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**1AC: Blowback**

**Contention 1 is Blowback:**

**US legitimacy has been severely damaged by detention—plan is key to reverse negative perceptions**

David **Welsh 11**, J.D. from the University of Utah, “Procedural Justice Post-9/11: The Effects of Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy”, http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf

**The Global War on Terror** 1 **has been** ideologically **framed as a struggle between** the principles of **freedom** and democracy on the one hand **and tyranny** and extremism on the other. 2 **Although this war has arguably led to a short-term disruption of** terrorist threats such as **al-Qaeda, it has also damaged America’s image both at home and abroad**. 3 **Throughout the world, there is a growing consensus that America has “a lack of credibility as a fair and just world leader**.” 4 **The perceived legitimacy of the U**nited **S**tates **in the War on Terror is critical because terrorism is not a conventional threat that** can surrender or **can be defeated** in the traditional sense. Instead, **this battle can only be won through legitimizing the rule of law and undermining** the use of **terror as a means of** political **influence**. 5 ¶ **Although a variety of political, economic, and security policies have negatively impacted** the perceived **legitimacy of the U**nited **S**tates, one of **the most damaging has been the detention**, treatment, and trial (or in many cases the lack thereof) **of suspected terrorists**. While many scholars have raised constitutional questions about the legality of U.S. detention procedures, 6 this article offers a psychological perspective of legitimacy in the context of detention.

**Legitimacy is crucial to sustainable and effective US hegemony—judicial review is key**

**Knowles 9** [Spring, 2009, Robert Knowles is a Acting Assistant Professor, New York University School of Law, “American Hegemony and the Foreign Affairs Constitution”, ARIZONA STATE LAW JOURNAL, 41 Ariz. St. L.J. 87]

**American unipolarity has created a challenge for realists. Unipolarity was thought to be inherently unstable because other nations, seeking to protect their own security**, form alliances to counter-balance the leading state. n322 **But no nation or group of nations has yet attempted to challenge America's military predominance**. n323 Although some realists predict that [\*140] counter-balancing will occur or is already in some ways occurring, n324 William Wohlforth has offered a compelling explanation for why true counter-balancing, in the traditional realist sense, will probably not happen for decades. n325 American unipolarity is unprecedented. n326 First, **the United States is geographically isolated from other potential rivals**, who are located near one another in Eurasia. n327 **This mutes the security threat that the U.S. seems to pose while increasing the threats that potential rivals seem to pose to one another**. n328 Second, **the U.S. far exceeds the capabilities of all other states in every aspect of power** - military, economic, technological, and in terms of what is known as "soft power." **This advantage "is larger now than any analogous gap in the history of the modern state system."** n329 Third, **unipolarity is entrenched as the status quo** for the first time since the seventeenth century, multiplying free rider problems for potential rivals and rendering less relevant all modern previous experience with balancing. n330 Finally, the potential rivals' possession of nuclear weapons makes the concentration of power in the United States appear less threatening. A war between great powers in today's world is very unlikely. n331 These factors make the current system much more stable, peaceful and durable than the past multi-polar and bipolar systems in which the United States operated for all of its history until 1991. **The lack of balancing means that the U**nited **S**tates, **and by extension the executive branch, faces** much **weaker external constraints on its exercise of power** than in the past. n332 Therefore, **the internal processes of the U.S. matter now more than any other nations' have in history**. n333 And **it is these internal processes**, as much as external developments, **that will determine the durability of American unipolarity. As one realist scholar has argued, the U.S. can best ensure the [\*141] stability of this unipolar order by ensuring that its predominance appears legitimate**. n334 **Hegemonic orders take on hierarchical characteristics**, with the preeminent power having denser political ties with other nations than in a unipolar order. n335 **Stability in hegemonic orders is maintained in part through security guarantees and trade relationships that result in economic specialization** among nations. n336 For example, if Nation X's security is supplied by Hegemon Y, Nation X can de-emphasize military power and focus on economic power. In a hegemonic system, **the preeminent state has "the power to shape the rules of international politics according to its own interests."** n337 **The hegemon**, in return, **provides public goods for the system as a whole**. n338 **The hegemon possesses** not only superior command of military and economic resources but "**soft" power, the ability to guide other states' preferences and interests.** n339 **The durability and stability of hegemonic orders depends on other states' acceptance of the hegemon's role. The hegemon's leadership must be seen as legitimate.** n340 [\*142] **The U**nited **S**tates **qualifies as a global hegemon**. In many ways, **the U.S. acts as a world government**. n341 **It provides public goods for the world**, such as security guarantees, the protection of sea lanes, and support for open markets. n342 After World War II, the U.S. forged a system of military alliances and transnational economic and political institutions - such as the United Nations, NATO, the International Monetary Fund, and the World Bank - that remain in place today. The U.S. provides security for allies such as Japan and Germany by maintaining a strong military presence in Asia and Europe. n343 Because of its overwhelming military might, the U.S. possesses what amounts to a "quasi-monopoly" on the use of force. n344 This prevents other nations from launching wars that would tend to be truly destabilizing. Similarly, **the United States provides a public good through its efforts to combat terrorism** and confront - even through regime change - rogue states. n345 **The U**nited **S**tates also **provides a public good through its promulgation and enforcement of international norms. It exercises a dominant influence on the definition of international law because it is the largest "consumer" of such law and the only nation capable of enforcing it on a global scale.** n346 The U.S. was the primary driver behind the establishment of the United Nations system and the development of contemporary treaties and institutional regimes to effectuate those treaties in both public and private international law. n347

Moreover, **controlling international norms are** [\*143] sometimes **embodied in the U.S. Constitution and domestic law rather than in treaties or customary international law.** For example, **whether terrorist threats will be countered effectively depends "in large part on U.S. law regarding armed conflict, from rules that define the circumstances under which the President can use force to those that define the proper treatment of enemy combatants.**" n348 **These public goods provided by the United States stabilize the system by legitimizing it and decreasing resistance to it.** **The transnational** political and economic **institutions created by the U**nited **S**tates **provide other countries with informal access to policymaking and tend to reduce resistance to American hegemony, encouraging others to "bandwagon"** with the U.S. rather than seek to create alternative centers of power. n349 American hegemony also coincided with the rise of globalization - the increasing integration and standardization of markets and cultures - which tends to stabilize the global system and reduce conflict. n350 **The legitimacy of American hegemony is strengthened and sustained by the democratic and accessible nature of the U.S. government. The American constitutional separation of powers is an international public good. The risk that it will hinder the ability of the U.S. to act swiftly, coherently or decisively** in foreign affairs **is counter-balanced by the benefits it provides in permitting foreigners multiple points of access to the government**. n351 Foreign nations and citizens lobby Congress and executive branch agencies in the State, Treasury, Defense, and Commerce Departments, where foreign policy is made. n352 They use the media to broadcast their point of view in an effort to influence the opinion of decision-makers. n353 Because the United States is a nation of immigrants, many American citizens have a specific interest in the fates of particular countries and form "ethnic lobbies" for the purpose of affecting foreign policy. n354 **The courts,** too, **are accessible to foreign nations and non-citizens. The Alien Tort Statute is emerging as an** [\*144] **important vehicle for adjudicating tort claims among non-citizens in U.S. courts.** n355 Empires are more complex than unipolar or hegemonic systems. Empires consist of a "rimless-hub-and-spoke structure," with an imperial core - the preeminent state - ruling the periphery through intermediaries. n356 The core institutionalizes its control through distinct, asymmetrical bargains (heterogeneous contracting) with each part of the periphery. n357 Ties among peripheries (the spokes) are thin, creating firewalls against the spread of resistance to imperial rule from one part of the empire to the other. n358 The success of imperial governance depends on the lack of a "rim." n359 Stability in imperial orders is maintained through "divide and rule," preventing the formation of countervailing alliances in the periphery by exploiting differences among potential challengers. n360 Divide-and-rule strategies include using resources from one part of the empire against challengers in another part and multi-vocal communication - legitimating imperial rule by signaling "different identities ... to different audiences." n361 Although the U.S. has often been labeled an empire, the term applies only in limited respects and in certain situations. Many foreign relations scholars question the comparison. n362 However, the U.S. does exercise informal imperial rule when it has routine and consistent influence over the foreign policies of other nations, who risk losing "crucial military, economic, or political support" if they refuse to comply. n363 The "Status of Force Agreements" ("SOFAs") that govern legal rights and responsibilities of U.S. military personnel and others on U.S. bases throughout the world are typically one-sided. n364 And the U.S. occupations in Iraq and Afghanistan had a strong imperial dynamic because those regimes depended on American support. n365 [\*145] But the management of empire is increasingly difficult in the era of globalization. Heterogeneous contracting and divide-and-rule strategies tend to fail when peripheries can communicate with one another. The U.S. is less able control "the flow of information ... about its bargains and activities around the world." n366 In late 2008, negotiations on the Status of Force Agreement between the U.S. and Iraq were the subject of intense media scrutiny and became an issue in the presidential campaign. n367 Another classic imperial tactic - the use of brutal, overwhelming force to eliminate resistance to imperial rule - is also unlikely to be effective today. The success of counterinsurgency operations depends on winning a battle of ideas, and collateral damage is used by violent extremists, through the Internet and satellite media, to "create widespread sympathy for their cause." n368 The abuses at Abu Ghraib, once public, harmed America's "brand" and diminished support for U.S. policy abroad. n369 Imperial rule, like hegemony, depends on maintaining legitimacy.B. Constructing a Hegemonic Model International relations scholars are still struggling to define the current era. The U.S.-led international order is unipolar, hegemonic, and, in some instances, imperial. In any event, this order diverges from traditional realist assumptions in important respects. It is unipolar, but stable. It is more hierarchical. The U.S. is not the same as other states; it performs unique functions in the world and has a government open and accessible to foreigners. And the stability and legitimacy of the system depends more on successful functioning of the U.S. government as a whole than it does on balancing alliances crafted by elite statesmen practicing realpolitik. "World power politics are shaped primarily not by the structure created by interstate anarchy but by the foreign policy developed in Washington." n370 These differences require a new model for assessing the institutional competences of the executive and judicial branches in foreign affairs. [\*146] One approach would be to adapt an institutional competence model using insights from a major alternative theory of international relations - liberalism. Liberal IR theory generally holds that internal characteristics of states - in particular, the form of government - dictate states' behavior, and that democracies do not go to war against one another. n371 Liberalists also regard economic interdependence and international institutions as important for maintaining peace and stability in the world. n372 Dean Anne-Marie Slaughter has proposed a binary model that distinguishes between liberal, democratic states and non-democratic states. n373 Because domestic and foreign issues are "most convergent" among liberal democracies, Slaughter reasons, the courts should decide issues concerning the scope of the political branches' powers. n374 With respect to non-liberal states, the position of the U.S. is more "realist," and courts should deploy a high level of deference. n375 One strength of this binary approach is that it would tend to reduce the uncertainty in foreign affairs adjudication. Professor Nzelibe has observed that it would put courts in the difficult position of determining which countries are liberal democracies. n376 But even if courts are capable of making these determinations, they would still face the same dilemmas adjudicating controversies regarding non-liberal states. Where is the appropriate boundary between foreign affairs and domestic matters? How much discretion should be afforded the executive when individual rights and accountability values are at stake? To resolve these dilemmas, an institutional competence model should be applicable to foreign affairs adjudication across the board. In constructing a new realist model, it is worth recalling that the functional justifications for special deference are aimed at addressing problems of a particular sort of role effectiveness - which allocation of power among the branches will best achieve general governmental effectiveness in foreign affairs. In the twenty-first century, **America's global role has changed, and the best means of achieving effectiveness in foreign affairs have changed as well. The international realm remains highly political** - if not as much as in the past - but **it is American politics that matters most.** If the U.S. is truly an empire - [\*147] and in some respects it is - the problems of imperial management will be far different from the problems of managing relations with one other great power or many great powers. Similarly, **the management of hegemony or unipolarity requires a different set of competences.** Although American predominance is recognized as a salient fact, there is no consensus among realists about the precise nature of the current international order. n377 The hegemonic model I offer here adopts common insights from the three IR frameworks - unipolar, hegemonic, and imperial - described above. First, the "hybrid" hegemonic model assumes that the goal of U.S. foreign affairs should be the preservation of American hegemony, which is more stable, more peaceful, and better for America's security and prosperity, than the alternatives. If the United States were to withdraw **from its global leadership role, no other nation would be capable of taking its place. n378 The result would be radical instability and a** greater risk of major war. n379 In addition, the United States would no longer benefit from the public goods it had formerly produced; as the largest consumer, it would suffer the most. Second, the hegemonic model assumes that **American hegemony is unusually stable and durable**. n380 As noted above, **other nations have many incentives to continue to tolerate the current order**. n381 And although other nations or groups of nations - China, the European Union, and India are often mentioned - may eventually overtake the United States in certain areas, such as manufacturing, **the U.S. will remain dominant in most measures of capability for decades.** According to 2007 estimates, the U.S. economy was projected to be twice the size of China's in 2025. n382 **The U.S. accounted for half of the world's military spending in 2007 and holds enormous advantages in defense technology that far outstrip would-be competitors. n383 Predictions of American decline are not new, and they have thus far proved premature.** n384 [\*148] Third, **the hegemonic model assumes that preservation of American hegemony depends not just on power, but legitimacy. n385 All three IR frameworks for describing predominant states - although unipolarity less than hegemony or empire - suggest that legitimacy is crucial to the stability and durability of the system.** **Although empires and predominant states in unipolar systems can conceivably maintain their position through the use of force, this is much more likely to exhaust the resources of the predominant state and to lead to counter-balancing or the loss of control. n386 Legitimacy as a method of maintaining predominance is far more efficient.** The hegemonic model generally values courts' institutional competences more than the anarchic realist model. **The courts' strengths in offering a stable interpretation of the law, relative insulation from political pressure, and power to bestow legitimacy are important for realizing the functional constitutional goal of effective U.S. foreign policy.** This means that courts' treatment of deference in foreign affairs will, in most respects, resemble its treatment of domestic affairs. Given the amorphous quality of foreign affairs deference, this "domestication" reduces uncertainty. **The increasing boundary problems caused by the proliferation of treaties and the infiltration of domestic law by foreign affairs issues are lessened by reducing the deference gap**. And **the dilemma caused by the need to weigh different functional considerations** - liberty, accountability, and effectiveness - **against one another is made less intractable because it becomes part of the same project that the courts constantly grapple with in adjudicating domestic disputes.**

**Legitimacy is the only way to ensure an effective hegemony – perceived illegitimacy causes great power war**

Martha **Finnemore 9**, professor of political science and international affairs at George Washington University, January 2009, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be,” World Politics, Volume 61, Number 1

**Legitimacy is**, by its nature, a **social and relational** phenomenon. **One’s position or power cannot be legitimate in a vacuum.** The concept only has meaning in a particular social context. Actors, even **unipoles, cannot create legitimacy unilaterally**. Legitimacy can only be given by others. It is conferred either by peers, as when great powers accept or reject the actions of another power, or by those upon whom power is exercised. Reasons to confer legitimacy have varied throughout history. Tradition, blood, and claims of divine right have all provided reasons to confer legitimacy, although in contemporary politics conformity with [End Page 61] international norms and law is more influential in determining which actors and actions will be accepted as legitimate. 9¶ Recognizing the legitimacy of power does not mean these others necessarily like the powerful or their policies, but it implies at least tacit acceptance of the social structure in which power is exercised. One may not like the inequalities of global capitalism but still believe that markets are the only realistic or likely way to organize successful economic growth. One may not like the P5 vetoes of the Security Council but still understand that the United Nations cannot exist without this concession to power asymmetries. **We can see the importance of legitimacy by thinking about its absence. Active rejection of social structures and the withdrawal of recognition of their legitimacy create a crisis.** In domestic politics, regimes suffering legitimacy crises face resistance, whether passive or active and armed. **Internationally, systems suffering legitimacy crises tend to be violent and noncooperative.** Post-Reformation Europe might be an example of such a system. **Without at least tacit acceptance of power’s legitimacy, the wheels of international social life get derailed. Material force alone remains to impose order, and order creation or maintenance by that means is difficult, even under unipolarity**. Successful and stable orders require the grease of some legitimation structure to persist and prosper.10¶ **The social and relational character of legitimacy thus strongly colors the nature of any unipolar order and the kinds of orders a unipole can construct. Yes, unipoles can impose their will, but only to an extent. The willingness of others to recognize the legitimacy of a unipole’s actions and defer to its wishes or judgment shapes the character of the order that will emerge. Unipolar power without any underlying legitimacy** will have a very particular character. The unipole’s policies **will meet with resistance, either active or passive, at every turn.** Cooperation will be induced only through material quid pro quo payoffs. Trust will be thin to nonexistent. This is obviously an expensive system to run and few unipoles have tried to do so.

**U.S. leadership is key to global stability and preventing great power wars**

Yuhan Zhang, Carnegie Endowment for International Peace, and Lin Shi, Columbia University, “America’s Decline: A Harbinger of Conflcit and Rivalry,” EAST ASIA FORUM, 1—22—11, <http://www.eastasiaforum.org/2011/01/22/americas-decline-a-harbinger-of-conflict-and-rivalry/>

This does not necessarily mean that the US is in systemic decline, but it encompasses a trend that appears to be negative and perhaps alarming. Although the US still possesses incomparable military prowess and its economy remains the world’s largest, the once seemingly indomitable chasm that separated America from anyone else is narrowing. Thus, the global distribution of power is shifting, and the inevitable result will be a world that is less peaceful, liberal and prosperous, burdened by a dearth of effective conflict regulation. Over the past two decades, no other state has had the ability to seriously challenge the US military. Under these circumstances, motivated by both opportunity and fear,many actors have bandwagoned with US hegemony and accepted a subordinate role. Canada, most of Western Europe, India, Japan, South Korea, Australia, Singapore and the Philippines have all joined the US, creating a status quo that has tended to mute great power conflicts. However,asthehegemonythat drew these powers together withers,so will the pulling power behind the US alliance.The result will be aninternationalorder where power is more diffuse, American interests and influence can be more readily challenged, and conflicts or wars may be harder to avoid. As history attests, power decline and redistribution result in military confrontation. For example, in the late 19th century America’s emergence as a regional power saw it launch its first overseas war of conquest towards Spain. By the turn of the 20th century, accompanying the increase in US power and waning of British power, the American Navy had begun to challenge the notion that Britain ‘rules the waves.’ Such a notion would eventually see the US attain the status of sole guardians of the Western Hemisphere’s security to become the order-creating Leviathan shaping the international system with democracy and rule of law. Defining this US-centred system are three key characteristics: enforcement of property rights, constraints on the actions of powerful individuals and groups and some degree of equal opportunities for broad segments of society. As a result of such political stability, free markets, liberal trade and flexible financial mechanisms have appeared. And, with this, many countries have sought opportunities to enter this system, proliferating stable and cooperative relations. However, what will happen to these advances as America’s influence declines? Given that America’s authority, although sullied at times, has benefited people across much of Latin America, Central and Eastern Europe, the Balkans, as well as parts of Africa and, quite extensively, Asia, the answer to this question could affect global society in a profoundly detrimental way. Public imagination and academia have anticipated that a post-hegemonic world would return tothe problems of the 1930s:regional blocs, trade conflicts and strategic rivalry.Furthermore, multilateral institutions such as the IMF, the World Bank or the WTO might give way to regional organisations. For example, Europe and East Asia would each step forward to fill the vacuum left by Washington’s withering leadership to pursue their own visions of regional political and economic orders. Free markets would become more politicised — and, well, less free — and major powers would compete for supremacy. Additionally, such power plays have historically possessed a zero-sum element. In the late 1960s and 1970s, US economic power declined relative to the rise of the Japanese and Western European economies, with the US dollar also becoming less attractive. And, as American power eroded, so did international regimes (such as the Bretton Woods System in 1973). A world without American hegemony is one where great power wars re-emerge, the liberal international system is supplanted by an authoritarian one, and trade protectionism devolves into restrictive, anti-globalisation barriers. This, at least, is one possibility we can forecast in a future that will inevitably be devoid of unrivalled US primacy.

