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#### An exponential increase in targeted killings is coming in the status quo- Obama's recent speech broadens the target spectrum for drones

Lesley Clark and Jonathan S. Landay May 23, 2013"Obama speech suggests possible expansion of drone killings" http://www.mcclatchydc.com/2013/05/23/192081/obama-promises-anew-to-transfer.html She arrived in Washington in 2006 as a regional reporter for the Miami Herald, and later the Bradenton Herald as well. She was assigned to cover the White House in July 2011. onathan S. Landay, senior national security and intelligence correspondent for McClatchy Newspapers, has written about foreign affairs and U.S. defense, intelligence and foreign policies for more than 25 years.

WASHINGTON — President Barack Obama on Thursday defended his administration’s use of drone strikes to kill terrorists as effective, lawful and “heavily constrained,” but he also appeared to be laying groundwork for an expansion of the controversial targeted killings. In remarks at the National Defense University in Washington, Obama cast the use of such operations as a necessary part of an overall national defense strategy, even as he acknowledged targeted killings risk “creating new enemies” and could “lead a president and his team to view drone strikes as a cure-all for terrorism.” He said the U.S. is at a crossroads of national security issues with a diffuse array of terrorist threats that require a recasting of a war on terror. “Neither I, nor any president, can promise the total defeat of terror,” Obama said, contending that the threat of large-scale attacks like the Sept. 11 2001, terrorist attacks has faded as al Qaida has been weakened, but that threats like the Boston Marathon bombing and attacks in Benghazi remain. “What we can do – what we must do – is dismantle networks that pose a direct danger, and make it less likely for new groups to gain a foothold, all while maintaining the freedoms and ideals that we defend.” As part of that, he renewed a first term campaign promise to close the detention center at Guantanamo Bay, announcing that he’d lift a ban on detainee transfers to Yemen – homeland of half of the 166 captives at the detention facility. The speech served to counter critics who say the drone program has been bathed in secrecy, as Obama offered more details on when the U.S. will deploy drone strikes. But Obama’s speech appeared to expand those who are targeted in drone strikes and other undisclosed “lethal actions” in apparent anticipation of an overhaul of the 2001 congressional resolution authorizing the use of force against al Qaida and allied groups that supported the 9/11 attacks on the United States. In every previous speech, interview and congressional testimony, Obama and his top aides have said that drone strikes are restricted to killing confirmed “senior operational leaders of al Qaida and associated forces” plotting imminent violent attacks against the United States. But Obama dropped that wording Thursday, making no reference at all to senior operational leaders. While saying that the United States is at war with al Qaida and its associated forces, he used a variety of descriptions of potential targets, from “those who want to kill us” and “terrorists who pose a continuing and imminent threat” to “all potential terrorist targets.” The previous wording also was absent from a fact sheet distributed by the White House. Targeted killings outside of “areas of active hostilities,” it said, could be used against “a senior operational leader of a terrorist organization or the forces that organization is using or intends to use to conduct terrorist attacks.” The preconditions for targeted killings set out by Obama and the fact sheet appear to correspond to the findings of a McClatchy review published in April of U.S. intelligence reports that showed the CIA killed hundreds of lower-level suspected Afghan, Pakistani and unidentified “other” militants in scores of drone attacks in Pakistan’s tribal are during the height of the operations in 2010-11. Nearly 4,000 people are estimated to have died in U.S. drone strikes since 2004, the vast majority if them conducted by the CIA in Pakistan’s tribal area bordering Afghanistan. The fact sheet also said that those who can be killed must pose a “continuing and imminent threat” to “U.S. persons,” setting no geographic limits. Previous administration statements have referred to imminent threats to the United States – the homeland or its interests. “They appear to be broadening the potential target set,” said Christopher Swift, an international legal expert who teaches national security studies at Georgetown University and closely follows the targeted killing issue. At the same time, new presidential guidance on targeted killings that Obama signed Wednesday appeared designed to address charges by some legal scholars and civil and human rights groups that the administration has relied on an overly broad definition of “imminent” that exceeds the international legal standard. In his speech, Obama introduced the phrase “continuing and imminent” in what Swift saw as an effort to better define when the U.S. government can use lethal force. “The standard for the use of force appears to be narrowing because they’ve introduced the standard of imminent and continuing,” Swift said. “Imminent means that the threat poses clear, credible and immediate risk of violence.” Swift said he still has serious problems with the administration’s criteria for targeted killing because it has yet to publicly identify beyond the Afghan Taliban and al Qaida’s regional affiliates the groups that it considers “associated forces” of the terrorist network and the criteria it uses to define them. Several other experts said they also remained troubled because Obama continued to keep secret details of the procedures that the administration uses in deciding who can be targeted in drone strikes and other lethal operations off traditional battlefields. “I don’t think anyone should feel reassured by anything that President Obama said about the use of lethal force,” said Zeke Johnson of Amnesty International. The speech came as the administration has been rattled by a series of controversies, and Obama sought to stem growing criticism of the drone program from members of Congress and civil and human rights groups that charge it’s killed hundreds of civilians and violates U.S. and international law. Obama said the guidelines he signed Wednesday include working with other countries and only using strikes when the U.S. – or other governments – do not have the ability to capture terrorists. He said the U.S. preference is to detain and prosecute, and that drone strikes are not used as “punishment” but to prevent attacks waged by terrorists who pose a “continuing and imminent threat to the American people.”

#### Drones deconstruct the norms of warfare

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This new, high-tech weaponry disrupts many of our traditional expectations about warfare. Gone are long-established ideas about the place or time of combat. Gone too is the traditional idea of the combatant. The drone targets a particular individual, not a class or category of combatants. The victim is targeted for what he has done or is planning to do, not for his status. A person identified in this way has been eliminated; he may have been targeted while he was engaging in the most ordinary activities of private life. The drone is the technological equivalent of the assassin, but without the risk of personal presence.4 That absence means that the drone operates in a zone of asymmetrical violence. The operator kills, but is so removed from battle that he is unlikely even to think of himself as a combatant. He may work a desk job in an office building in an American suburb. Cumulatively, these three categories of disturbance canvas the basic elements of the political imaginary of warfare. Borrowing from Kant, we can call the first category the “aesthetics” of warfare: the spatial and temporal frame of the experience. We can call the second, the subjectivity of the combatant: is the combatant an individual or a corporate subject? The third category is that of the internal morality of combat. Traditionally, combat established a relationship of reciprocal risk – killing was linked to a willingness to be killed. Does the combatant’s privilege of killing depend upon some such reciprocity? At issue in these three categories are the where, the who, and the ethos of political violence. These categories locate us in a common world of meaning. Responding to these categories one way located us in world of warfare; answering them another way located us in a world of law enforcement. Each has been its own world. These worlds, however, are intersecting in contemporary conflicts. One consequence of that intersection is that we don’t know what body of law to apply: international humanitarian law or criminal procedure. Each of these dimensions – the aesthetics, subjectivity, and ethos of combat – must be investigated. That is a large task that can only be sketched here. The problem we confront is not the absence of norms with respect to violence, but rather a surfeit of norms that are not well ordered with respect to each other. There is not one right way to kill and be killed for the sake of political ends. Elsewhere and at other times practices have been different. We can only proceed by examining our own political imaginary as it constructs an image of the ends and means of responding to violence.

#### We'll isolate three internal links

#### First is the reciprocal morality of the battlefield

#### Extermination by drone epitomizes the concept of riskless warfare

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For most Americans, the so-called drone war is a no-brainer: maximum lethality delivered at low economic cost, with zero risk to American personnel—all buffered by the virtual-reality nature of a delivery system that keeps the consequences safely out of sight. That explains why a stunning 83 percent of the country supports President Barack Obama’s use of drones to target suspected terrorists. But the rest of the world isn’t as comfortable with this remote-controlled, auto-pilot war. Indeed, international watchdogs have begun to raise concerns. It’s easy to understand the appeal of drones. First and foremost, drones are the closest thing to risk-free war man has ever invented—at least for those of us on this side of the unmanned combat aerial vehicles (UCAVs) prowling the skies of Pakistan, Afghanistan, Yemen and Somalia. While the political cost is high when a commander-in-chief loses a pilot, it’s negligible when a commander-in-chief loses a pilotless plane. Compare, for example, the ho-hum reaction to the loss of drones in Iran and the Seychelles under Obama with the international crises other presidents faced when U.S. pilots were shot down over enemy territory: President Dwight Eisenhower was publicly humiliated after the Soviets brought down Gary Powers’ U-2. President John Kennedy was pressured to go to war when Rudolf Anderson was shot down during the Cuban Missile Crisis. And President Bill Clinton had to deal with a hostage crisis after Michael Durant’s Blackhawk was shot down in Mogadishu, and later had to launch a massive search-and-rescue operation deep behind enemy lines when Scott O’Grady’s F-16 crashed in Bosnia. Most UCAV operators, however, are some 7,000 miles away from their targets—and 7,000 miles away from danger. With no risk to U.S. personnel and a high return—the Brookings Institution estimates that as many as 2,209 militants have been killed by drone strikes—Washington has latched on to UCAVs as an important tool in the national-security toolbox and arguably the primary weapon in the post-9/11 campaign against jihadist groups: In the past decade, the U.S. drone fleet has swelled from 50 planes to 7,000. There has been a 1,200-percent increase in combat air patrols by UCAVs since 2005. America’s unmanned air force—including drones deployed by the military and the CIA—has struck targets in Pakistan, Iraq, Libya, Afghanistan, Yemen and Somalia. Annual drone strikes in Pakistan increased from one in 2004 to 117 in 2010, when they peaked, before falling below the century mark in 2011. The drone war is following a similar upward trajectory in Yemen. But what looks like a successful counterterrorism campaign to Americans, looks very different to international observers. “In 17 of 20 countries,” a recent Pew survey found, “more than half disapprove of U.S. drone attacks targeting extremist leaders and groups in nations such as Pakistan, Yemen and Somalia.” According to Pew, the ongoing drone war feeds “a widespread perception that the U.S. acts unilaterally and does not consider the interests of other countries.” The simple reason for this is that the drone war is completely unilateral and wholly focused on U.S. interests. After all, there’s no UN resolution blessing Washington’s war by remote, and nobody in Pakistan or Yemen is clamoring for Reaper-launched hellfire missiles. Thus, the drone war has reinforced the very image of American unilateralism that Obama once promised to erase, which must come as a shock to the president’s supporters overseas. What many international observers didn’t realize is that historically there has been a remarkable amount of continuity and confluence across administrations in defending the national interest. The Bush-Obama handoff was no exception. Even so, the drone war re-reminds us that, while unilateral action is sometimes necessary, it usually isn’t the most effective way to serve U.S. interests over the long haul. To this point, UN officials have begun to suggest that aspects of the drone war may not conform to international law. “Drone attacks do raise serious questions about compliance with international law,” according to UN High Commissioner for Human Rights Navi Pillay, who worries about “indiscriminate killings and injuries of civilians.” “Targeted killing is only lawful when the target is a ‘combatant’ or ‘fighter,’” according to a report issued by the UN Human Rights Council (UNHRC). “Everything feasible must be done to prevent mistakes and minimize harm to civilians.”

