Same 1ac as r1 and 3

# \*\*2AC\*\*

**GSPEC: 2AC**

#### We Meet: there are lots of test cases on the docket

Oona **Hathaway**, Professor, International Law, Yale Law School, Samuel Adelsberg, Spencer Amdur, Philip Levitz, Freya Pitts and Sirine Shebaya, “The Power to Detain: Detention of Terrorism Suspects after 9/11,” YALE JOURNAL OF INTERNATIONAL LAW v. 38, Winter 20**13**, p. 124.

U.S. counterterrorism operations today are being carried out on an unprecedented scale. Since the attacks of September 11, 2001, a key element of these counterterrorism operations has been the detention of suspected terrorists. As of mid-2012, the United States held 168 terrorism suspects at Guantánamo Bay, Cuba,1 and roughly three thousand in Afghanistan.2 Even after transferring most of the Afghan detainees to Afghan control in September 2012, the United States arranged to “maintain control over dozens of foreign detainees in Afghanistan for the indefinite future.”3 **The docket of the Court of Appeals for the District of Columbia Circuit continues to be filled with cases filed by detainees challenging detentions** that, in some cases, are entering a second decade.4 Meanwhile, Congress and the President have repeatedly sparred over detention-related issues, including the scope of military commissions set up to try law-of-war detainees, the transfer of detainees held abroad to prisons within the United States, the propriety of prosecuting terrorism suspects in U.S. federal courts, and the unlimited detention of terrorism suspects without trial.5 Yet the sources of the U.S. government’s authority to detain suspected terrorists, and the limitations on that authority, remain ill-defined

**Cases are always available**

J. Craig **Youngblood &** Parker C. **Folse** III, attorneys, GOVERNING THROUGH COURTS, ed. Gambitta, May, & Foster, 19**81**, p. 38.

That this case was decided inthis way at this time should not be suprising. Four days earlier, the court had announced in Michael that a minimally intrusive warrantless nonborder search need be supported only by reasonable suspicion. In order to maintain the long-standing distinction between border searches and nonborder searches, the court very logically held in Sandler that a minimally intrusive warrantless border search was valid on only mere suspicion. **The significance of this case is that once again there was no need for the court to wait any great period of time for the appropriate vehicle through which to announce the new policy rule. The court was able to pick one case from the many relevant-issue cases flowing constantly past the courthouse gates. Even when it was necessary to pcik two cases, each of which involved a distinct yet related social issue, there was no problem with the court’s capacity to set its own agenda for decisionmaking. This capability qualifies significantly Horowitz’s thesis that courts can control their calendars but not their agendas** (1977: 39). It is very much an overstatement to contend, as does Horowitz (1977: 38) that “[t]he passivity of the judicial process… makes the sequencing of judicially ordered change dependent on the capricious timing of litigants rather than the planning of a public body.

**Judicial restriction means to reduce the scope of and fiat means we can assume a test case exists**

**Newman 8** (Pauline, Judge @ UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 545 F.3d 943; 2008 U.S. App. LEXIS 22479; 88 U.S.P.Q.2D (BNA) 1385; 2008-2 U.S. Tax Cas. (CCH) P50,621, IN RE BERNARD L. BILSKI and RAND A. WARSAW, lexis)

Id. at 315 (quoting U.S. Const., art. I, §8). The Court referred to the use of "any" in Section 101 ("Whoever invents or discovers any new and useful process . . . or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title"), and reiterated that the statutory language shows that **Congress "plainly contemplated that the patent laws would be given wide scope**." Id. at 308. **The Court referred to the legislative intent to include within the scope of Section 101 "anything under the sun that is made by man**," id. at 309 (citing S. Rep. 82-1979, at 5; H.R. Rep. 82-1923, at 6 (1952)), **and stated that the unforeseeable future should not be inhibited by judicial restriction** **of the "broad general language" of Section 101**: A rule that unanticipated inventions are without protection would conflict with the core concept of the patent law that anticipation undermines patentability. Mr. Justice Douglas reminded that the [\*981] inventions most benefiting mankind are those that push back the frontiers of chemistry, physics, and the like. Congress employed broad general language in [\*\*103] drafting §101 precisely because such inventions are often unforeseeable.

**T-Immigration: 2AC**

**1. We meet—release is a question of habeas, not immigration—their definition relies on a flawed district court decision**

**Vaughns 13** (Katherine, Professor of Law, University of Maryland, "Of Civil Wrongs and Rights: Kiyemba v. Obama and the Meaning of Freedom, Separation of Powers, and the Rule of Law Ten Years After 9/11" Asian American Law Journal, Lexis)

As for Kiyemba, in the district court, the government asserted that the Executive may detain individuals pursuant to its inherent "wind-up" authority, the purported authority to detain individuals associated with a conflict for some period of time following the end of that conflict. n236 It then argued that Shaughnessy v. United States ex rel. Mezei n237 "provides a better read on the constitutional limits to detention than either Zadvydas or Clark." n238 Mezei is a case that involved "an alien immigrant permanently excluded from the United States on security grounds but stranded in his temporary haven on Ellis Island because other countries [would] not take him back." n239 The district court, reviewing the Uighurs' petitions, found several very important distinctions between Mezei and the petitions before the court: First, **Mezei was an immigration case; Kiyemba is not. Unlike in Mezei, the Uighurs are not seeking immigrant admission to the United** [\*41] **States**. n240 Second, **in Mezei, the lower court was not aware of the evidence against the petitioner's admission because it was confidential and undisclosed; in the case of the Uighurs, the government presented evidence supposedly "justifying" their detention, but "failed to meet its burden."** n241 Consequently, the court concluded - "drawing from the principles espoused in the Clark and Zadvydas cases and from the Executive's authority as Commander in Chief" - that the asserted constitutional authority to "wind up" matters administratively prior to release had ceased. n242 I agree. **Relying on Mezei, and** largely **ignoring Boumediene**, n243 **the D.C. Circuit Court of Appeals found that the district court lacked the requisite authority to order the government to admit the Uighurs into the continental U**nited **S**tates. **In so doing, the court refused to appreciate a key distinction: The habeas court would not be ordering the admission of the Uighurs into the U**nited **S**tates **under immigration law. Rather, their release is mandated by the constitutional guarantee of habeas relief,** particularly **as the Uighurs' plight was in no way of their own making.** n244 **In light of the foregoing, it is clear that, until the Supreme Court explicitly rules on the constitutional remedy available to such detainees** (as distinguished from the right to challenge the lawfulness of their detention, which was established by Boumediene), **the D.C. Circuit will continue to misguidedly apply immigration law to an issue plainly outside of its purview, with the effect of granting nearly unreviewable discretion to the Executive and therefore, leaving the Uighurs indefinitely and unlawfully detained at Guantanamo** Bay until the Executive is able to secure a relocation destination. **As stated in the Uighurs' certiorari petition, as a constitutional matter, "the President's discretionary release of a prisoner is no different from his discretionary imprisonment: each proceeds from unchecked power."** n245 **To** [\*42] **view the question of release as** based on sovereign prerogative in the administration of **immigration law, while viewing the question of imprisonment as** based **on constitutional authority is, put simply, senseless and without precedent**. It cannot be that the two inquiries are unrelated; they both undoubtedly implicate individual constitutional rights and the separation of powers. Having refused to resolve this matter, the Supreme Court has left the separation of powers out of balance and tilting dangerously toward unilateralism.