**Hegemony solves conflicts that cause extinction**

Thomas P.M. **Barnett,** chief analyst, Wikistrat, “The New Rules: Leadership Fatigue Puts U.S. and Globalization, at Crossroads,” WORLD POLITICS REVIEW, 3—7—**11**, www.worldpoliticsreview.com/articles/8099/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads

Events in Libya are a further reminder for **Americans** that we **stand at a crossroads in our continuing evolution as the** world's sole full-service **superpower.** Unfortunately, we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: We live in a time of arguably the greatest structural change in the global order yet endured, with this historical moment's most amazing feature being its relative and absolute lack of mass violence. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: **As the guardian of globalization,** the U.S. military has been the greatest force for peace the world has ever known. **Had America been removed from the global dynamics** that governed the 20th century, the mass murder never would have ended. Indeed, it's entirely conceivable **there would now be no** identifiable **human civilization left, once nuclear weapons entered** **the killing equation. But the world did not keep sliding down** that path of **perpetual war**. Instead**, America** stepped up and **changed everything by ushering in** our now-perpetual **great-power peace. We introduced** the international liberal trade order known as **globalization** and played loyal Leviathan over its spread. What resulted was **the collapse of empires, an explosion of** **democracy**, the **persistent spread of** **human rights, the liberation of women, the doubling of life expectancy, a roughly 10-fold increase in adjusted global GDP and a profound and persistent reduction in battle deaths from state-based conflicts.** That is what American "hubris" actually delivgered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these **calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war**. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

**Two-thousand years of history 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.

**Heg decreases structural violence---any alt dooms humanity to deprivation**

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First the absurdity: A few of the most **over-the-top Bush-Cheney neocons did** indeed **promote a vision of U.S. primacy by which America shouldn't be afraid to wage war to keep other rising powers at bay. It was a nutty concept then, and it remains a nutty concept today.** But since it feeds a lot of major military weapons system purchases, especially for the China-centric Air Force and Navy, don't expect it to disappear so long as the Pentagon's internal budget fights are growing in intensity. ¶ **Meanwhile**, the Chinese do their stupid best to fuel this outdated logic by building a force designed to keep America out of East Asia just as their nation's dependency on resources flowing from unstable developing regions skyrockets. **With America's fiscal constraints now abundantly clear, the world's primary policing force is pulling back, while that force's implied successor is nowhere close to being able to field a similar power-projection capacity -- and never will be.** So with NATO clearly stretched to its limits by the combination of Afghanistan and Libya, **a lot of future fires in developing regions will likely be left to burn on their own**. We'll just have to wait and see how much foreign commentators delight in that G-Zero dynamic in the years ahead. ¶ That gets us to the original "insult": **the U.S. did not lord it over the world in the 1990s. Yes, it did argue for and promote the most rapid spread of globalization possible. But the "evil" of the Washington Consensus only yielded the most rapid growth of a truly global middle class that the world has ever seen**. Yes, we can, in our current economic funk, somehow cast that development as the "loss of U.S. hegemony," in that the American consumer is no longer the demand-center of globalization's universe. But this is without a doubt the most amazing achievement of U.S. foreign policy, surpassing even our role in World War II. ¶ **Numerous world powers served as global or regional hegemons before we came along, and their record on economic development was painfully transparent: Elites got richer, and the masses got poorer. Then America showed up after World War II and engineered an international liberal trade order**, one that was at first admittedly limited to the West. But **within four decades it went virally global, and now for the first time in history, more than half of our planet's population lives in conditions of modest-to-mounting abundance -- after millennia of mere sustenance**. ¶ You may choose to interpret this as some sort of cosmic coincidence, but **the historical sequence is undeniable: With its unrivaled power, America made the world a far better place**. ¶ That spreading wave of global abundance has reformatted all sorts of traditional societies that lay in its path. Some, like the Chinese, have adapted to it magnificently in an economic and social sense, with the political adaptation sure to follow eventually. Others, being already democracies, have done far better across the board, like Turkey, Indonesia and India. But there are also numerous traditional societies where that reformatting impulse from below has been met by both harsh repression from above and violent attempts by religious extremists to effect a "counterreformation" that firewalls the "faithful" from an "evil" outside world.¶ Does this violent blowback constitute the great threat of our age? Not really. As I've long argued, this "friction" from globalization's tectonic advance is merely what's left over now that great-power war has gone dormant for 66 years and counting, with interstate wars now so infrequent and so less lethal as to be dwarfed by the civil strife that plagues those developing regions still suffering weak connectivity to the global economy. ¶ **Let's remember what the U.S. actually did across the 1990s** after the Soviet threat disappeared. **It went out of its way to police the world's poorly governed spaces, battling rogue regimes and answering the 9-1-1 call repeatedly when disaster and/or civil strife struck vulnerable societies. Yes, playing globalization's bodyguard made America public enemy No. 1 in the eyes of its most violent rejectionist movements**, including al-Qaida, **but we made the effort because**, in our heart of hearts, **we knew that this is what blessed powers are supposed to do**. ¶ Some, like the Bush-Cheney neocons, were driven by more than that sense of moral responsibility. They saw a chance to remake the world so as to assure U.S. primacy deep into the future. The timing of their dream was cruelly ironic, for it blossomed just as America's decades-in-the-making grand strategy reached its apogee in the peaceful rise of so many great powers at once. Had Sept. 11 not intervened, the neocons would likely have eventually targeted rising China for strategic demonization. Instead, they locked in on Osama bin Laden. The rest, as they say, is history. ¶ The follow-on irony of **the War on Terror** is that its operational requirements **actually revolutionized a major portion of the U.S. military -- specifically the Army, Marines and Special Forces -- in such a way as to redirect their strategic ethos from big wars to small ones**. It also forged a new operational bond between the military's irregular elements and that portion of the Central Intelligence Agency that pursues direct action against transnational bad actors. The up-front costs of this transformation were far too high, largely because the Bush White House stubbornly refused to embrace counterinsurgency tactics until after the popular repudiation signaled by the 2006 midterm election. But **the end result is clear: We now have the force we actually need to manage this global era.¶ But,** of course, **that can all be tossed into the dumpster if we convince ourselves that our "loss" of hegemony was somehow the result of our own misdeed, instead of being our most profound gift to world history. Again, we grabbed the reins of global leadership and patiently engineered not only the greatest redistribution -- and expansion -- of global wealth ever seen, but also the greatest consolidation of global peace ever seen. ¶ Now, if we can sensibly realign our strategic relationship with the one rising great power, China,** whose growing strength upsets us so much, **then in combination with the rest of the world's rising great powers we can collectively wield enough global policing power to manage what's yet to come.** ¶ As always, **the choice is ours.**

**The world is getting better now because heg is peaceful**

Josh **Busby 12**, Assistant Professor of Public Affairs and a fellow in the RGK Center for Philanthropy and Community Service as well as a Crook Distinguished Scholar at the Robert S. Strauss Center for International Security and Law, <http://duckofminerva.blogspot.com/2012/01/get-real-chicago-ir-guys-out-in-force.html>

**Is Unipolarity Peaceful?** As evidence, **Monteiro provides metrics of the number of years during which great powers have been at war.** For the unipolar era since the end of the Cold War, the United States has been at war 13 of those 22 years or 59% (see his Table 2 below). Now, **I've been following** some of **the discussion by** and about Steven **Pinker** and Joshua Goldstein's [work](http://www.nytimes.com/2011/12/18/opinion/sunday/war-really-is-going-out-of-style.html?pagewanted=all) **that suggests the world is becoming more peaceful** **with** interstate wars and intrastate **wars becoming more rare**. I was struck by the graphic that Pinker used in a Wall Street Journal [piece](http://online.wsj.com/article/SB10001424053111904106704576583203589408180.html) back in September that drew on the Uppsala Conflict Data, which shows a steep decline in the number of deaths per 100,000 people. **How do we square this account by Monteiro of a unipolar world that is not peaceful** (**with the U.S. at war during this period in Iraq twice, Afghanistan, Kosovo**) **and** **Pinker's account which suggests declining violence in the contemporary period**? **Where Pinker is focused on systemic outcomes, Monteiro's measure merely reflect years during which the great powers are at war**. Under unipolarity, there is only one great power so the measure is partial and not systemic. However, Monteiro's theory aims to be systemic rather than partial. In critiquing Wohlforth's early work on unipolarity stability, Monteiro notes: Wohlforth’s argument does not exclude all kinds of war. Although power preponderance allows the unipole to manage conflicts globally, this argument is not meant to apply to relations between major and minor powers, or among the latter (17). So presumably, **a more adequate test of the peacefulness or not of unipolarity** (at least for Monteiro) **is not the number of years the great power has been at** **war but whether the system as a whole is becoming more peaceful under unipolarity compared** to previous eras, including wars between major and minor powers or wars between minor powers and whether the wars that do happen are as violent as the ones that came before. Now, as Ross Douthat pointed [out](http://douthat.blogs.nytimes.com/2011/10/17/steven-pinkers-history-of-violence/), Pinker's argument isn't based on a logic of benign hegemony. It could be that even if the present era is more peaceful, unipolarity has nothing to do with it. Moreover, **Pinker may be wrong**. Maybe the world isn't all that peaceful. I keep thinking about the places I don't want to go to anymore because they are violent (Mexico, Honduras, El Salvador, Nigeria, Pakistan, etc.) As Tyler Cowen [noted](http://marginalrevolution.com/marginalrevolution/2011/10/steven-pinker-on-violence.html), the measure Pinker uses to suggest violence is a per capita one, which doesn't get at the absolute level of violence perpetrated in an era of a greater world population. **But, if my read of other** [**reports**](http://www.hsrgroup.org/human-security-reports/20092010/graphs-and-tables.aspx) **based on Uppsala data is right, war is becoming more rare and less deadly** (though later [data](http://www.pcr.uu.se/research/ucdp/charts_and_graphs/) suggests lower level armed conflict may be increasing again since the mid-2000s). The apparent violence of the contemporary era may be something of a presentist bias and reflect our own lived experience and the ubiquity of news media **.Even if the U.S. has been at war for the better part of unipolarity, the deadliness is declining, even compared with Vietnam, let alone World War II.** Does Unipolarity Drive Conflict? So**, I** kind of took **issue with the Monteiro's premise that unipolarity is not peaceful**. What about his argument that unipolarity drives conflict? Monteiro suggests that the unipole has three available strategies - defensive dominance, offensive dominance and disengagement - though is less likely to use the third. Like Rosato and Schuessler, Monteiro suggests because other states cannot trust the intentions of other states, namely the unipole, that minor states won't merely bandwagon with the unipole. Some "recalcitrant" minor powers will attempt to see what they can get away with and try to build up their capabilities. As an aside, in Rosato and Schuessler world, unless these are located in strategically important areas (i.e. places where there is oil), then the unipole (the United States) should disengage. **In Monteiro's world**, **disengagement would inexorably lead to instability and draw in the U.S. again** (though I'm not sure this necessarily follows), but neither defensive or offensive dominance offer much possibility for peace either since it is U.S. power in and of itself that makes other states insecure, even though they can't balance against it.

**US pursuit of hegemony inevitable**

**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.**

**Indefinite detention increases terrorism—multiple mechanisms**

Martin **Scheinin**, Professor, International Law, “Should Human Rights Take a Back Seat in Wartime?” REAL CLEAR WORLD, interviewed by Casey L. Coombs, 1—11—**12**, [www.realclearworld.com/articles/2012/01/11/national\_defense\_authorization\_act\_scheinin\_interview-full.html](http://www.realclearworld.com/articles/2012/01/11/national_defense_authorization_act_scheinin_interview-full.html), accessed 8-21-13.

CLC: As a world leader and active promoter of universal human rights, **the practice of indefinite detention without charge would** seem to **clash with U.S. ideals**. Could you comment on this contradiction? MS: **One of the main lessons learned in the** international **fight against terrorism is that counter-terrorism professionals** have gradually **come to learn and admit that human rights violations are not an acceptable shortcut** in an effective fight against terrorism. **Such measures** tend to **backfire in multiple ways**. **They** result in legal problems by **hamper**ing **prosecution, trial and punishment**. **The use of torture is a clear example** here. **They** also tend to **alienate** the **communities with which authorities should be working** in order **to** detect and **prevent terrorism**. And **they add to causes of terrorism,** both **by perpetuating "root causes" that involve the alienation of communities and by providing "triggering causes" through which bitter individuals** make the morally inexcusable decision to **turn to** methods of **terrorism.** The NDAA is just one more step in the wrong direction, by aggravating the counterproductive effects of human rights violating measures put in place in the name of countering terrorism. CLC: Does the NDAA afford the U.S. a practical advantage in the fight against terrorism? Or might the law undermine its global credibility? MS: **It is hard to see any practical advantage gained through the NDAA**. It is just another form of what I call symbolic legislation, enacted because the legislators want to be seen as being "tough" or as "doing something." The law is written as just affirming existing powers and practices and hence not providing any meaningful new tools in the combat of terrorism. By constraining the choices by the executive, **it** nevertheless **hampers e**ffective counter-terrorism work, including criminal investigation and prosecution, as well as **international counter-terrorism cooperation**, markedly in the issue of closing the Guantanamo Bay detention facility. Hence, **it carries the risk of distancing** the **U**nited **S**tates **from its closest allies and the international community generally**. And of course **these kinds of** legal **provisions are** always **open for bad faith copying by repressive governments that will use them for their own political purposes**.

**Detention is a major terrorist recruitment tool**

**Postel 13** (Therese, policy associate in international affairs at The Century Foundation, 5-12-13, "How Guantanamo Bay's Existence Helps Al-Qaeda Recruit More Terrorists" The Atlantic) www.theatlantic.com/international/archive/2013/04/how-guantanamo-bays-existence-helps-al-qaeda-recruit-more-terrorists/274956/

While these human rights issues are egregious in their own right, and a vigilant minority continues to pressure the Obama administration on the situation, in the bigger picture, **the continued existence of Guantanamo Bay is damaging our national security on a daily basis. Guantanamo Bay has often been the focus of jihadist media and propaganda. Just recently, the Islamic Emirate of Afghanistan--the mouthpiece of the Taliban-- put out a statement calling attention to the ongoing hunger strike at Guantanamo** Bay. The brief message claims that the hunger strike at the prison has been going on for forty days (as of March 24) and calls for international rights organizations to "spread awareness about the plight of the destitute inmates." **Guantanamo** Bay **has become a salient issue used in jihadist propaganda. In 2010**, Al-Qaeda in the Arabian Peninsula (**AQAP**) **released the first issue of Inspire** , their English language recruitment magazine. To date, AQAP has released 10 issues of Inspire, and **the plight of prisoners at Guantanamo Bay has been featured prominently in several issues.** In the 2010 inaugural issue of Inspire, an essay by Osama bin Laden mentions "the crimes at Abu Ghraib and Guantanamo . . . which shook the conscience of humanity." Tellingly, bin Laden points out that "there has been no mentionable change" at Guantanamo and the prison is noted again later in the issue. Gitmo features even more prominently in Issue 2 of Inspire. The essays of Abu Sufyan al-Azdi and Uthman al-Gamidi, two former detainees who returned to AQAP upon their release, call new individuals to join the jihad, whether at home or abroad. In Issue 7, Yahya Ibrahim notes that Guantanamo Bay "exposed the West for what it really is" and "showed the world the American understanding of human rights." Most troubling, **in the latest issue of Inspire released early this month, AQAP mentions Guantanamo Bay several times.** In a prelude to the attention that the hunger strikers have been paid lately, Abu Musab al-Suri notes that Guantanamo is not only "filled with . . . mujahedeen" but also with "hundreds of innocent civilians." While it is quite rich to hear AQAP's concern for the plight of innocent civilians, given the high number of Yemenis cleared for release still at Guantanamo, this is a very salient message for AQAP's base in Yemen. **The constant refrain about Guantanamo Bay may be inspiring jihadist action. Anwar al-Awlaki issued a lecture discussing the plight of prisoners in Guantanamo Bay before his death by drone strike in 2011. Awlaki's lectures still play an important role in recruiting impressionable individuals to jihad.** As we know, Fort Hood shooter Nidal Hassan was impressed by Awlaki's message and was encouraged (although not directed) to carry out an attack on the states by the cleric himself. **The ramifications of the indefinite nature of Guantanamo have not been lost on American military and policy-makers, either. Air Force Officer Matthew Alexander, who was in charge of an interrogation team in Iraq, states that many of his subjects mentioned Guantanamo in their discussions and that it remains a strong recruitment tool**. Not only does it aid recruitment, but in Alexander's words, **"the longer it stays open the more cost it will have in U.S. lives."** John Brennan, now director of the Central Intelligence Agency, echoed Alexander's words just less than two years ago: "The prison at Guantánamo Bay undermines our national security, and our nation will be more secure the day when that prison is finally and responsibly closed." General Colin Powel underlined U.S. awareness of this perception in 2010. **Powell said unless Guantanamo is closed, it gives "radicals an opportunity to say, you see, this is what America is all about. They're all about torture and detention centers."** In Powell's words, the continuation of Guantanamo reinforces Al-Qaeda's "own positions." General David Petraeus' own words on Guantanamo Bay now seem prophetic. Just a year into Obama's first term Petraeus stated, I've been on the record on that for well over a year as well, saying that it [Guantanamo] should be closed. . . . And I think that whenever we have, perhaps, taken expedient measures, they have turned around and bitten us in the backside. . . . Abu Ghraib and other situations like that are nonbiodegradables. They don't go away. The enemy continues to beat you with them like a stick. **As the ongoing hunger strike intensifies at Guantanamo Bay, this issue and the facility itself continues to undermine our national security. Joe Biden called Guantanamo the "greatest propaganda tool that exists for recruiting of terrorists around the world" in 2005. Eight years later, if human rights and budgetary concerns are not enough to end this intractable problem, maybe national security will be.**

**Al Qaeda is still a major threat—predictions of decline are premature and false**

**Sinai 13** (Joshua, JINSA Fellow, Washington, DC-based consultant on national security studies, focusing primarily on terrorism, counterterrorism, and homeland security, 3-11-13, “Al Qaeda Threat to U.S. Not Diminished, Data Indicates” The Jewish Institute for National Security Affairs) http://www.jinsa.org/fellowship-program/joshua-sinai/al-qaeda-threat-us-not-diminished-data-indicates#.UbaiWvmsiSo

**Conventional wisdom holds that the threat** to America **posed by al Qaeda** and its affiliates **is greatly diminished** compared to 9/11. Today, it is claimed, al Qaeda is less well organized, with many of its top leaders eliminated, and is so broken into geographically disparate franchises that it is unable to recruit, train, and deploy a specialized cell to carry out a comparable catastrophic attack against America. The fact that no al Qaeda terrorist attacks have been carried out in America over the last two years, while some 20 individuals have plotted to carry out attacks but were arrested and convicted during the pre-incident phases, is seen as evidence that this terrorist threat is decreasing domestically. Therefore, according to this thesis, security authorities should prepare for more numerous and frequently occurring but low casualty attacks mounted by less well-trained and capable homegrown operatives, particularly by what are termed "lone wolves." **When a more complete compilation of all the components** involved in terrorism **are taken into account, however, the magnitude of the threat becomes much clearer and includes a higher likelihood of attempts to carry out catastrophic attacks as well as evidence that al Qaeda continues to recruit and prepare terrorist operatives in the United States.** Downplaying the terrorist threat posed by al Qaeda and its affiliates also has significant political implications due in part to the more than $70 billion that is spent annually on America's domestic counterterrorism programs (with larger amounts expended for overseas operations), all of which need to be continuously justified as cost effective by Administration planners and Congressional appropriators. Such **purported decline in al Qaeda attacks domestically**, however, **is** now **being seized upon by those who favor reduced government funding for counterterrorism programs, including weakening the USA PATRIOT Act**, to support their position that a reduced threat requires reduced funding and resources. **When the trajectory of attacks by al Qaeda and its associates over the years are carefully studied,** however, **certain patterns recur.** Specifically, **every time the threat is underplayed, it is invariably followed by a major attack. In the months leading up to the November 2012 elections, the media was filled with pronouncements that al Qaeda's threat had greatly diminished** as a result of the elimination of its leadership and the reduced operational role over attacks by what is termed "al Qaeda Central" in Pakistan's tribal areas. **While accurate on one level, this did not stop al Qaeda and its affiliates from continuing to launch major terrorist attacks, including** that by its Libyan affiliate against the U.S. consulate in **Benghazi** on September 11, 2012, which led to severe political repercussions for the Administration for its unpreparedness to anticipate such an attack. **This was followed by** the launching of **the devastating cross-border attack against the natural gas facility in eastern Algeria** in mid-January by another al Qaeda affiliate in Mali. **Thirty-six foreign workers were murdered in that attack, which, again, was unanticipated.** Moreover, **the fact that a catastrophic attack against America comparable to 9/11 has not occurred over the past 11 years should not suggest that a future one is not being planned. In summer 2006, al Qaeda-linked operatives in London plotted to detonate liquid explosives on board 10 transatlantic airliners flying from the UK to America and Canada. In** September **2009**, Najibullah **Zazi and his associates were arrested for plotting to conduct a suicide bombing attack against the New York City subway system. On Christmas Day, 2009,** Umar Farouk **Abdulmutallab failed to detonate plastic explosives while on board an airliner heading to Detroit.** Anwar al Awlaki, a former American extremist cleric, reportedly masterminded Abdulmutallab's operation. Awlaki was killed in a drone attack in Yemen on September 30, 2011. The killings of al Awlaki and Samir Khan, another American extremist who had made his way to Yemen in 2009, could well trigger a catastrophic attack by al Qaeda to avenge their deaths. **The recent capture of** Osama **Bin Laden's son-in-law**, Sulaiman abu Ghaith, and the decision to try him in New York City, **is also likely to trigger a major revenge attack against America.** Finally, **organizing catastrophic terrorist attacks requires** extensive **planning, funding and preparation. A terrorist group that feels** itself **strong will take its time to carefully plan a few but devastating attacks**, while a group that regards itself as weak may feel compelled to carry out frequent, but low-casualty attacks to demonstrate its continued relevancy. Some **incident databases, such as** a recent compilation of **data about American al Qaeda terrorists by the UK-based Henry Jackson Society, only account for completed attacks** and convictions of those arrested. **If such counting is expanded to include other factors**, however, then **the overall threat becomes much more severe. Other factors**, therefore, **should include** the **potential consequences of** the **thwarted attacks** had they not been prevented, **the number of radicalized Americans** who travel overseas to join al Qaeda-affiliated insurgencies, and the extent of radicalized activity by al Qaeda's American sympathizers in jihadi website forums and chatrooms. **A more complete accounting of the threat will** now **reveal that the supportive extremist infrastructure for al Qaeda in America is actually not diminishing and that the purported "lone wolf" actors have actual ties to al Qaeda operatives overseas. We should not,** therefore, also **be misled into complacency if catastrophic attacks by al Qaeda do not occur for lengthy periods. Nor so by the comforting but false sense of security that comes with believing that "lone wolf" attacks** in the United States **are not a product of al Qaeda** recruitment and support. It is also possible, nevertheless, that **al Qaeda's terrorist planners are considering both types of attacks, infrequent catastrophic and frequent low casualty. This may explain why al Qaeda's propaganda organs are calling on its radicalized followers in the West to take matters into their own hands and embark on any sort of attacks that may be feasible at the moment, but with further surprise attacks of a catastrophic nature still ahead.**

**Terrorists will obtain nuclear weapons—multiple potential sources**

**Neely 13** (Meggaen, research intern for the Project on Nuclear Issues, 3-21-13, "Doubting Deterrence of Nuclear Terrorism" Center for Strategic and International Studies) csis.org/blog/doubting-deterrence-nuclear-terrorism

**The risk that terrorists will set off a nuclear weapon on U.S. soil is disconcertingly high.** While a terrorist organization may experience difficulty constructing nuclear weapons facilities, **there is significant concern that terrorists can obtain a nuclear weapon or nuclear materials.** The fear that **an actor could steal a nuclear weapon** or fissile material **and transport it to the U**nited **S**tates has long-existed. It takes a great amount of time and resources (including territory) to construct centrifuges and reactors to build a nuclear weapon from scratch. **Relatively easily-transportable nuclear weapons**, however, **present one opportunity to terrorists.** For example, **exercises similar to the recent Russian movement of nuclear weapons from munitions depots to storage sites may prove attractive targets. Loose nuclear materials pose a second opportunity. Terrorists could use them to create a crude nuclear weapon similar to the gun-type design of Little Boy. Its simplicity** – two subcritical masses of highly-enriched uranium – **may make it attractive to terrorists.** While such a weapon might not produce the immediate destruction seen at Hiroshima, the radioactive fall-out and psychological effects would still be damaging. These two opportunities for terrorists differ from concerns about a “dirty bomb,” which mixes radioactive material with conventional explosives.

