## 1AC vs. BoSu --- GSU

### 1AC – Deterrence

#### CONTENTION 1: DETERRENCE

#### Congressional oversight is necessary for a pragmatic, flexible approach to threats---executive discretion results in knee-jerk policy failure

Stephen Holmes 9, Walter E. Meyer Professor of Law, New York University School of Law, “The Brennan Center Jorde Symposium on Constitutional Law: In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror”, April, California Law Review, 97 Calif. L. Rev. 301, Lexis

Conclusion¶ ¶ Far from being a carefully calibrated response to the terrorist threat, the executive-discretion agenda exaggerates the upsides and discounts the downsides of unregulated executive discretion. The "game" of counterterrorism cannot be successfully conducted by ad hoc decisions made in defiance of all rules and outside of all institutionalized decision-making procedures, practices, and institutions. Rule-governed counterterrorism is both feasible and desirable for several reasons. First, public officials perform best, even during emergencies, when forced to give reasons for their actions. Second, the temptation to react viscerally and mimetically rather than strategically to the mass murder of innocent civilians is almost impossible to resist without strong guidelines laid down in advance. Third, like-minded individuals, if allowed to make vital national-security decisions in virtual isolation, tend to fixate on one salient feature of a complex threat environment, neglecting equally lethal dangers and failing to consider the unintended consequences of their own remedial actions. And fourth, it is essential in a democracy to minimize, if not altogether eliminate, incentives for public officials to feign urgency and necessity in the face of a threat that cannot easily be observed by anyone outside the security apparatus of the state.¶ Because the spectrum of threats which national-security agencies must monitor and manage remains extremely complex, and because national-security assets are invariably scarce, counterterrorism decisions can increase security in one dimension only by opening up security vulnerabilities along other dimensions. Risk-risk tradeoffs are often close calls and should therefore be undertaken with deliberate speed, not hastily after dissenters are intimidated with fictional accounts of the need to make consequential decisions instantaneously and without considering known facts, consulting knowledgeable experts, and hearing different points of view. The difficulty and gravity of security-security tradeoffs, obscured by the misleading focus on liberty-security tradeoffs, is perhaps the most important argument against [\*355] leaving decision making in the area of counterterrorism to the unchecked discretion of a few individuals, operating inside a bunker insulated from outside criticism and dissent.¶ For this and other reasons, the indispensability of rules and protocols in ordinary emergencies can provide an important clue and point of reference for counterterrorism theorists and strategists. Rules such as the individualization of culpability and procedures such as obligatory reason-giving, far from "tying hands," can help liberate counterterrorism policy from the rigidities that inevitably plague partisan-political reactions to national-security emergencies. They do not guarantee success, of course. But adversarial procedures and the presumption of innocence are more likely than unfettered executive discretion to promote a pragmatic approach to the management of risk, including flexible and fact-minded adaptation to an obscure, amorphous, evolving, and still deadly serious threat.

#### Urgency of crisis situations proves oversight is necessary---it reduces decision costs and results in more pragmatic reasoning

Stephen Holmes 9, Walter E. Meyer Professor of Law, New York University School of Law, “The Brennan Center Jorde Symposium on Constitutional Law: In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror”, April, California Law Review, 97 Calif. L. Rev. 301, Lexis