2. Counter-Interpretation: **A restriction on war powers authority limits Presidential discretion**

Jules **Lobel 8**, Professor of Law at the University of Pittsburgh  Law School, President of the Center for Constitutional Rights, represented members of Congress challenging assertions of Executive power to unilaterally initiate warfare, “Conflicts Between the Commander in Chief and Congress: Concurrent Power  over the Conduct of War,” Ohio State Law Journal, Vol 69, p 391, 2008, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf

So too, **the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war**—“limited in place, in objects, and in time.” 63 **When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations**. For example, **Congress authorized** President George H. W. **Bush to attack Iraq** in response to Iraq’s 1990 invasion of Kuwait, **but** it **confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions** directed to force Iraqi troops to leave Kuwait. **That restriction would not have permitted the President to march into Baghdad** after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

**Experts agree our conclusion is reasonable**

**Roberts 09** (Caprice, Visiting Professor of Law, The Catholic University of America; Professor of Law, West Virginia University, Fall 2009, "Rights, Remedies, And Habeas Corpus--The Uighurs, Legally Free While Actually Imprisoned" Georgetown Immigration Law Journal, Lexis)

Accordingly, **if one determines that the Uighurs' case must be treated as an immigration exclusion case, then the federal appellate court appropriately reversed the release order and dismissed jurisdiction. Given the nature of habeas rights for Guantanamo detainees, coupled with the Uighurs' involuntary path to American** de facto **shores, I conclude that these harsh consequences are not required. An explication and comparison of the foundational immigration materials and the federal appellate court's reasoning in the Uighurs' case should demonstrate the reasonableness of this conclusion.**

**Heg K: 2AC**

**Statistically proven that heg prevents war**

**Owen ‘11**

John M. Owen Professor of Politics at University of Virginia PhD from Harvard "DON’T DISCOUNT HEGEMONY" Feb 11 [www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony/](http://www.cato-unbound.org/2011/02/11/john-owen/dont-discount-hegemony/)

Andrew **Mack and his colleagues** at the Human Security Report Project are to be congratulated. Not only do they **present a study with a striking conclusion, driven by data, free of theoretical or ideological bias**, but they also do something quite unfashionable: they bear good news. **Social scientists** really are not supposed to do that. Our j**ob** is, if not to be Malthusians, then at least **to point out disturbing trends, looming catastrophes, and the imbecility and mendacity of policy makers**. And then it is to say why, if people listen to us, things will get better. We do this as if our careers depended upon it, and perhas they do; for if all is going to be well, what need then for us? Our colleagues at Simon Fraser University are brave indeed. That may sound like a setup, but it is not. **I shall challenge neither the data nor the general conclusion that violent conflict around the world has been decreasing in fits and starts since the Second World War. When it comes to violent conflict among and within countries, things have been getting better**. (The trends have not been linear—Figure 1.1 actually shows that the frequency of interstate wars peaked in the 1980s—but the 65-year movement is clear.) Instead I shall accept that Mack et al. are correct on the macro-trends, and focus on their explanations they advance for these remarkable trends. With apologies to any readers of this forum who recoil from academic debates, this might get mildly theoretical and even more mildly methodological. **Concerning international wars, one version of the “nuclear-peace” theory is not in fact laid to rest by the dat**a. It is certainly true that nuclear-armed states have been involved in many wars. They have even been attacked (think of Israel), which falsifies the simple claim of “assured destruction”—that any nuclear country A will deter any kind of attack by any country B because B fears a retaliatory nuclear strike from A. But **the most important “nuclear-peace” claim has been about mutually assured destruction, which obtains between two robustly nuclear-armed states. The claim is that (1) rational states having second-strike capabilities**—enough deliverable nuclear weaponry to survive a nuclear first strike by an enemy—will have an overwhelming incentive not to attack one another; **and (2) we can safely assume that nuclear-armed states are rational**. It follows that states with a second-strike capability will not fight one another. Their colossal atomic arsenals neither kept the United States at peace with North Vietnam during the Cold War nor the Soviet Union at peace with Afghanistan. But the argument remains strong that those arsenals did help keep the United States and Soviet Union at peace with each other. Why non-nuclear **states are** not **deterred from fighting nuclear states** is an important and open question. But in a time when calls to ban the Bomb are being heard from more and more quarters, we must be clear about precisely what the broad trends toward peace can and cannot tell us. They may tell us nothing about why we have had no World War III, and little about the wisdom of banning the Bomb now. **Regarding the downward trend in international war, Professor Mack is friendlier to more palatable theories such as the “democratic peace”** (democracies do not fight one another, and the proportion of democracies has increased, hence less war); **the interdependence or “commercial peace”** (states with extensive economic ties find it irrational to fight one another, and **interdependence has increased**, hence less war); **and the notion that people around the world are more anti-war than their forebears were. Concerning the downward trend in civil wars, he favors theories of economic growth** (where commerce is enriching enough people, violence is less appealing—a logic similar to that of the “commercial peace” thesis that applies among nations) and the end of the Cold War (which end reduced superpower support for rival rebel factions in so many Third-World countries). **These are all plausible mechanisms for peace. What is more, none of them excludes any other; all could be working toward the same end.** That would be somewhat puzzling, however. **Is the world just lucky these days? How is it that an array of peace-inducing factors happens to be working coincidentally in our time**, when such a magical array was absent in the past? **The answer may be that one or more of these mechanisms reinforces some of the others, or perhaps some of them are mutually reinforcing**. Some scholars, for example, have been focusing on whether economic growth might support democracy and vice versa, and whether both might support international cooperation, including to end civil wars. **We would still need to explain how this charmed circle of causes got started, however. And here let me raise another factor, perhaps even less appealing than the “nuclear peace” thesis, at least outside of the United States. That factor is what international relations scholars call hegemony—specifically American hegemony.** A theory that many regard as discredited, but that refuses to go away, is called **hegemonic stability theory**. The theory **emerged in the 1970s in the realm of international political economy. It asserts that for the global economy to remain open—for countries to keep barriers to trade and investment low—one powerful country must take the lead**. Depending on the theorist we consult, “**taking the lead” entails paying for global public goods (keeping the sea lanes open, providing liquidity to the international economy), coercion (threatening to** raise trade barriers or **withdraw military protection from countries that cheat on the rules), or both**. **The theory is skeptical that international cooperation in economic matters can emerge or endure absent a hegemon.** The distastefulness of such claims is self-evident: they imply that it is good for everyone the world over if one country has more wealth and power than others. More precisely, they imply that it has been good for the world that the United States has been so predominant. **There is no obvious reason why hegemonic stability theory could not apply to other areas of international cooperation, including in security affairs, human rights, international law, peacekeeping** (UN or otherwise), and so on. **What I want to suggest here—suggest, not test—is that American hegemony might just be a deep cause of the steady decline of political deaths in the world.**How could that be? After all, the report states that United States is the third most war-prone country since 1945. Many of the deaths depicted in Figure 10.4 were in wars that involved the United States (the Vietnam War being the leading one). Notwithstanding politicians’ claims to the contrary, **a candid look at U.S. foreign policy reveals that the country is as ruthlessly self-interested as any other great power in history**. **The answer is that U.S. hegemony might just be a deeper cause of the proximate causes** outlined by Professor Mack. **Consider economic growth and openness to foreign trade and investment, which** (so say some theories) **render violence irrational**. **American power and policies may be responsible for these in two related ways. First**, at least since the 1940s **Washington has prodded other countries to embrace the market capitalism that entails economic openness and produces sustainable economic growth. The United States promotes capitalism for selfish reasons, of course**: its own domestic system depends upon growth, which in turn depends upon the efficiency gains from economic interaction with foreign countries, and the more the better. During the Cold War most of its allies accepted some degree of market-driven growth. **Second, the U.S.-led western victory in the Cold War damaged the credibility of alternative paths to development**—communism and import-substituting industrialization being the two leading ones—**and left market capitalism the best model.** The end of the Cold War also involved an end to the billions of rubles in Soviet material support for regimes that tried to make these alternative models work. (**It also**, as Professor Mack notes, **eliminated the superpowers’ incentives to feed civil violence in the Third World**.) **What we call globalization is caused in part by the emergence of the United States as the global hegemon**. **The same case can be made**, with somewhat more difficulty, **concerning the spread of democracy. Washington has supported democracy only under certain conditions—the chief one being the absence of a popular anti-American movement** in the target state—**but those conditions have become much more widespread following the collapse of communism**. Thus in the 1980s the Reagan administration—the most anti-communist government America ever had—began to dump America’s old dictator friends, starting in the Philippines. **Today Islamists tend to be anti-American, and so the Obama administration is skittish about democracy in Egypt and other authoritarian Muslim countries. But general U.S. material and moral support for liberal democracy remains strong.**