#### Reciprocity is a prior question to the ramifications of conflict - abandoning those ethical ethos allow the US re-imagine war as an existential condition

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Of all of things that organized communities do, going to war is surely the most difficult to understand. Familiarity does not make the cognitive task any easier. War depends upon a willingness of individuals to imagine themselves performing the two most difficult acts: killing and being killed. The close and intimate relationship between these two acts suggests that we should think of warfare as reciprocal acts of self-sacrifice.63 Each side believes it must kill, just as each is willing to die. Figuratively, it is the willingness to die that creates the license to kill; formally, the reciprocity of threat grounds the doctrine of the combatant’s privilege; politically, every war is justified as one of self-defense. The internal ethos of modern warfare arises out of the imagined reciprocal imposition of risk.64 Where reciprocity clearly ends, humanitarian concerns arise. Thus, combatants can surrender. They can also find themselves “hors de combat,” when they are incapable of posing a further threat – e.g., from injury or shipwreck. Of course, the normative idea of reciprocity is only a rough approximation of the actual situation, for it is not the actual threat of the particular combatant that matters. A cook behind the lines may be targeted in the same way as an infantryman on the battlefield. The reciprocity of threat cannot detach itself entirely from the idea of corporate subjectivity. The ethos of reciprocity operates independently of the ends of war. The justice or injustice of those ends does not tell us who can kill or be killed. War has been imagined, instead, as an existential condition. A state will defend itself; it does not first ask whether it is worth defending. Indeed, once war begins – regardless of the reasons for its beginning – it may rapidly become a war of self-defense. Because every war can tend toward the extreme issue of life and death for the state, every war can tend toward a limitless use of force. The modern project of IHL can be understood as an effort to moderate the existential impulse to transgress every limit.65 The ethos of reciprocity is given formal expression in IHL’s creation of the combatant’s privilege. Only those who expose themselves to a reciprocal risk of injury are legally protected for their own acts of violence. The basic norm here builds on the practice of the duel. Consent is constructed through the reciprocal exposure to each other’s act of intentional violence. This ethical norm of reciprocity, however, runs deeper than IHL’s formal expression of its limits. Thus, a person who targets the military may fall outside of IHL’s protection by failing to wear a uniform, but he is in a different ethical position from the person who targets civilians in order to avoid risk. We are often not sure whether to call the former a terrorist.66 At war’s end, he may be entitled to the respect of an adversary.

#### Second is the aesthetics of war

#### War is spatially defined by invading the borders that separate sovereign states- neglecting this construct causes genocide and endless war

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The border has become a geographical representation of national existence. It signifies more than a traditional homeland for an ethnically or religiously defined group. Indeed, claims for an ethnic homeland have an archaic sense about them. They represent a failure of a regime of popular sovereignty to realize an autochthonous political presence. This is often characterized as a failure of law: an ethnic minority might be denied rights, including property rights. More importantly, however, there is a failure in the existential dimension: to link territory and ethnicity is to exclude others within the border from the popular sovereign. They can, in that case, be imagined as the enemy, which can lead to policies of ethnic cleansing. As the enemy, they are to be driven across the border. Because the failure is existential, the effort to “cure” the problem by the extension of legal rights may not succeed – at least not without significant third party intervention. The modern configuration of an autochthonous, territorial politics of sovereignty begins in the revolutions of the 18th century. Revolutionaries proclaim the rights of man, but as the French Declaration tellingly expressed it, rights of man “and of the citizen.”35 The universal is, thereby, linked to a particular space. Whatever their dreams of universality, revolutions have not generally achieved solidarity across borders. Rather, they produce a symbolic investment in borders. Revolutionary regimes set about mapping the state.36 This modern connection of borders to popular sovereignty reached its fullest expression in the post-war decolonization movement. “Uti possidetis” was the governing territorial principle, even though colonial borders failed to map preexisting ethnic communities. Nationhood followed upon statehood, because the popular sovereign brings itself into being by its revolutionary act of self-expression. This actor, the popular sovereign, has become everyone living within the border.37 That moment of self-creation changes the meaning of the colonial border from historically contingent to politically necessary. The border now marks a kind of sacred space, for here the popular sovereign revealed, and thus created, itself.38 This is the territorial regime enshrined in the UN Charter. Every state has the right to defend itself against armed attack.39 An attack is imagined as a cross-border penetration. The Charter text contains no suggestion that a cross-border penetration is any less of an attack if it is done for humanitarian reasons – unless pursuant to Security Council action. Self-defense is not about justice, but about protecting the political space of sovereignty. If it is the case that we are entering an era in which sovereignty is an outdated notion, or in which it is conditioned on the justice of a regime, then we should expect to see a reduction in the symbolic power of the border. Europe is just such an example: the citizens of the EU cannot be enemies of each other for they have the right freely to cross borders.40 A global regime in which all borders could be freely crossed would be one in which the concept of the enemy no longer figured. Territory would give way to property and the enemy to the criminal. The border, accordingly, gives us a geographical representation of the enemy: the enemy transgresses the border. Claims that borders are not just or that they are the product of a history of power do not make the enemy less of an enemy. Under the Charter regime, borders are imagined as forever, because the protection of the border is imagined as the elimination of war. It follows that no state can shift its borders – annex territory – through the use of force, regardless of how just the change might be. A world of perfectly respected borders would be one that [“saves] succeeding generations from the scourge of war.” For the same reason, the Charter regime has dealt much more awkwardly with claims of secession and civil war, viewing them within the paradigm of third party – i.e., cross-border – effects and participation

#### Disregarding the possibility of sacrifice vacates sovereign presence and cyclical time from the battlefield- this makes temporal identifications of the enemy impossible

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Sacrifice is always beyond law. Law can impose risks, but it cannot demand a sacrifice.49 If law is founded on sacrifice, then law cannot account for its own origin. For that, we need a narrative of foundations that can bind through time, even as people and laws change. That narrative speaks of sacrifice to defeat enemies. Those against when sacrifice is required are always the enemy, not the criminal. Thus, we do not get to the enemy simply by increasing the degree of damage or threat.50 We get there when we respond to a threat by accepting the possibility of sacrifice.51 The sacred calls forth the enemy. A war that cannot fit within this narrative of sovereign presence is one in which citizens “sacrificed in vain,” which means they did not sacrifice at all.52 This account of sovereign presence and cyclical time clarifies a number of characteristics of the enemy. First, we cannot identify the enemy by law. The enemy appears only as long as we stand within the exception of sovereign presence. Second, the enemy has no before or after. The enemy has the same temporal character as the sovereign. Once the time of the exception ends, we can no longer perceive the enemy. Thus, enemies regularly become friends – and in relatively short order. At that point, we can no longer imagine how it was that we were killing each other. Americans know this in the rapid change of attitudes toward Germany and Japan. Third, just as there is a transtemporal identification of the sacrificial citizen with the popular sovereign, there is a reciprocal transtemporal identification of the enemy: they are all the same.53 In the face of a perceived existential threat, all particularity disappears.54 Fourth, one has to wonder whether the eschatological threat of mutual assured destruction is not somehow rooted in this idea of sacred time. The idea of the end of history has the same double sense of tragedy and promise that characterizes every act of sacrifice. The terrorist attacks of 9/11 easily fit within this democratic, political aesthetic of space and time. There had been penetration of a border, which wrenched citizens out of the ordinary temporality of law. Those who died were not murdered, but sacrificed. Not surprisingly, we heard countless narratives of them giving themselves up in a free act: they call home; they announce their love to family members; they jump. Similarly, we imagine first responders as taking up the burden of sacrifice. We construct the event not as one of passive victimization but as a free act of sacrifice. Especially symbolic of this transformation are the passengers on United Flight 93, who are effectively conscripted into the war on terror. The ubiquity and timelessness of the popular sovereign is acted out at that moment. Their plane becomes the extraordinary space of battle, as they reenact the founding, sacrificial myth of the state: from this violent act of killing and being killed will come a “new birth of freedom.” At that point, we imagine the enemy, not the criminal. These new sites of sacrifice will be memorialized, just as battlefields have been memorialized. Those memorials record the breaking into ordinary time of the exception; they record sacrifice as the presence of the popular sovereign.

#### Third is the subjectivity of the combatant

#### In times of war the combatant's identity is intrinsically tied to the corporate body they're fighting for - drone assassinations, in contrast, classify the target as an individual enemy of the state

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Complementing the spatial and temporal aesthetic of war is an idea of the subject. Who is it that can kill and be killed outside of the ordinary norms of law? International humanitarian law speaks of the combatant’s privilege, as if it were a matter of extending certain rights to an individual who meets a list of formal qualifications.55 This gives us only a negative view of what is at stake: the combatant’s privilege protects the individual from legal prosecution for the injury he causes. The celebration of the combatant is not, however, grounded in his legal immunities. Rather immunity is a formal reflection of a positive quality: the combatant has about him something of the quality of the sacred. His acts are not entirely his own. They generate awe and respect incommensurate with law. The combatant is not individually responsible for his actions because those acts are no more his than ours. Legally, we construct this as a matter of agency and hierarchy of command. The combatant’s role is generally to follow orders.56 For this reason, responsibility lies at the top of a chain of command. Classically, the chain was followed all the way to the point at which legal responsibility ends: the head of state who spoke in the sovereign voice. The legal mind railed against the paradox that came from linking the superior orders defense to head of state immunity. The paradox, however, was well founded for just as the combatant’s acts cannot be grasped as his alone, the actions of the head of state are not his alone. Behind the paradox is an intuition that warfare is a conflict between corporate subjects, inaccessible to ordinary ideas of individual responsibility whether of soldier or commander. The citizen combatant acts not just under the legal authority of the state or as a representative of the state. This could be equally true of mercenary. It fails to capture the citizen’s political identity. We need, in addition, to recognize here a corporate form of personhood. At war, states confront each other as historical actors. They are the victors and losers; their history is being written. Warfare is the suffering of the sovereign body. The relationship here is not that of means to end, nor of part to whole, but of microcosm to macrocosm. The individual is not just a representation of the whole, but instantiates the whole. Here, we see the nation as a single corporate subject. This does not make an individual’s death less tragic or killing less horrendous. That, however, is not where its political meaning lies. The citizen-combatant’s death is always a sacrifice. Dying for the state is not a negation, but an affirmation. To return to theological language, it is “life through death” – the life of the nation.