The most persuasive argument for executive discretion during emergencies is usually thought to be urgency. This is fascinating because, in the emergency room, urgency is the principal reason for avoiding discretion and relying on rules; nurses, for example, follow protocols elaborated in advance because, when a disaster strikes, they have little time to think. Besides reducing the risk of avoidable error, the rules governing emergency response considerably reduce decision and coordination costs. They also serve an emotionally reassuring function, something of immense practical value when the stakes are high and time is scarce.¶ As I mentioned earlier, managing diverse situations according to general rules is feasible only if the situations in question display observable uniformities. General rules for administering transfusions make sense because, for all practical purposes, the patients being transfused are the same. But that is only part of the story. Another reason why general rules are applicable in such cases is that emergency responders tend to react in predictable ways, freezing, fixating, or panicking under stress. All of us make costly and sometimes irreparable mistakes under immense time pressures. All of us, when spellbound by an onrushing threat, may fail to notice another lethal danger careening toward us from our blind side. To universal human fallibility and tunnel vision (exacerbated by urgency), we can add the equally universal human reluctance to admit mistakes and to make appropriate midstream adjustments in a timely fashion.¶ These considerations provide an initial reason for thinking that emergency-room practices may contain important lessons for managing national-security emergencies. Advocates of executive discretion in the war on terror frequently ask how precedents can guide our response to a wholly unprecedented threat. An initial answer is that America's situation after 9/11, however novel, is not totally unprecedented. At least one factor that has repeatedly undermined government effectiveness in the past, also during emergencies, remains essentially unchanged: our all-too-human cognitive and emotional imperfections.¶ [\*308] When facing an unprecedented threat, responders should of course jettison rules that prevent them from responding in the most effective and appropriate way. On the other hand, they do not necessarily want to circumvent those "auxiliary precautions" (rules, protocols, practices, and institutions) that have survived through trial and error to remind them of the complexity of their threat environment, to prevent their over-concentration on a single salient danger, to alert them to unintended complications triggered by our own ad hoc remedial interventions, and to bring their potentially fatal mistakes to light before it becomes too late to correct them.¶ Rules to be followed "in case of emergency" reflect a realistic understanding that a crew of human responders, with no script to follow, often fail to adapt themselves with desirable rapidity and coordination to the demands of a dangerous and confusing situation. In a moment of crisis, in fact, the absence of clear instructions written in advance is more likely to produce dazed paralysis than effective action. Emergency protocols reveal, more profoundly still, that rules are not the only or even the principal source of immobilizing rigidity in human behavior. The grip of unthinking habit, clouding awareness of feasible options, is well known. The psychological roots of fixation, obsession, one-track thinking, self-certainty, dogmatism, and tunnel vision are equally deep. Over time, arguably, a variety of rules have evolved to increase the capacity of human beings, acting in concert, to adapt flexibly to complex threat environments with which individuals, prisoners of their own pride, limited capacity for processing information, intransigence, slow reflexes, or incomplete situational awareness would be unable to cope. Double-blind tests in science, to choose a different but related analogy, may be subjectively experienced as limiting the freedom of individual scientists, but they obviously help the system of science to adapt realistically to natural phenomena that are always only partly understood.¶ Like emergency-room crises, moreover, national-security crises have to be managed by a trained staff. To hone their capacity to respond effectively as a team to unexpected crises, such a staff must practice in advance how to apply detailed rules and perform scripted protocols. In emergency situations, that is to say, rules may be superior to discretion because rules, unlike discretion, can be practiced in advance by multi-person operational units. In addition, current staff can transmit their accumulated professional tradecraft to new recruits by inducting the latter into routine procedures, thereby eliminating the need for ad hoc instruction from above and freeing higher-ups to concentrate on strategic challenges. Thus, it would be unwise for a field commander to tell his troops that no rules apply to the treatment of enemy prisoners of war. If he conveyed this anything-goes message, he would soon lose control of his army. The importance of training, disciplining, and coordinating the behavior of front-line emergency responders reinforces the suspicion that rules may be just as crucial for managing national-security crises as for handling life-and-death situations [\*309] in the hospital.¶ Medical crises can also help us overcome the preconception that "absolute" rules, because they reduce tactical flexibility, are necessarily harmful during emergencies. To understand what is obscured by this half-truth, we need only consider the bright-line rule that our two nurses followed before they came rushing into the room: "always wash your hands." This imperative is blinking red. It admits of no exceptions. When it comes to hand-washing, discretion is strictly forbidden: no excuses or rationalizations are allowed; ignoring the rule, not following it, would be "suicidal." Based on observable uniformities in nature, obligatory hand-washing reduces error costs as well as decision costs. The rule is rigid but nevertheless pragmatic, neither dogmatic nor moralistic. It incorporates the empirical observation that even members of a professional staff, if left to their own devices, will not consistently behave as their situation demands. Thus, it also illustrates the truism, profoundly relevant to the war on terror, that limiting options available during emergencies can be good or bad, depending on what emergency responders, who may be tempted by sheer exhaustion to take hazardous shortcuts, will do with the latitudes they seize or receive.¶ Campaigners for executive discretion routinely invoke the imperative need for "flexibility" to explain why counterterrorism cannot be successfully conducted within the Constitution and the rule of law. But general rules and situation-specific improvisation, far from being mutually exclusive, are perfectly compatible. n18 There is no reason why mechanically following protocols designed to prevent harried nurses from negligently administering the wrong blood type should preclude the same nurses from improvising unique solutions to the unique problems of a particular trauma patient. Drilled-in emergency protocols provide a psychologically stabilizing floor, shared by co-workers, on the basis of which untried solutions can then be improvised. n19 In other words, there is no reason to assert, at lneceast not as a matter of general validity, that the importance of flexibility excludes reliance on rules during emergencies, including national-security emergencies.¶ The emergency-room example can also deepen our understanding of national-security crises by bringing into focus an important but sometimes neglected distinction between threats that are novel and threats that are urgent. Dangers may be unprecedented without demanding a split-second response. Contrariwise, urgent threats that have appeared repeatedly in the past can be managed according to protocols that have become automatic and routine.