**Nuke terror causes extinction—equals a full-scale nuclear war**

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

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

### 1AC: Judiciary

#### Boumediene upheld the deference doctrine—by failing to specify a remedy, the courts have cemented executive power

Scheppele 12 (Kim, Professor of Sociology and Public Affairs in the Woodrow Wilson School, Director of the Program in Law and Public Affairs, Princeton University, January 2012, "The New Judicial Deference" Boston University Law Review, Lexis)

The majority in Boumediene had indeed found that the political branches had designed a system that violated the Constitution. The majority in Boumediene hardly looked deferential, at least when one examines the reasoning. But the signature element of the new judicial deference is that the Court does not defer in principle; it defers in practice. The petitioners won the right to have a regular court hear their habeas petitions. But what should such a court say about the Guantanamo detentions after this case? The majority frankly admitted that "our opinion does not address the content of the law that governs petitioners' detention. That is a matter yet to be determined." n294 So, while the Court appeared to take seriously the years of delay in granting the petitioners any independent review of the bases for their detention, the Court would still not explain when and by what evidentiary standard detention would be permissible. That required more litigation. And that process would require more time, which would in turn allow the executive to detain the petitioners longer.

#### Problems in civil-military relations are likely to reach crisis proportions in 2014—now is key to reverse the trend

Munson 12 (Peter, Marine officer, author, and Middle East specialist, 11-12-12, "A Caution on Civil-Military Relations" Small Wars Journal) smallwarsjournal.com/jrnl/art/a-caution-on-civil-military-relations

This brief post represents only a few quickly dashed thoughts in the hope of getting something on paper that might morph into a longer and more useful essay on civil-military relations. I believe that civil-military relations in the United States are deeply troubled. The issues are lurking mostly in the background right now. On the surface, our leadership—civilian and military—has been able to negotiate some relatively complex rapids without any of the major drama that has cropped up in the past. The falling out between Truman and MacArthur comes to mind. Nonetheless, there are serious background issues that will only get worse in 2014 and beyond. There are several reasons for concern. The all-volunteer force has fought two brutal wars for over a decade while a (guilty or thankful) American population has stood by with very little involvement. There have been no war bonds, no victory gardens, no bandage wrapping drives, no air raid drills—nothing to make them feel a part of the conflict other than the human interest stories about killed and wounded veterans and the once-nightly footage of shattered HMMWVs and burning convoys. This has created an inequality in experience and sacrifice that the public has generally attempted to repay through extreme deference and ever-multiplying shows of thankfulness, the likes of which have never been seen in American society. Part of this is as a corrective to the disgraceful treatment of our Vietnam veterans, to be sure, but it has consequences nonetheless. In the face of such an inequality of experience and service and in such a deferential environment, public criticism of the military is all too easily dismissed as unpatriotic. Not only is this foil used to deflect criticism, but its threat deters many from bringing up much needed commentary and dissent. Likewise, unquestioning support of the military plays no small factor in making any discussion of rationalizing military budgets and targeting wasteful military spending difficult, if not impossible. Late addition: This dynamic plays out in media coverage of the military, as well, leading to an insufficient criticality, or at least a lack of perspective, in much coverage. At worst, the media becomes a propaganda arm or engages in a cult of hero worship that perpetuates the dynamics above. As this coverage creates narratives that impact critical national security decisions, it likewise skews civil-military relations. The media is a central part of any civil-military dynamic in a democracy, providing the information that informs public discourse and shapes the decision-making space. If the media is incapable of being a relatively objective arbiter, this contributes to a flawed civil-military dynamic. The military, itself, has internalized much of this adulation. When ushered to the front of boarding lines at the airport, offered discounts at a myriad of establishments, proffered all sorts of swag at any number of appreciation venues, and even venerated daily on cable news with the incredibly self-centered practice of surprise homecomings, it is difficult for members of the military not to fall victim to a culture of creeping narcissism. Faced with lengthy, rapid fire deployments that placed some military members away from the stabilizing influences of family and normality for years of their lives, the military itself had to play up a narrative of sacrifice and exceptionalism to help keep the trains running. This narrative was drummed into the military and reinforced by its members who saw themselves deploying again and again as society stayed home and placed them on a pedestal. This is not to say that the sacrifice was insignificant, but to acknowledge that there were second order effects of the adulation. Even within the military, there was a significant inequality in hardships faced, from “FOBbits” with daily access to all the comforts of home to infantrymen living in squalor and under the constant threat of not only death, but horrific dismemberment. This additional dynamic, as an aside, has led to a significant insecurity on the part of some (but surely not most or all) of those servicemembers who operated in support roles. You can see it in those who make cryptic references to their “special operations” background or play up training that they never rightfully received. You see, even within the military there is a distinct hierarchy of who has truly “been there and done that” and those who feel they must insinuate that they did. I may be wrong, but I get the sense that the post-WWII culture just assumed that everyone had done their part and little need be said about it. In all, this adds up to a military that at least in part feels it has earned entitlement, that it deserves the deferential treatment it receives, and that America needs to sacrifice to provide for the military—whether that be benefits or budget outlays. This is an incredibly dangerous cultural artifact, especially in light of the coming period of adjustment. As America’s involvement in Afghanistan winds down and as the nation is forced to adjust to new fiscal realities, the military will face a time of significant adjustment and likely austerity. A military with an entitled culture and an inability to countenance searing introspection will be unable to properly adjust to these new realities and will fail to make the necessary reforms, corrections, and resets that the strategic situation demands. More critically, the prospects for an unfavorable outcome in Afghanistan, coupled with significant budget cuts, will open the door for a “knife in the back” narrative that might argue that the civilian politicians and the American public “lost” the conflict by giving up on the great sacrifice and heroic efforts of the American military there and, furthermore, the government then slashed the military budget (and perhaps restructured some entitlements) betraying a military charged with facing a plethora of threats around the world. Such a narrative would be dangerous—poisonous—for civil-military relations. In this it is important to recognize that our political institutions are undergoing a crisis of their own. Trust in government is at its lowest ebb in recent history. Political polarization is at its highest mark since the Great Depression. Demographic and economic pressures will multiply in coming years not only on the US, but more significantly on its key allies in Europe. The world will see a significant transformation of its power structure in the coming decades, all of which will put great strain on the country’s civil-military relations. Thus, it is of critical importance that we discuss, address, and correct any flaws in this dynamic now before they reach crisis proportions in the years to come.

#### Judicial deference is responsible for the split—a less deferential role for the courts is necessary to restore balance in civil-military relations

Mazur 10 (Diane, Professor of Law, University of Florida Levin College of Law, "A More Perfect Military: How the Constitution Can Make Our Military Stronger" Oxford University Press, Print)

One of the ways the doctrine of judicial deference has left a scar on civil-military relations is by changing how civilian government manages the military advice it receives. I don't meant to suggest this is a new problem for civilian control of the military—President Harry Truman certainly struggled to manage the military advice offered by General Douglas MacArthur during the Korean War1—but judicial deference has contributed to a more pervasive problem broadly affecting the way civilians engage with information from military sources. Strictly speaking, judicial deference in military affairs applies only when constitutional or legal issues are in play. When the question is whether a particular military policy or plan of action is a wise or prudent thing to do, and not whether it is constitutional or lawful, courts have no role in answering the question and judicial deference is irrelevant. However, because judicial deference has expanded beyond an abstract legal theory into a more general way of thinking about military affairs, it has come to have an indirect effect on all forms of military decision making by civilian officials. Deference in a strictly legal sense is only a part of the broad cultural deference on military issues we have adopted since the end of the Vietnam War. We consistently discourage civilians from serious engagement with military issues. Wc assume most civilians arc incapable of understanding the military and have little to add to the conversation. We suspect they have not earned the right to speak about military affairs, even though at some level we must know civilian engagement is necessary in a system built on civilian control of the military. There is always a risk that asking too many questions will be interpreted as a lack of support for the military, and so the easier path is often to endorse whatever appears to be the consensus "military" position on an issue, whether or not the consensus position is actually helpful to the military. Our inclination toward deference in matters involving the military is so strong that military advice can sometimes carry the power of a military veto when the advice becomes part of public debate. Few government officials want to be in the position of asking for the military's viewpoint on an issue and then choosing a policy direction inconsistent with that viewpoint. As a result, civilians may package or present military advice in a way that mis-lcadingly removes any conflict with civilian policy preference, ensuring at least the appearance of a deferential attitude. The "Don't Ask, Don't Tell" debate offered a good example of this phenomenon. Congress put on what were essentially "show hearings" to create the appearance of unified military opposition to gay citizens in military service. I don't doubt that in 1993 military opposition outweighed military support, but the hearings were carefully scrubbed of any military expertise from the minority viewpoint. The military's increasing political partisanship also plays an important role in how we characterize and respond to military advice, and there may be no better example of why political partisanship is damaging to military professionalism. At the same time civilians have an incentive to package military opinion selectively for favorable effect, the military may also feel an obligation to shape the advice it gives (or to withhold contrary opinions) in an effort to be loyal to a particular political interest. Political partisanship within the military imposes great pressure on military professionals to produce advice supportive of its political allegiance. At the very least, there will always be an air of uncertainty as to whether military advice has been tainted by a desire to either support or undercut the commander in chief or the Congress. Even the general public responds to military advice differently depending on whether the advice matches expectations about the military's presumed political allegiance. When military officials were uncooperative to the point of being insubordinate and refused to seriously consider how to implement President Clinton's proposal to end sexual orientation discrimination in the military, most people believed they were simply following their professional obligation to give civilian leaders candid military advice. We are so comfortable with the idea of military testimony running counter to policy preferences of the Democratic Party that no one objected when General Colin Powell gave a speech at the Naval Academy encouraging midshipmen to resign if they believed they could not morally serve in a military that also permitted gay people to serve." That's not advice, that's insubordination. On the other hand, when military advice upsets the careful civil-military consensus we usually construct for public consumption and also runs counter to the military's expected political allegiances, people take notice and ask whether the military has violated its ethical obligation of subordination to civilian control. The recent example of note occurred when General Eric Shinseki, the Army chief of staff, responded to a question during a Senate hearing asking how large a force would be necessary to maintain public order in Iraq following an invasion. This was information Congress needed to know in order to carry out its constitutional responsibilities to declare war and fund military operations. Shinseki responded with a significantly higher number than the administration's party line, and it began a debate among civil-military experts that continues today. A scries of essays in the professional journal Armed Forces and Society examined the controversy,5 and one author seriously argued Shinseki had a professional obligation to answer in a way that would protect the president from the perception he might be acting against military advice, or at least without a consensus military opinion.'1 Our system of civilian control of the military included, according to this argument, an obligation on the part of military professionals to adjust their advice to shore up civilian policy preferences. I have a feeling, however, the same ethical argument would not have been made on behalf of a Democratic Party commander in chief. The solution is both simple to understand and difficult to achieve. If we were more comfortable with open engagement and conversation about military advice—if we were more comfortable with robust, messy debate about military issues—it would not be so important to shape or distort military advice to match civilian preferences. If we were more comfortable with military viewpoints, and believed we could invite them, consider them, weigh their strengths and weaknesses, balance them against other nonmilitary concerns, and then, if necessary, make a decision inconsistent with those viewpoints, our civil-military relations would be much healthier. This is the same dynamic that inhibits a healthy civil-military exchange in judicial settings. We believe the system cannot tolerate the complexity or the inconvenience of real information, and so we construct a system specifically designed to generate a false consensus—the doctrine of judicial deference—so we can all feel better about making military decisions.

#### Civilian control key to military effectiveness—solves array of existential threats

Dr. Mackubin Thomas Owens, Professor, National Security Affairs, “What Military Officers Need to Know About Civil-Military Relations,” NAVAL WAR COLLEGE REVIEW v. 65 n. 2, Spring 2012, p. 81-82.

The combination of civil-military relations patterns and service doctrines affect military effectiveness. In essence, the ultimate test of a civil-military relations pattern is how well it contributes to the effectiveness of a state's military, especially at the level of strategic assessment and strategy making. (50) However, Richard Kohn has explicitly called into question the effectiveness of the American military in this realm, especially with regard to the planning and conduct of operations other than those associated with large-scale conventional war. "Nearly twenty years after the end of the Cold War, the American military, financed by more money than the entire rest of the world spends on its armed forces, failed to defeat insurgencies or fully suppress sectarian civil wars in two crucial countries, each with less than a tenth of the U.S. population, after overthrowing those nations' governments in a matter of weeks." (51) He attributes this lack of effectiveness to a decline in the military's professional competence with regard to strategic planning. "In effect, in the most important area of professional expertise--the connecting of war to policy, of operations to achieving the objectives of the nation--the American military has been found wanting. The excellence of the American military in operations, logistics tactics, , weaponry, and battle has been manifest for a generation or more. Not so with strategy." (52) This phenomenon manifests itself, he argues, in recent failure to adapt to a changing security environment in which the challenges to global stability are "less from massed armies than from terrorism; economic and particularly financial instability; failed states; resource scarcity (particularly oil and potable water); pandemic disease; climate change; and international crime in the form of piracy, smuggling, narcotics trafficking, and other forms of organized lawlessness." He observes that this decline in strategic competence has occurred during a time in which the U.S. military exercises enormous influence in the making of foreign and national security policies. He echoes the claim of Colin Gray: "All too often, there is a black hole where American strategy ought to reside." (53) Is there something inherent in current U.S. civil-military affairs that accounts for this failure of strategy? The failure of American civil-military relations to generate strategy can be attributed to the confluence of three factors. The first of these is the continued dominance within the American system of what Eliot Cohen has called the "normal" theory of civil-military relations, the belief that there is a clear line of demarcation between civilians who determine the goals of the war and the uniformed military who then conduct the actual fighting. Until President George W. Bush abandoned it when he overruled his commanders and embraced the "surge" in Iraq, the normal theory has been the default position of most presidents since the Vietnam War. Its longevity is based on the idea that the failure of Lyndon Johnson and Robert McNamara to defer to an autonomous military realm was the cause of American defeat in Vietnam. The normal theory can be traced to Samuel Huntington's The Soldier and the State, in which he sought a solution to the dilemma that lies at the heart of civil-military relations--how to guarantee civilian control of the military while still ensuring the ability of the uniformed military to provide security. His solution was a mechanism for creating and maintaining a professional, apolitical military establishment, which he called "objective control." Such a professional military would focus on defending the United States but avoid threatening civilian control. (54) But as Cohen has pointed out, the normal theory of civil-military relations often has not held in practice. Indeed, such storied democratic war leaders as Winston Churchill and Abraham Lincoln "trespassed" on the military's turf as a matter of course, influencing not only strategy and operations but also tactics. The reason that civilian leaders cannot simply leave the military to its own devices during war is that war is an iterative process involving the interplay of active wills. What appears to be the case at the outset of the war may change as the war continues, modifying the relationship between political goals and military means. The fact remains that wars are not fought for their own purposes but to achieve policy goals set by the political leadership of the state. The second factor, strongly reinforced by the normal theory of civil-military relations, is the influence of the uniformed services' organizational cultures. Each military service is built around a "strategic concept" that, according to Samuel Huntington, constitutes "the fundamental element of a military service," the basic "statement of [its] role ... or purpose in implementing national policy." (55) A clear strategic concept is critical to the ability of a service to organize and employ the resources that Congress allocates to it. It also largely determines a service's organizational culture. Some years ago, the late Carl Builder of the RAND Corporation wrote The Masks of War, in which he demonstrated the importance of the organizational cultures of the various military services in creating their differing "personalities," identities, and behaviors. His point was that each service possesses a preferred way of fighting and that "the unique service identities ... are likely to persist for a very long time." (56)

#### Court involvement key to setting precedent that checks abuses

Pearlstein 03 [Deborah N., Deputy Director of the U.S. Law and Security Program at the Lawyers Committee for Human Rights, and a Visiting Fellow at the Stanford University Center for Democracy, Development and the Rule of Law, “The Role of the Courts in Protecting Civil Liberties and Human Rights for the Post-9/11 United States”, 2nd Pugwash Workshop on Terrorism: External and Domestic Consequences of the War on Terrorism, http://www.pugwash.org/reports/nw/terrorism2003-pearlstein.htm]

In each of the historical examples just given, the judiciary ultimately played a critical role in evaluating the legality of executive action. In the Civil War case, Lambdin Milligan, who had led armed uprisings against Union forces in Indiana, appealed his military tribunal prosecution to the U.S. Supreme Court. In Ex Parte Milligan (1865), the U.S. Supreme Court held Milligan's military prosecution unconstitutional, holding that as long as the civilian "courts are open and their process unobstructed, . . . they can never be applied to civilians in states which have upheld the authority of the government." In Ex Parte Quirin (1942), the Supreme Court reviewed the military prosecution of the German army spies for violations of the laws of war and concluded that it was within the executive's power. Unlike the civilian subject to military justice in Ex Parte Milligan, the Quirin defendants were members of the army of a nation with which the United States was in declared war. And critically, Congress had expressly authorized military commission trials for the offenses for which they were accused. The Supreme Court likewise upheld the exclusion of Japanese-Americans from their homes in Korematsu v. United States (1944), explaining: "Korematsu was not excluded from the military area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, and finally, because Congress, reposing its confidence in this time of war in our military leaders - as inevitably it must - determined that they should have the power to do just this." As these examples demonstrate, the U.S. Supreme Court has not always acted to enforce positive legal protections in favor of the individual against the government's exercise of 'wartime' power. Nonetheless, the Court's structural involvement conveyed a critical political message that executive power remained subject to the rule of law. In addition, the Court's published majority opinions clarified the nature of the executive action taken in response to perceived wartime threats, providing a basis for comparative analysis of subsequent executive conduct. In vigorous and public dissenting opinions accompanying each decision, minority justices gave expression to the strong opposing arguments on the resolution of the legal questions presented. Perhaps most important, the judicial decisions provided Congress, legal scholars, and the American public a means for understanding and, in the relative calm of post-war decision-making, for reevaluating the political wisdom of the challenged actions. Thus, for example, a federal court eventually granted a writ of coram nobis in Mr. Korematsu's case as a result of executive misrepresentations. (Korematsu v. United States (N.D. Cal. 1984)). In 1971, to rein in what was by then broadly recognized as executive excesses, Congress passed 18 U.S.C. § 4001(a), providing: "No citizen shall be . . . detained by the United States except pursuant to an Act of Congress." And in 1988, Congress awarded reparations to the remaining survivors and descendants of those interned during World War II as a result of the military exclusion order.

**Court action on detention is key to reverse deference**

**Masur 05** (Jonathan, Law clerk for Posner, JD from Harvard, "A Hard Look or a Blind Eye: Administrative Law and Military Deference" Hastings Law Journal, Lexis)

In evidence is a court that instinctively views military action as judicially incomprehensible and legally untouchable. To the Fourth Circuit, law cannot bend the exigent realities of war to its constraining will because it cannot extract necessary factual clarity from amidst the "murkiness and chaos"; courts would thus be well-advised to remain outside the fray. n320 It is this judicial predilection that necessitates firm proof of dissimilitude between military and criminal detention. **When military operations assume the form and function of typical law enforcement acts, courts become hard-pressed to justify their abstention** from the rule-of-law constitutional questions that form the core of their juridical task. Despitea body of Supreme Court administrative law doctrine counseling judicial intervention into areas of executive expertise, and despite the principle that courts must act to vindicate the rule of law even [\*519] in fields of overwhelming executive or legislative authority, **Article III courts have come to view military questions as a taxonomic grouping they are simply incapable of navigating. Yet in this legal area** (as in most others), **doctrinal facts ought to drive psychological attitudes. Military cases do not always hold the threat of substantially greater national peril, nor offer more pressing exigencies, nor present more intractable** fact or policy **questions** than do typical administrative law adjudications. **Courts that remain unafraid to pass on the factual rationality of highway safety regulations** that may affect tens of thousands of lives each year **should hold no** particular impressionistic **aversion towards inquiring into the legality of detentions** or secretive hearings. There, the danger of a judicial misstep remains speculative precisely because courts have refused to put the Administration to its proofs. Moreover, **courts** themselves **possess responsibility for enforcing the legal limitations that exist to bind administrative actors. To leave wartime cases exclusively in the hands of the Executive Branch in the name of** "comity" or "**deference" would be to reduce fundamental constitutional guarantees to mere precatory language,** slaves to the vicissitudes of the executive expediency they were meant to curb. Lower courts need not shrink from validating the rule of law in cases that bear such resemblance to the administrative law doctrines with which they are familiar. If they continue to do so, **the Supreme Court must act to reconstitute wartime doctrine** along existing precedential lines, **lest the U**nited **S**tates **reap the consequences of this** unfortunate, self-conscious **judicial hand-washing.** Conclusion **Over the past three years, the "War on Terror" has become as much a legal strategy as a military operation.** Incursions abroad have been matched by informational blackouts at home. International manhunts for suspected terrorists are coupled with detention of American citizens. Constitutional rights have been eroded by a torrent of ostensibly security-enhancing measures, and aggrieved individuals have turned to the courts for redress, just as they did six decades ago when the Japanese population of the West Coast was interned in the name of national defense. Yet **courts have behaved solicitously** not towards claims of constitutional deprivations, but rather **towards governmental declarations of necessity and authority** over the lives and rights of the citizenry in wartime. In particular, **courts have overwhelmingly deferred to the executive branch** regarding the assertions of fact that form the factual predicates for governmental actions. Deference has come according to two rationales: first, the President's unique constitutional role as guarantor of national security, and second, the Executive's [\*520] superior institutional expertise in wartime matters. **In awarding deference** on these grounds, **the judiciary has ignored the operation of the Constitution** and laws as contemporaneous structural constraints on executive military action. The President and the military hold only the authority vested in them by the Constitution or by law. Action outside of those legal boundaries is by definition unconstitutional and unauthorized. Similarly, the Bill of Rights enshrines individual freedoms that executive action, even if otherwise lawful, cannot infringe. Moreover, **many cases implicating national security turn on issues of individual statutory and constitutional rights - such as the lawfulness of detention** or free speech rights such as access to information - that form the archetypal bailiwick of civilian tribunals. Thus, **even in wartime circumstances there is often constitutional and statutory law to apply, law to which courts must hold the Executive** and the legislature. As courts have nearly unanimously recognized, **it is emphatically the province of the judiciary to vindicate the rule of law by demanding that government bodies remain within circumscribed boundaries.** It is in this respect that administrative law can usefully inform the adjudication of wartime cases. Administrative law jurisprudence developed to address the particular problems presented by executive branch agencies possessing tremendous institutional expertise and resources and specially empowered by Congress to manage technically difficult subject matter. So-called "military" cases come to Article III courts within precisely the same jurisprudential framework as civilian administrative ones: courts must determine the degree to which they should defer to the legal or factual allegations of an expert, empowered executive branch organization. Despite the obvious considerations favoring substantial administrative deference, the Supreme Court's modern administrative law jurisprudence stands for the principle that adherence to the rule of law demands that courts meaningfully scrutinize administrative determinations of fact. The Court has recognized that enforcement of a legal stricture is toothless without a concomitant inquiry into that stricture's factual predicate. It has therefore insisted upon "substantial evidence" in support of agency judgments before affirming them and required courts to perform "rationality review" of agency policy decisions to ensure that agencies have considered all available alternatives and reached logical conclusions from available information. The rule-of-law principles that motivate judicial scrutiny of administrative determinations compel similar treatment for the claims of fact proffered by the military in the interest of surmounting constitutional restraints. The reasons that courts advance in defense of their acquiescence in wartime circumstances are logically unconvincing. [\*521] **The military matters that have come before the judiciary are neither more judicially inscrutable nor more legally intractable than the administrative issues upon which hard look and substantial evidence review were founded. If military cases present greater national dangers - a question that can hardly be answered accurately without judicial review in the first instance - than their civilian counterparts, they also threaten more dramatic erosions of civil and constitutional rights**. Courts cannot continue to invoke "national security" as a shibboleth absolving them from their responsibility, exemplified within the principles of administrative law, to examine especially those actions taken by broadly empowered, highly experienced executive bodies. On September 22, 2004, almost three years after Yaser Esam Hamdi was taken into custody by American forces in Afghanistan, and nearly three months after the Supreme Court had ruled that he could not be held indefinitely without some nature of adjudicative process, the United States Department of Justice decided that Hamdi's "intelligence value had been exhausted" and agreed to release him, provided he never again set foot in the United States. n321 Nineteen days later, Hamdi was placed on a flight bound for Saudi Arabia. n322 What justification the United States military believed it possessed for holding Hamdi may never be known; one can only presume that it would not have withstood even the limited scrutiny the Supreme Court had prescribed. Hamdi's release completed the military's circular narrative: it was the executive branch that chose to incarcerate Hamdi; it was the executive branch that unilaterally chose to release him; and it appears that the executive branch never ceased believing that it alone held the authority to make these decisions. Yaser **Hamdi**, Jose **Padilla, and** all American **citizens** bearing constitutional rights **are entitled to a government that operates by law and logic, not by executive fiat. Courts must act to vindicate the rule of law if such a government is to persevere.**

