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#### indef detention means detaining people without informing them if they will be released

The lead author for this report is Cara M. **Cheyette et al 11**, JD, MPH. The drafting and editing of the report was overseen by Scott Allen, MD, Co-Director of the Center for Prisoner Health and Human Rights at Brown University and Medical Advisor to PHR and Vincent Iacopino, MD, PhD, PHR Senior Medical Advisor.June 2011 Physicians for Human Rights physiciansforhumanrights.org “Punishment Before Justice: Indefinite Detention in the US” https://s3.amazonaws.com/PHR\_Reports/indefinite-detention-june2011.pdf

The Nature of Indefinite Detention By definition, indefinite detention refers to a situation in which the government places indi - viduals in custody without informing the detainee – and perhaps without the governmental custodian having decided – when or whether the detainee will be released. Indefinite detention therefore creates a situation of profound uncertainty that sets it apart from other types of gov - ernmental custody. 35 Whereas a criminal trial imposes on the government a rigorous burden of proving that a defendant engaged in conduct that meets carefully and constitutionally defined standards and which results in either a conviction and sentence or an acquittal and freedom, indefinite detention schemes permit the government to keep a detainee in a dead zone of pro - longed custody on the basis of facts or suspicions about the detainee’s associations, affiliations, inclinations, religious or political beliefs, national or ethnic identity, that the detaining authority asserts makes the detainee dangerous. 36 Many of these factors are ones that are neither sus - ceptible to evidentiary standards of proof nor over which the detainee has substantial control.

### K

**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.**

#### The U.S. will not retreat peacefully

Walter **Hixson**, Distinguished Professor, History, University of Akron, " US Decline? (No. 4) Walter Hixson: Counter-Hegemonic Forces Challenging U.S. Global Hegemony," interviewed by Kourosh Ziabari, IRAN REVIEW, 12--20--**12**, www.iranreview.org/content/Documents/US-Decline-No-4-Walter-Hixson-Counter-hegemonic-forces-challenging-U-S-global-hegemony.htm

Q: It seems that the United States is voluntarily retreating from its position as a global hegemon, which is because of the remarkable increase in the costs of maintaining a unipolar and hegemonic order and the considerable decrease in its utilities. What’s your viewpoint in this regard? A: I would not characterize the United States as "retreating" in the world. The mythology of American exceptionalism and widespread belief that the United States has a "mission" to lead the world remain very powerful. Moreover, the United States remains heavily militarized--far more powerful militarily than any other country and indeed than most combined. A superpower backed by such a powerful ideology and military rarely "retreats" willingly. That said, the U.S. power has peaked and the only direction it can go is toward a steady erosion of power. That process, however, probably will not be rapid.

**Statistically proven that heg prevents war**

**Owen ‘11**

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

Andrew **Mack and his colleagues** at the Human Security Report Project are to be congratulated. Not only do they **present a study with a striking conclusion, driven by data, free of theoretical or ideological bias**, but they also do something quite unfashionable: they bear good news. **Social scientists** really are not supposed to do that. Our j**ob** is, if not to be Malthusians, then at least **to point out disturbing trends, looming catastrophes, and the imbecility and mendacity of policy makers**. And then it is to say why, if people listen to us, things will get better. We do this as if our careers depended upon it, and 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.**

#### Every life is an end in and of itself – All lives are infinitely valuable, the only ethical option is to maximize the number saved

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

#### In a nuclear world we have to weigh consequences

Sissela Bok (Professor of Philosophy) 1998 Applied Ethics and Ethical Theory, Ed. David Rosenthal and Fudlou Shehadi

The same argument can be made for Kant’s other formulations of the Categorical Imperative: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through actions a law-making member in a universal Kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be, as Rawls said, “irrational, crazy.” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake. For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such a responsibility seriously—perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish.