**US pursuit of hegemony inevitable, its just a question of how we use that power – means the impact of the k is non unique**

**Kagan**, 1/24/20**11**, (Robert Kagan, [American](http://en.wikipedia.org/wiki/United_States)historian, author and foreign policy commentator at the[Brookings Institution](http://en.wikipedia.org/wiki/Brookings_Institution)) ‘The Price of Power: The benefits of U.S. defense spending far outweigh the costs’, VOL. 16, NO. 18, <http://www.weeklystandard.com/articles/price-power_533696.html?page=3>

In theory, the United States could refrain from intervening abroad. But, in practice, will it? Many assume today that the American public has had it with interventions, and Alice Rivlin certainly reflects a strong current of opinion when she says that “much of the public does not believe that we need to go in and take over other people’s countries.” That sentiment has often been heard after interventions, especially those with mixed or dubious results. It was heard after the four-year-long war in the Philippines, which cost 4,000 American lives and untold Filipino casualties. It was heard after Korea and after Vietnam. It was heard after Somalia. Yet **the reality has been that after each intervention, the sentiment against foreign involvement has faded, and the United States has intervened again. Depending on how one chooses to count, the United States has undertaken roughly 25 overseas interventions since 1898**:Cuba, 1898The Philippines, 1898-1902China, 1900Cuba, 1906Nicaragua, 1910 & 1912Mexico, 1914Haiti, 1915Dominican Republic, 1916Mexico, 1917World War I, 1917-1918Nicaragua, 1927World War II, 1941-1945Korea, 1950-1953Lebanon, 1958Vietnam, 1963-1973Dominican Republic, 1965Grenada, 1983Panama, 1989First Persian Gulf war, 1991Somalia, 1992Haiti, 1994Bosnia, 1995Kosovo, 1999Afghanistan, 2001-presentIraq, 2003-presentThat is one intervention every 4.5 years on average. Overall, **the United States has intervened or been engaged in combat somewhere in 52 out of the last 112 years, or roughly 47 percent of the time. Since the end of the Cold War**, it is true, **the rate of U.S. interventions has increased, with an intervention roughly once every 2.5 years and American troops intervening or engaged in combat in 16 out of 22 years, or over 70 percent of the time**, since the fall of the Berlin Wall.The argument for returning to “normal” begs the question: What is normal for the United States? The historical record of the last century suggests that it is not a policy of nonintervention. This record ought to raise doubts about the theory that American behavior these past two decades is the product of certain unique ideological or doctrinal movements, whether “liberal imperialism” or “neoconservatism.” **Allegedly “realist” presidents in this era have been just as likely to order interventions as their more idealistic colleagues**. George H.W. Bush was as profligate an intervener as Bill Clinton. He invaded Panama in 1989, intervened in Somalia in 1992—both on primarily idealistic and humanitarian grounds—which along with the first Persian Gulf war in 1991 made for three interventions in a single four-year term. Since 1898 the list of presidents who ordered armed interventions abroad has included William McKinley, Theodore Roose-velt, William Howard Taft, Woodrow Wilson, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John F. Kennedy, Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush. **One would be hard-pressed to find a common ideological or doctrinal thread among them—unless it is the doctrine and ideology of a mainstream American foreign policy that leans more toward intervention than many imagine or would care to admit**.Many don’t want to admit it, and **the only thing as consistent as this pattern of American behavior has been the claim by contemporary critics that it is abnormal and a departure from American traditions.** The anti-imperialists of the late 1890s, the isolationists of the 1920s and 1930s, the critics of Korea and Vietnam, and the critics of the first Persian Gulf war, the interventions in the Balkans, and the more recent wars of the Bush years have all insisted that the nation had in those instances behaved unusually or irrationally. And yet the behavior has continued.To note this consistency is not the same as justifying it. The United States may have been wrong for much of the past 112 years. Some critics would endorse the sentiment expressed by the historian Howard K. Beale in the 1950s, that “the men of 1900” had steered the United States onto a disastrous course of world power which for the subsequent half-century had done the United States and the world no end of harm. But **whether one lauds or condemns this past century of American foreign policy—and one can find reasons to do both—the fact of this consistency remains.It would require not just a modest reshaping of American foreign policy priorities but a sharp departure from this tradition to bring about the kinds of changes that would allow the United States to make do with a substantially smaller force structure.**Is such a sharp departure in the offing? It is no doubt true that many Americans are unhappy with the on-going warfare in Afghanistan and to a lesser extent in Iraq, and that, if asked, a majority would say the United States should intervene less frequently in foreign nations, or perhaps not at **all. It may also be true that the effect of long military involvements in Iraq and Afghanistan may cause Americans and their leaders to shun further interventions at least for a few years—as they did for nine years after World War I, five years after World War II, and a decade after Vietnam. This may be further reinforced by the difficult economic times in which Americans are currently suffering. The longest period of nonintervention in the past century was during the 1930s, when unhappy memories of World War I combined with the economic catastrophe of the Great Depression to constrain American interventionism to an unusual degree and produce the first and perhaps only genuinely isolationist period in American history**.So are we back to the mentality of the 1930s? It wouldn’t appear so. There is no great wave of isolationism sweeping the country. There is not even the equivalent of a Patrick Buchanan, who received 3 million votes in the 1992 Republican primaries. Any isolationist tendencies that might exist are severely tempered by continuing fears of terrorist attacks that might be launched from overseas. Nor are the vast majority of Americans suffering from economic calamity to nearly the degree that they did in the Great Depression.Even if we were to repeat the policies of the 1930s, however, **it is worth recalling that the unusual restraint of those years was not sufficient to keep the United States out of war. On the contrary, the United States took actions which ultimately led to the greatest and most costly foreign intervention in its history. Even the most determined and in those years powerful isolationists could not prevent it**.Today there are a number of obvious possible contingencies that might lead the United States to substantial interventions overseas, notwithstanding the preference of the public and its political leaders to avoid them. **Few Americans want a war with Iran, for instance. But it is not implausible that a president—indeed, this president—might find himself in a situation where military conflict at some level is hard to avoid.** The continued success of the international sanctions regime that the Obama administration has so skillfully put into place, for instance, might eventually cause the Iranian government to lash out in some way—perhaps by attempting to close the Strait of Hormuz. Recall that Japan launched its attack on Pearl Harbor in no small part as a response to oil sanctions imposed by a Roosevelt administration that had not the slightest interest or intention of fighting a war against Japan but was merely expressing moral outrage at Japanese behavior on the Chinese mainland. Perhaps in an Iranian contingency, the military actions would stay limited. But perhaps, too, they would escalate. One could well imagine an American public, now so eager to avoid intervention, suddenly demanding that their president retaliate. Then there is the possibility that a military exchange between Israel and Iran, initiated by Israel, could drag the United States into conflict with Iran. Are such scenarios so farfetched that they can be ruled out by Pentagon planners?Other possible contingencies include a war on the Korean Peninsula, where the United States is bound by treaty to come to the aid of its South Korean ally; and possible interventions in Yemen or Somalia, should those states fail even more than they already have and become even more fertile ground for al Qaeda and other terrorist groups. And what about those “humanitarian” interventions that are first on everyone’s list to be avoided? Should another earthquake or some other natural or man-made catastrophe strike, say, Haiti and present the looming prospect of mass starvation and disease and political anarchy just a few hundred miles off U.S. shores, with the possibility of thousands if not hundreds of thousands of refugees, can anyone be confident that an American president will not feel compelled to send an intervention force to help?Some may hope that a smaller U.S. military, compelled by the necessity of budget constraints, would prevent a president from intervening. More likely, however, it would simply prevent a president from intervening effectively. This, after all, was the experience of the Bush administration in Iraq and Afghanistan. Both because of constraints and as a conscious strategic choice, the Bush administration sent too few troops to both countries. The results were lengthy, unsuccessful conflicts, burgeoning counterinsurgencies, and loss of confidence in American will and capacity, as well as large annual expenditures. Would it not have been better, and also cheaper, to have sent larger numbers of forces initially to both places and brought about a more rapid conclusion to the fighting? The point is, it may prove cheaper in the long run to have larger forces that can fight wars quickly and conclusively, as Colin Powell long ago suggested, than to have smaller forces that can’t. Would a defense planner trying to anticipate future American actions be wise to base planned force structure on the assumption that the United States is out of the intervention business? Or would that be the kind of penny-wise, pound-foolish calculation that, in matters of national security, can prove so unfortunate?The debates over whether and how the United States should respond to the world’s strategic challenges will and should continue. Armed interventions overseas should be weighed carefully, as always, with an eye to whether the risk of inaction is greater than the risks of action. And as always, these judgments will be merely that: judgments, made with inadequate information and intelligence and no certainty about the outcomes. No foreign policy doctrine can avoid errors of omission and commission. But **history has provided some lessons, and for the United States the lesson has been fairly clear: The world is better off, and the United States is better off, in the kind of international system that American power has built and defended.**