**Liberalism is true and promotes peace**

**Recchia and Doyle 11**

[Stefano (Assistant Professor in International Relations at the University of Cambridge) and Michael (Harold Brown Professor of International Affairs, Law and Political Science at Columbia University), “Liberalism in International Relations”, In: Bertrand Badie, Dirk Berg-Schlosser, and Leonardo Morlino, eds., International Encyclopedia of Political Science (Sage, 2011), pp. 1434-1439, RSR]

**Relying on new insights from game theory**, ¶ **scholars during the 1980s and 1990s emphasized** ¶ **that so-called international regimes, consisting of** ¶ **agreed-on international norms, rules, and decision-making procedures, can help states effectively coordinate their policies and collaborate in** ¶ **the production of international public goods, such** ¶ **as free trade, arms control, and environmental** ¶ **protection**. Especially, if embedded in formal multilateral institutions, such as the World Trade ¶ Organization (WTO) or North American Free ¶ Trade Agreement (NAFT A), regimes crucially ¶ improve the availability of information among ¶ states in a given issue area, thereby promoting ¶ reciprocity and enhancing the reputational costs ¶ of noncompliance. **As noted by** Robert **Keohane,** ¶ **institutionalized multilateralism also reduces strategic competition over relative gains and thus** ¶ **further advances international cooperation**. ¶ Most international regime theorists accepted ¶ Kenneth Waltz's (1979) neorealist assurription of ¶ states as black boxes-that is, unitary and rational ¶ actors with given interests. **Little or no attention** ¶ **was paid to the impact on international cooperation of domestic political processes and dynamics.** ¶ **Likewise, regime scholarship largely disregarded** ¶ **the arguably crucial question of whether prolonged interaction in an institutionalized international setting can fundamentally change states'** ¶ **interests or preferences over outcomes** (as opposed ¶ to preferences over strategies), **thus engendering** ¶ **positive feedback loops of increased overall cooperation**. For these reasons, international regime ¶ theory is not, properly speaking, liberal, and the ¶ term neoliberal institutionalism frequently used to ¶ identify it is somewhat misleading. ¶ It is only over the past decade or so that liberal ¶ international relations theorists have begun to systematically study the relationship between domestic politics and institutionalized international cooperation or global governance. This new scholarship ¶ seeks to explain in particular the close interna tional ¶ cooperation among liberal democracies as well as ¶ higher-than-average levels of delegation b)' democracies to complex multilateral bodies, such as the ¶ \ ¶ Liberalism in International Relations 1437 ¶ European Union (EU), North Atlantic Treaty ¶ Organization (NATO), NAFTA, and the WTO ¶ (see, e.g., John Ikenberry, 2001; Helen Milner & ¶ Andrew Moravcsik, 2009). **The reasons that make** ¶ **liberal democracies particularly enthusiastic about** ¶ **international cooperation are manifold: First,** ¶ **transnational actors such as nongovernmental** ¶ **organizations and private corporations thrive in** ¶ **liberal democracies, and they frequently advocate** ¶ **increased international cooperation; second,** ¶ **elected democratic officials rely on delegation to** ¶ **multilateral bodies such as the WTO or the EU to** ¶ **commit to a stable policy line and to internationally lock in fragile domestic policies and constitutional arrangements; and finally, powerful liberal** ¶ **democracies, such as the United States and its** ¶ **allies, voluntarily bind themselves into complex** ¶ **global governance arrangements to demonstrate** ¶ **strategic restraint and create incentives for other** ¶ **states to cooperate, thereby reducing the costs for** ¶ **maintaining international order**. ¶ Recent scholarship, such as that of Charles ¶ Boehmer and colleagues, has also confirmed the ¶ classical liberal intuition that formal international ¶ institutions, such as the United Nations (UN) or ¶ NATO, independently contribute to peace, especially when they are endowed with sophisticated ¶ administrative structures and information-gathering ¶ capacities. In short, **research on global governance** ¶ **and especially on the relationship between democracy and international cooperation is thriving, and** ¶ **it usefully complements liberal scholarship on the democratic peace.**

#### Legal reforms can check their impacts—aff is key

Colm O’Cinneide, University College London, “Strapped to the Mast: The Siren Song of Dreadful Necessity, the United Kingdom Human Rights Act and the Terrorist Threat,” FRESH PERSPECTIVES ON THE ‘WAR ON TERROR’, ed. M.Gani & P.Mathew, 2008,

<http://epress.anu.edu.au/war_terror/mobile_devices/ch15s07.html>

This ‘symbiotic’ relationship between counter-terrorism measures and political violence, and the apparently inevitable negative impact of the use of emergency powers upon ‘target’ communities, would indicate that it makes sense to be very cautious in the use of such powers. However, the impact on individuals and ‘target’ communities can be too easily disregarded when set against the apparent demands of the greater good. Justice Jackson’s famous quote in Terminiello v Chicago [111] that the United States Bill of Rights should not be turned into a ‘suicide pact’ has considerable resonance in times of crisis, and often is used as a catch-all response to the ‘bleatings’ of civil libertarians.[112] The structural factors discussed above that appear to drive the response of successive UK governments to terrorist acts seem to invariably result in a depressing repetition of mistakes.¶ However, certain legal processes appear to have some capacity to slow down the excesses of the counter-terrorism cycle. What is becoming apparent in the UK context since 9/11 is that there are factors at play this time round that were not in play in the early years of the Northern Irish crisis. A series of parliamentary, judicial and transnational mechanisms are now in place that appear to have some moderate ‘dampening’ effect on the application of emergency powers.¶ This phrase ‘dampening’ is borrowed from Campbell and Connolly, who have recently suggested that law can play a ‘dampening’ role on the progression of the counter-terrorism cycle before it reaches its end. Legal processes can provide an avenue of political opportunity and mobilisation in their own right, whereby the ‘relatively autonomous’ framework of a legal system can be used to moderate the impact of the cycle of repression and backlash. They also suggest that this ‘dampening’ effect can ‘re-frame’ conflicts in a manner that shifts perceptions about the need for the use of violence or extreme state repression.[113] State responses that have been subject to this dampening effect may have more legitimacy and generate less repression: the need for mobilisation in response may therefore also be diluted.

#### Rejection of our politics dooms them to failure—aff and perm are necessary to solve

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](http://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 adoptedin the first place, and maypose 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 whichenlarge their scope of action in the future.

### 1AC: Plan

#### The United States federal judiciary should restrict the war powers authority of the President of the United States by ruling that all persons indefinitely detained under this authority must be afforded due process protections and that such individuals who have won their habeas corpus hearing or trial must be released.

### 1AC: Solvency

**Contention 3 is Solvency:**

**Working through the courts is necessary to solve Gitmo—popular activism can’t solve**

**Cole 2011** - Professor, Georgetown University Law Center (Winter, David, “WHERE LIBERTY LIES: CIVIL SOCIETY AND INDIVIDUAL RIGHTS AFTER 9/11,” 57 Wayne L. Rev. 1203, Lexis)

Unlike the majoritarian electoral politics Posner and Vermeule imagine, the work of **civil society cannot be segregated neatly from the law**. On the contrary, **it will often coalesce around a distinctly legal challenge,** objecting to departures from specific legal norms, **often** but not always heard **in** a **court** case, **as with civil society's challenge to the treatment of detainees at Guantanamo. Congress's actions** on that subject **make clear that had Guantánamo been left to the majoritarian political process, there would have been few if any advances**. The **litigation generated** and concentrated **pressure** on claims for a restoration of the values of legality, **and**, as discussed above, that pressure then **played a critical role in the litigation's outcome, which in turn contributed to** a broader impetus for **reform**.

**Boumediene failed provide detainees legal recourse—Court clarification is key**

**Reprieve 12** (Anti-detention advocacy group based in London, 7-10-12, "Why can't cleared prisoners leave Guantánamo Bay? Reprieve) www.reprieve.org.uk/publiceducation/2012\_07\_10\_Guantanamo\_public\_education/

**Guantánamo detainees can appeal to federal judges to compel the Department of Defense to release them; a federal court order would circumvent the NDAA restrictions. Under this method, detainees challenge their detention by seeking a court order of habeas corpus – essentially asking the court to declare their detention illegal.** In 2008, **the U**nited **S**tates **Supreme Court ruled in Boumediene v. Bush that US courts can make habeas corpus orders** for non-US citizens detained at Guantánamo. (The Court specifically ruled that a Congressional Act prohibiting such orders was unconstitutional.) Following Boumediene, **a number of Guantánamo detainees challenged their detention in court. Some of these habeas petitions were granted,** meaning that the detainee had indeed been held illegally. The release of some of these habeas winners was not contested by the government and such prisoners returned home or to a third country willing to take them. **However, since 2010, the D.C. Circuit Court has consistently decided against the detainee on appeal[1], meaning the US courts have become effectively worthless to Guantánamo prisoners. The problem was that the Supreme Court’s Boumediene opinion lacked clear guidance on the standards and procedures for Guantánamo habeas corpus review. This allowed lower** (and possibly more hostile) **courts to narrow and misinterpret the meaning of the Boumediene decision to a point where it became worthless. For example, the D.C. Circuit Court set the standard of evidence required of the government to oppose a release as a “preponderance of evidence”** - extremely low and vague. **The Court has also allowed hearsay evidence, and has even accepted the existence of simply “some evidence" as sufficient for continued detention**. Furthermore, th**e courts now side with the government whenever it presents a 'plausible' allegation about the prisoner.** In reality, **this shifts the burden of proof onto the prisoner**, as he must actively disprove the allegations about him, while the government may simply present them as fact. In sum, **while detainees can challenge their detention in court they now have no chance of winning.** **As the ultimate judicial decision-maker, the US Supreme Court could clarify its Boumediene opinion, overriding the D.C. Circuit Court’s apparent resolution to block Guantánamo releases**. However, **the Supreme Court has since refused to hear Guantánamo-related cases. This has effectively ended all hopes of judicially-ordered releases for detainees.** Eleven years after the island prison opened, the Supreme Court does not seem interested in delivering justice at Guantanamo Bay.

**Obama will comply—the Court has the final word**

Joe **Meacham,** executive editor, Random House, “Why Obama Shouldn’t Declare War on Supreme Court,” TIME, 4—2—**12**, http://ideas.time.com/2012/04/02/why-obama-shouldnt-declare-war-on-the-supreme-court/

With the Supreme Court weighing the constitutionality of a central element of President Obama’s comprehensive health care reform, there’s a lot of talk (in the places where people talk about such things, usually unburdened by responsibility or firsthand knowledge) of making the court an issue in the campaign if it were to rule against the White House. But here is a pretty good rule of thumb for Democratic Presidents: if it didn’t work for Franklin D. Roosevelt, who won four terms and a World War, it probably won’t work for you either. In one of the rare political debacles of his long life, FDR overreached after his landslide win against Alf Landon in 1936. (Roosevelt carried every state, save for Maine and Vermont.) A largely conservative Supreme Court had already struck down key parts of New Deal legislation, and there was the threat of more anti-Roosevelt decisions to come. And so FDR proposed a plan that would have enabled him to appoint additional justices in an attempt to shift the court’s political orientation. The effort failed, miserably. Justified or not, **the Supreme Court has** a kind of **sacred status in American life**. For whatever reason, **Presidents can safely run against Congress**, and vice versa, **but** I think **there is an inherent popular aversion to assaults on the court itself**. Perhaps **it has to do with an instinctive belief that life needs umpires**, even ones who blow calls now and then. Ironies abound. One of the great partisans of the early republic, John Marshall, created an ethos around the court that has largely protected it (even from itself) from successful partisan attack. **Even when it makes bad law (Bush v. Gore), it has the last word**. **Even when it makes decisions that enrage vast swaths of** politically, culturally and religiously motivated **citizens** (Roe v. Wade), **it** basically **has the last word**. (If you disagree with this example, ask yourself how successful pro-lifers have been in amending the Constitution over the past 40 years.) It has had the grimmest of hours (Dred Scott v. Sandford) and the finest (Brown v. Board of Education). The court is, of course, a political institution. In no way is it a clinically impartial tribunal, for virtually every decision requires an application of values and an assessment in light of experience. “Activist judges” tend to be judges who make decisions with which you disagree. Wise Presidents have learned that taking the court on directly rarely turns out well. Thomas Jefferson cordially hated his cousin Marshall, but even Jefferson trod carefully as he repealed John Adams’ extension of Federalist judicial power. “John Marshall has made his decision,” Andrew Jackson is alleged to have said after a Cherokee case. “Now let him enforce it.” The showdown between Marshall and Jackson over the fate of Native Americans, however, was much more subtle on both sides, with Marshall characteristically taking care not to force an existential crisis with the executive branch. Segregationist Southerners may have put up billboards urging the impeachment of Earl Warren in the 1950s, but the chief justice’s job — and his place in history — was never in actual jeopardy. On a human level, Presidents who have to fight and claw their way to shape public opinion, pass legislation and then try to implement their policies must be mightily tempted to make a hostile Supreme Court a target to energize the base. But history shows that Obama should resist the temptation. There are subtle ways to make the point about a given court’s seeming hostility to your agenda and still win over highly informed independents in swing states who tend to decide elections. The big thing experience shows is that you should not declare war on the court. More in sadness than in anger, just mention the issues on which you feel stymied by the justices. From health care to campaign finance, those independent voters will get the message without being frightened off by an unsettling rhetorical attack on the judiciary. That’s what FDR got wrong. Obama may well have a chance to get it right.

**Granting detainees immediate court access for prosecution solves**

Kenneth **Roth**, Executive Director, Human Rights Watch, "Why the Current Approach to Fighting Terrorism is Making Us Less Safe," CREIGHTON LAW REVIEW v. 41, 6--**08**, p. 592.

Let me conclude just by saying what concretely should the next President do, and along with him or her, what should the next Congress do. It's not going to be enough just to be a fresh face in the White House. **There are going to have to be real changes in practice.** **Among those changes will be the need to close Guantanamo**, **to close its equivalents** around the world: Bagram Air Base in Afghanistan, certainly the CIA secret detention facilities and the like. **People** there **should be prosecuted or released. It's that simple. There should not be a preventive detention option**. We should not just move Guantanamo onshore. The Army rules for interrogation should be extended to the CIA, initially by executive order and as quickly possible by legislation to make it harder for the next President to introduce another one of these exceptions. **Habeas corpus should be immediately restored** **so that anyone detained by the U.S. has immediate access to the courts to challenge the legality of their detention**. **We should abolish altogether the military commissions**. **We do not need a justice system designed to introduce into evidence coerced testimony. People can be brought before the civilian courts.** If they are captured in a battlefield, they can be brought before a regular court martial but none of these dumbed-down substandard military commissions. Apart from these concrete changes, **we also need a real repudiation. It is not enough to simply stop doing it**, I think **there is a need to disown the theories that led to this**, including I should say the concept of the global war against terrorism: The view that the Bush Administration or any administration on its own unilaterally can identify anybody any place in the world that is a combatant and therefore remove them from the criminal justice system and simply detain them as a combatant.

**Prosecution in federal courts solves best—multiple reasons, experts agree**

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. 161-167.

The United States is still actively engaged in hostilities with global terrorist organizations, but there are indications that "we're within reach of strategically defeating al-Qaeda." n227 This development, combined with the growing distance from the national trauma of September 11, has reinvigorated the debate surrounding the detention and prosecution of suspected terrorists both outside of and within the United States. Even though Congress has recently expanded military detention and prosecution, n228 **prosecution in federal court offers several key advantages over law-of-war detention, including predictability, legitimacy, greater cooperation** by defendants and international partners, **and flexibility**. n229 These advantages have led a diverse set of actors - from current Department of Defense and counterterrorism officials, n230 to [\*162] former Bush Administration officials, n231 to the Washington Post editorial board n232 - to support the prosecution and detention of individuals through the federal courts, despite Congress's recently expressed preference for law-of-war detention. **In some cases, prosecution in federal court is the only available option for prosecuting an accused terrorist. Federal antiterrorism statutes are extensive and provide statutory authority to prosecute individuals who are** part of or **supporting terrorist groups without direct ties to** forces associated with **al-Qaeda or the Taliban** (and therefore outside the scope of the 2001 AUMF or the NDAA), n233 **and independently operating terrorists** who are inspired by, but are not part of or associated with, al-Qaeda or the Taliban. **n234 These** **statutes also reach persons** or citizens **who, because they are apprehended in the U**nited **S**tates, **cannot be tried under the MCA**. The following sections discuss the contours and limitations of such criminal prosecution and detention in the terrorism context. Even where detention under the law of war is available, **the criminal justice system offers** some **key advantages** **for** the **detention and prosecution of suspected terrorists.** We thus aim here to offer a correction to the recent trend toward favoring law-of-war detention over criminal prosecution and detention. **In the vast majority of cases, criminal prosecution** and detention **is the most effective and legitimate way to address the terrorist threat.** A. The Advantages of Criminal Prosecution and Detention The least contested bases for detention authority in any context are post-conviction criminal detention and pre-verdict detention for those who pose a risk of flight. It is often assumed that such criminal detention is ill-suited to terrorists. However, with very little fanfare, **federal district court dockets have been flush with terrorism cases over the past decade. Strikingly, efforts to measure the conviction rate in these cases place it between 86 and 91 percent.** n235 Far from being ineffective, then, **trying suspected terrorists in criminal courts is remarkably effective. It also offers** the **advantages** of predictability, legitimacy, and strategic benefits in the fight against terrorism. **1. Predictability Post-conviction detention of terrorists after prosecution in federal court provides predictability that is currently absent in the military commission system. Federal** district **courts have years of experience trying complex cases and convicting dangerous criminals, including international terrorists, and the rules are well established and understood. The current military commission system**, on the other hand, **is** a **comparatively untested** adjudicatory regime. n236 As already noted, **conviction rates in terrorism trials have been close to ninety percent** since 2001, and those rates have remained steady in the face of large increases in the number of prosecutions. **The military commissions,** by contrast, **have** - as of this writing - **convicted seven people** since 2001, five of whom pled guilty. n237 Charges have been dropped against several defendants, n238 [\*164] and other defendants have been charged but not tried. n239 The commission procedures have been challenged at every stage, and it is unclear what final form they will ultimately take. Even their substantive jurisdiction remains unsettled. In October 2012, the Court of Appeals for the D.C. Circuit overturned Salim Hamdan's military commission conviction for providing material support to terrorism. n240 The Court held that the Military Commissions Act of 2006, which made material support for terrorism a war crime that could be prosecuted in the commissions, was not retroactively applicable to Hamdan's conduct prior to enactment of the statute. n241 Moreover, the Court explained that material support for terrorism was not a recognized war crime under international law. n242 As a result, his conviction for material support for terrorism in the commission could not stand. n243 It is uncertain how this will affect other trials of detainees, but this decision clearly illustrates the unsettled nature of the commissions. n244 **2. Legitimacy** **Federal courts are** also generally **considered more legitimate than military commissions. The stringent procedural protections reduce the risk of error and generate trust and legitimacy**. n245 **The federal courts**, for example, **provide** more **robust hearsay protections** than the commissions. n246 In addition, **jurors are** [\*165] **ordinary citizens, not U.S. military personnel**. Indeed, **some of the weakest procedural protections in the military commission system have been successfully challenged as unconstitutiona**l. n247 **Congress and the Executive have responded to these legal challenges - and to criticism of the commissions from around the globe - by significantly strengthening the commissions' procedural protections. Yet the remaining gaps - along with** what many regard as **a tainted history - continue to raise doubts about the fairness and legitimacy of the commissions.** The current commissions, moreover, have been active for only a short period - too brief a period for doubts to be confirmed or put to rest. n248 **Federal criminal procedure**, on the other hand, **is well-established and widely regarded as legitimate. Legitimacy of the trial process is important** not only to the individuals charged but also **to the fight against terrorism.** As several successful habeas corpus petitions have demonstrated, **insufficient procedural protections create a real danger of erroneous imprisonment** for extended periods. n249 **Such errors can generate resentment and distrust of the U**nited **S**tates **that undermine** the **effectiveness of counterterrorism efforts.** Indeed, evidence suggests that **populations are more likely to cooperate in policing when they believe they have been treated fairly.** n250 The understanding that a more legitimate detention regime will be a more effective one is reflected in recent statements from the Department of Defense and the White House. n251 **3. Strategic Advantages There is clear evidence that other countries recognize and respond to the difference in legitimacy between civilian and military courts and that they are**, indeed, **more willing to cooperate with U.S. counterterrorism efforts when terrorism suspects are tried in the criminal justice system. Increased international cooperation is** therefore **another advantage of criminal prosecution.** Many **key U.S. allies have been unwilling to cooperate in cases involving law-of-war detention** or prosecution **but have cooperated in criminal** [\*166] **prosecutions.** In fact, **many U.S. extradition treaties, including those with allies such as India and Germany, forbid extradition when the defendant will not be tried in a criminal court.** n252 This issue has played out in practice several times. An al-Shabaab operative was extradited from the Netherlands only after assurances from the United States that he would be prosecuted in criminal court. n253 Two similar cases arose in 2007. n254 In perhaps the most striking example, five terrorism suspects - including Abu Hamza al-Masr, who is accused of providing material support to al-Qaeda by trying to set up a training camp in Oregon and of organizing support for the Taliban in Afghanistan - were extradited to the United States by the United Kingdom in October 2012. n255 The extradition was made on the express condition that they would be tried in civilian federal criminal courts rather than in the military commissions. n256 And, indeed, both the European Court of Human Rights and the British courts allowed the extradition to proceed after assessing the protections offered by the U.S. federal criminal justice system and finding they fully met all relevant standards. n257 An insistence on using military commissions may thus hinder extradition and other kinds of international prosecutorial cooperation, such as the sharing of testimony and evidence. Finally, **the criminal justice system is simply a more agile and versatile prosecution forum. Federal jurisdiction offers an extensive variety of antiterrorism statutes that can be marshaled to prosecute terrorist activity committed outside the U**nited **S**tates, **and subsequently to detain those who are convicted.** n258 **This greater variety of offenses** - military commissions can only [\*167] punish an increasingly narrow set of traditional offenses against the laws of war n259 - **offers prosecutors important flexibility.** For instance, **it might be very difficult to prove al-Qaeda membership in an MCA prosecution or a law-of-war habeas proceeding; but if the defendant has received training at a terrorist camp** or participated in a specific terrorist act, **federal prosecutors may convict under various statutes tailored to more specific criminal behavior.** n260 In addition, military commissions can no longer hear prosecutions for material support committed before 2006. n261 Due in part to the established track record of the federal courts, **the federal criminal justice system also allows for more flexible interactions between prosecutors and defendants. Proffer and plea agreements are powerful incentives for defendants to cooperate, and often lead to valuable intelligence-gathering, producing more intelligence over the course of prosecution**. n262

