilan Berman puts it, “Stagnation [in the defense industry] threatens U.S. arms superiority.” 55 Some analysts go further. According to political commentator Zbigniew Mazurak, “[T]he U.S. is no longer unrivalled in terms of conventional weapons. Conventional threats are real and growing.”56 The problem, however, may run deeper. Some analysts observe an “anti-modern warfare prejudice” within the U.S. military itself.57 Perhaps an outgrowth of the manpower-intensive counterinsurgency strategy in vogue today, this trend runs counter to the “high-technology” emphasis that strategist Colin Gray calls “the American way in warfare.” Indeed, Gray contends, American society “cannot possibly prepare for, or attempt to fight, its wars in any other than a technology-led manner.”58 But the ability to maintain such an approach depends on the existence of a vigorous, innovative, and profitable military-industrial enterprise. Eisenhower’s dictum will always serve as a useful bellwether for the disquieting prospect of an unchecked confederation of military and industrial power. Still, in twenty-first-century America, the importance of context is becoming ever more evident. During Eisenhower’s presidency, a robust industrial base working effectively (if not always ef½ciently) with its military counterparts addressed the imperatives of the Cold War confrontation with the Soviet Union. That the perils of “misplaced power” were largely avoided is a critically important lesson. That is, inevitability need not be part of the lexicon of this issue. Were he alive today, Eisenhower undoubtedly would have recognized that dismissing the military-industrial complex as the inveterate enemy of democracy is wrong and dangerous. Thanks largely to Eisenhower’s eloquent expression of caution, the United States has shown that it can effectively limit the reach of the military-industrial establishment. Now the question may be whether controlling influences–“sought or unsought” –have taken us too far. Writing in The Wall Street Journal in late 2010, novelist Mark Helprin warns: [History] tells us that, entirely independent of economic considerations, although not a dime should be appropriated to the military if it is not necessary, not a dime should be withheld if it is. The proof of this, so often and so tragically forgotten, is that the costs of providing an undauntable defense, whatever they may be, pale before blood and defeat.59 Even the most ardent advocate of Eisenhower’s farewell address would be wise to ponder that sentiment.