#### This unique instance of disassociation establishes competing forms of combatant subjectivity that break down our ability to predict, and historically assess lethal acts of violence

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Corporate identity has informed both sides of modern war. The enemy is not killed as an individual. He remains the enemy even if he has done nothing wrong – indeed, even if he disagrees with the policies of his government. Friends can become enemies because the category has nothing to do with personal subjectivity. The enemy is always faceless because we don’t care about his personal history any more than we care about his hopes for the future. Once there is a return to the normal, one-time enemies can come to see each other as uniquely bound to each other; they have shared an extraordinary experience. We see this today in the gatherings of veterans from both sides of the Second World War. Nothing need be forgiven, for despite the killing and destruction no one did anything wrong. In some deep sense, no one did anything at all. The corporate character of the popular sovereign stands opposed to the individualism of the rule of law upon which so much of our liberalism is based. Neither is it adequately captured by speaking of the “status” of the combatant. Status is a way of distinguishing combatants from noncombatants, not a way of capturing the nature of political identity at stake in the life and death of the state. The popular sovereign is the direct successor to the mystical corpus of the sacral monarch. The metaphysics here is Christological – the mystical body of the Church – but the phenomenon has broader roots.57 The erotic character of the political community is expressed in this notion of corporate identity.58 In and through the popular sovereign, we are one with those who came before and those who will come after. Corporate identity lies behind the intergenerational sense of responsibility that informs much of our political ethos: the nation is responsible for its past wrongs just as it responsible to those not yet living. Contemporary theorists are likely to dismiss the idea of the corporate subject as merely psychological – a matter of emotion rather than reason. That dismissal, however, no less indulges a metaphysical assumption: one of individual subjectivity. When we look at the history of our politics, as well as of our faith, it is not clear why we should prefer that metaphysical assumption over the competing idea of corporate subjectivity. In truth, both ideas occupy the political imaginary, giving us a politics that embraces both the rule of law and popular sovereignty. We cannot stand outside of this experience and declare one claim to be true and the other false. We make judgments about who we are and how to regard others from within our political practices and beliefs. Distinguishing criminals from enemies is one such judgment: the criminal is always an individual; the enemy is not. Keeping these competing forms of subjectivity in a stable relationship to each other is an endless task of managing the political imagination. In war, whenever the individual breaks through, we find ourselves deeply uncertain about what to do or how to judge acts of killing and being killed. Every war spawns stories of the outbreak of personal comradery between enemies, as they momentarily recognize that they have much in common and “no reason” to kill each other.59 They have become individual subjects in a world that only appears to the corporate subject. If this attitude persists, the war is over, for the exception has passed. At the other end, corporate personhood is policed by the idea of war crimes. These acts are not attributable to the sovereign body, but only to the individual.

#### Allowing these norms to collapse situates the political imaginary of asymmetrical states towards policing and away from sovereignty- war dictates politics instead of the other way around

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There is a banal question that the United States often faces with respect to military deployments around the world. Who, we are asked, made you the policeman to the world? The answer is no one. Communities should be free to make their law for themselves and to struggle with issues of enforcement. The history of nations is not a story of progress, but of struggle. If we believe that national politics is of value, then it is their struggle. We are remarkably obtuse to the lessons of our own history, if we fail to recognize this. What if Britain, prior to the Civil War, had invaded the United States in order to end the practice of slavery? Despite the justice of the end, would the nation have united in resistance? As I argued above, every war can become one of self-defense. Of course, as with any principle, there are exceptions. Nevertheless, our own practices suggest how narrow they are.81 Acknowledging that we are not the world’s policeman, however, does not answer the question of whether we can or should deploy violence abroad. The United States has been more than willing to go to war against its enemies. Indeed, America has been at war or preparing for war for most of the last 100 years. War is not to be explained in terms of justice – the end of law – but in terms of existence. It is the response to the perception of an existential challenge to the popular sovereign. As long as such threats are imagined, war will shape our politics. War and law enforcement are not just formal categories. They refer to structures of the political imaginary before they refer to structures of law. I have tried to delineate the basic categories through which this framing takes place: the aesthetics of war, the subjectivity of the combatant, and the ethos of war. Together, these elements produce a picture of what war is, what it is about, and what norms should govern it. Today, however, we are in an uncertain time. The old pattern of war between sovereign states is breaking apart in the face of new threats. The different elements no longer exist in relationships of mutual support. The balance among the technology of violence, the politics of war, and our normative understanding of the character of the practice no longer holds. Political violence is no longer between states with roughly symmetrical capacities to injure each other; violence no longer occurs on a battlefield between masses of faceless combatants; and those involved no longer seem morally innocent. The drone is both a symbol and a part of the dynamic destruction of what had been a stable imaginative structure. It captures all of these changes: the enemy is not a state, the target is not innocent, the engagement occurs in a normalized time and space, and there is no reciprocity of risk. We can call this situation “war,” but it is no longer clear exactly what that means. If terrorism is with us to stay, we are going to have to have to move beyond criminal or enemy. The confrontation with terror will evolve its own norms, borrowing from the traditional categories of both law enforcement and war. We will need to imagine violence organized around forms of administrative rationality. This is something we have been reluctant to do, given the history of administrative death in the 20th century. Perhaps this time the need will make us more responsive to international institutions than our practice of sacrifice of the corporate body. We simply don’t know. We cannot know, for it is not up to us alone. The terrorist who is presently neither criminal nor enemy will have a good deal to say about this.

#### The paradigm shift destroys the legal distinction between criminal and enemy

Paul Kahn 2011 "Imagining Warfare" http://ejil.oxfordjournals.org/content/24/1/199.abstract Paul W. Kahn is the Robert W. Winner Professor of Law and the Humanities at Yale Law School and the Director of the Orville H. Schell, Jr. Center for International Human Rights. Got his Ph.D. in Philosophy at Yale and a B.A. at U Chicago

This relationship of representation to identity provides the fundamental structures of the modern political imagination.16 Unless we keep both dimensions of the modern state in mind, we will be at a loss to understand its deeply paradoxical character. The state promised individual well-being under the rule of law, but it also made a total claim on the lives and property within its jurisdiction. The Hobbesian sovereign ended one state of nature only to establish another. The war of individuals ended, while that of states began. It is not at all clear which should be thought of as the more dangerous condition: to be murdered in the state of nature or to die for one’s country. The state was simultaneously the vehicle for peace and war, for life and death. The logic of law pointed to individual well-being as the ground of legitimacy, while sovereign presence depended upon citizens willing to sacrifice themselves. The modern state has been this curious combination of well-being and sacrifice. We hear echoes of this duality today when the American war on terror is simultaneously criticized for its failure to comply with law and for its failure to call on the entire population to share in sacrifice. Political identity in the modern state has been a negotiation of these basic categories. The double character of the state as both an inward order and an outward threat is seen in the multiple pairings of our basic political concepts: law and sovereignty, peace and war, well-being and sacrifice. Carl Schmitt was standing within this tradition when he identified the friend/enemy distinction as the defining political conception.17 That pairing, however, is no more basic than any of the others, including criminal and enemy.

#### That's key to the legitimacy of the state- absent concrete political definitions violence and war and intervention become endless bouts of militarism.

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Criminal or enemy made literally a world of difference. Entire bodies of law, substantive and procedural, turned on this distinction. More important, our understanding of ourselves – who we are and what we are doing – continues to turn on it.5 Are we defending the state or enforcing the law? Are we killing the enemy or punishing the criminal? Despite the importance of the distinction, there is no formal check list and no single characteristic by which we can determine whether the object of our violence is criminal or enemy. We are long past the time when the declaration of war might have marked the difference.6 We cannot even confidently rely on the presence of the military to tell us that we confront the enemy.7 Especially in a democracy, the question is one of perception: do we see a criminal act or an act of war? Before there is legal distinction, there is an act of the imagination. Getting this distinction right, then, has less to do with law than with popular perception. It is a political decision – some might say the political decision.8 A government that sees criminals where the populace sees the enemy will be judged ineffective or weak. If it sees enemies where the populace sees criminals, it will be judged illegitimate and authoritarian. Governments, of course, are not merely passive in this regard. They try to shape public opinion, but they do not control it. Criminal and enemy amount to different, even opposing, ways of ordering elements within what Clifford Geertz called “webs of significance.”9 Those elements range across the three categories of aesthetics, subjectivity, and ethos. All of these factors are related through habits of thought and perception; all of them are contestable, for we deal here with matters of interpretation. A change in any one factor can lead to a different weighting of the others. Where we once saw an enemy, we may come to see a criminal – and vice versa. Max Weber can help us to begin to frame the inquiry as one that juxtaposes law to sovereignty, which will in turn provide the broad foundation for the distinction of the criminal from the enemy. Weber famously defined the state as a community that successfully claims a monopoly on the legitimate use of violence within a territorial jurisdiction.10 His definition drew on several centuries of imaginative political framing, beginning with Hobbes’s idea of exit from the state of nature. The state of nature is precisely the situation in which there is no successful monopoly on violence. Without that, individuals and groups may be stronger or weaker, they may win or lose over some period of time, but they constantly confront the explicit or implicit threat of violence from others. Only a common belief in legitimacy brings stability.

#### Micro militarism and hot spot management is the kiss of death for unipolar hegemons and accelerates the collapse.

McCoy ’10MONDAY, DEC 6, 2010 02:01 PM CST [How America will collapse (by 2025)](http://www.salon.com/2010/12/06/america_collapse_2025/) Four scenarios that could spell the end of the United States as we know it -- in the very near future BY ALFRED MCCOY <http://www.salon.com/2010/12/06/america_collapse_2025/>Alfred W. McCoy is the J.R.W. Smail Professor of History at the University of Wisconsin-Madison. He is the author of A Question of Torture: CIA Interrogation, "From the Cold War to the War on Terror." Later this year, "Policing America's Empire: The United States, the Philippines, and the Rise of the Surveillance State," a forthcoming book of his, will explore the influence of overseas counterinsurgency operations on the spread of internal security measures here at home

Counterintuitively, as their power wanes, empires often plunge into ill-advised military misadventures. This phenomenon is known among historians of empire as “micro-militarism” and seems to involve psychologically compensatory efforts to salve the sting of retreat or defeat by occupying new territories, however briefly and catastrophically. These operations, irrational even from an imperial point of view, often yield hemorrhaging expenditures or humiliating defeats that only accelerate the loss of power. Embattled empires through the ages suffer an arrogance that drives them to plunge ever deeper into military misadventures until defeat becomes debacle. In 413 BCE, a weakened Athens sent 200 ships to be slaughtered in Sicily. In 1921, a dying imperial Spain dispatched 20,000 soldiers to be massacred by Berber guerrillas in Morocco. In 1956, a fading British Empire destroyed its prestige by attacking Suez. And in 2001 and 2003, the U.S. occupied Afghanistan and invaded Iraq. With the hubris that marks empires over the millennia, Washington has increased its troops in Afghanistan to 100,000, expanded the war into Pakistan, and [extended its commitment](http://www.tomdispatch.com/blog/175324/tomgram%3A_engelhardt%2C_general_petraeus%27s_two_campaigns/) to 2014 and beyond, courting disasters large and small in this guerilla-infested, nuclear-armed graveyard of empires.

#### As U.S. influence wanes allied co-op becomes crucial in preventing an agonizing transition to multi-polarity- unfortunately genuine diplomacy is no longer an option

Alfred W. McCoy and Brett Reilly April 25, 2011 "An Empire of Autocrats, Aristocrats and Uniformed Thugs Begins to Totter" http://www.thenation.com/article/160146/empire-autocrats-aristocrats-and-uniformed-thugs-begins-totter?page=0,1 Brett Reilly is a graduate student in History at the University of Wisconsin-Madison, where he is studying US foreign policy in Asia. Alfred W. McCoy is the J.R.W. Smail Professor of History at the University of Wisconsin-Madison.