#### Deference is the reason the government doesn’t do anything about veterans with PTSD

Banner 12 (Francine, PhD and teaches at Phoenix School of Law, 8/6/12, “Immoral Waiver: Judicial Review of Intra-Military Sexual Assault Claims”, http://works.bepress.com/francine\_banner/8/, zzx)

This is not our grandparents’ military, in which nearly ten percent of the population volunteered or were drafted into service. We inhabit the era of the citizen-soldier. Forty percent of troops deployed to Iraq and Afghanistan are National Guard and Reserve volunteers. More than half of these reservists suffer from issues such as post-traumatic stress disorder (PTSD), military sexual trauma (MST) or other psychological trauma and have difficulty accessing adequate treatment for these conditions. The actions of “the troops” are not separate from those of civilians; the troops committing and suffering from sexual assaults are civilians. Military perpetrators ultimately are released into the civilian population, are not subjected to sex offender registries, and are free to reoffend. Perpetrators and victims return home to a system ill-equipped to offer redress for their grievances, contributing to concerning rates of divorce, domestic violence, even suicide. Although soldiers literally comprise the heartland of America, military decisionmaking has been severed from civilian accountability. The biggest hurdle to resolution of the Cioca and Klay plaintiffs’ claims is the idea that battle readiness depends on autonomy in military decisionmaking, that civilian intervention will weaken the institution of the U.S. military. However, there is a much greater threat of erosion of the military command structure if sexual violence is permitted to continue unabated. The DoD itself admits that the “costs and consequences [of sexual assault] for mission accomplishments are unbearabable.” As I discuss herein, the selfsame rhetoric of unit cohesion and combat readiness was deployed by the military to discourage judicial review of the discriminatory “Don’t Ask, Don’t Tell” (DADT) policy. The result of judicial review in those cases? A stronger military. In the case of serious, widespread and unremedied constitutional violations, the biggest threat to democracy is not judicial intervention but judicial complacency.

#### Humans are guaranteed protection from torture under international law – practices of our detention centers violate human rights

Bernaz 13 Ph. D

University Paul Cezanne (Nadia, “Life Imprisonment and the Prohibition of Inhuman Punishments in International Human Rights Law: Moving the Agenda Forward”, Human Rights Quarterly, vol. 35, no. 2, May 2013, pp. 487-488)

The right not to be subjected to torture and inhuman or degrading treatments is entrenched in international law. All general human rights treaties provide a protection to individuals against such treatments and states have also adopted treaties specifically prohibiting the practice of torture, which are widely ratified.104 On many occasions, the human rights bodies in charge of interpreting human rights treaties have formulated authoritative statements on the issue. For the UN Human Rights Committee, "the prohibition on torture . . . is an absolute one that is not subject to countervailing considerations."105 For the ECtHR, Article 3 of the European Convention, prohibiting torture, "enshrines [End Page 488] one of the fundamental values of the democratic societies making up the Council of Europe."106 Moreover, the International Criminal Tribunal for the Former Yugoslavia suggested that the prohibition of tor ture was a norm of customary international law of a jus cogens nature.107 What this right actually entails is a matter of interpretation, as shown, for example, by the debates following the confessions of former President Bush in relation to the use of waterboarding as an "enhanced interrogation technique."108 As it stands, not only is this right violated daily, but some have even justified the use of torture in order to obtain information on the location of "terrorists" which, in turn, has led to extrajudicial killings in blatant violation of international law.109 Moreover, on several occasions, the United Kingdom and other European countries have (unsuccessfully) intervened in cases before the ECtHR, arguing that the absolute prohibition of torture should be revisited.110 For the Court, however, "even in the most difficult of circumstances, such as the fight against terrorism, and irrespective of the conduct of the person concerned, the Convention prohibits in absolute terms torture and inhuman or degrading treatment and punishment."111 In other words, despite serious attacks against it, the law has not changed and the right not to be tortured and not to be subjected to inhuman or degrading treatments or punishments is still firmly established under international law. This right gives a protection against a variety of treatments including police brutality,112 poor conditions of detention,113 and the so-called death row phenomenon.114

#### Indefinite detention is torture that violates human rights and undermines U.S. credibility

Goering, 7/27

--- executive director of the Center for Victims of Torture, an international nongovernmental organization (7/27/2013, Curt, “End indefinite detention now,” <http://thehill.com/blogs/congress-blog/homeland-security/313761-end-indefinite-detention-now>))

The recent Senate hearing on closing Guantanamo, under the leadership of Sen. Dick Durbin (D-Ill.), shed much needed light on the symbol of injustice and cruelty this prison has become.