**Statistics prove**

**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 perhaps 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.**

# \*\*2AC\*\*

**Drone Shift DA: 2AC**

**Drone shift now, but plan still solves legitimacy**

David **Ignatius 10**, Washington Post, "Our default is killing terrorists by drone attack. Do you care?", December 2, www.washingtonpost.com/wp-dyn/content/article/2010/12/01/AR2010120104458.html

Every war brings its own deformations, but consider this disturbing fact about America's war against al-Qaeda: **It has become easier, politically and legally, for the United States to kill suspected terrorists than to capture** and interrogate **them**.¶ **Predator and Reaper drones**, armed with Hellfire missiles, **have become the weapons of choice against al-Qaeda** operatives in the tribal areas of Pakistan. They have also been used in Yemen, and the demand for these efficient tools of war, which target enemies from 10,000 feet, is likely to grow.¶ **The pace of drone attacks on the tribal areas has increased sharply** during the Obama presidency, with more assaults in September and October of this year than in all of 2008. **At the same time, efforts to capture al-Qaeda suspects have virtually stopped.** Indeed, if CIA operatives were to snatch a terrorist tomorrow, the agency wouldn't be sure where it could detain him for interrogation.¶ Michael **Hayden, a former director of the CIA, frames the puzzle** this way: "Have **we made detention** and interrogation **so legally difficult and politically risky that our default option is to kill our adversaries rather than capture** and interrogate **them**?"¶ It's curious why the American public seems so comfortable with a tactic that arguably is a form of long-range assassination, after the furor about the CIA's use of nonlethal methods known as "enhanced interrogation." When Israel adopted an approach of "targeted killing" against Hamas and other terrorist adversaries, it provoked an extensive debate there and abroad.¶ "**For reasons that defy logic, people are more comfortable with drone attacks"** than with killings at close range, says Robert Grenier, a former top CIA counterterrorism officer who now is a consultant with ERG Partners. "**It's something that seems so clean and antiseptic, but the moral issues are the same."**

**There’s no tradeoff**

Robert **Chesney 11**, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/

Yesterday Jack linked to this piece by Noah **Feldman**, which among other things **advances the argument that** the **Obama** administration has **resorted to** drone **strikes** at least in part **in order to avoid having to grapple with** the **legal and political problems associated with** military **detention**:¶ Guantanamo is still open, in part because Congress put obstacles in the way. Instead of detaining new terror suspects there, however, Obama vastly expanded the tactic of targeting them, with eight times more drone strikes in his first year than in all of Bush’s time in office.¶ **Is there truly a detention-drone strike tradeoff, such that** the **Obama** administration **favors killing** rather than capturing? As an initial matter, **the numbers quoted above aren’t correct** according to the New America Foundation database of drone strikes in Pakistan, **2008 saw a total of 33 strikes, while in 2009 there were 53** (51 subsequent to President Obama’s inauguration). Of course, you can recapture something close to the same point conveyed in the quote by looking instead to the full number of strikes conducted under Bush and Obama, respectively. There were relatively few drone strikes prior to 2008, after all, while the numbers jump to 118 for 2010 and at least 60 this year (plus an emerging Yemen drone strike campaign). But **what does all this really prove?**¶ **Not much**, I think. Most if not all of **the difference in drone strike rates can be accounted for by specific policy decisions relating to the quantity of drones available** for these missions, **the locations in Pakistan** where drones have been permitted to operate, **and** most notably **whether drone strikes were conditioned on** obtaining **Pakistani permission**. Here is how I summarize the matter in my forthcoming article on the legal consequences of the convergence of military and intelligence activities:¶ According to an analysis published by the New America Foundation, two more drone strikes in Pakistan’s FATA region followed in 2005, with at least two more in 2006, four more in 2007, and four more in the first half of 2008.[1] The pattern was halting at best. Yet that soon changed. U.S. policy up to that point had been to obtain Pakistan’s consent for strikes,[2] and toward that end to provide the Pakistani government with advance notification of them.[3] But intelligence suggested that on some occasions “the Pakistanis would delay planned strikes in order to warn al Qaeda and the Afghan Taliban, whose fighters would then disperse.”[4] A former official explained that in this environment, it was rare to get permission and not have the target slip away: “If you had to ask for permission, you got one of three answers: either ‘No,’ or ‘We’re thinking about it,’ or ‘Oops, where did the target go?”[5]¶ Declaring that he’d “had enough,” Bush in the summer of 2008 “ordered stepped-up Predator drone strikes on al Qaeda leaders and specific camps,” and specified that Pakistani officials going forward should receive only “‘concurrent notification’…meaning they learned of a strike as it was underway or, just to be sure, a few minutes after.”[6] **Pakistani permission no longer was required**.[7] ¶ **The results were dramatic. The CIA conducted dozens of strikes in Pakistan over the remainder of 2008, vastly exceeding the number of strikes over the prior four years combined**.[8] **That pace continued in 2009**, which eventually saw a total of 53 strikes.[9] **And then, in 2010, the rate more than doubled**, with 188 attacks (followed by 56 more as of late August 2011).[10] The further acceleration in 2010 appears to stem at least in part from a meeting in October 2009 during which President Obama granted a CIA request both for more drones and for permission to extend drone operations into areas of Pakistan’s FATA that previously had been off limits or at least discouraged.[11] ¶ **There is an additional reason to doubt that the number of drone strikes tells us much about a potential detention/targeting tradeoff: most of these strikes involved circumstances in which there was no feasible option for capturing the target. These strikes are concentrated in the FATA region**, after all. ¶ Having said all that: it does not follow that there is no detention-targeting tradeoff at work. I’m just saying that drone strikes in the FATA typically should not be understood in that way (though there might be limited exceptions where a capture raid could have been feasible). Where else to look, then, for evidence of a detention/targeting tradeoff?¶ Bear in mind that it is not as if we can simply assume that the same number of targets emerge in the same locations and circumstances each year, enabling an apples-to-apples comparison. But set that aside.¶ First, consider locations that (i) are outside Afghanistan (since we obviously still do conduct detention ops for new captures there) and (ii) entail host-state government control over the relevant territory plus a willingness either to enable us to conduct our own ops on their territory or to simply effectuate captures themselves and then turn the person(s) over to us. This is how most GTMO detainees captured outside Afghanistan ended up at GTMO. Think Bosnia with respect to the Boumediene petitioners, Pakistan’s non-FATA regions, and a variety of African and Asian states where such conditions obtained in years past. **In** such **locations, we seem to be using neither drones nor detention. Rather, we** either **are relying on host-state intervention or we are limiting ourselves to surveillance**. Very hard to know how much of each might be going on, of course. **If it is occurring often**, moreover, **it might reflect a decline in host-state willingness to cooperate with us** (in light of increased domestic and diplomatic pressure from being seen to be responsible for funneling someone into our hands, and the backdrop understanding that, in the age of wikileaks, we simply can’t promise credibly that such cooperation will be kept secret). **In any event, this tradeoff is not about detention versus targeting, but something much more complex and difficult to measure**.

**Terror: A2 “Can’t Get Nukes”**

**North Korea**

**Allison 13** (Graham, 2-12-13, “North Korea’s Lesson: Nukes for Sale” New York Times) http://www.nytimes.com/2013/02/12/opinion/north-koreas-lesson-nukes-for-sale.html

**THE** most dangerous **message North Korea sent** Tuesday **with its** third **nuclear weapon test is: nukes are for sale.** The significance of this test is not the defiance by the North Korean leader, Kim Jong-un, of demands from the international community. In the circles of power in Pyongyang, red lines drawn by others make the provocation of violating them only more attractive. The real significance is that this test was, in the estimation of American officials, most likely fueled by highly enriched uranium, not the plutonium that served as the core of North Korea’s earlier tests. **Testing a uranium-based bomb would announce to the world — including potential buyers — that North Korea is now operating a new, undiscovered production line for weapons-usable material.** North Korea’s latest provocation should also remind us of the limits of Western policies, led by the United States, that focus on “isolating” the hermit kingdom. Such policies do isolate us from the consequences of North Korea’s actions. For a decade, American policy makers’ attention has been consumed by Iran’s attempt to build its first nuclear weapon. During those years, American officials believe, **North Korea has acquired enough plutonium to make an arsenal of 6 to 10 nuclear bombs, depending on the size, and is now most likely producing enough highly enriched uranium for several more bombs every year.** Nuclear weapons can be made from only two elements: uranium that has been highly enriched, and plutonium. Neither occurs in nature. Producing enough of either fuel for a bomb requires a significant industrial plant. North Korea produced its stock of plutonium at its Yongbyon reactor, but that plant was shuttered in 2007 during a hopeful period in international talks about curbing its nuclear arms program. By then, Pyongyang had reduced its arsenal by one bomb, with its 2006 test, and in 2009 it used up a second bomb in another test. We should only hope that it continues conducting plutonium-fueled tests until this stockpile is eliminated. Those numbers figure heavily in the more realistic American assumption that North Korea would most likely use uranium fuel in a third test, rather than further deplete its limited stock of plutonium. Two years ago, North Korea unveiled a showcase uranium enrichment plant at Yongbyon capable of producing enough highly enriched uranium for several bombs annually. There is no evidence, however, that this showcase has become operational. American experts therefore believe that **Pyongyang must have another still-undiscovered parallel plant that has been operating for several years. That plant by now could have produced several bombs’ worth of highly enriched uranium.** Hence the grim conclusion that **North Korea now has a new cash crop — one that is easier to market than plutonium. Highly enriched uranium is harder to detect and therefore easier to export — and it is also simpler to build a bomb from it.** The model of uranium-fueled bomb dropped on Hiroshima in 1945 was so elementary, and its design so reliable, that the United States never bothered to test one before using it. Yet it killed more than 100,000 people. As the former secretary of defense Robert M. Gates put it, **history shows that the North Koreans will “sell anything they have to anybody who has the cash to buy it.” In intelligence circles, North Korea is known as “Missiles ‘R’ Us,” having sold and delivered missiles to Iran, Syria and Pakistan, among others. Who could be interested in buying a weapon for several hundred millions of dollars?** Iran is currently investing billions of dollars annually in its nuclear quest. **While Al Qaeda’s core is greatly diminished** and its resources depleted, **the man who succeeded Osama bin Laden, Ayman al-Zawahiri, has been seeking nuclear weapons for more than a decade. And then there are Israel’s enemies, including wealthy individuals in some Arab countries, who might buy a bomb for the militant groups Hezbollah or Hamas.** President **Obama has rightly identified nuclear terrorism as “the single biggest threat to U.S. security.” If terrorists explode a single nuclear bomb in an American city in the near future, there is a serious possibility that the core of the weapon will have come from North Korea. The** Bush and Obama **administrations have repeatedly warned the North Korean regime that it could not sell nuclear weapons**, materials or technologies **without being held “fully accountable.” But the U**nited **S**tates **used precisely these words before Pyongyang’s sale of a nuclear reactor to Syria — which by now would have produced enough plutonium for Syria’s first nuclear bomb had it not been destroyed by an Israeli airstrike in 2007. With what consequences for North Korea? Pyongyang got paid; Syria got bombed; and the U**nited **S**tates **was soon back at the negotiating table** in the six-party talks. **Given America’s failure to hold** Kim Jong-un’s father, **Kim Jong-il, accountable** when he sold Syria’s president, Bashar al-Assad, the technology from which to make a bomb, **could the younger Mr. Kim imagine that he could get away with selling a nuclear weapon** or bomb-making material? The urgent challenge is to convince him and his regime’s lifeline, China, that North Korea will be held accountable for every nuclear weapon of North Korean origin.

**Heg: A2 “Alt Cause—Surveillance”**

**PRISM doesn’t matter**

**Paramaguru 9-27** (Kharunya, 9-27-13, “Three Months After Snowden’s NSA Revelations, Europe Has Moved On” Time Magazine) http://world.time.com/2013/09/27/three-months-after-snowdens-nsa-revelations-europe-has-moved-on/#ixzz2g969BszS

**When** Edward **Snowden**, a former National Security Agency contractor, **disclosed details about** some of the clandestine electronic **surveillance programs run by the intelligence agencies** of the United States government in June, **it was widely seen as one of the biggest intelligence leaks in American history.** The Guardian, the British paper Snowden leaked the information to, saw record surges in web traffic as it published his exposés. Its main article on Edward Snowden, in which the paper declared that Snowden “will go down in history as one of America’s most consequential whistleblowers,” has become the most popular article ever read on the website, with over 3.7 million page impressions and counting according to the Guardian. **But, three months later, it’s difficult to see how consequential Snowden’s revelations have actually been. Despite** immediate and **widespread interest** from the news media and diplomatic backlash from some parts of the world (mainly from foreign officials who found out that the U.S. had been intercepting their communications), **the allegations of widespread spying conducted through the NSA’s PRISM program have not become the subject of any successful legislative efforts in Congress**–an initial attempt in July to cut the NSA’s funding for its phone metadata program fell flat after a narrow defeat. **And in some parts of the world, responses beyond the immediate surprise** caused by the revelations **have been particularly muted, with** some **British and French politicians suggesting** that **there was nothing in the leaks to cause the general public any concern.** Some politicians, such as Conservative Member of Parliament David Davis, questioned if there was adequate oversight of intelligence operations. But **in general, Europeans have shrugged and moved on.**

**Surveillance reforms now**

**Washington Post 13** (8-9-13, "Obama announces proposals to reform NSA surveillance") articles.washingtonpost.com/2013-08-09/politics/41225487\_1\_president-obama-news-conference-edward-snowden

President **Obama announced plans** Friday **to pursue reforms that would open** the **legal proceedings surrounding the N**ational **S**ecurity **A**gency’s **surveillance programs to greater scrutiny, the** administration’s **most concerted response yet** to a series of national security disclosures that have raised concerns from Republicans and Democrats on Capitol Hill. At his first full news conference in more than three months, Obama said he intends to work with Congress on proposals that would add an adversarial voice — effectively one advocating privacy rights — to the secret proceedings before the Foreign Intelligence Surveillance Court. Several Democratic senators have proposed such a measure. In addition, Obama said that he intends to work on ways to tighten one provision of the Patriot Act - known as Section 215 - that gives the government broader authority to obtain business phone data records. **He announced the creation of a panel of outsiders** -- former intelligence officials, civil liberty and privacy advocates, and others — **to assess the programs and suggest changes by the end of the year.**

**A2 “Bernstein”**

**And, predictions are possible**

**Chernoff**, 20**09**

[Fred, Prof. IR and Dir. IR – Colgate U., European Journal of International Relations, “Conventionalism as an Adequate Basis for Policy-Relevant IR Theory”, 15:1, Sage]

For these and other reasons, **many social theorists and social scientists have come to the conclusion that prediction is impossible.** Well-known IR reflexivists like Rick Ashley, Robert Cox, Rob Walker and Alex Wendt have attacked naturalism by emphasizing the interpretive nature of social theory. Ashley is explicit in his critique of prediction, as is Cox, who says quite simply, ‘It is impossible to predict the future’ (Ashley, 1986: 283; Cox, 1987: 139, cf. also 1987: 393). More recently, Heikki Patomäki has argued that ‘qualitative changes and emergence are possible, but predictions are not’ defective and that the latter two presuppose an unjustifiably narrow notion of ‘prediction’.14 **A determined prediction sceptic may continue to hold that there is too great a degree of complexity of social relationships** (which comprise ‘open systems’) **to allow any prediction whatsoever. Two very simple examples may** circumscribe and help to **refute** a radical variety of **scepticism.** **First, we all make reliable social predictions and do so with great frequency. We can predict with high probability that a spouse, child or parent will react to** certain well-known **stimuli** that we might supply, **based on extensive past experience**. More to the point of IR prediction – scepticism, **we can imagine a young child** in the UK **who** (perhaps at the cinema) (1) **picks up** a bit of 19th-century British **imperial lore** thus gaining a sense of the power of the crown, without knowing anything of current balances of power, (2) **hears some stories about the US–UK invasion of Iraq** in the context of the aim of advancing democracy, **and** (3) **hears** a bit **about communist China and democratic Taiwan**. **Although the specific term ‘preventative strike’ might not enter into her lexicon, it is possible to imagine the child, whose knowledge is thus limited, thinking that if democratic Taiwan were threatened by China, the UK would** (possibly or probably) **launch a strike on China to protect it**, much as the UK had done to help democracy in Iraq. In contrast to the child, readers of this journal and **scholars who study the world more thoroughly have factual information** (e.g. **about the relative military and economic capabilities of the UK and China**) **and hold some cause-and-effect principles** (such as that states do not usually initiate actions that leaders understand will have an extremely high probability of undercutting their power with almost no chances of success). Anyone who has adequate knowledge of world politics would predict that the UK will not launch a preventive attack against China. **In the real world, China knows that for the next decade and well beyond the UK will not intervene militarily in its affairs**. While Chinese leaders have to plan for many likely — and even a few somewhat unlikely — future possibilities, they do not have to plan for various implausible contingencies: they do not have to structure forces geared to defend against specifically UK forces and do not have to conduct diplomacy with the UK in a way that would be required if such an attack were a real possibility. **Any rational decision-maker in China may use some cause-and-effect (probabilistic) principles along with knowledge of specific facts relating to the Sino-British relationship to predict** (P2) **that the UK will not land its forces on Chinese territory** — even in the event of a war over Taiwan (that is, the probability is very close to zero). The statement P2 qualifies as a prediction based on DEF above and counts as knowledge for Chinese political and military decision-makers. A Chinese diplomat or military planner who would deny that theory-based prediction would have no basis to rule out extremely implausible predictions like P2 and would thus have to prepare for such unlikely contingencies as UK action against China. A reflexivist theorist sceptical of ‘prediction’ in IR might argue that the China example distorts the notion by using a trivial prediction and treating it as a meaningful one. But **the critic’s temptation to dismiss its value stems precisely from the fact that it is so obviously true. The value to China of knowing that the UK is not a military threat is significant.** The fact that, under current conditions, any plausible cause-and-effect understanding of IR that one might adopt would yield P2, that the ‘UK will not attack China’, does not diminish the value to China of knowing the UK does not pose a military threat. A critic might also argue that DEF and the China example allow non-scientific claims to count as predictions. But **we note that while physics and chemistry offer precise ‘point predictions’**, other natural sciences, **such as seismology, genetics or meteorology, produce predictions that are often much less specific**; that is, they describe the predicted ‘events’ in broader time frame and typically in probabilistic terms. We often find predictions about the probability, for example, of a seismic event in the form ‘some time in the next three years’ rather than ‘two years from next Monday at 11:17 am’. DEF includes approximate and probabilistic propositions as predictions and is thus able to catagorize as a prediction the former sort of statement, which is of a type that is often of great value to policy-makers. **With the help of these ‘non-point predictions’** coming from the natural and the social sciences, **leaders are able to choose the courses of action** (e.g. more stringent earthquake-safety building codes, or procuring an additional carrier battle group) **that are most likely to accomplish the leaders’ desired ends. So while ‘point predictions’ are not what political leaders require in most decision-making situations, critics of IR predictiveness often attack the predictive capacity of IR theory for its inability to deliver them**. **The critics thus commit the straw man fallacy by requiring a sort of prediction in IR (1) that few, if any, theorists claim to be able to offer, (2) that are not required by policy-makers for theory-based predictions to be valuable, and (3) that are not possible even in some natural sciences**.15 The range of theorists included in ‘reflexivists’ here is very wide and it is possible to dissent from some of the general descriptions. From the point of view of the central argument of this article, there are two important features that should be rendered accurately. One is that reflexivists reject explanation–prediction symmetry, which allows them to pursue causal (or constitutive) explanation without any commitment to prediction. The second is that almost all share clear opposition to predictive social science.16 The reflexivist commitment to both of these conclusions should be evident from the foregoing discussion.