Post–Cold War World After the Berlin Wall came down in 1989, ending the cold war, Moscow quickly lost its satellite states from Estonia to Azerbaijan, as once-loyal Soviet surrogates were ousted or leapt off the sinking ship of empire. For Washington, the “victor” and soon to be the “sole superpower” on planet Earth, the same process would begin to happen, but at a far slower pace. Over the next two decades, globalization fostered a multipolar system of rising powers in Beijing, New Delhi, Moscow, Ankara and Brasilia, even as a denationalized system of corporate power reduced the dependency of developing economies on any single state, however imperial. With its capacity for controlling elites receding, Washington has faced ideological competition from Islamic fundamentalism, European regulatory regimes, Chinese state capitalism and a rising tide of economic nationalism in Latin America. As US power and influence declined, Washington’s attempts to control its subordinate elites began to fail, often spectacularly—including its efforts to topple bête noire Hugo Chávez of Venezuela in a badly bungled 2002 coup, to detach ally Mikheil Saakashvili of Georgia from Russia’s orbit in 2008 and to oust nemesis Mahmoud Ahmadinejad in the 2009 Iranian elections. Where a CIA coup or covert cash once sufficed to defeat an antagonist, the Bush administration needed a massive invasion to topple just one troublesome dictator, Saddam Hussein. Even then, it found its plans for subsequent regime change in Syria and Iran blocked when these states instead aided a devastating insurgency against US forces inside Iraq. Similarly, despite the infusions of billions of dollars in foreign aid, Washington has found it nearly impossible to control the Afghan president it installed in power, Hamid Karzai, who memorably summed up his fractious relationship with Washington to American envoys this way: “If you're looking for a stooge and calling a stooge a partner, no. If you're looking for a partner, yes.” Then, late in 2010, WikiLeaks began distributing those thousands of US diplomatic cables that offer uncensored insights into Washington’s weakening control over the system of surrogate power that it had built up for fifty years. In reading these documents, Israeli journalist Aluf Benn of Haaretz could see “the fall of the American empire, the decline of a superpower that ruled the world by the dint of its military and economic supremacy.” No longer, he added, are “American ambassadors…received in world capitals as ‘high commissioners'.... [Instead, they are] tired bureaucrats.... [who] spend their days listening wearily to their hosts' talking points, never reminding them who is the superpower and who the client state.” Indeed, what the WikiLeaks documents show is a State Department struggling to manage an unruly global system of increasingly insubordinate elites by any means possible—via intrigue to collect needed information and intelligence, friendly acts meant to coax compliance, threats to coerce cooperation and billions of dollars in misspent aid to court influence. In early 2009, for instance, the State Department instructed its embassies worldwide to play imperial police by collecting comprehensive data on local leaders, including “email addresses, telephone and fax numbers, fingerprints, facial images, DNA, and iris scans.” Showing its need, like some colonial governor, for incriminating information on the locals, the State Department also pressed its Bahrain embassy for sordid details, damaging in an Islamic society, about the kingdom’s crown princes, asking: “Is there any derogatory information on either prince? Does either prince drink alcohol? Does either one use drugs?" With the hauteur of latter-day imperial envoys, US diplomats seemed to empower themselves for dominance by dismissing “the Turks neo-Ottoman posturing around the Middle East and Balkans,” or by knowing the weaknesses of their subordinate elites, notably Colonel Muammar Gaddafi’s “voluptuous blonde” nurse, Pakistani President Asif Ali Zardari’s morbid fear of military coups, or Afghan Vice President Ahmad Zia Massoud’s $52 million in stolen funds. As its influence declines, however, Washington is finding many of its chosen local allies either increasingly insubordinate or irrelevant, particularly in the strategic Middle East. In mid-2009, for instance, the US ambassador to Tunisia reported that “President Ben Ali…and his regime have lost touch with the Tunisian people,” relying “on the police for control,” while “corruption in the inner circle is growing” and “the risks to the regime's long-term stability are increasing.” Even so, the US envoy could only recommend that Washington “dial back the public criticism” and instead rely only on “frequent high-level private candor”—a policy that failed to produce any reforms before demonstrations toppled the regime just eighteen months later. Similarly, in late 2008 the American Embassy in Cairo feared that “Egyptian democracy and human rights efforts...are being suffocated.” However, as the embassy admitted, “we would not like to contemplate complications for US regional interests should the US-Egyptian bond be seriously weakened.” When Mubarak visited Washington a few months later, the Embassy urged the White House “to restore the sense of warmth that has traditionally characterized the US-Egyptian partnership.” And so in June 2009, just eighteen months before the Egyptian president’s downfall, President Obama hailed this useful dictator as “a stalwart ally...a force for stability and good in the region." As the crisis in Cairo’s Tahrir Square unfolded, respected opposition leader Mohamed ElBaradei complained bitterly that Washington was pushing “the whole Arab world into radicalization with this inept policy of supporting repression.” After forty years of US dominion, the Middle East was, he said, “a collection of failed states that add nothing to humanity or science” because “people were taught not to think or to act, and were consistently given an inferior education.” Absent a global war capable of simply sweeping away an empire, the decline of a great power is often a fitful, painful, drawn-out affair. In addition to the two American wars in Iraq and Afghanistan winding down to something not so far short of defeat, the nation’s capital is now writhing in fiscal crisis, the coin of the realm is losing its creditworthiness, and longtime allies are forging economic and even military ties to rival China. To all of this, we must now add the possible loss of loyal surrogates across the Middle East. For more than fifty years, Washington has been served well by a system of global power based on subordinate elites. That system once facilitated the extension of American influence worldwide with a surprising efficiency and (relatively speaking) an economy of force. Now, however, those loyal allies increasingly look like an empire of failed or insubordinate states. Make no mistake: the degradation of, or ending of, half a century of such ties is likely to leave Washington on the rocks.

### Plan

#### Text: The United States federal government should statutorily restrict war powers authority of the President of the United States to authorize drone targeted killings through the AUMF

### Solvency

#### Congressional authority is key to check mission creep and perpetual war

James Jay Carafano, Ph.D. March 24, 2011 "Should the President Have Asked Congress for a Declaration of War Against Libya Before Bombing? No" http://www.heritage.org/research/commentary/2011/03/should-the-president-have-asked-congress-for-a-declaration-of-war-against-libya-before-bombing-no James Jay Carafano, a leading expert in national security and foreign policy challenges, is The Heritage Foundation’s Vice President, Foreign and Defense Policy Studies, E. W. Richardson Fellow, and Director of the Kathryn and Shelby Cullom Davis Institute for International Studies.

No one declares war anymore! Not since World War II has any nation declared war on another — with the possible exception of a 1967 declaration against Israel by five Arab countries. While fighting remains as common as ever, the practice of issuing formal declarations has gone out of style. It's not the first time that's happened. Formal declarations of war fell out of fashion during the 17th century, too. Our Founding Fathers thought that was wrong, and so they stuck a requirement in the Constitution saying Congress must approve a declaration before the nation went to war. But that provision was never intended as an absolute check on executive power. Not all military operations constitute wars. Nor is a war declaration the only legitimate way Congress can signal support for military operations. As "The Heritage Guide to the Constitution" points out, there have been only five declared wars in our nation's history, but numerous other hostilities "have been specifically authorized by Congress through instruments other than formal declarations." The framers of the Constitution, however, did think there was something important about "formal" declarations. Democracies, they felt, were fundamentally different from other states and ought to be as open and transparent as possible about what they were doing. War declarations are part of that transparency regimen. When you declare war, you specify your grievances and how you expect to resolve them. That is actually a good practice, and it is too bad democracies have gotten away from it. Yet, clearly, President Barack Obama has the authority to order the current operations in Libya. The Constitution divides the powers of initiating military actions between the executive and Congress to foster deliberation and consultation to the extent possible under the circumstances. But at the end of the day, the president is the commander in chief. He alone bears the legal and moral responsibility for ordering U.S. armed forces into action. What rankles most about the president's decision on Libya is the lack of open deliberation and discussion. Certainly he had time to consult Congress and the American people, yet he spent much more time consulting the U.N. Security Council. It is discomforting to see an American president seemingly defer to the United Nations rather than lead the country. Moreover, the U.N. resolution he got does not help much. The United Nations is not sovereign, nor do we need its permission to act. Furthermore, the resolution is vague and open-ended. And Obama so far has done little to provide clarity about our objectives and our commitment. These are serious concerns. The lack of congressional consultation and the vagueness of the mission deny Americans what the Constitution intended: a clear statement of purpose about U.S. military action. It is vital to avoid "mission creep" and perpetual fighting. All that said, a declaration of war against Libya would be a bad idea, because going to war in Libya is a bad idea. That is not to say that the United States should do nothing, but Libya does not merit significant, protracted operations by U.S. forces. You fight wars to protect vital national interests. The United States has legitimate interests in the outcome of the Libyan turmoil: seeing Gadhafi brought to justice, and not seeing a new terrorist haven established, a humanitarian crisis, or civil war spreading to nearby nations. But these concerns fall short of being vital national interests and can be addressed through measures short of war.

#### Mission creep makes intervention inevitable- endless wars justified by liberal internationalism wreck the economy and dilute diplomacy

Gordon N. Bardos May 24, 2013 "A Foreign Policy of Mission Creep"http://nationalinterest.org/commentary/foreign-policy-mission-creep-8514?page=1 Gordon N. Bardos is the assistant director of the Harriman Institute at Columbia University.