¶ [\*310] Emergency-room emergencies are urgent even when they are perfectly familiar. Terrorists with access to weapons of mass destruction ("WMD"), by contrast, present a novel threat that is destined to endure for decades, if not longer. Such a threat is not an "emergency" in the sense of a sudden event, such as a house on fire, requiring genuinely split-second decision making, with no opportunity for serious consultation or debate. n20 Managing the risks of nuclear terrorism requires sustained policies, not short-term measures. This is feasible precisely because, in such an enduring crisis, national-security personnel have ample time to think and rethink, to plan ahead and revise their plans. In depicting today's terrorist threat as "an emergency," executive-discretion advocates almost always blur together urgency and novelty. This is a consequential intellectual fallacy. But it also provides an opportunity for critics of executive discretion in times of crisis. If classical emergencies, in the house-on-fire or emergency-room sense, turn out to invite and require rule-governed responses, then the justification for dispensing with rules in the war on terror seems that much more tenuous and open to question.¶ In crises where "time is of the essence" n21 and serious consultation is difficult or impossible, it is imperative for emergency responders to follow previously crafted first-order rules (or behavioral commands) to enable prompt remedial action and coordination. In crises that are not sudden and transient but, instead, endure over time and that therefore allow for extensive consultation with knowledgeable parties, it is essential to rely on previously crafted second-order rules (or decision-making procedures) designed to encourage decision makers to consider the costs and benefits of, and feasible alternatives to, proposed action plans. In medicine, a typical first-order rule is "always wash your hands before inserting a stent," and a typical second-order rule is "always get a second opinion before undertaking major surgery." Such a second-order rule, arguably, makes a good deal of sense in the context of counterterrorism as well. For example, even if we cannot specify in advance when the government is allowed to hold a person without pressing charges, we can specify in advance the procedures that the government must follow to increase the chances that such a decision will be reasonable and revisable.¶ In sum, a visit to intensive care helps upend some flawed assumptions that, unfortunately, continue to distort current debates about counterterrorism. First, the emergency-room experience brings into focus the paradox of urgency. The extreme urgency of a threat requires rather than excludes adherence to preexisting rules, if only to permit emergency workers, with no time to think, to [\*311] coordinate their responses swiftly and effectively. Second, when crafted over time by emergency responders who have learned from their mistakes, non-negotiable rules can sometimes prove more effective, pragmatic, and adaptive than unregulated and unmonitored discretion. And, third, rules to be applied in case of emergency can significantly increase the flexibility of operational personnel in a crisis situation by freeing them from their own psychological compulsions and behavioral rigidities.¶ Of course, not all emergencies are alike. Even if discretion is strictly an anathema in some sorts of emergency, other types of emergency are no doubt best managed by some combination of rules and discretion. So even if we accept the misleading but routine classification of the enduring threat of nuclear terrorism as an "emergency," we still have to decide what kind of emergency it is. Is it the kind of emergency that requires the government to rewrite radically, or flatly disregard, previously binding rules? This should be an important question precisely for those who insist that the current threat is unprecedented. Because it is unprecedented, its contours are obscure. We are not yet sure which responses will be most effective against it. We are uncertain how urgently we need to respond. Should we manage the new threat by rules (and which rules?) or by some kind of combination of rules and discretion? And how should we organize decision making to improve the chances of finding an intelligent answer to these questions? Because of its notable capacities for secrecy and dispatch, the executive is usually described as the branch best suited for acting in an emergency. But the capacity for acting with secrecy and dispatch may not be the most useful asset for appraising the seriousness of a novel threat or analyzing its still-murky characteristics in a self-critical spirit. The security threats inherited by the Obama administration remain immensely complex and constantly evolving. Acting successfully in such a complex threat environment presupposes thinking strategically about priorities and alternatives. Even if the benefits of secrecy and dispatch outweigh their costs when national-security policies are being put into operation, the costs of secrecy and dispatch probably exceed their benefits when national-security policies are being made.¶ Advocates of unbounded executive discretion, it should also be noted, routinely rely on analogies and metaphors of their own. My emergency-room analogy should therefore be construed as an antidote of sorts; perhaps one analogy can help loosen the grip of another. To support their claim that the executive branch will be more effective at countering the terrorist threat if liberated from habeas corpus and the Geneva Conventions, for instance, advocates of maximum executive discretion commonly make the metaphorical claim that rules "tie hands." Because rules tie hands, disablingly, in a crisis they must be loosened or cast off. Because they forbid practices that promise to defeat the terrorist enemy, previously binding statutes and treaties must be circumvented for the duration of the crisis. To prevent the president and his [\*312] subordinates from being "strangled by law," n22 especially in moments of grave danger, advocates argue that restrictive regulations must be replaced by broad grants of discretion or enabling acts that effectively turn Congress and the courts into passive and ill-informed observers of unilateral executive action. This arrangement makes sense, needless to say, only if its proponents are correct to argue that unrestrained power, by definition, is effective power.¶ Those who like to generalize in this flamboyant style may be conflating laws and procedures in general with those technicalities that, in their opinion, permit obvious lawbreakers to escape well-deserved punishment. Even more dramatically, advocates of unfettered executive discretion sometimes write as if laws restricting the executive were all part of some elaborate post-Watergate plot to cripple strong-on-defense American patriots. n23 When ratcheting up the debate philosophically, supporters of executive discretion tend to write about law the way Nietzsche wrote about Christianity, as if it were a trick that the weak have shrewdly played on the strong. n24 They sometime suggest, in this spirit, that following restrictive laws (such as rules prohibiting the government from relying on circumstantial or hearsay evidence) communicates submissiveness and weakness, and thereby emboldens the enemy. By contrast, an executive branch that conspicuously breaks the chains that previously restrained it will apparently instill a salutary fear into allies and enemies alike.¶ The emergency-room analogy provides a useful corrective to such apotheoses of extralegal executive discretion. Without denying the potential upsides of improvisation during emergencies, the analogy draws attention to the potential downsides of shedding rules in moments of crisis and reminds us that rules can magnify problem-solving capacity, even in such perilous circumstances, precisely when and because they are constraining.