### K Ans: Top—Alt Fails

**The aff is a step in the right direction which is key to realizing the full alternative—all of their links apply more to the status quo**

Erik Olin **Wright**, Professor, Sociology, University of Wisconsin, “Guidelines for Envisioning Real Utopias,” SOUNDSINGS, 4—**07**, www.ssc.wisc.edu/~wright/Published%20writing/Guidelines-soundings.pdf

5. Waystations The final guideline for discussions of envisioning real utopias concerns the importance of waystations. The central problem of **envisioning real utopias concerns** the **viability of institutional alternatives that embody emancipatory values, but** the practical **achievability of** such **institutional designs** often **depends upon the existence of smaller steps**, intermediate institutional innovations **that move us in the right direction but only partially embody these values.**Institutional **proposals which have an all-or-nothing quality** to them **are** both **less likely to be adopted** in the first place, **and** may **pose more difficult transition-cost problems** if implemented. The catastrophic experience of Russia in the “shock therapy” approach to market reform is historical testimony to this problem. Waystations are a difficult theoretical and practical problem because there are many instances in which partial reforms may have very different consequences than full- bodied changes. Consider the example of unconditional basic income. Suppose that a very limited, below-subsistence basic income was instituted: not enough to survive on, but a grant of income unconditionally given to everyone. One possibility is that this kind of basic income would act mainly as a subsidy to employers who pay very low wages, since now they could attract more workers even if they offered below poverty level earnings. There may be good reasons to institute such wage subsidies, but they would not generate the positive effects of a UBI, and therefore might not function as a stepping stone. **What we** ideally **want,** therefore, **are intermediate reforms that** have two main properties: first, they concretely **demonstrate the virtues of the fuller program of transformation, so they contribute to** the ideological battle of **convincing people that the alternative is credible and desirable**; and second, **they enhance the capacity for action of people, increasing their ability to push further in the future**. Waystations that increase popular participation **and bring people together in problem-solving deliberations** for collective purposes are particularly salient in this regard. This is what in the 1970s was called “**nonreformist reforms”: reforms that are possible within existing institutions and that pragmatically solve real problems while at the same time empowering people in ways which enlarge their scope of action in the future.**

**Framing around institutional action creates the space for effective localism---but not the other way around**

George **Monbiot**, journalist, academic, and political activist, **2004**, Manifesto for a New World Order, p. 11-13

The quest for global solutions is difficult and divisive. Some members of this movement are deeply suspicious of all institutional power at the global level, fearing that it could never be held to account by the world’s people. Others are concerned that a single set of universal prescriptions would threaten the diversity of dissent. A smaller faction has argued that all political programmes are oppressive: our task should not be to replace one form of power with another, but to replace all power with a magical essence called ‘anti-power’. But most of the members of this movement are coming to recognize that if we propose solutions which can be effected only at the local or the national level, we remove ourselves from any meaningful role in solving precisely those problems which most concern us. Issues such as cli­mate change, international debt, nuclear proliferation, war, peace and the balance of trade between nations can be addressed only globally or internationally. Without global measures and global institutions, it is impossible to see how we might distribute wealth from rich nations to poor ones, tax the mobile rich and their even more mobile money, control the shipment of toxic waste, sustain the ban on landmines, prevent the use of nuclear weapons, broker peace between nations or prevent powerful states from forc­ing weaker ones to trade on their terms. If we were to work only at the local level, we would leave these, the most critical of issues, for other people to tackle. Global governance will take place whether we participate in it or not. Indeed, it must take place if the issues which concern us are not to be resolved by the brute force of the powerful. That the international institutions have been designed or captured by the dictatorship of vested interests is not an argument against the existence of international institutions, but a reason for overthrowing them and re­placing them with our own. It is an argument for a global political system which holds power to account. In the absence of an effective global politics, moreover, local solutions will always be undermined by communities of interest which do not share our vision. We might, for example, manage to persuade the people of the street in which we live to give up their cars in the hope of preventing climate change, but unless everyone, in all communities, either shares our politics or is bound by the same rules, we simply open new road space into which the neighbouring communities can expand. We might declare our neighbour­hood nuclear-free, but unless we are simultaneously work­ing, at the international level, for the abandonment of nuclear weapons, we can do nothing to prevent ourselves and everyone else from being threatened by people who are not as nice as we are. We would deprive ourselves, in other words, of the power of restraint. By first rebuilding the global politics, we establish the political space in which our local alternatives can flourish. If, by contrast, we were to leave the governance of the neces­sary global institutions to others, then those institutions will pick off our local, even our national, solutions one by one. There is little point in devising an alternative economic policy for your nation, as Luis Inacio ‘Lula’ da Silva, now president of Brazil, once advocated, if the International Monetary Fund and the financial speculators have not first been overthrown. There is little point in fighting to protect a coral reef from local pollution, if nothing has been done to prevent climate change from destroying the conditions it requires for its survival.

**Focus on representations sanitizes power structures and doesn’t solve**

Doug **Stokes**, University of Bristol Politics Department, “Gluing the Hats On: Power, Agency, and Reagan’s Office of Public Diplomacy,” PAPER PRESENTED FOR THE BRITISH INTERNATIONAL STUDIES ASSOCIATION, 200**1**, http://web.archive.org/web/20060221025303/http://www.aqnt98.dsl.pipex.com/hats.htm.