In an eye-opening article in these spaces a few weeks ago, James Joyner cited the words of an American general in Afghanistan who, in reciting his troops’ successes in Helmand province, noted that "Roads have been paved and markets secured, allowing commerce to grow in places like Marja, Nad Ali and Lashkar Gah . . ." Both the general and his troops undoubtedly performed the mission their country gave them professionally and with dedication. But the exchange still begs utterly valid questions: how, when and why did the growth of commerce in Marja, Nad Ali and Lashkar Gah become worth American lives or taxpayer dollars? And what might this portend for our potential involvement in Syria? Liberal internationalism, so popular in Washington over the past two decades, has transformed the traditional purpose of American foreign policy—historically understood as systematizing relations between sovereign states and attempting to influence the behavior of other countries—into the much more grandiose attempt to remake the political cultures and economic systems of states and societies thousands of miles from our shores. The result of this transformation of U.S. foreign-policy goals has been what Andrew Bacevich once aptly described as “endless war,” in which the U.S. military is used as an instrument for nation- and state-building in open-ended missions around the world. Consider, as outlined below, the record of some of our recent interventions, and the discrepancy in the time required to achieve their respective military and civilian objectives. Needless to say, long-running interventions cost real money. The post-WWII reconstruction of Germany is estimated to have cost some $35 billion in 2011 dollars. Bosnia after 1995 received more money than any country in Europe under the Marshall Plan. As of April 2013, the United States had spent $60 billion on reconstruction in Iraq and $93 billion in Afghanistan (and as of 2005 Kosovo had received twenty-five times the amount provided to Afghanistan in per capita terms). These amounts do not even include these wars’ financial costs, or their costs in human lives. The enormous discrepancy between achieving the military and civilian objectives of our foreign interventions is intimately connected to the recent Washingtonian vogue for Clausewitz’s conflation of war with politics and diplomacy. Thus, in the 1990s Richard Holbrooke became a proponent of “diplomacy backed by force,” and in a memorable exchange between Madeleine Albright and her UK counterpart in the UN Security Council, Albright claimed that “after all, war is merely an extension of politics by other means.” To which her British colleague replied “Yes, Madeleine, that is exactly what Clausewitz said. But he was a German, and the Germans listened to him. Look what happened to them, twice.” The obvious problem here is that with the militarization of U.S. foreign policy and our increasingly grandiose ambitions abroad, we have gone down an intellectual slippery slope: if war is the equivalent of diplomacy and diplomacy is equal to nation-building, it therefore follows that war is the same as nation-building. This equation perhaps explains why the U.S. Army now has considerably more civil-affairs personnel than the U.S. State Department has foreign-service officers. Unfortunately, our grandiose ambition to effect transformative change in far-off countries has not achieved any notable successes. Consider Washington’s pet project in Bosnia, the Muslim-Croat Federation. After Bosnia’s October 2010 elections, it took some six months for the federation to form a government, which Bosnia’s own Central Electoral Commission then ruled had been formed illegally. Bosnia’s international colonial administration, the Office of the High Representative (OHR), however, suspended the ruling. Some twelve months later, political winds in Bosnia shifted, the questionable government fell apart, and a party in the prior ruling coalition went to the federation’s constitutional court to prevent its cadres from being purged from the new government. Unfortunately, the constitutional court could not rule on the issue, since for the past five years Muslim and Croat parties have been unable to agree on replacing the court’s four missing judges. Many of these problems stem from an internationally approved effort to substitute two Bosnian-Croat parties representing some 90 percent of the Bosnian-Croat electorate with a marginal (but malleable) party which scraped up about two percent of the Croat vote. Unfortunately for the international architects of this plan, even this small party has fallen apart, with a faction loyal to the federation president forming a new microparty. Its chances for success at Bosnia’s next elections seem slim, however, since said federation president has recently been arrested. The divided city of Mostar does not have a functioning legal government because it was unable to hold elections in 2012. The OHR imposed a specific electoral regime on the city in 2004, but its solution to the problem has been ruled unconstitutional. In December 2009, the European Court of Human Rights ruled that Bosnia’s current electoral law violates the rights of ethnic minorities to be elected to statewide office, but Muslim and Croat politicians can’t agree on how to amend the constitution. A few months ago, the American ambassador in Sarajevo announced an attempt to reform this chaos, but he is leaving his post in a few weeks. In Iraq, contra Marx’s proposed sequence of events, the farce that has become our Bosnian state-building project is repeated as tragedy. Consider the reality of Iraq in April 2013, a full decade after “mission accomplished” was proclaimed. On April 12, bomb attacks in mosques in Baghdad and Diyala province killed eleven people and wounded 30 more. On April 15, thirty-one people were killed and over two hundred wounded in coordinated bombings in Baghdad, Tuz Khurmatu, Kirkuk, and Nasiriyah. On April 18, twenty-seven people were killed and dozens more injured in a Baghdad café bombing. On April 23, twenty people were killed in clashes between security forces and anti-government Sunni protesters near Kirkuk. On April 24, seven people were killed and more than twenty injured in a car bombing in the Shia district of al-Husseiniyah near Baghdad. On April 25, ten policemen and thirty gunmen were killed in clashes in Mosul. On April 29, eighteen people were killed and dozens injured after five car bombs went off in Shia-majority provinces in southern Iraq. All told, surveying the nation-building achievements of our foreign policy over the past couple of decades is not encouraging. Last summer, seventeen years after the ostensible end of the Bosnian conflict, a local politician told his constituents “The war is not over. We are still fighting the same war.” Iraqi prime minister Nuri al-Maliki recently warned that Iraq is in danger of returning to “sectarian war,” and notwithstanding Donald Rumsfeld’s view that “freedom is untidy” and “stuff happens,” an Iraq on the cusp of civil war under increasing Iranian influence is not where the country was supposed to be ten years after the fall of Saddam Hussein. And in Afghanistan, by this time next year there is a good chance the Taliban will again be calling the shots. The lessons of recent decades suggest that American military might can probably (at least eventually) remove Assad from power, but there is precious little historical evidence to show that we can substantively shape the end-state in Syria—the “end-state” here being understood as the six to twelve months after the Washington war lobby and the media lose interest and move on to some more fashionable crisis. President Obama’s inability to get four senators from his own party to vote for gun reform is a stark, telling reminder of the limits of U.S. power, executive and otherwise. Against Clausewitz and his latter-day enthusiasts, the late scholar of international relations Edwin Fedder frequently noted that if you have to resort to military force, your diplomacy has already failed. As the Obama administration debates the pros and cons of intervening in Syria, understanding the differences between diplomacy, waging war and nation-building become more urgent—as does developing a realistic appreciation for what military intervention can and cannot achieve.

#### Involvement is not pre-determined – history, geography, nuclear weapons.

Eugene Gholz and Daryl G. Press (doctoral candidates in the Department of Political Science at the Massachusetts Institute of Technology) and Harvey M. Sapolsky (Professor of Public Policy and Organization in the Department of Political Science at M.I.T. and Director of the M.I.T. Defense and Arms Control Studies (DACS) Program Spring 1997 “come home America – the strategy of restraint in the face of temptation” International Security, Vol. 21, No. 4

The last major criticism of American military restraint denies that restraint is possible. According to this argument, big wars suck in powerful nations.112 Twice in this century the United States tried to stay out of great power war in Europe, and both times it was pulled in. Trying to tie policymakers’ hands by weakening U.S. military capabilities will only put America’s eventual involvement on less favorable military terms.113 The United States fielded small, unprepared armed forces in 1916, 1940, and 1950, but its weakness did not prevent its entrance into two world wars and the Korean conflict. History suggests that withdrawing from alliances and cutting forces will not keep the United States out of war; it will make these wars more likely and keep America ill prepared to fight. This argument, however, relies on a selective view of history. Great power wars do not always suck in powerful countries. Neither the British nor the French were dragged into the Russo-Japanese War. The British stayed out of the Franco-Prussian War, and both the British and French stayed out of the Austro-Prussian war. The United States is not doomed by the laws of nature to go overseas and fight. In fact, the United States probably has more choice about the wars it fights than any other nation, because it does not share borders with other great powers. Furthermore, it will be much easier to stay out of distant great power wars than it was in the past. First, the fact that no country can possibly unite the industrial resources of Eurasia eliminates America’s traditional concern about the outcome of foreign wars.114 Second, the potential costs of American intervention in an ongoing great power war have never been higher. Great power war has always been extremely costly, but nuclear weapons raise the potential costs of intervention immeasurably. A new war between Russia and Germany would be a tragedy, but the possibility of nuclear escalation would cool the enthusiasm of even the most committed American interventionists. Critics say that the United States is unable to stay out of big wars, but a thought experiment may shed a different light on this assertion. Would President Wilson have brought America into World War I if Germany had possessed a large nuclear arsenal? Recall how hard it was to get America involved in World War II. The American people have a sense of the risks. In sum, the United States is not inevitably drawn into foreign wars. If a future great power war erupts, there will be many powerful reasons to stay out. Rather than accept today’s internationalist worldview as an unchangeable fact of life, Americans should reeducate themselves to the new strategic reality. In the late 1940s, America’s leaders struggled to turn the American people away from their isolationist predispositions and contain Soviet expansionism. Today the challenge is to demonstrate that the world is safe for restraint.

#### Restricting the AUMF solves inevitable warfare- creates structural checks to a riskless system

BENJAMIN H. FRIEDMAN JUNE 19, 2012 "Drones, Special Operations, and Whimsical Wars" http://www.cato.org/blog/drones-special-operations-whimsical-wars Benjamin H. Friedman is a research fellow in defense and homeland security studies. His areas of expertise include counter-terrorism, homeland security and defense politics.

Asked the last week on 60 Minutes how many shooting wars the United States is in, Secretary of Defense Leon Panetta took a moment to answer. He eventually said we are going after al Qaeda in Pakistan and its “nodes” in Somalia, Yemen, and North Africa. Somehow, he left out the indefinite war we have going in Afghanistan. It’s no wonder that Panetta can’t keep track of the wars he’s supposed to manage. On top of Afghanistan and the drone campaigns, 12,000 U.S. special operations forces are distributed around dozens of countries, increasingly outside declared war zones, where they train foreign militaries, collect intelligence, and occasionally launch lethal raids. As just reported in the Washington Post, some of these forces are now operating a dozen bases across Northern Africa, where their activities include overseeing contractors flying surveillance aircraft. Despite the Obama administration’s claims of great progress in fighting al Qaeda, the global shadow war shows no signs of abating. The official rationale for using force across the world is that al Qaeda is global. But that’s true only thanks to a capacious definition of al Qaeda that imposes a sense of false unity of disparate groups. The always-overrated remnant of the organization that sponsored the 9/11 attacks barely exists anymore, even in Pakistan. Our counterterrorism efforts are directed mostly against others: terrorists that take up al Qaeda’s name and desire to kill westerners but have limited links to the real McCoy, as in Yemen and North Africa, and insurgents friendly to jihadists but mostly consumed by local disputes, like the Taliban in Afghanistan, al Shabaab in Somalia, and al Qaeda’s Islamist allies in southern Yemen. Like the phony Communist monolith in the Cold War, the myth of a unified, global “al Qaeda” makes actions against vaguely-linked entities—many with no obvious interest in the United States—seem like a coherent campaign against globe trotting menace bent on our destruction. The real reason we are fighting so much these days is that war is too easy. International and domestic restraints on the use of U.S. military power are few. And unrestrained power tends to be exercised. Presidents can use it whimsically, at least until they do something costly that creates a backlash and wakes up public opposition. Drones and special operations forces made this problem worse. Most of the world is what the military calls a permissive environment, especially since the end of the Cold War. Most places lack forces capable of keeping our military out. Many potential allies invite it. The risks traditionally associated with war—invasion, mass death, etc.—are now alien to Americans. Since the draft ended, the consequences of even bad wars for most of us are minor: unsettling media stories and mildly higher taxes deferred by deficits. That’s why, as Nuno Monteiro argues, the U.S. military was already quite busy in the 1990s despite the absence of real enemies. Because war is so cheap, the public has little reason to worry much about it. That leaves elected representatives without any electoral incentive to restrain presidential war powers. No surprise then that the imperial presidency grew as American power did. Technology gains and secrecy exacerbate the problem. Even more than strategic bombing from high altitude, which already prevented U.S. casualties, drones cheapen warfare. Covert raids are riskier, of course, but secrecy limits public appreciation of those risks. The president and his advisors assure us that they use these forces only after solemn debate and nights spent (badly) reading just war theory. But a White House that debates the use of force only with itself short-circuits the democratic process. That is not just a constitutional problem but a practical one. Broad debate among competing powers generally produces better decisions than narrower, unilateral ones. That is why is it is naïve to suggest, as John Fabian Witt did last week in a New York Times op-ed, that the executive branch is developing sensible legal institutions to manage the gray area between war and peace occupied by drone strikes. What’s needed are checks and balances. That means Congress needs to use its war powers. First, Congress should rewrite the 2001 Authorization of Military Force, which has morphed into a legal rationale for doing whatever presidents want in the name of counterterrorism. That bill authorized force against the organizers of the September 11 attacks and those who aided them, which seemed to mean al Qaeda and the Taliban in Afghanistan and maybe Pakistan. The new law should state that acts of war, including drone strikes, in other places require a new authorization of force. If Congress is for bombing stuff in Yemen and Somalia, it should debate those missions. Second, Congress should reform the convoluted laws governing the deployment of special operations forces, making their use more onerous and transparent. Those forces should engage in covert action only after a presidential finding, as with the CIA. Third, Congress should require that taxes or offsets fund wars. That would increase debate about their worth. The trouble, as already noted, is that Congress has no interest in doing these things. Congressional leaders are today more interested in policing leaks about the president’s unilateral exercise of war powers than in restraining them. Short of a military disaster involving special operations forces or drones, this seems unlikely to change in the short term. In the longer term, we need a restoration of Congress’ institutional identity. Even without an electoral reason, politicians should want to exercise war powers simply because they can—because people like power. That’s the assumption behind Edward Corwin’s notion that the constitution’s is an “invitation to struggle” over foreign policy. Something has obstructed Congress’ desire to struggle. Those concerned by the president’s promiscuous use of force should try to identify and remove the obstruction.