#### Stronger statutory checks on Presidential war powers increase America’s deterrence capabilities by providing credibility behind threats

Matthew C. Waxman 13, Professor of Law at Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations, “The Constitutional Power to Threaten War”, Forthcoming in Yale Law Journal, vol. 123 (2014), 8/25/2013, PDF

A second argument, this one advanced by some congressionalists, is that stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats, this argument holds, are those that carry formal approval by Congress, which reflects strong public support and willingness to bear the costs of war; requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats by encouraging the President to seek congressional authorization before acting.181 A frequently cited instance is President Eisenhower’s request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.182 (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) “It was [Eisenhower’s] seasoned judgment … that a commitment the United States would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress,” concludes Louis Fisher. “Single-handed actions taken by a President, without the support of Congress and the people, can threaten national prestige and undermine the presidency. Eisenhower’s position was sound then. It is sound now.”183 A critical assumption here is that legal requirements of congressional participation in decisions to use force filters out unpopular uses of force, the threats of which are unlikely to be credible and which, if unsuccessful, undermine the credibility of future U.S. threats.¶ A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President’s powers to use force undermines the credibility of threats. Michael Reisman observed, for example, in 1989: “Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order. Some reduction in U.S. credibility and diplomatic effectiveness may result.”184 Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in “constructive ambiguity”, or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.185 A critical assumption here is that clarity of constitutional or statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.