In her discursive practices approach, Doty argues that more poststructurally inclined questions as to “how” foreign policy is made possible (that is, an examination of the prior conditions of possibility) provides a more nuanced account of foreign policy formation than questions which ask “why” (that is, why a particular decision or policy was pursued). She rightly argues that “why” questions pre-suppose a discursive matrix, a mode of being and a background of social practices. Furthermore, these “why” questions fail to account for “how these meanings, subjects, and interpretative dispositions are constructed”.66 However, in arguing for the superiority of analyses of possibility conditions, she misses a crucial point and simplifies the very nature of the “how” of foreign policy practice. **Whilst it is important to analyse the discursive conditions of possibility of policy formation, in failing to account for how various discourses were employed and through what institutional mechanisms, how some discourses gained ascendancy and not others, and how social actors intervene in hegemonic struggles to maintain various discourses**, Doty seriously compromises the critical potential of her analysis. By working with a notion of power free from any institutional basis and rejecting a notion of power that “social actors possess and use”,67 **she produces a narrative of foreign policy whereby the differential role of social actors is erased from foreign policy processes and decision making.** For Doty it seems, power resides in discourses themselves and their endless production of and play on meaning, not in the ability on the part of those who own and control the means of social reproduction to manipulate dominant social and political discourses and deploy them institutionally and strategically. **The ability to analyse the use of discourses by foreign policy elites for purposeful ends and their ability to deploy hegemonic discourses within foreign policy processes is lost through a delinking of those elites and discursive production (her “dispersed” notion of power).** Furthermore, Doty assumes that the “kind of power that works through social agents, a power that social actors posses and use” is somehow in opposition to a “power that is productive of meanings, subject identities, their interrelationships and a range of imaginable conduct”. But these forms of power are not mutually exclusive. **Social agents can be both subject to discourse and act in instrumental ways to effect discourse precisely through producing meanings and subject identities, and delineating the range of policy options.** Through her erasure of the link between foreign policy processes and purposeful social agents, **she ends up producing an account of hegemonic foreign policy narratives free from any narrator.**68 **This is particularly problematic because the power inherent within representational practices does not necessarily operate independently from the power to deploy those representations. The power to represent, in turn, does not operate independently from differential access to the principal conduits of discursive production, sedimentation and transmission** (for example, the news media).69 **Thus, Doty’s account fails to provide an adequate analysis of the socially constructed interests that constitute the discursive construction of reality.** As Stuart Hall argues “there are centers that operate directly on the formation and constitution of discourse. The media are in that business. Political parties are in that business. When you set the terms in which the debate proceeds, that is an exercise of symbolic power [which] circulates between constituted points of condensation.”**70 The overall critical thrust of poststructurally inclined IR theorists is blunted by both the refusal to examine or even acknowledge the limits and constraints on social discourses and the denial of any linkage** between identity representations and the interests that may infuse these representations.

**Institutional checks can prevent the worst manifestations of biopower**

Nasser **Hussain and** Melissa **Ptacek 2K** Department of History, University of California, Berkeley, Law And Society Review, v34 n2.

Here once again we are forced to question Agamben's teleological mode of thought. Is this sovereign power represented in the concentration camps really a constitutive feature of sovereignty tout court? Even limiting ourselves to the remarks above, we can imagine a liberal critique of this position that asks from where come the limitations that Agamben concedes previous Weimar governments had observed. Surely, **one does not have to accept in its entirety a normative liberal conception of sovereign power in order to appreciate that the demand for a factual accounting for the decision on the exception, and institutional checks upon the totalization of the space of exception, can nonetheless - at least in certain instances - be effective. Indeed, one could go further and suggest that a liberal theory of sovereign power understands full well the paradoxical relation between law and fact, norm and exception; and, precisely in light of such an understanding constructs an institutional system that cannot resolve the paradox but nonetheless attempts to prevent it from reaching an intensified and catastrophic conclusion.** Given that Agamben is a nuanced and fair-minded thinker, one must wonder about why he largely ignores such a system. We think that one possible answer is that, just as for Agamben the source of the problem is not the institutional operation of sovereign power, but its object - bare life - so too the solution is not a proliferation of institutional safeguards but a rethinking of that mode of being. In this regard, we find his concluding musings on Heidigger to be suggestive.

**The state is inevitable—blanket rejecting sovereignty exacerbates inequalities and prevents emancipation**

Tara **McCormack 10**, Lecturer in International Politics at the University of Leicester, PhD in IR from the University of Westminster, “Critique, Security and Power: The Political Limits to Emancipatory Approaches,” p139, google books

Critics of critical and emancipatory theory have raised pertinent problems in terms both of the idealism of critical approaches and their problematic relationship to contemporary liberal intervention. Critical theorists themselves are aware that their prescriptions seem to be hard to separate from contemporary discourses and practices of power, yet critical theorists do not seem to be able to offer any understanding of why this might be. However, **the limitations to critical and emancipatory approaches cannot be overcome by distinguishing themselves from liberal internationalist policy**. In fact a closer engagement with contemporary security policies and discourse would show the similarities with critical theory and that both suffer from the same limitations. The limitations of critical and emancipatory approaches are to be found in critical prescriptions in the contemporary political context. Jahn is right to argue that critical theory is idealistic, but this needs to be explained why. Douzinas is right to argue that critical theory becomes a justification for power and this needs to be explained why. The reasons for this remain undertheorised. **I argue here that critical and emancipatory approaches lack a fundamental understanding of what is at stake in the political realm. For critical theorists the state and sovereignty represent oppressive structures that work against human freedom**. There is much merit to this critique of the inequities of the state system. However, **the problem is that freedom or emancipation are not simply words that can breathe life into international affairs but in the material circumstances of the contemporary world must be linked to political constituencies, that is men and women who can give content to that freedom and make freedom a reality.** Critical and emancipatory theorists fail to understand that there must be a political content to emancipation and new forms of social organisation. **Critical theorists seek emancipation and argue for new forms of political community above and beyond the state, yet** there is **nothing at the moment beyond the state that can give real content to those wishes**. There is no democratic world government and it is simply nonsensical to argue that the UN, for example, is a step towards global democracy. **Major international institutions are essentially controlled by powerful states. To welcome challenges to sovereignty in the present political context cannot hasten any kind of more just world order in which people really matter** (to paraphrase Lynch). **Whatever the limitations of the state**, and there are many, **at the moment the state represents the only framework in which people might have a chance to have some meaningful control over their lives.**

#### Death first—existence before essence

Paul Wapner, Associate Professor and Director, Global Environmental Policy Program, American University, “Leftist Criticism of ‘Nature’: Environmental Protection in a Postmodern Age,” DISSENT, Winter 2003, [www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm](http://www.dissentmagazine.org/menutest/archives/2003/wi03/wapner.htm)

All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation. Postmodernists reject the idea of a universal good. They rightly acknowledge the difficulty of identifying a common value given the multiple contexts of our value-producing activity. In fact, if there is one thing they vehemently scorn, it is the idea that there can be a value that stands above the individual contexts of human experience. Such a value would present itself as a metanarrative and, as Jean-François Lyotard has explained, postmodernism is characterized fundamentally by its "incredulity toward meta-narratives." Nonetheless, I can't see how postmodern critics can do otherwise than accept the value of preserving the nonhuman world. The nonhuman is the extreme "other"; it stands in contradistinction to humans as a species. In understanding the constructed quality of human experience and the dangers of reification, postmodernism inherently advances an ethic of respecting the "other." At the very least, respect must involve ensuring that the "other" actually continues to exist. In our day and age, this requires us to take responsibility for protecting the actuality of the nonhuman. Instead, however, we are running roughshod over the earth's diversity of plants, animals, and ecosystems. Postmodern critics should find this particularly disturbing. If they don't, they deny their own intellectual insights and compromise their fundamental moral commitment.

#### Fear spurs activism—climate change proves

Robin Globus Veldman, PhD Canddiate, “Narrating the Environmental Apocalypse: How Imagining the End Facilitates Moral Reasoning among Environmental Acvists,” ETHICS & THE ENVIRONMENT v. 17 n. 1, 2012, Muse.