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## Heg

#### **Full Collapse by 2025- all models are indicating American power is waning no soft landing.**

McCoy ’10MONDAY, DEC 6, 2010 02:01 PM CST [How America will collapse (by 2025)](http://www.salon.com/2010/12/06/america_collapse_2025/) Four scenarios that could spell the end of the United States as we know it -- in the very near future BY ALFRED MCCOY <http://www.salon.com/2010/12/06/america_collapse_2025/>Alfred W. McCoy is the J.R.W. Smail Professor of History at the University of Wisconsin-Madison. He is the author of A Question of Torture: CIA Interrogation, "From the Cold War to the War on Terror." Later this year, "Policing America's Empire: The United States, the Philippines, and the Rise of the Surveillance State," a forthcoming book of his, will explore the influence of overseas counterinsurgency operations on the spread of internal security measures here at home

A soft landing for America 40 years from now? Don’t bet on it. The demise of the United States as the global superpower could come far more quickly than anyone imagines. If Washington is dreaming of 2040 or 2050 as the end of the American Century, a more realistic assessment of domestic and global trends suggests that in 2025, just 15 years from now, it could all be over except for the shouting. Despite the aura of omnipotence most empires project, a look at their history should remind us that they are fragile organisms. So delicate is their ecology of power that, when things start to go truly bad, empires regularly unravel with unholy speed: just a year for Portugal, two years for the Soviet Union, eight years for France, 11 years for the Ottomans, 17 years for Great Britain, and, in all likelihood, 22 years for the United States, counting from the crucial year 2003. Future historians are likely to identify the Bush administration’s rash invasion of Iraq in that year as the start of America’s downfall. However, instead of the bloodshed that marked the end of so many past empires, with cities burning and civilians slaughtered, this twenty-first century imperial collapse could come relatively quietly through the invisible tendrils of economic collapse or cyberwarfare. But have no doubt: when Washington’s global dominion finally ends, there will be painful daily reminders of what such a loss of power means for Americans in every walk of life. As a half-dozen European nations have discovered, imperial decline tends to have a remarkably demoralizing impact on a society, regularly bringing at least a generation of economic privation. As the economy cools, political temperatures rise, often sparking serious domestic unrest. Available economic, educational, and military data indicate that, when it comes to U.S. global power, negative trends will aggregate rapidly by 2020 and are likely to reach a critical mass no later than 2030. The American Century, proclaimed so triumphantly at the start of World War II, will be tattered and fading by 2025, its eighth decade, and could be history by 2030

#### Genocide must be prevented at all costs- outweighs extinction

Lang 85 Berel, Prof Philosophy, The Philisophical Forum, vol. XVI, #1-2 Winter 84/85,

A number of further questions arise in connection with the act of genocide, in particular with the status of its agents. That genocide entails the intended destruction of a group does not by itself imply that the destruction must itself be the act of a group; but the extent of actions required by any design for genocide is so broad as virtually to ensure that the purpose will involve corporate decisions and effort. Admittedly, the same technological advances (in communications, for example) that make genocide as a collective action increasingly possible also increase the likelihood that an individual acting alone could initiate such actions. (When the push of a single button can produce immeasurable catastrophic effects, we discover the possibility of an order of destruction beyond genocide as well: “omnicide.”) But it is also clear that the opprobrium attending the term “genocide” comes in part from its connotation of a corporate action - as if the same act or set of acts would be a lesser fault, easier to understand or even excuse, if a single person rather than a group were responsible, with the connection of the latter (we suppose) to a public moral code and to decisions that would have had to be made or supported collectively. The fact of corporate responsibility sometimes diminish the enormity of an action, as when the difficulty of assigning specific responsibility gives to the action a vagueness of reference similar to that of a natural or otherwise impersonal force. But the almost necessarily corporate origins of genocide seem rather to accentuate its moral enormity, multiplying the individual acts of consciousness that would have been required to produce the larger corporate act.

### A2 Rollback

#### This argument is non-unique- if the negative paid attention to the news they would realize that Obama is asking for Congressional restraints on his war powers now- Syria proves he will is willing to comply

#### C/A Freidman 12- Rewriting the AUMF to exclude drone strikes is the only sufficient method to solve- statutory restrictions are enforceable because they are public and constitutionally binding- Obama won't risk the backlash

#### Fiat is durable- we should have to debate these arguments if they can fiat solvency on their CP or a mindset shift on their alt

#### External checks on pres war powers are effective

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

Paulson ’ s genuflection and Obama ’ s reticence, I will contend here, are symptomatic of our political system ’ s operation rather than being aberration al . It is generally the case that even in the heart of crisis, and even on matters where executive competence is supposedly at an acme , legislators employ formal institutional powers not only to delay executive initiatives but also affirmatively to end presidential policies. 20 Numerous examples from recent events illustrate the point. Congressional adversaries of Obama, for instance, cut off his policy of emptying Guantánamo Bay via appropriations riders. 21 Deficit hawks spent 2011 resisting the President’s solutions to federal debt, while the President declined to short - circuit negotiations with unilateral action. 22 Even in military matters, a growing body of empirical research suggests Congress often successfully influences the course of overseas engagements to a greater degree than legal scholars have discerned or acknowledged. 23¶ That work suggests that the failure of absolute congressional control over military matters cannot be taken as evidence of “the inability of law to constrain the executive ” in more subtle ways (p 5). The conventional narrative of executive dominance , in other words, is at best incomplete and demands supplementing .¶ This Review uses The Executive Unbound as a platform to explore how the boundaries of discretionary executive action are established. As the controversial national security policies of the Bush administration recede in time, the issue of executive power becomes ripe for reconsideration. Arguments for or against binding the executive are starting to lose their partisan coloration. There is more room to investigate the dynamics of executive power in a purely positive fashion without the impinging taint of ideological coloration.¶ Notwithstanding this emerging space for analys i s, t here is still surprising inattention to evidence of whether the executive is constrained and to the positive question of how constraint works. The Executive Unbound is a significant advance because it takes seriously this second “ mechanism question. ” Future studies of the executive branch will ignore its i mportant and trenchant analysis at their peril. 24 Following PV ’ s lead, I focus on the descriptive , positive question of how the executive is constrained . I do speak briefly and in concluding to normative matters . B ut f irst and foremost, my arguments should be understood as positive and not normative in nature unless otherwise noted.¶ Articulating and answering the question “ W hat binds the executive ?” , The Executive Unbound draws a sharp line between legal and political constraints on discretion — a distinction between laws and institutions on the one hand, and the incentives created by political competition on the other hand . While legal constraints usually fail, it argues, political constraints can prevail. PV thus postulate what I call a “strong law/ politics dichotomy. ” My central claim in this Review is that this strong law/politics dichotomy cannot withstand scrutiny. While doctrinal scholars exaggerate law ’s autonomy, I contend, the realists PV underestimate the extent to which legal rules and institutions play a pivotal role in the production of executive constraint. Further, the political mechanisms they identify as substitutes for legal checks cannot alone do the work of regulating executive discretion. Diverging from both legalist and realist positions, I suggest that law and politics do not operate as substitutes in the regulation of executive authority. 25 They instead work as interlocking complements. An account of the borders of executive discretion must focus on the interaction of partisan and electoral forces on the one hand and legal rules. It must specify the conditions under which the interaction of political actors’ exertions and legal rules will prove effective in limiting such discretion.

## K's

#### Role of the ballot is to evaluate effects of the plan- criticisms of the 1AC are only a reason to vote neg if they prove plan implementation is a bad idea

#### Prefer it-

#### a. Fairness- any other interp is arbitrary, self-serving and eviscerates 9 minutes of aff offense- infinitely regressive- makes it impossible to be aff

#### b. Education- topic changes every year- learning about war powers policy key to informed citizens- only framing k as a response to the plan solves unique education about intersection of topical advocacy and critical literature

#### Voter for competitive equity

#### Perm do both

#### Perm do the plan and non-competitive portions of the alt

#### Perm do the plan then alt in every other instance

#### Group their epistemology arguments- none of them apply to the affirmatives method of liberal pluralism- we incorporate philosophical perspectives into our political deliberations to create real world changes that are utilitarian and reflexive of critical perspectives

#### Liberal pluralism guides political deliberation to responsible decisions

William A. Galston 02 "Liberal Pluralism The Implications of Value Pluralism for Political Theory and Practice" <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1325&context=fss_papers>is a distinguished political philosopher whose work is informed by the experience of having served from 1993-1995 as President Clinton’s Deputy Assistant for Domestic Policy. He is Saul I. Stern Professor of Civic Engagement at the School of Public Affairs, University of Maryland; Director at the Institute for Philosophy and Public Policy; and Director of the Center for Information and Research on Civic Learning and Engagement (CIRCLE). He is the author of numerous articles and several books, including Liberal Purposes (Cambridge, 1991), which won the Spitz Prize. He is also a Senior Advisor to the Democratic Leadership Council and the Progressive Policy Institute

Isaiah Berlin first advanced the moral theory of value pluralism in the 1950s and it subsequently was developed by a number of distinguished scholars, including Galston. In Liberal Pluralism, Galston defends a version of value pluralism for political theory and practice. Against the contentions of John Gray and others, Galston argues that value pluralism undergirds a kind of liberal politics that gives great weight to the ability of individuals and groups to live their lives in accordance with their deepest beliefs about what gives meaning and purpose to life. This account of liberal pluralism is shown to have important implications for political deliberation and decision-making, for the design of public institutions, and for the division of legitimate authority among government, religious institutions, civil society, parents and families, and individuals. Liberal pluralism leads to a vision of a good society in which political institutions are active in a limited sphere and in which, within broad limits, families and civil associations may organize and conduct themselves in ways that are not congruent with the principles that govern the public sphere.

#### Perm do the plan then the alt

#### Systemic violence is inevitable in a world where the dominant ideology responsible is still in power- confronting technological revolutions facilitates a multi-polar, pluricentric world which is essential to produce any lasting social progress

Amin Samir 2006 "Beyond US Hegemony? Assessing the Prospects for a Multipolar World" http://onkwehonwerising.files.wordpress.com/2013/08/amin-samir-beyond-us-hegemony-assessing-the-prospects-for-a-multipolar-world.pdf From 1947 to 1957 he studied in Paris, gaining a diploma in political science (1952) before graduating in statistics (1956) and economics (1957). He worked in Cairo from 1957 to 1960 as a research officer for the government's Institution for Economic Management, then as adviser to the Ministry of Planning in Mali till1963, when he was offered a fellowship at the Institut Africain de Développement Économique et de Planification (IDEP). As well as being a professor at the universities of Poitier, Dakar and Paris, he was director of IDEP from 1970 -1980, when he became director of the Third World Forum in Dakar.