Members heard compelling testimony from experts on how Guantanamo undermines the U.S. commitment to the rule of law, weakens national security and runs contrary to our country’s global leadership in upholding international human rights standards.

In written testimony, the Center for Victims of Torture (CVT) addressed the human rights implications of indefinite detention of prisoners held at Guantanamo. The continued indefinite detention of individuals at Guantanamo – some of whom have been held over 11 years without being charged or tried – is inconsistent with U.S. treaty obligations and constitutional principles.

Indefinite detention is an unlawful practice that rises to the level of cruel, inhuman and degrading treatment in direct violation of U.S. laws and our obligations under international laws, including the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, signed by the United States 25 years ago during President Reagan’s final year in office.

Placing prisoners in custody indefinitely without charge or trial has absolutely no place in our laws. As Sen. Patrick Leahy (D-Vt.) said during the hearing, “Countries that champion the rule of law and human rights do not lock away prisoners indefinitely without charge or trial.”

We oppose indefinite detention on behalf of torture survivors, because among those we care for are survivors who have suffered while being imprisoned without charge or trial and without being told when, if ever, they might be released.

From our experience healing survivors of torture and war related atrocities, we know indefinite detention causes severe, prolonged and harmful health and mental health problems for those imprisoned. Our intensive work with individual torture survivors, combined with medical literature that documents the damaging physical and psychological effects of indefinite detention, causes us to oppose this practice. For example, research by Physicians for Human Rights has found that the effects of indefinite detention include depression and suicide; Post Traumatic Stress Disorder; and damage to the body’s immune, cardiovascular and central nervous systems.

Many of the survivors we serve who were imprisoned without trial or charge speak of the absolute despair they felt, never knowing if their detention would come to an end. CVT clinicians who work with survivors of torture that have been indefinitely detained tell us that with no defined end, survivors feel there is no guarantee there will ever be an end. This creates severe, chronic emotional distress: hopelessness, debilitation, uncertainty, and powerlessness.

The hunger strike among the detainees at Guantanamo underscores the despair among prisoners facing indefinite detention. Hunger strikes are a form of expression by individuals who have no other way of making their demands known.

#### Torture destroys an individual’s agency and therefore value to life

Sussman 5 Ass. Philosophy Professor University of Illinois

(David, “What’s Wrong with Torture”, Philosophy & Public Affairs, vol. 33, Issue 1, pp. 1-33, Jan 2005, <http://onlinelibrary.wiley.com/doi/10.1111/j.1088-4963.2005.00023.x/full>, accessed 2013)

The orthodox Kantian can go a little farther toward accommodating the special significance of pain. Unlike other kinds of unwanted imposition, pain characteristically compromises or undermines the very capacities constitutive of autonomous agency itself. It is almost impossible to reflect, deliberate, or even think straight when one is in agony. When sufficiently intense, pain becomes a person's entire universe and his entire self, crowding out every other aspect of his mental life. Unlike other harms, pain takes its victim's agency apart “from the inside,” such that the agent may never be able to reconstitute himself fully. The Kantian can thus recognize that torture is not only a violation of the value of rational agency, but a violation that is accomplished through the very annihilation of such agency itself, if only temporarily or incompletely.

**No prior questions**

David **Owen** Professor of Social & Political Philosophy and Deputy Director, Centre for Philosophy and Value, University of Southhampton, “Re-Orientating International Relations: On Pragmatism, Pluralism and Practical Reasoning” MILLENIUM: JOURNAL OF INTERNATIONAL STUDIES, 20**02**, p. 655-7.