#### Any alternative locks in the war system---an infinite number of non-falsifiable ‘root causes’ mean empirics and incentive theory are the only adequate methods to understand war

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

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty or social injustice, competition for resources, incidents and accidents, greed, fear, and perceptions of "honor," or many other such factors. Such factors may well **play a role** in **motivating** aggression or in serving **as a means for generating fear** and manipulating public opinion. The reality, however, is that while some of these may have more potential to contribute to war than others, there may well be **an infinite set of motivating factors**, or human wants, **motivating aggression**. It is not the **independent existence of such motivating factors** for war but rather t**he circumstances permitting or encouraging high risk decisions** leading to war that is **the key to more effectively controlling war**. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents.I1 Certainly **if we were able to press a button** and **end** poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so. Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of **robust correlation with any of these "traditional" causes of war** as is reflected in the "democratic peace." Further, given the **difficulties in overcoming many of these social problems**, an approach to war **exclusively dependent on their solution** may be to **doom us to war for generations to come**.¶ A useful framework in thinking about the war puzzle is provided in the Kenneth Waltz classic Man, the State, and War,12 first published in 1954 for the Institute of War and Peace Studies, in which he notes that previous thinkers about the causes of war have tended to assign responsibility at one of the three levels of individual psychology, the nature of the state, or the nature of the international system. This tripartite level of analysis has subsequently been widely copied in the study of international relations. We might summarize my analysis in this classical construct by suggesting that the most critical variables are the second and third levels, or "images," of analysis. Government structures, at the second level, seem to play a central role in levels of aggressiveness in high risk behavior leading to major war. In this, the "democratic peace" is an essential insight. The third level of analysis, the international system, or totality of external incentives influencing the decision for war, is also critical when government structures do not restrain such high risk behavior ¶ on their own. Indeed, nondemocratic systems may not only fail to constrain inappropriate aggressive behavior, they may even massively enable it by placing the resources of the state at the disposal of a ruthless regime elite. It is not that the first level of analysis, the individual, is unimportant. I have already argued that it is important in elite perceptions about the permissibility and feasibility of force and resultant necessary levels of deterrence. It is, instead, that the second level of analysis, government structures, may be a powerful proxy for settings bringing to power those who may be disposed to aggressive military adventures and in creating incentive structures predisposing to high risk behavior. We should keep before us, however, the possibility, indeed probability, that a war/peace model focused on democracy and deterrence might be further usefully refined by adding psychological profiles of particular leaders, and systematically applying other findings of cognitive psychology, as we assess the likelihood of aggression and levels of necessary deterrence in context. ¶ A post-Gulf War edition of Gordon Craig and Alexander George's classic, Force and Statecraft,13 presents an important discussion of the inability of the pre-war coercive diplomacy effort to get Saddam Hussein to withdraw from Kuwait without war.14 This discussion, by two of the recognized masters of deterrence theory, reminds us of the many important psychological and other factors operating at the individual level of analysis that may well have been crucial in that failure to get Hussein to withdraw without war. We should also remember that nondemocracies can have differences between leaders as to the necessity or usefulness of force and, as Marcus Aurelius should remind us, not all absolute leaders are Caligulas or Neros. Further, the history of ancient Egypt reminds us that not all Pharaohs were disposed to make war on their neighbors. Despite the importance of individual leaders, however, we should also keep before us that major international war is predominantly and critically an interaction, or synergy, of certain characteristics at levels two and three, specifically an absence of democracy and an absence of¶ effective deterrence.¶ Yet another way to conceptualize the importance of democracy and deterrence in war avoidance is to note that each in its own way internalizes the costs to decision elites of engaging in high risk aggressive behavior. Democracy internalizes these costs in a variety of ways including displeasure of the electorate at having war imposed upon it by its own government. And deterrence either prevents achievement of the objective altogether or imposes punishing costs making the gamble not worth the risk.I5¶ VI¶ Testing the Hypothesis¶ Theory without truth is but costly entertainment.¶ HYPOTHESES, OR PARADIGMS, are useful **if they reflect the real world better than previously held paradigms**. In the complex world of foreign affairs and the war puzzle, perfection is unlikely. **No general construct will fit all cases** even in the restricted category of "major interstate war"; **there are simply too many variables**. We should insist, however, on testing **against the real world** and on **results that suggest enhanced usefulness** over other constructs. In testing the hypothesis, we can test it for consistency with major wars; that is, in looking, for example, at the principal interstate wars in the twentieth century, did they present both a nondemocratic aggressor and an absence of effective deterrence?' And although it is by itself not going to prove causation, we might also want to test the hypothesis against settings of potential wars that did not occur. That is, in nonwar settings, was there an absence of at least one element of the synergy? We might also ask questions about the effect of changes on the international system in either element of the synergy; that is, what, in general, happens when a totalitarian state makes a transition to stable democracy or vice versa? And what, in general, happens when levels of deterrence are dramatically increased or decreased?