Opening debate on the long transition to world socialism While recognizing Lenin’s mistaken view of the real challenges, and his misjudgement of the ripeness for revolution, we need to go beyond criticism and self-criticism of the history of twentieth-century Communism, by openly and inventively fostering debate on the positive alternative strategies for the twenty-ﬁrst century. Here I can do no more than brieﬂy summarize the points I have made elsewhere. • Strategies must be devised in response to the challenges of the long transition from world capitalism to world socialism. • In the course of this long transition, social, economic and political systems produced by the struggles of the reproductive elements of capitalist society will combine, in contradictory fashion, with elements tending to initiate and develop socialist social relations. Two conﬂicting logics will therefore be present, in permanent combination and permanent contradiction with each other. • Progress in this direction is necessary and possible in all regions of the world capitalist system, both the imperialist centres and the compradorized peripheries. Of course, by force of circumstance, there will have to be concrete and speciﬁc intermediate stages, especially with regard to the contrasts between centres and peripheries. • Social, ideological and political forces expressing, however confusedly, the interests of popular classes are already working in the directions indicated. The so-called ‘alter-globalization’ movements are material proof of this. But these movements serve as vehicles for different alternatives, some progressive (in the above sense), some deluded or even clearly reactionary (para-fascist responses to the challenges). To politicize the debate – in the true and proper sense of the term – is the sine qua non for building what I call ‘convergence in diversity’ of the progressive forces. • The victims of the deployment of neoliberal capitalism are the majority in all parts of the world, and socialism must be capable of mobilizing the new historical opportunity this creates. But it will be able to do this only if it can take account of the changes resulting from the technological revolutions, which have completely altered the social architecture once and for all. Communism must no longer be the banner only of the ‘industrial working class’, in the old sense of the term; it can become the banner representing the future of the broad majority of working people, despite the diversity of their situations. To rebuild the unity of working people – both those who beneﬁt from a certain stabilization of the system and those who are excluded from it – is today a major challenge for the inventive thinking that is needed for communist renewal. In the peripheries, this also means organizing huge movements to establish an equal right of access to the land for the whole peasantry. Renewal is all the more necessary because it has often been forgotten that the peasantry is still a half of humanity, and that capitalism in all its forms is incapable of solving this major problem. • An effective strategy for action within this perspective must be capable of producing simultaneous advances in three directions: social progress, democratization and the construction of a pluricentric world system. The political democracy usually proposed as an accompaniment to the economic options of liberal capitalism is destined to strip democracy of all credibility, in quite dramatic ways. At the same time, social progress from the top down is no longer acceptable as a substitute for inventive formulas involving the democratic power of popular classes. There will be no socialism without democracy, but also no democratic advances without social progress. Lastly, in view of the persistence of national diversity and the political cultures shaping it, as well as the inequality historically produced by the deployment of world capitalism, it is clear that a margin of opportunity for the necessary social and democratic advances will require the construction of a pluricentric world system. And the ﬁrst condition for this, of course, is to defeat Washington’s project for military control of the planet.

#### A campaign against preventive wars and vigorous debate surrounding strategies is a pre requisite to the alternative- otherwise movements fail and cede to the worst forms of democracy incapable of change

Amin Samir 2006 "Beyond US Hegemony? Assessing the Prospects for a Multipolar World" http://onkwehonwerising.files.wordpress.com/2013/08/amin-samir-beyond-us-hegemony-assessing-the-prospects-for-a-multipolar-world.pdf From 1947 to 1957 he studied in Paris, gaining a diploma in political science (1952) before graduating in statistics (1956) and economics (1957). He worked in Cairo from 1957 to 1960 as a research officer for the government's Institution for Economic Management, then as adviser to the Ministry of Planning in Mali till1963, when he was offered a fellowship at the Institut Africain de Développement Économique et de Planification (IDEP). As well as being a professor at the universities of Poitier, Dakar and Paris, he was director of IDEP from 1970 -1980, when he became director of the Third World Forum in Dakar.

In contrast to the pessimistic note that the above remarks might strike, we should also note the huge victory already scored by the global ‘movement’. ‘The world is not for sale’ and ‘Another world is possible’ are not empty phrases but watchwords that have already won public sympathy throughout the world. The strength of the ‘movement’ in question lies precisely in its multiplicity, even if this makes more difﬁcult a convergence around strategic priorities. Winning major battles on precise issues, at national, regional and global levels, is the only way of achieving irreversible advances in the ﬁght for ‘a better world’. This requires profound and systematic debate, a clear choice of objectives and the organization of appropriate campaigns of action. The mere accumulation of demands by victims of the system, though perfectly legitimate, does not constitute either an alternative (which calls for political coherence) or even a strategy for advance. The ‘movement’ is in great danger of remaining where it is, and some even try to justify that as a principled option. The multiplicity exists above all at the level of objectives and, behind them, social interests. The ‘movement’ now mobilizes sizeable sections of the educated middle classes, especially in the core countries of the system. Their organizations are always centred on one particular objective (the advancement of women, respect for the environment and ecological balance, defence of cultural ‘minorities’ and other oppressed layers, the winning of certain rights), or are constructed to wage one clearly deﬁned battle. Often they are ‘cross-class’ organizations by their very nature. We should rejoice at this positive transformation in the activity of social layers which in the past would have merely used their right to vote and the instruments of representative democracy (lobbying, approaches to political parties and parliamentary deputies). Defence of ‘the individual’ (or individual freedom of initiative), together with the strong moral dimension of many of these movements, is not a ‘pettybourgeois deviation’ – as a certain tradition in the workers’ movement often used to see it – but an advance in political practice, to the long-term beneﬁt of all the dominated classes. The fact remains, however, that the new movements have not conjured away the struggles of popular classes for their ‘material’ interests. Workers’ struggles for employment, higher wages and job security, farmers’ struggles for decent prices or access to the land and the means to cultivate it, are still the core of the ﬁght to modify the social relationship of forces. Yet it is not always as widely accepted as it should be that labour unions and peasant organizations are essential components of the movement. For, at the ‘great bazaars’ that bring the movements together, the middle classes too often take centre stage. No doubt the ‘classical’ organizations through which the dominated classes act and express themselves are far from being adapted to the new challenges. Changes that the evolution of capitalism has wrought in the organization of work and the management of economic life necessitate changes in the forms of organization and struggle of workers’ and peasants’ movements; I have discussed these elsewhere, and they are central to the agenda of the World Social Forum. But these necessities do not justify the contempt in which many of the others hold the ‘traditional’ labour unions and peasant organizations. For all, the chances of success depend on a large number of factors. One is the capacity to mobilize the ‘know-how’ of activists to analyse, as experts, the nature of the problems, to work out strategies and tactics, to gain access to the media, and to conduct negotiations. Once again, mobilization of these capacities requires a revision of traditions based on past experience that objective social changes have rendered obsolete. But success – or failure – also depends on the economic and political conjuncture and the sharpness of conﬂicts within the systems of rule. This is why the ‘movement’ manifests itself in successive waves of rise and decline, and also why constant analysis of the conjuncture remains an indispensable task. In general, forms of activism are undergoing change. Some say that involvement tends to be less ‘intense’ or less ‘ongoing’, but I am not convinced of this. What I do think – and this is a positive trend – is that people who get involved demand greater respect for the diversity of opinions and democratic practices (‘mistrust of leaders’, then). The expansion of the movement has given a voice to many who previously had none – that is, the most deprived and the most disregarded by the institutions of representative democracy. To make their presence felt, these voiceless layers (for example, ‘illegal’ immigrants or people regarded as ‘deviant’ by conventional morality) have often needed the support of ‘personalities’ or activists from backgrounds other than their own. There is no reason to be offended by this, even if the handling of the relationship between the two is always problematic. A social movement does not mobilize only progressive forces: there are some strong and thoroughly reactionary movements that are not working to build a ‘different’ (for example, a multipolar) world. In the United States, labour unions have nearly always defended the imperialist policy of the administration, and had relations with the CIA no less close than those which bound the Soviet unions to their regime. In the United States, ‘patriotic associations’ or ‘sects’ still have memberships in the millions, while in Europe the obscurantist offensive of communalist and para-religious movements is making some progress. In some regions of the periphery, para-religious or ethnicist fundamentalism occupies the centre of the stage. Social movements have considerable difﬁculty crossing state frontiers: only those who naively believe in a ‘global village’ or undeﬁned ‘multitudes’ will be surprised by this. For problems and challenges are speciﬁc to each of the countries on earth. The interests of Chinese peasants – who defend their now threatened equal right of access to the land – do not have much in common with the interests of ‘competitive’ farmers elsewhere. Even within the EU, mere trade-union coordination remains out of reach because of the still decisive weight of the social liberalism of the socialist parties. How are all these obstacles to be overcome? I see no other way than the organization of broad global campaigns around a number of strategic priorities. I shall simply mention a few examples here for the sake of discussion: (i) a campaign against American ‘preventive’ wars and for the closure of all US foreign bases (‘US Go Home!’); (ii) a campaign for the right of access to the land, which is vitally important to  billion peasants in three continents; (iii) a campaign for the regulation of industrial outsourcing; (iv) a campaign for the cancellation of third world external debts. Other proposals are welcome. None of these campaigns will involve ‘everyone’: the centre of gravity will differ from one campaign to the next, but all should have a strong echo not only in the countries directly concerned but also in others. This will make it possible to ﬁnd ever more concrete expressions for a new internationalism of the peoples. In my view, the main danger weighing on the ‘movement’ is the naive belief that it is possible to change the world without seeking to win power. It is true that, at certain moments in history, powerful social movements have succeeded in ‘changing society’. The most recent example of this is , which changed many things for the good in the West: to mention just two, it brought the rise of women’s demands and a deepening of individual democratic responsibility. But capitalism showed that it was capable of absorbing such tendencies without having to face a challenge to its fundamental modes of exploitation and oppression. Today the writings of a Castells or Negri propose lending scientiﬁc legitimacy to this call to do nothing in the end, on the grounds that everything will be done ‘naturally’ by itself. By contrast, it remains centrally important to discuss what is needed to carry the social movement forward, since the movement must become the political force promoting change in the social relationship of forces and, therefore, in the systems of rule. There is not a shadow of doubt that this requires the invention of a ‘different kind of politics’, but such a formulation is too vague to be anything other than hollow. The social forums are today confronted with a decisive choice. They can become the sites for the patient construction of new fronts, with the capacity to foster the convergence in diversity of all the progressive forces on earth. To this end, I would propose the working out of joint platforms that reject both neoliberalism and the US-controlled militarization of globalization. A broad, open alliance of movements within this perspective would make it possible to place the emphasis on the construction of positive alternatives. So far as I am concerned, it goes without saying that this excludes reactionary social movements – which implies an end to the ambiguous attitudes that major sections of the left display towards them, since otherwise the social forums will become bazaars from which not much can be expected. The dominant system naturally encourages trends in that direction, which allow it to claim that it is playing the game of democracy. But the democracy to which this would lead is an impotent democracy, incapable of producing alternative political strategies that are coherent and effective. And that can only serve to strengthen the power of the system.

#### Ignoring the question of action because of ontology causes lack of action.

David McClean, 2001, philosopher, writer and business consultant, conducted graduate work in philosophy at NYU, “The cultural left and the limits of social hope,” http://www.american-philosophy.org/archives/past\_conference\_programs/pc2001/Discussion%20papers/david\_mcclean.htm

#### There is a lot of philosophical prose on the general subject of social justice. Some of this is quite good, and some of it is quite bad. What distinguishes the good from the bad is not merely the level of erudition. Displays of high erudition are gratuitously reflected in much of the writing by those, for example, still clinging to Marxian ontology and is often just a useful smokescreen which shrouds a near total disconnect from empirical reality. This kind of political writing likes to make a lot of references to other obscure, jargon-laden essays and tedious books written by other true believers - the crowd that takes the fusion of Marxian and Freudian private fantasies seriously. Nor is it the lack of scholarship that makes this prose bad. Much of it is well "supported" by footnotes referencing a lode of other works, some of which are actually quite good. Rather, what makes this prose bad is its utter lack of relevance to extant and critical policy debates, the passage of actual laws, and the amendment of existing regulations that might actually do some good for someone else. The writers of this bad prose are too interested in our arrival at some social place wherein we will finally emerge from our "inauthentic" state into something called "reality." Most of this stuff, of course, comes from those steeped in the Continental tradition (particularly post-Kant). While that tradition has much to offer and has helped shape my own philosophical sensibilities, it is anything but useful when it comes to truly relevant philosophical analysis, and no self-respecting Pragmatist can really take seriously the strong poetry of formations like "authenticity looming on the ever remote horizons of fetishization." What Pragmatists see instead is the hope that we can fix some of the social ills that face us if we treat policy and reform as more important than Spirit and Utopia.