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for **words like “epistemology” and “ontology” often signals this philosophical turn’**, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. **The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power** as if the latter two were merely a simple function of the former. But while **the explanatory and/or interpretive power of a theoretical account is** not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is **by no means** clear that it is, in contrast, wholly **dependent on these philosophical commitments**. Thus, for example, one need not be sympathetic to rational choice theoryto recognise **that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons** in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that**, for a certain class of problems, rational choice theory may provide the best account available to us.** In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because **prioritisation of ontology and epistemology** promotes theory-construction from philosophical first principles, it **cultivates a theory-driven rather than problem-driven approach to IR**. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, **‘theory-driven work is part of a reductionist program’** in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, **this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity.** The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and **prioritisation of, ontology and epistemology stimulates the idea that there can only be one** theoretical approach which gets things right, namely, the **theoretical approach that gets its ontology and epistemology right**. This image feeds back into IR exacerbating the first and second dangers, and so **a** potentially **vicious circle arises.**

**Prefer empiricism**

**Walt 05** annu rev polit sci 8 23-48 (“the relationship between theory and policy in international relations”)

Policy decisions can be influenced by several types of knowledge. First, policy makers invariably rely on purely factual knowledge (e.g., how large are the opponent's forces? What is the current balance of payments?). Second, decision makers sometimes employ “rules of thumb”: simple decision rules acquired through experience rather than via systematic study (Mearsheimer 1989).3A third type of knowledge consists of typologies, which classify phenomena based on sets of specific traits. Policy makers can also rely on empirical laws**. An empirical law is an observed correspondence between two or more phenomena that systematic inquiry has shown to be reliable.** **Such laws** (**e.g., “democracies do not fight each other” or “human beings are more risk averse with respect to losses than to gains”)** **can be useful guides even if we do not know why they occur, or if our explanations for them are incorrect.** **Finally, policy makers can also use theories. A theory is a causal explanation—it identifies recurring relations between two or more phenomena and explains why that relationship obtains.** **By providing us with a picture of the central forces that determine real-world behavior, theories invariably simplify reality in order to render it comprehensible.** At the most general level, theoretical IR work consists of “efforts by social scientists…to account for interstate and trans-state processes, issues, and outcomes in general causal terms” (Lepgold & Nincic 2001, p. 5; Viotti & Kauppi 1993). IR theories offer explanations for the level of security competition between states (including both the likelihood of war among particular states and the war-proneness of specific countries); the level and forms of international cooperation (e.g., alliances, regimes, openness to trade and investment); the spread of ideas, norms, and institutions; and the transformation of particular international systems, among other topics. **In constructing these theories, IR scholars employ an equally diverse set of explanatory variables.** Some of these theories operate at the level of the international system, using variables such as the distribution of power among states (Waltz 1979, Copeland 2000, Mearsheimer 2001), the volume of trade, financial flows, and interstate communications (Deutsch 1969, Ruggie 1983, Rosecrance 1986); or the degree of institutionalization among states (Keohane 1984, Keohane & Martin 2003). Other theories emphasize different national characteristics, such as regime type (Andreski 1980, Doyle 1986, Fearon 1994, Russett 1995), bureaucratic and organizational politics (Allison & Halperin 1972, Halperin 1972), or domestic cohesion (Levy 1989); or the content of particular ideas or doctrines (Van Evera 1984, Hall 1989, Goldstein & Keohane 1993, Snyder 1993). Yet another family of theories operates at the individual level, focusing on individual or group psychology, gender differences, and other human traits (De Rivera 1968, Jervis 1976, Mercer 1996, Byman & Pollock 2001, Goldgeier & Tetlock 2001, Tickner 2001, Goldstein 2003), while a fourth body of theory focuses on collective ideas, identities, and social discourse (e.g., Finnemore 1996, Ruggie 1998, Wendt 1999). **To develop these ideas, IR theorists employ the full range of social science methods: comparative case studies, formal theory, large-N statistical analysis, and hermeneutical or interpretivist approaches.**

## 1AR

#### The 1AC is a productive and effective means of analysis that is necessary for change

**Shulock 99** Nancy, PROFESSOR OF PUBLIC POLICY --- professor of Public Policy and Administration and director of the Institute for Higher Education Leadership & Policy (IHELP) at Sacramento State University, The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?, Journal of Policy Analysis and Management, Vol. 18, No. 2, 226–244 (1999)