As we saw in the introduction, critics often argue that apocalyptic rhetoric induces feelings of hopelessness or fatalism. While it certainly does for some people, in this section I will present evidence that apocalypticism also often goes hand in hand with activism. Some of the strongest evidence of a connection between environmental apocalypticism and activism comes from a national survey that examined whether Americans perceived climate change to be dangerous. As part of his analysis, Anthony Leiserowitz identified several “interpretive communities,” which had consistent demographic characteristics but varied in their levels of risk perception. The group who perceived the risk to be the greatest, which he labeled “alarmists,” described climate change using apocalyptic language, such as “Bad…bad…bad…like after nuclear war…no vegetation,” “Heat waves, it’s gonna kill the world,” and “Death of the planet” (2005, 1440). Given such language, this would seem to be a reasonable way to operationalize environmental apocalypticism. If such apocalypticism encouraged fatalism, we would expect alarmists to be less likely to have engaged in environmental behavior compared to groups with moderate or low levels of concern. To the contrary, however, Leiserowitz found that alarmists “were significantly more likely to have taken personal action to reduce greenhouse gas emissions” (ibid.) than respondents who perceived climate change to pose less of a threat. Interestingly, while one might expect such radical views to appeal only to a tiny minority, Leiserowitz found that a respectable eleven percent of Americans fell into this group (ibid). Further supporting Leiserowitz’s findings, in a separate national survey conducted in 2008, Maibach, Roser-Renouf, and Leiserowitz found that a group they labeled “the Alarmed” (again, due to their high levels of concern about climate change) “are the segment most engaged in the issue of global warming. They are very convinced it is happening, humancaused, and a serious and urgent threat. The Alarmed are already making changes in their own lives and support an aggressive national response” (2009, 3, emphasis added). This group was far more likely than people with lower levels of concern over climate change to have engaged in consumer activism (by rewarding companies that support action to reduce global warming with their business, for example) or to have contacted elected officials to express their concern. Additionally, the authors found that “[w]hen asked which reason for action was most important to them personally, the Alarmed were most likely to select preventing the destruction of most life on the planet (31%)” (2009, 31)—a finding suggesting that for many in this group it is specifically the desire to avert catastrophe, rather than some other motivation, that encourages pro-environmental behavior. Taken together, these and other studies (cf. Semenza et al. 2008 and DerKarabetia, Stephenson, and Poggi 1996) provide important evidence that many of those who think environmental problems pose a severe threat practice some form of activism, rather than giving way to fatalistic resignation.

#### Structural violence theory wrong, doesn’t turn our impact

Kenneth Boulding, Professor, Economics, University of Michigan, “Twelve Friendly Quarrels with Johan Galtung,” JOURNAL OF PEACE RESEARCH v. 14 n. 1, 1977, pp. 75-86.

Finally, we come to the great Galtung metaphors of ’structural violence’ and ’positive peace’. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is ’like’ a thug beating up the victim and taking his money away from him in the street, -or it is ’like’ a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modem world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galtung’s metaphor of structural violence as he has used it has diverted attention from this problem**.** Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a ’threshold’ phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent ’breaks’ in the system rather than uniformities. Violence, whether between persons or organizations, occurs when the ’strain’ on a system is too great for its ‘~s~trength’. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is the increase in the strength of the system, ~the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these things, which enable a system to stand Increasing strain without breaking down into violence. The strains on the system are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflict of interest are only part of the strain on a system, and not always the most important part. It is very hard for people to know their interests, and misperceptions of interests take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people’s behavior, not the ’real’ interests, whatever these may be, and the gap between perception and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined by one unkind commentator as anything that Galltung doesn’~t like) was originally defined as any unnecessarily low expectation of life, an that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all the problems off poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to the structures which, produce violence. This is not to say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are culture of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics of poverty and the success or failure to rise out off ’it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a ’service in calling attention to a problem, it may have done a disservice in preventing us from finding the answer.

#### Default to consequences—anything else is tautological and irrational

Joshua Greene, Associate Professor, Harvard University, “The Secret Joke of Kant’s Soul,” 2010, www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood whatKant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will be tautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

### Defer Add-On: Militarism 2AC

#### Ending deference is key to solve militarism

Gilbert 98 - Michael H. Gilbert, Lieutenant Colonel, US Air Force, USAFA Journal of Legal Studies, 1997 / 1998 (8 USAFA J. Leg. Stud. 197)

Today, the military institution stands as a force to be reckoned with by government leaders in the formation of national and military policy and strategy. Its size and penetration into every aspect of American life since the 1950s have made the military an unexpected influence over the nation's domestic and foreign policies. As an institution, the military wields pervasive influence that can thwart effective oversight by traditional legislative and bureaucratic processes normally relied upon by the legislative and executive branches. The federal judiciary contributes to the military confidence of their authority by being unwilling to review cases presenting issues challenging military authority and control. Were the judiciary willing to pierce the seemingly impenetrable military shell, the military might not possess the same confidence. Reviewing the path taken by the Supreme Court to arrive at this point will illuminate the issue at hand.

### Defer Add-On: Environment 2AC

#### Deference allows the military to destroy the environment

John S. Applegate, Professor @ Indiana Law School, Ecology Law Quarterly, 1999

The defense establishment is not exempted from any of the major environmental laws (in fact, when Congress directly addresses the question, it uniformly includes defense activities), but federal courts have allowed it to behave as though it were exempt (pp. 16-19). This is the aspect of the intersection of the environment and national security that Dycus finds most troubling. The excessive deference given by the federal judiciary to claims of defense necessity is a recurrent theme in National Defense and the Environment (e.g., pp. 16-19, 60, 72, 154-58), and it drives Dycus' central proposal for reform. He argues that the courts should require consistently defense agencies to follow existing environmental rules and procedures to the same extent as private entities. Procedural approaches to environmental regulation, like NEPA, will fail unless the actions in question receive careful judicial scrutiny and unless there is a credible threat that the activity will be halted if the procedures are not followed. Moreover, uncritical deference undermines the thorough and public examination of the competing claims that form the substantive content of a procedural approach like NEPA.

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**The impact to US imperialism is minimal—and other powers are worse, which turns the alt**

Victor Davis **Hanson 2**, Ph. D. in Classics, Senior Fellow at the Hoover Institution, Stanford University, a Professor Emeritus at California University, Fresno, “A Funny Sort of Empire: Are Americans really so imperial?” National Review Online, November 27, 2002, http://www.victorhanson.com/articles/hanson112702.html,

It is popular now to talk of the American "empire." In Europe particularly there are comparisons of Mr. Bush to Caesar — and worse — and invocations all sorts of pretentious poli-sci jargon like "hegemon," "imperium," and "subject states," along with neologisms like "hyperpower" and "overdogs." But **if we really are imperial, we rule over a very funny sort of empire.** We do not send out proconsuls to reside over client states, which in turn impose taxes on coerced subjects to pay for the legions. Instead, American bases are predicated on contractual obligations — costly to us and profitable to their hosts. We do not see any profits in Korea, but instead accept the risk of losing almost 40,000 of our youth to ensure that Kias can flood our shores and that shaggy students can protest outside our embassy in Seoul. **Athenians, Romans, Ottomans, and the British wanted land and treasure and grabbed all they could ge**t when they could. **The United States hasn't annexed anyone's soil since the Spanish-American War** — a checkered period in American history that still makes us, not them, out as villains in our own history books. Most Americans are far more interested in carving up the Nevada desert for monster homes than in getting their hands on Karachi or the Amazon basin. **Puerto Ricans are free to vote themselves independence anytime they wish. Imperial powers order and subjects obey. But in our case, we offer the Turks strategic guarantees, political support** — and money — for their allegiance. France and Russia go along in the U.N. — but only after we ensure them the traffic of oil and security for outstanding accounts. **Pakistan gets debt relief that ruined dot-coms could only dream of; Jordan reels in more aid than our own bankrupt municipalities. If acrimony and invective arise, it's usually one-way: the Europeans, the Arabs, and the South Americans all say worse things about us than we do about them, not privately and in hurt, but publicly and proudly**. Boasting that you hate Americans — or calling our supposed imperator "moron" or "Hitler" — won't get you censured by our Senate or earn a tongue-lashing from our president, but is more likely to get you ten minutes on CNN. We are considered haughty by Berlin not because we send a Germanicus with four legions across the Rhine, but because Mr. Bush snubs Mr. Schroeder by not phoning him as frequently as the German press would like. **Empires usually have contenders that check their power and through rivalry drive their ambitions.** Athens worried about Sparta and Persia. Rome found its limits when it butted up against Germany and Parthia. The Ottomans never could bully too well the Venetians or the Spanish. Britain worried about France and Spain at sea and the Germanic peoples by land. In contrast, **the restraint on American power is not China, Russia, or the European Union, but rather the American electorate itself — whose reluctant worries are chronicled weekly by polls that are eyed with fear by our politicians. We**, not them, **stop us from becoming what we could.** The Athenian ekklesia, the Roman senate, and the British Parliament alike were eager for empire and reflected the energy of their people. In contrast, America went to war late and reluctantly in World Wars I and II, and never finished the job in either Korea or Vietnam. We were likely to sigh in relief when we were kicked out of the Philippines, and really have no desire to return. Should the Greeks tell us to leave Crete — promises, promises — we would be more likely to count the money saved than the influence lost. Take away all our troops from Germany and polls would show relief, not anger, among Americans. **Isolationism, parochialism, and self-absorption are far stronger in the American character than desire for overseas adventurism. Our critics may slur us for "overreaching," but our elites in the military and government worry that they have to coax a reluctant populace, not constrain a blood-drunk rabble.**