#### Existence is a prerequisite to ontological questioning.

Paul Wapner, Winter 2003, assoc. prof. and dir. of the Global Environmental Policy Program @ American Univ., “Leftist criticism of,” <http://www.dissentmagazine.org/article/?article=539>

#### THE THIRD response to eco-criticism would require critics to acknowledge the ways in which they themselves silence nature and then to respect the sheer otherness of the nonhuman world. Postmodernism prides itself on criticizing the urge toward mastery that characterizes modernity. But isn't mastery exactly what postmodernism is exerting as it captures the nonhuman world within its own conceptual domain? Doesn't postmodern cultural criticism deepen the modernist urge toward mastery by eliminating the ontological weight of the nonhuman world? What else could it mean to assert that there is no such thing as nature? I have already suggested the postmodernist response: yes, recognizing the social construction of "nature" does deny the self-expression of the nonhuman world, but how would we know what such self-expression means? Indeed, nature doesn't speak; rather, some person always speaks on nature's behalf, and whatever that person says is, as we all know, a social construction. All attempts to listen to nature are social constructions-except one. Even the most radical postmodernist must acknowledge the distinction between physical existence and non-existence. As I have said, postmodernists accept that there is a physical substratum to the phenomenal world even if they argue about the different meanings we ascribe to it. This acknowledgment of physical existence is crucial. We can't ascribe meaning to that which doesn't appear. What doesn't exist can manifest no character. Put differently, yes, the postmodernist should rightly worry about interpreting nature's expressions. And all of us should be wary of those who claim to speak on nature's behalf (including environmentalists who do that). But we need not doubt the simple idea that a prerequisite of expression is existence. This in turn suggests that preserving the nonhuman world-in all its diverse embodiments-must be seen by eco-critics as a fundamental good. Eco-critics must be supporters, in some fashion, of environmental preservation.

## CP

#### Offense

#### Steals plan offense – Aff should get to leverage case against disad. Running the DA standalone is a sufficient test of the plan. We didn’t run this plank as a stand alone, so we shouldn’t have to defend it that way.

#### Bastards of literature– no one advocates doing the CP as written – we might have run that case, but expectations for aff solvency lit are high – impose same standard on the negative – only PIC’s with advocates legitimate. Without lit, they justify infinitely regressive PIC like diverting $20 to food aid. No cards dis-aggregate solvency – it’s not our job such cards. Presumption of massive solvency deficit.

#### Neg Choice – Aff choice checks negative’s structural advantages such as the block, disclosure, presumption, and the unconditionality of the aff text. PIC’s allow negatives to refocus the debate on a small part of the plan, which means the neg picks the case, negating 9 min of 1AC offense. Worse than aff choice because less predictable than topic wording and because Affs are never conditional. Offense-Defense paradigm is dominant, magnifying the competitive inequity if we can’t know what we’re advocating to begin the round but must find offense in the role assigned by negative.

#### Inf Regressive

#### Legitimates word pic’s – must known how every philosopher uses every word.

#### Policy process pic’s – binannual budgeting, cheato veto, Committe Restructuring

#### Bad plan writing

#### Deters multi-plank or clear plans because we must be ready to defend each part independently or in any combination, not just the one we wrote. Invite plan vagueness to hedge, which disrupts stable DA ground too. Encourages non-plan debating which is worse for fairness.

#### Case Defense – invites lazy research – find a PIC or two instead of answering the whole case, fails to show respect for our aff preparation, strat research is the best IL to education since actual rounds get won on “must define all words”

#### Voting issue is the only check vs throw-away PICS, no risk of offense PICS.

#### Defense

#### No Slippery Slope – we don’t preclude all USFG action, etc. We only exclude CP’s that do some topical part of the aff plan.

#### Other CP types can check - counter agent means none of the plan’s actions, counter policy, counter procedure – PIC’s amplify the number of neg strat’s even if prep time is finite

#### CP isn't competitive- Subjectivity args talk about this shit

#### Modern society and the phenomenon of dehumanization are fundamentally linked as long as oppression exists – policies operated at an institutional level will never solve for issues that are institutionalized without breaking down social constructs

Adam Podgorecki and Maria Los, authors of ‘Multi-Dimensional Sociology’, 1979, Pg. 266, http://books.google.com/books?id=QM8OAAAAQAAJ&pg=PA267&lpg=PA267&dq=causes+for+dehumanization&source=bl&ots=o9iQeG8aOt&sig=LrFoDU1mW0M1HOADY5ypXeMHlFI&hl=en&ei=sa5HSqTQOMOYtgfpw7WMCg&sa=X&oi=book\_result&ct=result&resnum=5

In the modern world, dehumanization at times assumes a masked form. This consists of treating individuals, groups or even entire societies purely as objects in technical or organizational activity, although they are attributed human traits on the abstract level. Paradoxical situations may arise in highly developed social systems: agencies designed to eliminate social differences and introduce elements of social justice may in practice lead to contrary results.

#### The root cause of dehumanization is ideology – Aff can’t solve

Adam Podgorecki and Maria Los, authors of ‘Multi-Dimensional Sociology’, 1979, Pg. 266, http://books.google.com/books?id=QM8OAAAAQAAJ&pg=PA267&lpg=PA267&dq=causes+for+dehumanization&source=bl&ots=o9iQeG8aOt&sig=LrFoDU1mW0M1HOADY5ypXeMHlFI&hl=en&ei=sa5HSqTQOMOYtgfpw7WMCg&sa=X&oi=book\_result&ct=result&resnum=5

If the above analysis is correct, then the main cause of dehumanization appears to be an ideological commitment of a special type. Neither the consequences of natural disasters nor possible background of humanity seem to be comparable with the consequences of an ‘idealistic viewpoint’. It is quite well known that ‘idealistic’ images of the world of this type are generated mainly by intellectuals. It might be possible to assume a relationship between the choice and study of these subjects and involvement in sociopolitical crimes. Of the terrorists that the group had investigated as many as three-fifths of them had been students, most of them reading sociology, political science, psychology or education. A third of the fathers of terrorists active in the Federal Republic of Germany had completed their studies at university. The terrorists came for the most part from the upper or upper middle classes. In most of the cases studied, something was lacking in the home background (report from the Conference on European Crime Prevention, the Times, 13 April 1978)

## Vagueness

#### Our interpretation is that the affirmative can be vague so long as they are topical- topicality is a better way for determining the division of ground and solves all of their offense- it is based off of the resolution and has a distinct brightline to preserve clash and education

#### We are not vague-

#### Infinintely regressive- there is no clear brightline as to the point at which we are no longer “vague” or create a clear enough distinction of neg from aff ground- proves the arbitrariness of their argument

#### Increases ground- they can run all of their agent counterplans and more disads on top of case turns because there is more room for them to generate a link

#### Incresed specification makes PICs to easy- this is bad for debate

#### Steals aff ground–PICs moot the entirety of the 1AC by retaining any good parts, making it impossible for us to use the 1AC as leverage and forcing us to generate offense a small aspect of the CP destroying clash and education

#### Infinitely regressive – justifies arbitrary and minute counterplans like exclude a penny and a risk of a bad disad means PICs would be impossible to predict.

#### Intellectual plagiarism- decreasing critical thinking by allowing the neg to moot 8 minutes of our offense and steal our work

#### The alternative is worse- hyper-specification makes affirmative squirrelly and unpredictable meaning that even if the neg got their ground they couldn’t use it

#### Cross-x checks abuse- You ask the questions, we clarify our intent.

#### Ad hoc theory bad - there’s no resolutional basis for their argument – just because debate could be better doesn’t make it a voter – that justifies arbitrarily rejecting fair teams.

#### Potential abuse isn’t a voter- we didn’t do it and its impossible to quantify. Since the ballot doesn’t set a precedent, in-round abuse is the fairest, most objective way to view theory.

# 1AR

## Heg

#### Best recent scholarship and examples prove

Aziz Z. Huq 12, Assistant Professor of Law, University of Chicago Law School, "Binding the Executive (by Law or by Politics)", May 25, www.law.uchicago.edu/files/file/400-ah-binding.pdf

There is some merit to this story. But in my view it again understates the observed effect of positive legal constraints on executive discretion. Recent scholarship, for example, has documented congressional influence on the shape of military policy via framework statutes . This work suggests Congress influences executive actions during military engagements through hearings and legislative proposals. 75 Consistent with this account, two legal scholars have recently offered a revisionist history of constitutional war powers in which “ Congress has been an active participant in setting the terms of battle, ” in part because “ congressional willingness to enact [ ] laws has only increased ” over time. 76 In the last decade, Congress has often taken the initiative on national security, such as enacting new statutes on military commissions in 2006 and 2009. 77 Other recent landmark security reforms, such as a 2004 statute restr ucturing the intelligence community, 78 also had only lukewarm Oval Office support. 79 Measured against a baseline of threshold executive preferences then , Congress has achieved nontrivial successes in shaping national security policy and institutions through both legislated and nonlegislated actions even in the teeth of White House opposition.

#### No chance of rollback- an emboldened Congress would defund any presidential intervention that doesn't comply with legislation

GENE Healy JULY 9, 2008 "The Power to Consult about War?" http://www.cato.org/blog/power-consult-about-war Gene Healy is a vice president at the Cato Institute. His research interests include executive power and the role of the presidency, as well as federalism and overcriminalization.

“In no part of the Constitution is more wisdom to be found,” James Madison wrote in 1793, “than in that clause which asks the president to give Congress a courtesy call whenever he’s picked a new country to invade.” Well, no, that’s not actually what he said. It went more like this: In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture to heterogeneous powers, the trust and the temptation would be too great for any one man. How to check that temptation? In 1973, Congress tried the War Powers Resolution, a deeply flawed piece of legislation that has never so much as inconvenienced a president bent on war. Former Secretaries of State Jim Baker and Warren Christopher – and a bipartisan panel of DC bigwigs – have a new answer: semi-mandatory consultation with Congress backed up by a dread “resolution of disapproval” (that the president can veto!). Somehow I don’t think this is going to work. I haven’t had a chance to read the full report yet, but judging from the coverage and the op-ed Baker and Christopher penned for yesterday’s Times, the Commission’s proposal seems like an exercise in High Broderism. For some serious attempts at putting teeth in the War Powers Resolution, check here and here. However, as I explain in the Cult of the Presidency, I’m skeptical that any of these megastatute solutions are going to work. Because no Congress can truly bind a future Congress and no statute can force the courts to resolve separation of powers fights they’d rather duck, such legislative solutions tend to be about as effective as a dieter’s note on the refrigerator. Unless and until ordinary voters demand that Congress stand and be counted on issues of war and peace–and defund unauthorized wars–we’ll continue as before. Hey, maybe we are the change we’ve been waiting on.