**K Topshelf**

**Must vote aff to solve the K—the perm solves too**

Emir **Sader**, Professor, State University of Rio de Janiero, "The Weakest Link? Neoliberalism in Latin America," NEW LEFT REVIEW v. 52, July/August 20**08**, http://newleftreview.org/II/52/emir-sader-the-weakest-link-neoliberalism-in-latin-america, accessed 4-14-13.

At a time when neoliberalism was sharpening its assault on the state, in favour of the market; on politics, in favour of economics; and on political parties, in favour of corporations, a certain ambiguity crept into the distinction between movements that championed the ‘social’ dimension to the detriment of politics, parties and states, and those same neoliberal arguments. **A new tendency arose within the left** or the overall resistance to neoliberalism, embodied in social movements and NGOs, and **articulated around the dichotomy of ‘state versus civil society’**. The World Social Forum reinforced this tendency by welcoming social movements and NGOs but remaining closed to political parties, arguing that this space belonged to civil society. **There are two main problems with this position**. Firstly, **it blurs the boundaries** with neoliberal discourse, since as we pointed out above, the latter likewise regards the state and party politics as its great enemies. Secondly, given that **neoliberalism** is characterized by the wholesale expropriation of rights, it **can only be overcome in the political sphere: through the universalization of rights enacted by the governing authority of the state. Otherwise, the struggle** against neoliberalism **would remain perpetually on the defensive, having discarded the political instruments necessary for its own realization**. Some **movements have remained trapped in this paradox, ostensibly embodying hubs of resistance yet unable to move forward** into challenging neoliberal hegemony, via a fresh articulation of the social with the political. **Their critique of the state is subordinated to the terms of the theoretical discourse of neoliberalism, structured around the polarization of state versus private. This polarity is designed to demonize the state**, take control of the private sphere (in which market relations are embedded) **and abolish the indispensable framework for the democratization and defeat of neoliberalism: the public sphere. The real polarization is between the public sphere and the market sphere**, in that the neoliberal project is committed to the infinite extension of market relations, whereas **the state is not so much a pole as a space of hegemonic dispute between the two spheres.** **The construction of an** anti-neoliberal **alternative must begin with the reorganization or recasting of the state in favour of the public sphere, universalizing citizens’ rights while divorcing the state** and general social relationships **from the market. To democratize means** to de-marketize, **to recuperate for the terrain of people’s rights** that which neoliberalism has delivered into the hands of the market. **Limiting the field of action to the ‘social’ as opposed to the ‘political’, proclaiming the autonomy of social movements as a principle, means condemning oneself to** impotence, and ultimately to **defeat.**

**We control uniqueness—violence is decreasing due to the unipolar system**

**Drezner 05** (Daniel, 5-25-05, "GREGG EASTERBROOK, WAR, AND THE DANGERS OF EXTRAPOLATION" www.danieldrezner.com/archives/002087.html

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

**The State is still incredibly relevant, despite globalization—policy determines whether globalization succeeds, not the other way around**

**Wolf 01** (Martin, associate editor and chief economics commentator at the Financial Times, winner of the Wincott Foundation senior prize for excellence in financial journalism, January/February 2001, "Will the Nation-State Survive Globalization?" Foreign Affairs, Volume 80, Number I)

**A specter is haunting the world's governments—the specter of globalization**. Some argue that predatory market forces make it impossible for benevolent governments to shield their populations from the beasts of prey that lurk beyond their borders. Others counter that benign market forces actually prevent predatory governments from fleecing their citizens. Although the two sides see different villains, they draw one common conclusion: omnipotent markets mean impotent politicians. Indeed, this formula has become one of the cliches of our age. But **is it true that governments have become weaker and less relevant than ever before?** And **does globalization**, by definition, **have to be the nemesis of national government?** Globalization is a journey. But it is a journey toward an unreachable destination—"the globalized world." A "globalized" economy could be defined as one in which neither distance nor national borders impede economic transactions. This would be a world where the costs of transport and communications were zero and the barriers created by differing national jurisdictions had vanished. Needless to say, we do not live in anything even close to such a world. And since many of the things we transport (including ourselves) are physical, we never will. **This globalizing journey is not a new one. Over the past five centuries, technological change has progressively reduced the barriers to international integration. Transadantic communication**, for example, **has evolved from sail power to steam, to the telegraph, the telephone, commercial aircraft, and now to the Internet. Yet states have become neither weaker nor less important during this odyssey.** On the contrary**, in the countries with the most advanced and internationally integrated economies, governments' ability to tax and redistribute incomes, regulate the economy, and monitor the activity of their citizens has increased beyond all recognition.** This has been especially true over the past century. **The question that remains, however, is whether today's form of globalization is likely to have a different impact from that of the past.** Indeed, it may well, for numerous factors distinguish today s globalizing journey from past ones and could produce a different outcome. These distinctions include more rapid communications, market liberalization, and global integration of the production of goods and services. Yet **contrary to one common assumption, the modern form of globalization will not spell the end of the modern nation-state.** THE PAST AS PROLOGUE **Today's growing integration of the world economy is not unprecedented**, at least when judged by the flow of goods, capital, and people. **Similar trends occurred in the late nineteenth and early twentieth centuries**. First, **the proportion of world production that is traded on global markets is not that much higher today than it was in the years leading up to World War I.** Commerce was comparably significant in 1910, when ratios of trade (merchandise exports plus imports) to gdp hit record highs in several of the advanced economies. Global commerce then collapsed during the Great Depression and World War II, but since then world trade has grown more rapidly than output. The share of global production traded worldwide grew from about 7 percent in 1950 to more than 20 percent by the mid-1990s; in consequence, trade ratios have risen in almost all of the advanced economies. In the United Kingdom, for example, exports and imports added up to 57 percent of gdp in 1995 compared to 44 percent in 1910; for France the 1995 proportion was 43 percent against 35 percent in 1910; and for Germany it was 46 percent against 38 percent in the same years. But Japan's trade ratio was actually lower in 1995 than it had been in 1910. In fact, among today's five biggest economies, the only one in which trade has a remarkably greater weight in output than it had a century ago is the United States, where the ratio has jumped from 11 percent in 1910 to 24 percent in 1995. That fact may help explain why globalization is more controversial for Americans than for people in many other countries. Second, by the late nineteenth century many countries had already opened their capital markets to international investments, before investments, too, collapsed during the interwar period. As a share of gdp, British capital investments abroad—averaging4.6 percent of gdp between 1870 and 1913—hit levels unparalleled in contemporary major economies. More revealing is that the correlation between domestic investment and savings (a measure of the extent to which savings remain within one country) was lower between 1880 and 1910 than in any subsequent period. Historical differences exist, however. Although current capital mobility has precedents from the prc-World War I era, the composition of capital flows has changed. Short-term capital today is much more mobile than ever before. Moreover, long-term flows now are somewhat differently constituted than in the earlier period. Investment in the early twentieth century took the form of tangible assets rather than intangible ones. Portfolio flows predominated over direct investment in the earlier period (that trend has been reversed since World War II); within portfolios, stocks have increased in relative importance to roughly equal bonds today. And finally, before 1914, direct investment was undertaken largely by companies investing in mining and transportation, whereas today multinational companies predominate, with a large proportion of their investment in services. **Today's high immigration flows are also not unprecedented. According to economists** Paul **Hirst and** Grahame **Thompson, the greatest era for recorded voluntary mass migration was the century after 1815**. Around 60 million people left Europe for the Americas, Oceania, and South and East Africa. An estimated ten million voluntarily migrated from Russia to Central Asia and Siberia. A million went from Southern Europe to North America. About 12 million Chinese and 6 million Japanese left their homelands and emigrated to eastern and southern Asia. One and a half million left India for Southeast Asia and Southwest Africa. Population movement peaked during the 1890s. In those years, the United States absorbed enough immigrants to increase the U.S. population from the beginning of the decade by 9 percent. In Argentina, the increase in the 1890s was 26 percent; in Australia, it was 17 percent. Europe provided much of the supply: the United Kingdom gave up 5 percent of its initial population, Spain 6 percent, and Sweden 7 percent. In the 1990s, by contrast, the United States was the only country in the world with a high immigration rate, attracting newcomers primarily from the developing world rather than from Europe. These immigrants increased the population by only 4 percent. As all of this suggests, **despite the many economic changes that have occurred over the course of a century, neither the markets for goods and services nor those for factors of production appear much more integrated today than they were a century ago.** They seem more integrated for trade, at least in the high-income countries; no more integrated for capital—above all for long-term capital—despite important changes in the composition of capital flows; and much less integrated for labor. So why do so many people believe that something unique is happening today? The answer lies with the two forces driving contemporary economic change: falling costs of transport and communications on the one hand, and liberalizing economic policies on the other. THE TECHNOLOGICAL REVOLUTION Advances in technology and infrastructure substantially and continuously reduced the costs of transport and communications throughout the nineteenth and early twentieth centuries. The first transatlantic telegraph cable was laid in 1866. By the turn of the century, the entire world was connected by telegraph, and communication times fell from months to minutes. The cost of a three-minute telephone call from New York to London in current prices dropped from about $250 in 1930 to a few cents today. In more recent years, the number of voice paths across the Adantic has skyrocketed from 100,000 in 1986 to more than 2 million today. The number of Internet hosts has risen from 5,000 in 1986 to more than 30 million now. A revolution has thus occurred in collecting and disseminating information, one that has dramatically reduced the cost of moving physical objects. But these massive improvements in communications, however important, simply continue the trends begun with the first submarine cables laid in the last century. Furthermore, distances still impose transport and communications costs that continue to make geography matter in economic terms. Certain important services still cannot be delivered from afar. **Diminishing costs of communications and transport were** nevertheless **pointing toward greater integration throughout the last century. But if historical experience demonstrates anything, it is that integration is not technologically determined. If it were, integration would have gone smoothly forward over the past two centuries. On the contrary, despite continued falls in the costs of transport and communications in the first half of the twentieth century, integration actually reversed course. Policy, not technology, has determined the extent and pace of international economic integration.** If § Marked 08:40 § transport and communications innovations were moving toward global economic integration throughout the last century and a half, policy was not—and that made all the difference. For this reason, **the growth in the potential for economic integration has greatly outpaced the growth of integration itself since the late nineteenth century. Globalization has much further to run, if it is allowed to do so.** CHOOSING GLOBALIZATION **Globalization is not destined, it is chosen. It is a choice made to enhance a nations economic well-being**—indeed, experience suggests that the opening of trade and of most capital flows enriches most citizens in the short run and virtually all citizens in the long run. (Taxation on short-term capital inflows to emerging market economies is desirable, however, particularly during a transition to full financial integration.) But **if integration is a deliberate choice, rather than an ineluctable destiny, it cannot render states impotent. Their potency lies in the choices they make.** Between 1846 and 1870, liberalization spread from the United Kingdom to the rest of Europe. Protectionism, which had never waned in the United States, returned to continental Europe after 1878 and reached its peak in the 1930s. A new era of global economic integration began only in the postwar era, and then only partially: from the end ofWorld War II through the 1970s, only the advanced countries lowered their trade barriers. The past two decades, by contrast, have seen substantial liberalization take root throughout the world. By the late 1990s, no economically significant country still had a government committed to protectionism. This historical cycle is also apparent in international capital investments. Capital markets stayed open in the nineteenth and early twentieth centuries, partly because governments did not have the means to control capital flows. They acquired and haltingly solidified this capacity between 1914 and 1945, progressively closing their capital markets. Liberalization of capital flows then began in a few advanced countries during the 1950s and 1960s. But **the big wave of liberalization did not start in earnest until the late 1970s, spreading across the high-income countries, much of the developing world, and, by the 1990s, to the former communist countries**. Notwithstanding a large number of financial crises over this period, this trend has remained intact. **In monetary policy, the biggest change has been the move from the gold standard of the 1870-1914 era to the floating currencies of today**. The long-run exchange-rate stability inherent in the gold standard promoted long-term capital flows, particularly bond financing, more efficiently than does the contemporary currency instability. Todays vast short-term financial flows are not just a consequence of exchange-rate instability, but one of its causes. **Yet governments' control over the movement of people in search of employment tightened virtually everywhere in the early part of the last century.** With the exception of the free immigration policy among members of the European Union (eu), immigration controls are generally far tighter now than they were a hundred years ago. **The policy change that has most helped global integration to flourish is the growth of international institutions since World War II. Just as multinational companies now organize private exchange, so global institutions organize and discipline the international face of national policy. Institutions such as the W**orld **T**rade **O**rganization (wto), **the I**nternational **M**onetary **F**und (imf), **the World Bank, the eu,** and the North American Free Trade Agreement **underpin cooperation among states and consolidate their commitments to liberalize economic policy.** The nineteenth century was a world of unilateral and discretionary policy. **The late twentieth century**, by comparison, **was a world of multilateral and institutionalized policy.** TRADEOFFS FACING STATES ironically, **the technology that is supposed to make globalization inevitable also makes increased surveillance by the state,** particularly over people, easier than it would have been a century ago. Indeed, here is the world we now live in: one with fairly free movement of capital, continuing (though declining) restrictions on trade in goods and services, but quite tight control over the movement of people. **Economies are also never entirely open or entirely closed. Opening requires governments to loosen three types of economic controls: on capital flows, goods and services, and people. Liberalizing one of the above neither requires nor always leads to liberalization in the others**. Free movement of goods and services makes regulating capital flows more difficult, but not impossible; foreign direct investment can flow across national barriers to trade in goods without knocking them down. It is easier still to trade freely and abolish controls on capital movement, while nevertheless regulating movement of people. The important questions, then, concern the tradeoffs confronting governments that have chosen a degree of international economic integration. How constrained will governments find themselves once they have chosen openness? THREE VITAL AREAS **Globalization is often perceived as destroying governments' capacities to do what they want or need**, particularly in the key areas of taxation, public spending for income redistribution, and macro-economic policy. **But how true is this perception?** In fact, **no evidence supports the conclusion that states can no longer raise taxes.** On the contrary: in 1999, eu governments spent or redistributed an average of 47 percent of their gdps. An important new book by Vito Tanzi of the imp and Ludger Schuknecht at the European Central Bank underlines this point. Over the course of the twentieth century, the average share of government spending among Organization for Economic Cooperation and Development (oecd) member states jumped from an eighth to almost half of gdp. In some high-income countries such as France and Germany, these ratios were higher than ever before. Until now, it has been electoral resistance, not globalization, that has most significandy limited the growth in taxation. Tanzi claims that this is about to change. He argues that collecting taxes is becoming harder due to a long list of "fiscal termites" gnawing at the foundations of taxation regimes: more cross-border shopping, the increased mobility of skilled labor, the growth of electronic commerce, the expansion of tax havens, the development of new financial instruments and intermediaries, growing trade within multinational companies, and the possible replacement of bank accounts with electronic money embedded in "smart cards." The list is impressive. That governments take it seriously is demonstrated by the attention that leaders of the oecd and the eu arc devoting to "harmful tax competition," information exchange, and the implications of electronic commerce. Governments, like members of any other industry, are forming a cartel to halt what they see as "ruinous competition" in taxation. This sense of threat has grown out of several fiscal developments produced by globalization: increased mobility of people and money, greater difficulty in collecting information on income and spending, and the impact of the Internet on information flows and collection. Yet **the competitive threat that governments face must not be exaggerated. The fiscal implications of labor, capital, and spending mobility are already evident in local jurisdictions that have the freedom to set their own tax rates.** Even local governments can impose higher taxes than their neighbors, provided they contain specific resources or offer location-specific amenities that residents desire and consume. In other words, differential taxation is possible if there are at least some transport costs—and there always are. These costs grow with a jurisdiction's geographic size, which thus strongly influences a local government's ability to raise taxes. The income of mobile capital is the hardest to tax; the income of land and immobile labor is easiest. Corporate income can be taxed if it is based on resources specific to that location, be they natural or human. Spending can also be taxed more heavily in one jurisdiction than another, but not if transport costs are very low (either because distances are short or items are valuable in relation to costs). Similarly, it is difficult to tax personal incomes if people can live in low-tax jurisdictions while enjoying the amenities of high-tax ones. Eliminating legal barriers to mobility therefore constrains, but does not eliminate, the ability of some jurisdictions to levy far higher taxes than others. The ceiling on higher local taxes rises when taxable resources or activities remain relatively immobile or the jurisdiction provides valuable specific amenities just for that area. **The international mobility of people and goods is unlikely ever to come close to the kind of mobility that exists between states in the U**nited **S**tates**. Legal, linguistic, and cultural barriers will keep levels of cross-border migration far lower than levels of movement within any given country. Since taxes on labor income and spending are the predominant source of national revenue, the modern country's income base seems quite safe.** Of course, although the somewhat greater mobility resulting from globalization makes it harder for governments to get information about what their residents own and spend abroad, disguising physical movement, consumption, or income remains a formidable task. The third major aspect of globalization, the Internet, may have an appreciable impact on tax collection. Stcphanc Buydcns of the oecd plausibly argues that the Internet will primarily affect four main areas: taxes on spending, tax treaties, internal pricing of multinational companies, and tax administration. Purely Internet-based transactions—downloading of films, software, or music—are hard to tax. But **when the Internet is used to buy tangible goods, governments can impose taxes, provided that the suppliers cooperate with the fiscal authorities of their corresponding jurisdictions.** To the extent that these suppliers arc large shareholder-owned companies, which they usually are, this cooperation may not be as hard to obtain as is often supposed. It is also sometimes difficult to locate an Internet server. If one cannot do so, how are taxes to be levied and tax treaties applied? Similar problems arise with multinational companies' ability to charge submarkct prices to their subsidiaries abroad (so-called "transfer pricing" within multinationals), which leaves uncertain the question of how and in which country to levy the tax. This scenario suggests that classic concepts in the taxation of corporations may have to be modified or even radically overhauled. The overall conclusion, then, is that economic liberalization and technology advances will make taxation significandy more challenging. Taxes on spending may have to be partially recast. Taxation of corporate profits may have to be radically redesigned or even abandoned. Finally, the ability of governments to impose taxes that bear no relation to the benefits provided may be more constrained than before. Nevertheless, **the implications of these changes can easily be exaggerated. Taxation of corporate income is rarely more than ten percent of revenue,** whereas taxes on income and spending are the universal pillars of the fiscal system. Yet **even lofty Scandinavian taxes are not forcing skilled people to emigrate in droves. People will still happily pay to enjoy high-quality schools or public transport.** Indeed, one of the most intriguing phenomena of modern Europe is that the high-tax, big-spending Scandinavian countries are leading the "new economy." Governments will also use the exchange of information and other forms of cooperation to sustain revenue and may even consider international agreements on minimum taxes. They will certainly force the publicly quoted companies that continue to dominate transactions, both on-line and off, to cooperate with fiscal authorities. But competition among governments will not be eliminated, because the powerful countries that provide relatively low-tax, low-spending environments will want to maintain them. **The bottom line is that the opening of economies and the blossoming of new technologies are reinforcing constraints that have already developed within domestic politics. National governments are becoming a little more like local governments.** The result will not necessarily be minimal government. But governments, like other institutions, will be forced to provide value to those who pay for their services. Meanwhile, governments can continue the practice of income redistribution to the extent that the most highly taxed citizens and firms cannot—or do not wish to—evade taxation. In fact, if taxes arc used to fund what are believed to be location-specific benefits, such as income redistribution or welfare spending, taxpayers will likely be quite willing to pay, perhaps because they either identify with the beneficiaries, fear that they could become indigent themselves, or treasure the security that comes from living among people who are not destitute. Taxpayers may also feel a sense of moral obligation to the poor, a sentiment that seems stronger in small, homogeneous societies. Alternatively, they may merely be unable to evade or avoid those taxes without relocating physically outside the jurisdiction. For all these reasons, sustaining a high measure of redis-tributive taxation remains perfcedy possible. The constraint is not globalization, but the willingness of the electorate to tolerate high taxation. Last but not least, some observers argue that globalization limits governments' ability to run fiscal deficits and pursue inflationary monetary policy. But macroeconomic policy is always vulnerable to the reaction of the private sector, regardless of whether the capital market is internationally integrated. If a government pursues a consistently inflationary policy, long-term nominal interest rates will rise, pardy to compensate for inflation and pardy to insure the bondholders against inflation risk. Similarly, if a government relies on the printing press to finance its activity, a flight from money into goods, services, and assets will ensue—and, in turn, generate inflation. Within one country, these reactions may be slow. A government can pursue an inflationary policy over a long period and boost the economy; the price may not have to be paid for many years. What difference, then, does it make for the country to be open to international capital flows? The most important change is that the reaction of a government's creditors is likely to be quicker and more brutal because they have more alternatives. This response will often show itself in a collapsing exchange rate, as happened in East Asia in 1997 and 1998. THE CONTINUING IMPORTANCE OF STATES **A country that chooses international economic integration** im-plicidy **accepts constraints on its actions. Nevertheless, the idea that these constraints wither away the state's capacity to tax, regulate, or intervene is wrong. Rather, international economic integration accelerates the market's responses to policy by increasing the range of alternative options available to those affected.** There are also powerful reasons for believing that the constraints imposed on (or voluntarily accepted by) governments by globalization arc, on balance, desirable. For example, the assumption that most governments are benevolent welfare-maximizers is naive. International economic integration creates competition among governments—even countries that fiercely resist integration cannot survive with uncompetitive economies, as shown by the fate of the Soviet Union. This competition constrains the ability of governments to act in a predatory manner and increases the incentive to provide services that are valued by those who pay the bulk of the taxes. Another reason for welcoming the constraints is that self-imposed limits on a government's future actions enhance the credibility of even a benevolent government's commitments to the private sector. An open capital account is one such constraint. Treaties with other governments, as in the wto, are another, as are agreements with powerful private parties. Even China has come to recognize the economic benefits that it can gain from international commitments of this kind. **The proposition that globalization makes states unnecessary is even less credible than the idea that it makes states impotent. If anything, the exact opposite is true, for at least three reasons. First, the ability of a society to take advantage of the opportunities offered by international economic integration depends on the quality of public goods, such as property rights, an honest civil service, personal security, and basic education. Without an appropriate legal framework**, in particular, **the web of potentially rewarding contracts is vasdy reduced.** This point may seem trivial, but many developing economies have failed to achieve these essential preconditions of success. **Second, the state normally defines identity. A sense of belonging is part of the people's sense of security, and one that most people would not want to give up, even in the age of globalization**. It is perhaps not surprising that some of **the most successfully integrated economies are small, homogeneous countries with a strong sense of collective identity. Third, international governance rests on the ability of individual states to provide and guarantee stability. The bedrock of international order is the territorial state with its monopoly on coercive power within its jurisdiction. Cyberspace does not change this: economics arc ultimately run for and by human beings, who have a physical presence and, therefore, a physical location. Globalization does not make states unnecessary**. On the contrary, **for people to be successful in exploiting the opportunities** afforded by international integration, **they need states at both ends of their transactions. Failed states, disorderly states, weak states, and corrupt states are shunned as the black holes of the global economic system.**