**Two-thousand years of history and robust statistical analysis prove**

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Despite increasingly compelling findings concerning the importance of status seeking in human behavior, research on its connection to war waned some three decades ago.38 Yet **empirical studies of the relationship between** both systemic and dyadic **capabilities distributions and war have continued to cumulate. If the relationships implied by the status theory run afoul** of well-established patterns or general historical findings, **then there is little reason to continue investigating them. The clearest empirical implication** of the theory **is that** status **competition is unlikely to cause great power military conflict in unipolar systems. If status competition is an important contributory cause of great power war, then,** ceteris paribus, **unipolar systems should be markedly less war-prone** than bipolar or multipolar systems. And this appears to be the case. As Daniel Geller notes **in a review of the empirical literature: "The only polar structure that appears to influence conflict probability is unipolarity."**39 In addition, a larger number of studies at the dyadic level support the related expectation that narrow capabilities gaps and ambiguous or unstable capabilities hierarchies increase the probability of war.40 These studies are based entirely on post-sixteenth-century European history, and most are limited to the post-1815 period covered by the standard data sets. Though the systems coded as unipolar, near-unipolar, and hegemonic are all marked by a high concentration of capabilities in a single state, these studies operationalize unipolarity in a variety of ways, often very differently from the definition adopted here. **An ongoing collaborative project looking at ancient interstate systems over** the course of **two thousand years suggests** **that** **historical systems** **that come closest to** the definition of unipolarity used here **exhibit precisely the** **behavioral** **properties implied by the theory**. 41 As David C. Kang's research shows, the **East Asian system between 1300 and 1900 was** an unusually stratified **unipolar** structure, **with** an economic and militarily dominant **China interacting with** a small number of geographically proximate, clearly weaker East Asian **states**.42 Status politics existed, but actors were channeled by elaborate cultural understandings and interstate practices into clearly recognized ranks. **Warfare was exceedingly rare, and the major outbreaks occurred precisely when the theory would predict: when China's capabilities waned**, reducing the clarity of the underlying material hierarchy and increasing status dissonance for lesser powers. Much more research is needed, but initial exploration of other arguably unipolar systems-for example, Rome, Assyria, the Amarna system-appears consistent with the hypothesis.43 Status Competition and Causal Mechanisms **Both theory and evidence demonstrate convincingly that competition for status is a driver of human behavior, and social** identity **theory** and related literatures **suggest** the **conditions under which it might come to the fore in great power relations.** **Both the systemic and dyadic findings presented in large-N studies are broadly consistent with the theory**, but they are also consistent with power transition and other rationalist theories of hegemonic war.

**solvency**

**Prosecuting terrorists solves drone shift**

Craig **Whitlock 13**, Washington Post, "Renditions continue under Obama, despite due-process concerns", January 1, articles.washingtonpost.com/2013-01-01/world/36323571\_1\_obama-administration-interrogation-drone-strikes

The three European men with Somali roots were arrested on a murky pretext in August as they passed through the small African country of Djibouti. But the reason soon became clear when they were visited in their jail cells by a succession of American interrogators.¶ U.S. agents accused the men — two of them Swedes, the other a longtime resident of Britain — of supporting al-Shabab, an Islamist militia in Somalia that Washington considers a terrorist group. Two months after their arrest, the prisoners were secretly indicted by a federal grand jury in New York, then clandestinely taken into custody by the FBI and flown to the United States to face trial.¶ The secret arrests and detentions came to light Dec. 21 when the suspects made a brief appearance in a Brooklyn courtroom.¶ The men are the latest example of how the Obama administration has embraced rendition — the practice of holding and interrogating terrorism suspects in other countries without due process — despite widespread condemnation of the tactic in the years after the Sept. 11, 2001, attacks.¶ Renditions are taking on renewed significance because the administration and **Congress have not reached agreement on a consistent legal pathway for apprehending terrorism suspects** overseas **and bringing them to justice**.¶ Congress has thwarted President Obama’s pledge to close the military prison at Guantanamo Bay, Cuba, and has created barriers against trying al-Qaeda suspects in civilian courts, including new restrictions in a defense authorization bill passed last month. The White House, meanwhile, has resisted lawmakers’ efforts to hold suspects in military custody and try them before military commissions.¶ **The** impasse and **lack of detention options**, critics say, **have led to a de facto policy** under which the administration finds it easier **to kill terrorism suspects**, **a key reason for the surge of U.S. drone strikes in Pakistan, Yemen and Somalia**. Renditions, though controversial and complex, represent one of the few alternatives.