In my view, none of these radical changes is necessary. As interesting as our politics might be with the kinds of changes outlined by proponents of participatory and critical policy analysis, we do not need these changes to justify our investment in policy analysis. Policy analysis already involves discourse, introduces ideas into politics, and affects policy outcomes. The problem is not that policymakers refuse to understand the value of traditional policy analysis or that policy analysts have not learned to be properly interactive with stakeholders and reflective of multiple and nontechnocratic perspectives. The problem, in my view, is only that policy analysts, policymakers, and observers alike do not recognize policy analysis for what it is. Policy analysis has changed, right along with the policy process, to become the provider of ideas and frames, to help sustain the discourse that shapes citizen preferences, and to provide the appearance of rationality in an increasingly complex political environment. Regardless of what the textbooks say, there does not need to be a client in order for ideas from policy analysis to resonate through the policy environment.10¶ Certainly there is room to make our politics more inclusive. But those critics who see policy analysis as a tool of the power elite might be less concerned if they understood that analysts are only adding to the debate—they are unlikely to be handing ready-made policy solutions to elite decisionmakers for implementation. Analysts themselves might be more contented if they started appreciating the appropriation of their ideas by the whole gamut of policy participants and stopped counting the number of times their clients acted upon their proposed solutions. And the cynics disdainful of the purported objectivism of analysis might relax if analysts themselves would acknowledge that they are seeking not truth, but to elevate the level of debate with a compelling, evidence-based presentation of their perspectives. Whereas critics call, unrealistically in my view, for analysts to present competing perspectives on an issue or to “design a discourse among multiple perspectives,” I see no reason why an individual analyst must do this when multiple perspectives are already in abundance, brought by multiple analysts. If we would acknowledge that policy analysis does not occur under a private, contractual process whereby hired hands advise only their clients, we would not worry that clients get only one perspective.¶ Policy analysis is used, far more extensively than is commonly believed. Its use could be appreciated and expanded if policymakers, citizens, and analysts themselves began to present it more accurately, not as a comprehensive, problem-solving, scientific enterprise, but as a contributor to informed discourse. For years Lindblom [1965, 1968, 1979, 1986, 1990] has argued that we should understand policy analysis for the limited tool that it is—just one of several routes to social problem solving, and an inferior route at that. Although I have learned much from Lindblom on this odyssey from traditional to interpretive policy analysis, my point is different. Lindblom sees analysis as having a very limited impact on policy change due to its ill-conceived reliance on science and its deluded attempts to impose comprehensive rationality on an incremental policy process. I, with the benefit of recent insights of Baumgartner, Jones, and others into the dynamics of policy change, see that even with these limitations, policy analysis can have a major impact on policy. Ideas, aided by institutions and embraced by citizens, can reshape the policy landscape. Policy analysis can supply the ideas.

**Changing representational practices won’t alter policy—looking to structures and politics is more vital**

Tuathail, Professor of Geography at Virginia Polytechnic Institute, 96 (Gearoid, Political Geography, Vol 15 No 6-7, p. 664, Science Direct)