**Alt solves nothing—if the forces of globalization are as powerful as they claim, the alt will also be unable to resolve the global civil war**

**Focusing on international institutions is key to transition to a new democratic liberal order—the alt causes genocide and nuclear war**

**Shaw**, Professor of International Relations and Politics at the University of Sussex, **’99** (Martin, November 9, “The unfinished global revolution: Intellectuals and the new politics of international relations”

**The new politics of international relations require us**, therefore, **to go beyond** the **antiimperialism of the intellectual left as well as of the semi-anarchist traditions of the academic discipline**. We need to recognise three **fundamental** truths: First, in the twenty-first century **people struggling for democratic liberties across the non-Western world are likely to make constant demands on our solidarity**. Courageous academics, **students and** other **intellectuals will be in the forefront of these movements**. They deserve the unstinting support of intellectuals **in the West**. Second, the old international thinking in which democratic movements are seen as purely internal to states no longer carries conviction – despite the lingering nostalgia for it on both the American right and the anti-American left. **The idea that global principles can and should be enforced worldwide is firmly established in the minds of hundreds of millions of people**. This consciousness will a powerful force in the coming decades. Third, **global state-formation is a fact. International institutions are being extended, and they have a symbiotic relation with the major centre of state power**, the increasingly internationalised Western conglomerate. **The success of the global-democratic revolutionary wave depends** first on how well it is consolidated in each national context – but second, **on how thoroughly it is embedded in international networks of power, at the centre of which, inescapably, is the West**. From these political fundamentals, strategic propositions can be derived. First, **democratic movements cannot regard** non-governmental organisations and **civil society as ends in themselves. They must aim to civilise** local **states, rendering them open, accountable and pluralistic, and curtail the arbitrary and violent exercise of power**. Second, **democratising local states is not a separate task from integrating them into global** and often Western-centred **networks**. **Reproducing isolated local centres of power carries with it classic dangers of states as centres of war.** **Embedding global norms and integrating new state centres with global institutional frameworks are essential to the control of violence**. (To put this another way, the proliferation of purely national democracies is not a recipe for peace.) Third, while the global revolution cannot do without the West and the UN, neither can it rely on them unconditionally. **We need** these **power networks, but we need to tame them**, too, **to make their** messy **bureaucracies** enormously **more accountable and sensitive to** the needs of **society** worldwide. **This will involve** the kind of ‘**cosmopolitan democracy’** argued for by David Held80 and campaigned for by the new Charter 9981. **It will** also **require us to advance a global social-democratic agenda, to address** the literally catastrophic scale of **world social inequalities**. Fourth, **if we need the global-Western state, if we want to democratise it and make its institutions friendlier to global peace and justice, we cannot be indifferent to its strategic debates. It matters to develop robust peacekeeping as a strategic alternative to bombing our way through zones of crisis. It matters that international intervention supports pluralist structures, rather than ratifying Bosnia-style apartheid**. Likewise, **the internal politics of Western elites matter. It makes a difference to halt the regression to isolationist nationalism in American politics**. It matters that the European Union should develop into a democratic polity with a globally responsible direction. It matters that the British state, still a pivot of the Western system of power, stays in the hands of outward-looking new social democrats rather than inward-looking old conservatives. **As political intellectuals in the West**, we need to have our eyes on the ball at our feet, but we also need to raise them to the horizon. **We need to grasp the historic drama that is transforming worldwide relationships between people and state**, as well as between state and state. **We need to think about how the turbulence of the global revolution can be consolidated in democratic, pluralist, international networks of both social relations and state authority**. We cannot be simply optimistic about this prospect. Sadly, it will require repeated violent political crises to push Western governments towards the required restructuring of world institutions.82 What I have outlined tonight is a huge challenge; but **the alternative is to see the global revolution splutter into defeat, degenerate into new genocidal wars, perhaps even nuclear conflicts. The practical challenge for all concerned citizens**, and the theoretical and analytical challenges for **students of international relations and politics, are intertwined**.

**“politics of space” is meaningless**

**Minca 12**

Claudio, Wageningen University Professor, May, “Carlo Galli, Carl Schmitt, and contemporary Italian political thought,” Political Geography, 31.4s

**The main problem** with this otherwise fascinating excursus, however, **is Galli’s rather confused conceptualization of space, presented in the first pages of the book** (pp. 5–6): our second hypothesis is that the spatial representations that are implicit in political thought derive from the concrete perception and organization of geographic space as experienced by a given society. The implicit **spatial representations of political thought,** in other words, **refer back to the explicit displacement of space realized by the concrete articulations of power** and powers on the world stage our third hypothesis [.] is that **modernity entertains a particularly difficult relationship with space**, in which the dominant element is political (centered on the Subject, State and Society), and not space understood in a natural sense finally, our fourth hypothesis [.] is that the **politico-spatial categories of the Modern are no longer usable today. For Galli, space seems to be sometimes a ‘measure of the real’**, that is, a theory of space – while at other times, **he refers to space as something ‘out there’, something very concrete**. It may well be that Galli thinks that space is both – but then this should be made clear in the first place. **The result is that after reading** Spazi Politici **three times I am not yet sure what ‘kind of space’ he is conceptualizing in relation to politics**. **This perplexity gets even greater when Galli discusses the ‘a-spatial’ condition of globalization** (p. 157). **Or, when he refers to the artificiality of spatial thinking (compared to place thinking**?) (see pp. 85). **This is an important point**, since **the entire collection** (the three books/essays that make Political Spaces and Global War) **is marked by this** lack of clarity about the conceptualization of space. I am left with the impression that this is also the result of the confusion/overlapping between terminologies of space and territory – two concepts normally kept clearly distinct in both Italian and Francophone geography– that dominates Galli’s account. **What is** also **missing is a clear definition of power, in relation to space**. **How can space be related to politics with no clear conceptualization of power?** I would like to suggest, with the risk of falling into the trap of disciplinary parochialism, that some of these problems could have possibly been avoided Galli had been interested in engaging with some of the literature in critical geography of the past few decades where those very concepts are discussed at length and in rather sophisticated ways. Interestingly, **Galli does refer to geography** in several passages of Spazi Politici, **but he seems to get** most of the **references wrong**. And when he compares his project with that of ‘political geography’, it is not at all clear what the nature of this latter project is supposed to be.

**They don’t solve—reinscribe western heg**

**Curato 10**

Nicole, University of the Philippines, , Political Spaces and War, http://bit.ly/16pp6Ig

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mmediately, students of sociology can locate Galli’s work in the broader theoretical debate about the nature of social change—whether it is characterized by rupture or continuity, whether we live in a postmodern condition or the second phase of modernity. **Galli belongs to the first camp, describing globalization as marking a new epochality**, and, as in the case of a number of other contemporary social theorists, sets himself up with the task of finding suitable interpretations for illuminating distinct processes happening today. On the one hand, his approach is refreshing in that he successfully prioritizes nuances over ideal types, dynamic processes over conceptual binaries. This approach allowed him to make measured generalizations and engage related literature in a fair, thoughtful, and intellectually charitable manner. On the other hand, however, **Galli struggles in overcoming the practice of presupposing or uncritically placing the European narrative of modernity at the center of his discussion**. Throughout the book, E**urope remains to be the “silent referent of historical knowledge,” undermining other narratives of human inter-connections that are also cross-border, if not “global” in character, prior to postmodernity** (D. Chakrabarty, “Provincializing Europe: Postcoloniality and the critique of history,” Cultural Studies, 6.3 [1992]: 337–57). This is particularly troublesome as Galli utilizes a genealogical approach in mapping the evolution of political spaces to one that takes a global character. **To uncritically use Europe as central historical referent limits** the book’s **potential for breaking away from modernity’s epistemology and providing an alternative politics for knowledge production**. Nevertheless, this book puts forward an exciting contribution to the discussion on the relevance of modernity’s conceptual categories in the postmodern condition—a suitable reading for both students and scholars of politics, sociology, and political geography.

**Engaging international institutions and evaluating consequences is necessary to realize the alternative**

Anthony **Burke,** Associate Professor of Politics and International Relations, University of New South Wales, "Security Cosmopolitanism," CRITICAL STUDIES IN SECURITY v. 1. n. 1, 20**13**, pp. 13-28.

It might be argued that having to peer long into an uncertain future through the prism of one's choices is an impossible burden. I disagree. Uncertainty is also potentiality; it opens up the potential for more just and secure paths, and the possible effects of particular technological, policy, and strategic choices can often be reasonably predicted through a combination of critical history, social science, public dialogue, and scenario-based planning. **A consistent aim must be to create legal and structural frameworks that work to build security and ward off disastrous outcomes in a systemic fashion. This process will be assisted by a third ethical principle: a principle that can responsibly guide security actions in the face of their future impacts, some of them potentially unknowable. This, in a modification of Kant, one could call a global categorical imperative.** Recall that Kant's categorical imperative of morality stated that one ‘must act only in accordance with that maxim through which you can at the same time will that it be a universal law…act as if the maxim of your action were to become by your will a universal law of nature’ (Kant 2004, 31). The global categorical imperative refines Kant's categorical imperative in two ways. First, its address expands from the individual to collectivities and organizations – governments, NGOs, international organizations, militaries, defence ministries, diplomats, insurgents, and more – to any actor or agency whose activities will affect the security of others (a principle that modifies the criteria for institutional moral responsibility developed in Erskine 2003, 6–8). Second, its scope moves beyond the moral individual wrestling with their duties to take in the world as a whole: actors must consider the systemic context and impact of their actions, work to understand their potential collective consequences, and act collectively to manage those impacts and resolve global insecurities. The global categorical imperative would thus state: act as if both the principles and consequences of your action will become global, across space and through time, and act only in ways that will bring a more secure life for all human beings closer. **We must act as if the principles and consequences of our actions will become global because they are likely to: because norms, ideas, and effects spread, or they lie dormant until they appear at other times** and in other places, and because the complex security processes that actions feed into reverberate widely through space and time; they take on momentum that is difficult to arrest. **The global categorical imperative tests norms and actions against their global consequences and the complex causal chains they feed into. What is the impact on global security if bad norms become commonplace-torture, the violation of human rights, military aggression, proxy warfare, targeted killings, terrorism, corruption, gender or racial discrimination, colonialism, and other great injustices?** Can the world really bear them, and judge itself secure? **The global categorical imperative demands that security actors look into a distant and open future, and take responsibility for it, in the face of the particularly challenging quality that Arendt attributed to action: ‘action has no end.** The process of a single deed can quite literally endure through time until mankind itself has come to an end’ (Arendt 1998, 233). The global categorical imperative asks us to consider what violence, conflict, and insecurity put into the world – grief, radicalization, impoverishment, resentment, pain, trauma, and fear – and then of the myriad ways that the insecurity that manifests them can multiply and mutate. The long-standing security concern with ‘proliferation’ here widens to take in its systemic potentials: proliferation of weapons, doctrines, tactics, norms, ideas, feelings, dilemmas, and consequences. The ethical principles of security cosmopolitanism, then, are not merely normative preferences: they are strategic necessities.

**State sovereignty is essential depending on the specificity of the situation – the state is essential to combating the forces of neoliberalism and war. Unconditionally rejecting sovereignty reproduces a totalizing logic that justifies violence and exclusion.**

Jacques **Derrida**, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, **2004**, For What Tomorrow? A Dialogue With Elisabeth Roudinesco, p. 91-92

J.D.: A moment ago you spoke of regicide as the necessity of an ex­ception, in sum. Well, yes, one can refer provisionally to Carl Schmitt (whatever one may think of him, his arguments are always useful for prob­lematizing the “political” or the “juridical”; I examined this question in Pol­itics of Friendship). He says in effect that a sovereign is defined by his capacity to decide the exception. Sovereign is he who effectively decides the exception. The revolutionaries decided that at that moment that it was nec­essary to suspend justice and—in order to establish the law [droit] and to give the Revolution its rights—to suspend the rule of law [l’Etat de droit]. Schmitt also gives this definition of sovereignty: to have the right to sus­pend the law, or the rule of law, the constitutional state. Without this cate­gory of exception, we cannot understand the concept of sovereignty. **Today, the great question is** indeed, everywhere, **that of sovereignty**. Omnipresent in our discourses and in our axioms, under its own name or another, liter­ally or figuratively, this concept has a theological origin: the true sovereign is God. The concept of this authority or of this power was transferred to the monarch, said to have a “divine right.” Sovereignty was then delegated to the people, in the form of democracy, or to the nation, with the same the­ological attributes as those attributed to the king and to God. **Today, wher­ever the word “sovereignty” is spoken, this heritage remains undeniable**, whatever internal differentiation one may recognize in it. **How do we deal with this?** Here we return to the question of heritage with which we began. **It is necessary to deconstruct the concept of sover­eignty**, never to forget its theological filiation and to be ready to call this fil­iation into question wherever we discern its effects. **This supposes an in­flexible critique of the logic of the state and of the nation-state. And yet—hence the enormous responsibility of the citizen** and of the heir in general, in certain situations—**the state, in its actual form, can resist cer­tain forces that I consider the most threatening**. What I here call “**responsibility**” is what **dictates the decision to be sometimes for the sovereign state and sometimes against it, for its deconstruction (“theoretical and practical**,” as one used to say) **according to the singularity of the contexts and the stakes. There is no relativism in this, no renunciation of the injunction to “think” and to deconstruct the heritage. This aporia is in truth the very condition of decision and responsibility**—if there is any. **I am thinking** for example **of the** incoherent but **organized coalition of international capitalist forces that, in the name of neoliberalism** or the market,31 **are taking hold of the world** in conditions such as the “state” form; **this is what can still resist the most**. For the moment. But it is neces­sary to reinvent the conditions of resistance. Once again, I would say that **according to the situations, I am an antisovereignist or a sovereignist**—**and I vindicate the right to be antisovereignist at certain times and a sovereignist at others. No one can make me respond to this question as though it were a matter of pressing a button on some old-fashioned machine. There are cases in which I would support a logic of the state, but I ask to examine each situation before making any statement**. It is also necessary to recognize that **by requiring someone to be not unconditionally sovereignist but rather soyvereignist only under certain conditions, one is already calling into question the principle of sovereignty. Deconstruction begins there**. It demands a dif­ficult dissociation, almost impossible but indispensable, between uncondi­tionality (justice without power) and sovereignty (right, power, or potency). Deconstruction is on the side of unconditionaliry, even when it seems im­possible, and not sovereignty, even when it seems possible.

**Framework**

**Even if we can’t 100% prove our knowledge claims, we should act based on the best possible information**

Friedrich **Kratochwil**, 200**7**, Political Sciences @ European University Inst., “Of False Promises and Good Bets: a Plea for a Pragmatic Approach to Theory Building”, Journal of International Relations and Development

Here **pragmatism seems to hold some promise for several reasons. First, as its most basic level it does not begin with ‘things’ or with ‘reason’ or thought, but with ‘acting’** (prattein), **thereby preventing some false starts. Even if the most rigorous and secure system of thought turns out not to be contradiction free, this revolutionary realization does not prevent mathematicians from going on to solve problems and most of us have to act most of the time without having the privilege of basing our decisions on secure universally valid knowledge.** Thus, **the cure of the anxiety induced by radical doubt consists not of the discovery of absolute certainty, which is a phantasmagorical undertaking that is engendered by its equally fantastic starting point, since nobody begins with universal doubt** (e.g. Pierce 1868/1997)! **Rather, the remedy for this anxiety consists of the recognition of the unproductive nature of universal doubt. Letting go of unrealizable plans and notions that lead us down the road to delusional projects and acquiring instead the ability to ‘go on’ in spite of uncertainties and the unknown is probably the most valuable lesson to learn. Second§ Marked 08:41 § , by giving up on the idea that warranted knowledge is generated through either logical demonstration or the representation of the world ‘out there’, a pragmatic starting point not only takes the always preliminary character of scientific knowledge seriously but it also accounts for cumulative knowledge in a more coherent fashion. If the world ‘out there’ were ready made only to be discovered, then scientific knowledge would have to be a simple accumulation of more and more true facts, leading us virtually automatically closer and closer to ‘the Truth’ conceived as the totality of all true statements.** Here Popper’s (1972) ‘Third World’ comes to mind and his first interpretation of scientific progress as the self-correcting process of conjectures and refutations. But as the history of science has suggested, scientific progress was characterized by conceptual revolutions and not only ‘normal’ science, quite aside from the embarrassing problem of what to do with all those parts of the ‘third world’ that turned out to be false after all, such as the indivisibility of atoms, ether, phlogiston, or what have you. Similarly misleading is the imagery of scientific progress as an ever closer approximation to ‘the Truth’ without, however, ever reaching it, thereby foxing the problem of revision. Obviously the image of approximation in Popper’s (1963: Chapter 10) verisimilitude argument draws its persuasiveness from the successive approximation of polygons in approaching the perimeter of a circle, when determining the enclosed area. But **if we have learned anything from the studies of various disciplines, then it is the fact that progress consists of being able to formulate new questions that could not even be asked previously**. Thus, whatever we think of Kuhn’s argument about ‘paradigms’, we have to recognize that in times of revolutionary change the bounds of sense are being revolutionized and we donot simply now know some more of the encircled area!9 **Third, pragmatism recognizes that science as a process of knowledge production is a social practice determined by rules in which scientists are not only constitutive for the definitions of problems (rather than simply lifting a veil over nature), they also debate questions that seem ‘undecidable’ and they have to ‘weigh’ the evidence, instead of being able to rely on the bi-valence principle of logic as an automatic truth finder** (Kratochwil 2007). To that extent, the critical element of the epistemological project is retained, only that the ‘court’ which Kant believed to be reason itself, consists of the practitioners themselves. Instead of applying the standards as suggested by the epistemological project and the unity of science position, each science provides its own court and judges the appropriateness of its own methods and practices

**Instrumentalism Good: 2AC (A2 Chow Impacts)**

**Instrumentalism does not produce violence and we need to pay attention to the material sources of conflict**

Ken **Hirschkop**, University of waterloo, “On Being Difficult,” Electronic Book Review, 7—25—**07**,

<http://www.electronicbookreview.com/thread/criticalecologies/transitive>

This defect - not being art - is one that theory should prolong and celebrate, not remedy. For **the most egregious error Chow makes is to imagine that obstructing instrumentalism is** somehow **a desirable and effective route for left-wing politics. The case against instrumentalism is made in** depth in the opening chapter, which argues with **reference to Hiroshim**a and Nagasaki that "[t]he dropping of the atomic bombs effected what Michel Foucault would call a major shift in epistemes, a fundamental change in the organization, production and circulation of knowledge" (33). It initiates the "age of the world target" in which war becomes virtualized and knowledge militarized, particularly under the aegis of so-called "area studies". It's hard not to see this as a Pacific version of the notorious argument that the Gulag and/or the Holocaust reveal the exhaustion of modernity. And the first thing one has to say is that **this interpretation of war as no longer** "the **physical,** mechanical struggles between combative oppositional groups" (33), as now transformed into a matter technology and vision, **puts Chow in some uncomfortable intellectual company: like that of** Donald **Rumsfeld**, whose recent humiliation is a timely reminder that **wars continue to depend on** the **deployment** of young men and women **in fairly traditional forms of battle**. Pace Chow, war can indeed be fought, and fought successfully, "without the skills of playing video games" (35) and this is proved, with grim results, every day. But it's the title of this new epoch - the title of the book as well - that truly gives the game away. Heidegger's "Age of the World Picture" claimed that the distinguishing phenomena of what we like to call modernity - science, machine technology, secularization, the autonomy of art and culture - depended, in the last instance, on a particular metaphysics, that of the "world conceived of and grasped as a picture", as something prepared, if you like, for the manipulations of the subject. Against this vision of "sweeping global instrumentalism" Heidegger set not Mallarmé, but Hölderlin, and not just Hölderlin, but also "reflection", i.e., Heidegger's own philosophy. It's a philosophical reprise of what Francis Mulhern has dubbed "metaculture", the discourse in which culture is invoked as a principle of social organization superior to the degraded machinations of "politics", degraded machinations which, at the time he was composing this essay, had led Heidegger to lower his expectations of what National Socialism might achieve. **In the fog of metaphysics, every** actually existing **nation - America, the Soviet Union, Germany - looks just as grey**, as does every conceivable form of politics. For **the antithesis of the "world picture" is not a more just democratic politics, but no politics at all**, and **it is hard to see how this stance can serve as the starting point for a political critique.** If Chow decides to pursue this unpromising path anyhow, it is probably because **turning exploitation, military conquest and prejudice into** so many epiphenomena of a metaphysical "**instrumentalism" grants philosophy** and poetry a force and **a role** in revolutionising the world **that would otherwise seem extravagant**. Or it would do, if "instrumentalism" was, as Chow claims a "demotion of language", if language was somehow more at home exulting in its own plenitude than merely referring to things. Poor old language. Apparently ignored for centuries, it only receives its due when poststructuralists force us to acknowledge it. In their hands, "language flexes its muscles and breaks the chains of its hitherto subordination to thought" and, as a consequence, "those who pursue poststructuralist theory in the critical writings find themselves permanently at war with those who expect, and insist on, the transparency - that is, the invisibility - of language as a tool of communication" (48). We have been down this road before and will no doubt go down it again. In fact, it's fair to say this particular journey has become more or less the daily commute of critical theory, though few have thought it ought to be described in such openly military terms. There is good reason, however, to think **Chow's chosen route will lead not to the promised land of resistance and emancipation, but to more Sisyphean frustration**. In fact, there are several good reasons.