**a2 Jackson**

**bad studies- tautological - it’s conclusion driven rather than data-driven- that’s Jones- finishing**

**that accept the best that may be achieved in the circumstances**. Ultimately, **to present the world how it ought to be rather than as it is conceals a deep intolerance notable in the contempt with which many of the contributors to the journal appear to hold Western politicians** and the Western media.6 **It is the exploitation of this oughtistic style of thinking that leads the critic into a Humpty Dumpty world where words mean exactly what the critical theorist “chooses them to mean—neither more nor less.”** However, **in order to justify their disciplinary niche they have to insist on the failure of established modes of terrorism study**. Having identified a source of government grants and academic perquisites, critical studies in fact does not deal with the notion of terrorism as such, but instead the manner in which the Western liberal democratic state has supposedly manipulated the use of violence by non-state actors in order to “other” minority communities and create a politics of fear. Critical Studies and Strategic Theory—A Missed Opportunity Of course, the doubtful contribution of critical theory by no means implies that all is well with what one might call conventional terrorism studies. The subject area has in the past produced superficial assessments that have done little to contribute to an informed understanding of conflict. This is a point readily conceded by John Horgan and Michael Boyle who put “A Case Against 'Critical Terrorism Studies'” (pp. 51-74). Although they do not seek to challenge the agenda, assumptions, and contradictions inherent in the critical approach, their contribution to the new journal distinguishes itself by actually having a well-organized and well-supported argument. The authors' willingness to acknowledge deficiencies in some terrorism research shows that **critical self-reflection is already present in existing terrorism studies**. It is ironic, in fact, that the most clearly reflective, original, and *critical* contribution in the first edition should come from established terrorism researchers who critique the critical position. Interestingly, the specter haunting both conventional and critical terrorism studies is that both assume that terrorism is an existential phenomenon, and thus has causes and solutions. Burke makes this explicit: “The inauguration of this journal,” he declares, “indeed suggests broad agreement that there is a phenomenon called terrorism” (p. 39). Yet this is not the only way of looking at terrorism. For a strategic theorist the notion of terrorism does not exist as an independent phenomenon. It is an abstract noun. More precisely, it is merely a tactic—the creation of fear for political ends—that can be employed by any social actor, be it state or non-state, in any context, without any necessary moral value being involved. Ironically, then, **strategic theory offers a far more “critical perspective on terrorism” than do the perspectives advanced in this journal.** Guelke, for example, propounds a curiously orthodox standpoint when he asserts: “to describe an act as one of terrorism, without the qualification of quotation marks to indicate the author's distance from such a judgement, is to condemn it as absolutely illegitimate” (p. 19). If you are a strategic theorist this is an invalid claim. Terrorism is simply a method to achieve an end. Any moral judgment on the act is entirely separate. To fuse the two is a category mistake. In strategic theory, which Guelke ignores, terrorism does not, ipso facto, denote “absolutely illegitimate violence.” Intriguingly, Stohl, Booth, and Burke also imply that a strategic understanding forms part of their critical viewpoint. Booth, for instance, argues in one of his commandments that terrorism should be seen as a conscious human choice. Few strategic theorists would disagree. Similarly, Burke feels that there does “appear to be a consensus” that terrorism is a “form of instrumental political violence” (p. 38). The problem for the contributors to this volume is that they cannot emancipate themselves from the very orthodox assumption that the word terrorism is pejorative. That may be the popular understanding of the term, but inherently terrorism conveys no necessary connotation of moral condemnation. “Is terrorism a form of warfare, insurgency, struggle, resistance, coercion, atrocity, or great political crime,” Burke asks rhetorically. But once more he misses the point. All violence is instrumental. Grading it according to whether it is insurgency, resistance, or atrocity is irrelevant. Any strategic actor may practice forms of warfare. For this reason Burke's further claim that existing definitions of terrorism have “specifically excluded states as possible perpetrators and privilege them as targets,” is wholly inaccurate (p. 38). Strategic theory has never excluded state-directed terrorism as an object of study, and neither for that matter, as Horgan and Boyle point out, have more conventional studies of terrorism. Yet, Burke offers—as a critical revelation—that “the strategic intent behind the US bombing of North Vietnam and Cambodia, Israel's bombing of Lebanon, or the sanctions against Iraq is also terrorist.” He continues: “My point is not to remind us that states practise terror, but to show how mainstream *strategic doctrines* are terrorist in these terms and undermine any prospect of achieving the normative consensus if such terrorism is to be reduced and eventually eliminated” (original italics) (p. 41). This is not merely confused, it displays remarkable nescience on the part of one engaged in teaching the next generation of graduates from the Australian Defence Force Academy. Strategic theory conventionally recognizes that actions on the part of state or non-state actors that aim to create fear (such as the allied aerial bombing of Germany in World War II or the nuclear deterrent posture of Mutually Assured Destruction) can be terroristic in nature.7 The problem for critical analysts like Burke is that they impute their own moral valuations to the term terror. Strategic theorists do not. Moreover, the statement that this undermines any prospect that terrorism can be eliminated is illogical: you can never eliminate an abstract noun. Consequently, those interested in a truly “critical” approach to the subject should perhaps turn to strategic theory for some relief from the strictures that have traditionally governed the study of terrorism, not to self-proclaimed **critical theorists who only replicate the flawed understandings of those whom they criticize.** Horgan and Boyle conclude their thoughtful article by claiming that critical terrorism studies has more in common with traditional terrorism research than critical theorists would possibly like to admit. These reviewers agree: they are two sides of the same coin. Conclusion In the looking glass world of critical terror studies the conventional analysis of terrorism is ontologically challenged, lacks self-reflexivity, and is policy oriented. By contrast, critical theory's ethicist, yet relativist, and deconstructive gaze reveals that we are all terrorists now and must empathize with those sub-state actors who have recourse to violence for whatever motive. Despite their intolerable othering by media and governments, terrorists are really no different from us. In fact, there is terror as the weapon of the weak and the far worse economic and coercive terror of the liberal state. Terrorists therefore deserve empathy and they must be discursively engaged. At the core of this understanding sits a radical pacifism and an idealism that requires not the status quo but communication and “human emancipation.” Until this radical post-national utopia arrives both force and the discourse of evil must be abandoned and instead therapy and un-coerced conversation must be practiced. In the popular ABC drama Boston Legal Judge **Brown perennially referred to the vague, irrelevant, jargon-ridden statements of lawyers as “jibber jabber.**” **The** Aberystwyth-based school of critical internationalist utopianism that increasingly dominates the study of international relations in Britain and Australia has refined a higher order incoherence that may be termed Aber jabber. The pages of the journal of Critical Studies on Terrorism are its natural home.

**The role of the aff isn’t to design a totally cogent view of the world, it’s to assemble a series of persuasive causal claims – theoretical questions will never be resolved and their argument refuses any objective standard for evaluating relatively superior sets of meanings.**

Rudra **Sil**, Assistant Professor of Political Science, University of Pennsylvania. “Against Epistemological Absolutism: Toward a “Pragmatic” Center,” Beyond Boundaries, ed. Rudra Sil and Eileen M. Doherty, 20**00**, p. 160-1.

An even stronger case is made by Paul Feyerabend who attacks the very idea that a paradigm might provide some conceptual coherence to a body of theoretical literature; rather, the problem of incommensurable meanings in each and every theory, in each and every case, makes it impos­sible to generate shared paradigms. Thus, Feyerabend’s relativistic epistemology provides no criteria whatsoever for the acceptance or refutation of theories, leaving social scientists with a growing body of inconsistent and incommensurable theories.~~ Feyerabend’s position is implicitly accepted by many interpretive theorists as well as postmodernists. For relativists, it is not simply the “methodological immaturity” of the social sciences that pro­duces debates over the relative merits of theories; **the** **very nature of social inquiry makes it impossible to achieve a uniform set of methods or criteria for** the **evaluation** of theory.56 Posrmodernists even make a virtue out of this criterionless social science where “anything goes.” Some of the less skepti­cal posrmodernists proceed to emphasize intuition and empathy as substi­tutes for positivist method, but the most extreme relativists can do no more than “deconstruct” texts to reveal hidden biases and challenge hidden assumptions. In both cases, there is no basis for determining when an insightful narrative or an act of deconstruction yields anything of signifi­cance to anyone other than author. Is there a position between Feyera bend’s relativism, on the one hand, and Popperian conventionalism or Lakatos’s sophisticated falsificationism on the other? To most social scientists in their everyday work, the latter seems unfeasible and the former unthinkable. Instead, some have responded to the challenge of absolute relativism by calling for the **use** of **compelling arguments and empirical findings not to test or falsify theories but to modestly engage in** the “rational **persuasion” of a given audience**; thus, they posit a bounded notion of “rationality,” stripped of its absolute universalism and consistent with socially constructed intersubjective realities.57 Others suggest that theories may initially be incommensurable, but that they can be “translated” so as to enable at least a tentative compari­son and evaluation on the basis of the same kind of empirical tests.s8 In these approaches**, the result will not be definitive an**

**d theories will never become laws, but** instead of crirerionless narratives, **scholars can at least make an effort to persuade audiences by** appealing to their own common-sense version of “reason” by **relating theories to compelling empirical observations**.In the end, **there may be no alternative to relying on the judgment of other human beings, and this** judgment **is difficult to form in the absence of empirical findings**. However, **instead of clinging to the elusive idea of a uniform standard** for the empirical validation of theories, **it is possible to** simply **present a** set of observational statements—whether we call it “data” or “narrative”—for the modest purpose of rendering an explanation or interpretation more plausible than the audience would allow at the outset. In practice, this is precisely what the most committed positivists and inter­prerivists have been doing anyway; the presentation of “**logically consis­tent” hypotheses “supported by data” and the ordering of facts in a “thick” narrative** are both ultimately **designed to convince scholars that a particular proposition should be taken more seriously than others. Social analysis is not about final truths** or objective realities, but **nor does it have to be a meaningless world of incommensurable theories where anything goes**. Instead, **it can be an ongoing collective endeavor to develop, evaluate, and** refine general inferences—be they in the form of models, par­tial explanations, descriptive inferences, or interpretations—in order to render them more “sensible” or “plausible” to a particular audience. In the absence of a consensus on the possibility and desirability of a full-blown explanatory science of international and social life**, it is important to keep as many doors open as possible.** This does not require us to accept each and every claim without some sort of validation, but **perhaps the community** of scholars **can be more tolerant about the kinds of** empirical referents and logical **propositions** that are **employed in validating propositions** by schol­ars embracing all but the most extreme epistemological positions.