While theoretical debates at academic conferences are important to academics, the discourse and concerns of foreign-policy decision- makers are quite different, so different that they constitute a distinctive problem- solving, theory-averse, policy-making subculture. There is a danger that academics assume that the discourses they engage are more significant in the practice of foreign policy and the exercise of power than they really are. This is not, however, to minimize the obvious importance of academia as a general institutional structure among many that sustain certain epistemic communities in particular states. In general, I do not disagree with Dalby’s fourth point about politics and discourse except to note that his statement-‘Precisely because reality could be represented in particular ways political decisions could be taken, troops and material moved and war fought’-evades the important question of agency that I noted in my review essay. The assumption that it is representations that make action possible is inadequate by itself. Political, military and economic structures, institutions, discursive networks and leadership are all crucial in explaining social action and should be theorized together with representational practices. Both here and earlier, Dalby’s reasoning inclines towards a form of idealism. In response to Dalby’s fifth point (with its three subpoints), it is worth noting, first, that his book is about the CPD, not the Reagan administration. He analyzes certain CPD discourses, root the geographical reasoning practices of the Reagan administration nor its public-policy reasoning on national security. Dalby’s book is narrowly textual; the general contextuality of the Reagan administration is not dealt with. Second, let me simply note that I find that the distinction between critical theorists and post- structuralists is a little too rigidly and heroically drawn by Dalby and others. Third, Dalby’s interpretation of the reconceptualization of national security in Moscow as heavily influenced by dissident peace researchers in Europe is highly idealist, an interpretation that ignores the structural and ideological crises facing the Soviet elite at that time. Gorbachev’s reforms and his new security discourse were also strongly self- interested, an ultimately futile attempt to save the Communist Party and a discredited regime of power from disintegration. The issues raised by Simon Dalby in his comment are important ones for all those interested in the practice of critical geopolitics. While I agree with Dalby that questions of discourse are extremely important ones for political geographers to engage, there is a danger of fetishizing this concern with discourse so that we neglect the institutional and the sociological, the materialist and the cultural, the political and the geographical contexts within which particular discursive strategies become significant. Critical geopolitics, in other words, should not be a prisoner of the sweeping ahistorical cant that sometimes accompanies ‘poststructuralism nor convenient reading strategies like the identity politics narrative; it needs to always be open to the patterned mess that is human history.

**Imagining potential nuclear wars serves as a collective warning against its possibility and opens up space for interrogating national values**

**Seed**, Professor of English literature at the University of Liverpool, **2K**

(David, “Imagining the Worst: Science Fiction and Nuclear War,” Journal of American Studies of Turkey, Vol. 11, pp. 39-49, http://www.bilkent.edu.tr/~jast/Number11/Seed.htm)

A number of recurring features emerge from these narratives. In virtually every case the USA plays a reactive role, never attacking first. Secondly, **the nation’s capacity to cope with such an attack becomes a test of its morale and for that reason the nuclear aftermath**, in the short and long term, **occasions an interrogation of cherished national values.** Thirdly, because nuclear attack can only be mounted with the latest technology, these novels explore anxieties about problems of control. Finally this fiction expresses a collective horror of ultimate endings. Some human presence persists however tenuous or displaced. Cherished human values like reason might be transposed on to extraterrestrial beings; or reader might play out the role of a survivor through the very act of reading a narrative whose deliverer has died. Ultimately there is an unusual circularity to such narratives. **By deploying a whole range of strategies to imagine a dreaded future, they function as warnings against such imminent developments. The more the future fails to develop along these imagined lines, the more necessary is the reconfirmation of these narratives as mere imaginary extrapolations**.

**Imagining future nuclear scenarios enables criticism of nuclear weapons ability to destroy all humankind**

**Foard**, Associate Professor of Religion, Arizona State, 19**97** (James, “Imagining Nuclear Weapons: Hiroshima, Armageddon, and the Annihilation of the Students of Ichijo School,” Journal of the American Academy of Religion, http://jaar.oxfordjournals.org/cgi/reprint/LXV/1/1.pdf)

This ambivalence about Hiroshima has been partially ameliorated by displacing it with Armageddon in our imagination of nuclear weapons In Amenca the images of the atomic bomb, particularly after the Soviet Union's successful test in 1949 (Boyer.341), were pressed into the service of apocalyptic speculations, both scientific and otherwise, a process which has until recently assigned the horror that Hiroshima represented to a superpower war in an imagined future (cf. Pease'562). Specifically, **images of a nuclear Armageddon have helped us perform two sorts of cultural tasks** fundamental for imagining nuclear weapons: those involving difference and those involving representation. By "difference" I mean both **the articulation of what makes nuclear weapons different from other weapons and the consequent reflection on the different human situation engendered by them.** By "representation" I mean the **expressions which seek to describe the use of nuclear weapons** and incorporate that description into structures of meaning Armageddon **permits us to define the difference of nuclear weapons by their capacity to destroy the human species in a war that no one will win**.