**Their approach to instrumentalism guts politics**

Stephen Eric **Bronner**, Rutgers University, RECLAIMING THE ENLIGHTENMENT, 20**04**, p. 3-5.

“**Instrumental reason” was seen as** merging with what Marx termed **the “commodity form**” underpinning capitalist social relations. **Everything thereby became subject to** the **calculation** of costs and benefits. Even art and aesthetic tastes would become defined by a “culture industry”—intent only upon maximizing profits by seeking the lowest common denominator for its products. Instrumental rationality was thus seen as stripping the supposed­ly “autonomous” individual, envisioned by the philosophes, of both the means and the will to resist manipulation by totalitarian movements. En­lightenment now received two connotations: its historical epoch was grounded in an anthropological understanding of civilization that, from the first, projected the opposite of progress. This gave the book its power: Horkheimer and Adorno offered not simply the critique of some prior his­torical moment in time, but of all human development. This made it possi­ble to identify enlightenment not with progress, as the philistine bourgeois might like to believe, but rather—unwittingly—with barbarism, Auschwitz, and what is still often called “the totally administered society.” Such is the picture painted by Dialectic of Enlightenment.. But it should not be forgotten that its authors were concerned with criticizing enlightenment generally, and the historical epoch known as the Enlightenment in particular, from the standpoint of enlightenment itself: thus the title of the work. Their masterpiece was actually “intended to prepare the way for a positive notion of enlightenment, which will release it from entanglement in blind domina­tion.”4 Later, in fact, Horkheimer and Adorno even talked about writing a se­quel that would have carried a title like “Rescuing the Enlightenment” (Ret­tung der Aufklarung).5 This reclamation project was never completed, and much time has been spent speculating about why it wasn’t. The reason, I be­lieve, is that the logic of their argument ultimately left them with little positive to say. **Viewing** instrumental **rationality as equivalent** with the rationality of domination, and this rationality with an increasingly seamless bureaucratic order, **no room existed** any longer **for** a **concrete** or effective political form of **opposition**: Horkheimer would thus ultimately embrace a quasi-religious “yearning for the totally other” while Adorno became interested in a form of aesthetic resistance grounded in “negative dialectics.” Their great work initiated a radical change in critical theory, but its metaphysical subjectivism sur­rendered any systematic concern with social movements and political insti­tutions. Neither of them ever genuinely appreciated the democratic inheritance of the Enlightenment and thus, not only did they render critique independent of its philosophical foundations,6 but also of any practical inter­est it might serve. Horkheimer and Adorno never really grasped that, in contrast to the sys­tem builder, the blinkered empiricist, or the fanatic, the philosophe always evidenced a “greater interest in the things of this world, a greater confidence in man and his works and his reason, the growing appetite of curiosity and the growing restlessness of the unsatisfied mind—all these things form less a doctrine than a spirit.”7 Just as Montesquieu believed it was the spirit of the laws, rather than any system of laws, that manifested the commitment to jus­tice, the spirit of Enlightenment projected the radical quality of that commit­ment and a critique of the historical limitations with which even its best thinkers are always tainted. Empiricists may deny the existence of a “spirit of the times.” Nevertheless, historical epochs can generate an ethos, an existen­tial stance toward reality, or what might even be termed a “project” uniting the diverse participants in a broader intellectual trend or movement. The Enlightenment evidenced such an ethos and a peculiar stance toward reality with respect toward its transformation. Making sense of this, howev­er, is impossible without recognizing what became a general stylistic com­mitment to clarity, communicability, and what rhetoricians term “plain speech.” For their parts, however, Horkheimer and Adorno believed that re­sistance against the incursions of the culture industry justified the extreme­ly difficult, if not often opaque, writing style for which they would become famous—or, better, infamous. Their esoteric and academic style is a far cry from that of Enlightenment intellectuals who debated first principles in pub­lic, who introduced freelance writing, who employed satire and wit to demol­ish puffery and dogma, and who were preoccupied with reaching a general audience of educated readers: Lessing put the matter in the most radical form in what became a popular saying—”Write just as you speak and it will be beautiful”—while, in a letter written to D’Alembert in April of 1766, Voltaire noted that “Twenty folio volumes will never make a revolution: it’s the small, portable books at thirty sous that are dangerous. If the Gospel had cost 1,200 sesterces, the Christian religion would never have been established.”9 Appropriating the Enlightenment for modernity calls for reconnecting with the vernacular. This does not imply some endorsement of anti-intellectualism. Debates in highly specialized fields, especially those of the natural sciences, obviously demand expertise and insisting that intellectuals must “reach the masses” has always been a questionable strategy. The sub­ject under discussion should define the language in which it is discussed and the terms employed are valid insofar as they illuminate what cannot be said in a simpler way. Horkheimer and Adorno, however, saw the matter differ­ently. **They feared being integrated by the culture industry**, avoided political engagement, and turned freedom into the metaphysical-aesthetic preserve of the connoisseur. **They became** increasingly **incapable of appreciating the egalitarian impulses generated by the Enlightenment and the ability** of its advocates—Ben Franklin, Thomas Jefferson, James Madison, Thomas Paine, and Rousseau—**to argue clearly and with a political purpose**.1’ Thus, whether or not their “critical” enterprise was “dialectically” in keeping with the impulses of the past, **it**s assumptions **prevented them from articulating anything positive for the present or the future.**

**Util**

**All lives are valuable – means you should prefer util**

**Cummisky 96** (David, professor of philosophy at Bates, “Kantian Consequentialism”, p. 131)

Finally, **even if one grants that saving two persons with dignity cannot outweigh and compensate for killing one—because dignity cannot be** added and **summed in this way—this** point **still does not justify deontological constraints**. On the extreme interpretation, **why would not killing one person be a stronger obligation than saving two persons? If I am concerned with the priceless dignity of each, it would seem that I may still save two**; it is just that my reason cannot be that the two compensate for the loss of the one. Consider Hill's example of a priceless object: If I can save two of three priceless statutes only by destroying one, then I cannot claim that saving two makes up for the loss of the one. But similarly, the loss of the two is not outweighed by the one that was not destroyed. Indeed, **even if dignity cannot be simply summed up**, how is the extreme interpretation inconsistent with the idea **that I should save as many priceless objects as possible**? Even if two do not simply outweigh and thus compensate for the loss of the one, **each is priceless; thus, I have good reason to save as many as I can**. In short, it is not clear how the extreme interpretation justifies the ordinary killing/letting-die distinction or even how it conflicts with the conclusion that the more persons with dignity who are saved, the better.8

**Their moral tunnel vision is complicit with the evil they criticize**

**Issac 2** (Professor of Political Science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As a result, the most important political questions are simply not asked. **It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response**. **The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression**. This requires us to ask a question that most "peace" activists would prefer not to ask: **What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime?** What means are likely to stop violence and bring criminals to justice? **Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand** campus left offers no such account. **To do so would require it to contemplate tragic choices in which moral goodness is of limited utility.** Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. **Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about**. And to develop such means is to develop, and to exercise, power. **To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality**. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility**. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that **the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters;** (2) **it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice**. This is why, **from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and** (3) **it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant**. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; **it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.**

# \*\*1AR\*\*

**Drones**

**Too complex- End to strikes inevitable—backlash**

**Benjamin 13** (Medea, Co-Founder, CODEPINK: Women for Peace, 3-25-13, "Finally, the Backlash Against Drones Takes Flight" Huffington Post) www.huffingtonpost.com/medea-benjamin/finally-the-backlash-against-drones\_b\_2950601.html

Rand Paul's marathon 13-hour filibuster was not the end of the conversation on drones. Suddenly, drones are everywhere, and so is the backlash. **Efforts to counter drones at home and abroad are growing** in the courts, at places of worship, outside air force bases, inside the UN, at state legislatures, inside Congress -- **and having an effect on policy.** 1. April marks the national month of uprising against drone warfare. **Activists in** upstate **New York are converging on the Hancock Air National Guard Base where Predator drones are operated**. In San Diego, they will take on Predator-maker General Atomics at both its headquarters and the home of the CEO. In D.C., a coalition of national and local organizations are coming together to say no to drones at the White House. And **all across the nation** -- including New York City, New Paltz, Chicago, Tucson and Dayton -- **activists are planning picket lines, workshops and sit-ins to protest the covert wars. The word has even spread to** Islamabad, **Pakistan, where activists are planning a vigil to honor victims.** 2. **There has been an unprecedented surge of activity in cities, counties and state legislatures** across the country **aimed at regulating domestic surveillance drones**. After a raucous city council hearing in Seattle in February, the mayor agreed to terminate its drones program and return the city's two drones to the manufacturer. Also in February, the city of Charlottesville, Va., passed a two-year moratorium and other restrictions on drone use, and other local bills are pending in cities from Buffalo to Ft. Wayne. Simultaneously, bills have been proliferating on the state level. In Florida, a pending bill will require the police to get a warrant to use drones in an investigation; a Virginia statewide moratorium on drones passed both houses and awaits the governor's signature, and similar legislation in pending in at least 13 other state legislatures. 3. Responding to the international outcry against drone warfare, **the United Nations' special rapporteur on counterterrorism and human rights,** Ben Emmerson, **is conducting an in-depth investigation of 25 drone attacks** and will release his report in the spring. Meanwhile, on March 15, having returned from a visit to Pakistan to meet drone victims and government officials, **Emmerson condemned the U.S. drone program in Pakistan**, as "it involves the use of force on the territory of another State without its consent and is therefore a violation of Pakistan's sovereignty." 4. **Leaders in the faith-based community** broke their silence and **began mobilizing** against the nomination of John Brennan, with more than 100 leaders urging the Senate to reject Brennan. And in an astounding development, **The National Black Church Initiative** (NBCI), a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans, **issued a scathing statement about Obama's drone policy, calling it "evil," "monstrous" and "immoral."** The group's president, Rev. Anthony Evans, exhorted other black leaders to speak out, saying, "If the church does not speak against this immoral policy we will lose our moral voice, our soul, and our right to represent and preach the gospel of Jesus Christ." 5. In the past four years the congressional committees that are supposed to exercise oversight over the drones have been mum. Finally, in February and March, the House Judiciary Committee and the Senate Judiciary Committee held their first public hearings, and the Constitution Subcommittee will hold a hearing on April 16 on the "constitutional and statutory authority for targeted killings, the scope of the battlefield and who can be targeted as a combatant." Too little, too late, but at least **Congress is feeling** some **pressure** to exercise its authority. 6. The specter of tens of thousands of **drones** here at home when the FAA opens up U.S. airspace to drones by 2015 **has spurred new left/right alliances.** Liberal Democratic Senator Ron Wyden joined the tea party's Rand Paul during his filibuster. The first bipartisan national legislation was introduced by Rep. Ted Poe, R-Texas, and Rep. Zoe Lofgren, D-Calif., saying drones used by law enforcement must be focused exclusively on criminal wrongdoing and subject to judicial approval, and prohibiting the arming of drones. Similar left-right coalitions have formed at the local level. And speaking of strange bedfellows, NRA president David Keene joined The Nation's legal affairs correspondent David Cole in an op-ed lambasting the administration for the cloak of secrecy that undermines the system of checks and balances. 7. While trying to get redress in the courts for the killing of American citizens by drones in Yemen, the ACLU has been stymied by the Orwellian U.S. government refusal to even acknowledge that the drone program exists. But on March 15, in an important victory for transparency, **the D.C. Court of Appeals rejected the CIA's absurd claims that it "cannot confirm or deny" possessing information about the government's use of drones for targeted killing, and sent the case back to a federal judge.** 8. Most Democrats have been all too willing to let President Obama carry on with his lethal drones, but on March 11, **Congresswoman Barbara Lee and seven colleagues issued a letter to President Obama calling on him to publicly disclose the legal basis for drone killings,** echoing a call that emerged in the Senate during the John Brennan hearing. The letter also requested a report to Congress with details about limiting civilian casualties by signature drone strikes, compensating innocent victims, and restructuring the drone program "within the framework of international law." 9. **There have even been signs of discontent within the military**. Former Defense Secretary Leon Panetta had approved a ludicrous high-level military medal that honored military personnel far from the battlefield, like drone pilots, due to their "extraordinary direct impacts on combat operations." Moreover, it ranked above the Bronze Star, a medal awarded to troops for heroic acts performed in combat. **Following intense backlash from the military and veteran community**, as well as a push from a group of bipartisan senators, new Defense Secretary Senator Chuck **Hagel decided to review the criteria for this new "Distinguished Warfare" medal.** 10. Remote-control warfare is bad enough, but what is being developed is warfare by "killer robots" that don't even have a human in the loop. A campaign against fully autonomous warfare will be launched this April at the UK's House of Commons by human rights organizations, Nobel laureates and academics, many of whom were involved in the successful campaign to ban landmines. The goal of the campaign is to ban killer robots before they are used in battle. **Throughout the U.S. -- and the world -- people are beginning to wake up to the danger of spy and killer drones. Their actions are already having an impact in forcing the administration to share memos with Congress, reduce the number of strikes and begin a process of taking drones out of the hands of the CIA.**

**rendition**

**Plan’s precedent solves—deference is the legal justification of rendition**

**Richards 06** [Nelson, JD Cand @ Berkeley, “The Bricker Amendment and Congress’s Failure to Check the Inflation of the Executive’s Foreign Affairs Powers,” 94 Calif. L. Rev. 175, January, LN//uwyo-ajl]

H. Jefferson Powell has posited that **the Supreme Court has all but ceded the creation of a foreign affairs and national security legal framework to the OLC**. Indeed, he goes so far as to assert that OLC legal opinions, not Supreme Court opinions, are the first sources the executive branch looks to when researching foreign affairs and national security law. Another set of John Yoo's writings support the validity of Powell's claim: the infamous memos declaring enemy combatants outside the protection of the Geneva Conventions. These, combined with the "Torture Memos," **the expanding practice of "extraordinary rendition**," and the current Administration's blase response to the Supreme Court's ruling that prisoners held at Guantanamo Bay are entitled to judicial access, **have brought peculiar focus to the weight and seriousness** of the OLC's legal authority. In the realm of foreign affairs, **the Court has written off its obligation**, claimed in Marbury, as the authoritative interpreter of the Constitution. While it may have reviewed some of the legal premises put forth in the above-mentioned OLC opinions, it has not curbed the OLC's claim to power over foreign affairs. **The Court is more than capable of challenging the President**. It has the power to send messages to the President, but it has done so only in two narrow contexts: when U.S. citizens are labeled enemy combatants (Hamdi v. Rumsfeld ) and when prisoners are held in U.S. facilities (Rasul v. Bush). The Hamdi and Rasul decisions, which amount to piecemeal restraints on the President's freedom to act, accord with the Court's general failure to check the executive's use of power abroad.

**A2 “shutdown**

It’s temporary and empirically no impact

Andrew **Taylor**, “Here’s the Truth: The Government Doesn’t Shut Down,” WTNH, Associated Press, **9—19**—13,

<http://www.wtnh.com/news/politics/heres-the-truth-the-government-doesnt-shut-down-nd13-jgr>

From a practical perspective, **shutdowns usually aren't that big a deal. They happened every year when Jimmy Carter was president, averaging 11 days each**. **During** President **Reagan's two terms, there were six shutdowns**, typically just one or two days apiece. **Deals got cut. Everybody moved on.** In 1995-96, however, shutdowns morphed into political warfare, to the dismay of Republicans who thought they could use them to drag Clinton to the negotiating table on a balanced budget plan. Republicans took a big political hit, but **most Americans suffered relatively minor inconveniences** like closed parks and delays in processing passport applications. Some 2,400 workers cleaning up toxic waste sites were sent home, and there were short delays in processing veterans' claims. Under a precedent-setting memorandum by Reagan budget chief David Stockman, **federal workers are exempted from furloughs if their jobs are national security-related or if they perform essential activities that "protect life and property.**"

K: Ontology 1AR

Radical evil exists, its bad, ontological focus lets it happen

Steven B. **Smith**, Alfred Cowles Professor of Political Science and Master of Branford College, Yale University, READING LEO STRAUSS: POLITICS, PHILOSOPHY, JUDAISM, 20**06**, p. 130.

At another point, Strauss suggests that not historicism as such, but **Heidegger's virtually exclusive concern with Being blinded him to the real facts of tyranny.** His **subordination of political philosophy to fundamental ontology created its own forms of moral blindness. It was Heidegger's** own **curious "forgetfulness" of politics and the primacy of political philosophy that led him to minimize**, if not **deny** altogether, **the atrocities of the Holocaust**. For Heidegger, **the Holocaust remained fundamentally a consequence of technology, not a moral and political problem.**126 It was Heidegger's indifference to moral phenomena that Strauss ultimately finds inexcusable. In the final sentence of his reply to Kojeve [at last fully restored to the English edition), **Strauss attacks Heidegger for moral cowardice in the face of tyranny and for lacking the courage to face the consequences of his own philosophy.** Here Strauss makes common cause with Kojeve for their close attention to the primacy of the political: Hut we have always been constantly mindful of it [i.e., the relation between tyranny and philosophy|. For we both apparently turned away from Being to Tyranny because we have seen that those who lack the courage to face the issue of Tyranny, who, therefore et humiliter serviebant et superbe dominabantur, were forced to evade the issue of Being as well, precisely because they did nothing but talk of Being. Strauss seems to suggest here that **it was Heidegger's concern for Being, rather than beings, that led to his indifference to the fact of tyranny.** At issue is the very abstractness of Heidegger's articulation of the problem of Being. **The extreme artificiality of regarding human beings under the rubric of an anonymous historical Dasein could not but anesthetize him to the fate and suffering of actual historical persons.** 1 am not finally convinced that Heidegger's Nazi problem is intimately connected to his analysis of Being, but Strauss's critique enables us to see the high price of Heidegger's forgetfulness of the political.

**Fear good**

**Fear politics are good- state is key**

**Wink**, 20**01** [Walter, nqa, “Apocalypse Now?” Christian Century, Oct 17, http://www.findarticles.com/p/articles/mi\_m1058/is\_28\_118/ai\_79514992 //]

If that were the whole story about apocalyptic, many of us would want nothing to do with it. That is not the whole story, however. There is a positive role for apocalyptic as well as its better-known negative. **The positive power of apocalyptic lies in its capacity to force humanity to face threats of unimaginable proportions in order to galvanize efforts at self and social transcendence. Only such** Herculean **responses can actually rescue people from the threat and make possible the continuation of humanity on the other side**. Paradoxically, **the apocalyptic warning is intended to remove the apocalyptic threat by acts of apocalyptic transcendence**.

**orient**

**Orientalism is methodologically flawed—we have to see if the aff is true first**

**Teitelbaum and Litvak 6**

<http://www.gloria-center.org/meria/2006/03/Teitelbaum_Litvak.pdf>

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 **"REPRESENTATION" AND HISTORICAL TRUTH** Said 's focus on Orientalism as a discourse of power, and apparently his background as a literary critic (and not as a historian), led him to argue that the "things to look at are style, figures of speech, setting, narrative devices, historical and social circumstances, not the correctness of the representation nor its fid elity to some great original." In other words: "The phenomenon of Orientalism as I study it here deals principally, not with a correspondence between Orientalism and the Orient, but with the internal consistency of Orientalism and its ideas about the Orient…despite or beyond any correspondence, or lack thereof, with a 'real' Orient. "47 **This approach, which is largely influenced by the post- modern discourse popular in the field of literary criticism-- Said's primary expertise--leads him to ignore the possibility that representation includes reliable and precise information as well. He never** analyzes profoundly or **refutes the Middle Eastern studies literature, he merely argues over its style** and motives. Halliday, as a positivist scholar who believes that historical **reality is the important factor and not simply representation,** doubts whether the discourse criticism in literature can be used for social sciences as well and questions whether historical research can be treated like literary analysis. Halliday even argues that Said's **basic approach is similar to those whom Said accuses of "Orientalism, " since both put a priority on** what is termed (in different theoretical frameworks) ideology, **discourse,** or political culture. 48 Lewis is most severe in his criticism of **Said's epistemological conception,** which is influenced by Michel Foucault and which draws on post- modernist ideas. According to Said 's approach, says Lewis, **every discourse is an expression of a motive to rule**, and all knowledge is distorted. Therefore, absolute truth does not exist or is not attainable. Thus, the truth is not important and even the facts are not important, nor is the evidence. Most important is the approach--the motives and intentions--of those who use knowledge. 49 An example of this problematic aspect of **the Orientalist critique, which ascribes far more importance to the researcher's inclinations than to the empirical basis of his findings,** is to be found in the complaint of Palestinian researcher Hisham Sharabi about Lewis himself. Sharabi attacks Lewis for saying that German nationalism had affected the Arab political arena in the 1930s and 1940s more than patriotism in its British or French form. He then takes Lewis to task for his claim regarding the influence of pro-Nazi and Fascist movements in the Arab world in the 1930s and 1940s. Sharabi is angered because Lewis quotes the Syrian politician Sami al-Jundi, who wrote in his memoirs: "We were racists, we admired Nazism, read the books and the sources from which its ideas derived. " Nowhere does Sharabi refute Lewis's arguments or demonstrate that he distorts reality or misquoted al-Jundi. He is angry because Lewis seemingly quotes this passage that presents the Arabs in an unfavorable light "with satisfaction. "50