**Only deterrence is an empirically verifiable solution to war**

John Norton **Moore 4**, Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, page 27-31

As so broadly conceived, there is strong evidence that deterrence, that is, the effect of external factors on the decision to go to war, is **the missing link in the war/peace equation**. In my War/Peace Seminar, I have undertaken to examine the level of deterrence before the principal wars of the twentieth century.10 This examination has led me to believe that in every case the potential aggressor made a rational calculation that the war would be won, and won promptly.11 In fact, the longest period of time calculated for victory through conventional attack seems to be the roughly six reeks predicted by the German General Staff as the time necessary ) prevail on the Western front in World War I under the Schlieffen Plan. Hitler believed in his attack on Poland that Britain and France could not take the occasion to go to war with him. And he believed his 1941 Operation Barbarossa against the Soviet Union that “[w]e have only to kick in the door and the whole rotten structure will come crashing down."12 In contrast, following Hermann Goering's failure to obtain air superiority in the Battle of Britain, Hitler called off the invasion of Britain and shifted strategy to the nighttime bombing of population centers, which became known as the Blitz, in a mistaken effort to compel Britain to sue for peace. Calculations in the North Korean attack on South Korea and Hussein’s attack on Kuwait were that the operations would be completed in a matter of days. Indeed, virtually all principal wars in the twentieth century, at least those involving conventional invasion, were preceded by what I refer to as a "**double deterrence absence**." That is, the potential aggressor believed that they had the military force in place to prevail promptly and that nations that might have the military or diplomatic power to prevent this were not dined to intervene. This analysis has also shown that many of the perceptions we have about the origins of particular wars are flatly wrong. Anyone who seriously believes that World War I was begun by competing alliances drawing tighter should examine the al historical record of British unwillingness to enter a clear military alliance with the French or to so inform the Kaiser! Indeed, this pre-World War I **absence of effective alliance and resultant war** contrasts sharply with the later **robust NATO alliance and absence of World War III.**14¶ **Considerable** other **evidence seems to support this historical analysis as to the importance of deterrence**. Of particular note, Yale Professor Donald Kagan, a preeminent United States historian who has long taught a seminar on war, published in 1995 a superb book On the Origins of War and the Preservation of Peace.15 In this book he conducts a detailed examination of the Peloponnesian War, World War I, Hannibal's War, and World War II, among other case studies. A careful reading of these studies suggests that each war could have been prevented by achievable deterrence and that each occurred in the absence of such deterrence.16 **Game theory** seems to offer yet further support for the proposition that appropriate **deterrence can prevent war**. For example, Robert Axelrod's famous 1980s experiment in an iterated prisoner's dilemma, which is a reasonably close proxy for many conflict settings in international relations, repeatedly showed the effectiveness of a simple tit for tat strategy.17 Such a strategy is at core simply a basic deterrent strategy of influencing behavior through incentives. Similarly, much of the game-theoretic work on crisis bargaining (and danger of asymmetric information) in relation to war and the democratic peace assumes the importance of deterrence through communication of incentives.18 The well-known correlation between war and territorial contiguity seems also to underscore the importance of deterrence and is likely principally a proxy for levels of perceived profit and military achievability of aggression in many such settings.¶ It should further be noted that the democratic peace is not the only significant correlation with respect to war and peace, although it seems to be the most robust. Professors Russett and Oneal, in recently exploring the other elements of the Kantian proposal for "Perpetual Peace," have also shown a strong and statistically significant correlation between economically important bilateral trade between two nations and a reduction in the risk of war between them. Contrary to the arguments of "dependency theorists," such economically important trade seems to reduce the risk of war regardless of the size relationship or asymmetry in the trade balance between the two states. In addition, there is a statistically significant association between economic openness generally and reduction in the risk of war, although this association is not as strong as the effect of an economically important bilateral trade relationship.° Russett and Oneal also show a modest independent correlation between reduction in the risk of war and higher levels of common membership in international organizations.20 And they show that a large imbalance of power between two states significantly lessens the risk of major war between them.21 All of these empirical findings about war also seem to directly reflect incentives; that is, a higher level of trade would, if foregone in war, impose higher costs in the aggregate than without such trade,22 though we know that not all wars terminate trade. Moreover, with respect to trade, a, classic study, Economic Interdependence and War, suggests that the historic record shows that it is not simply aggregate levels of bilateral trade that matters, but expectations as to the level of trade into the future.23 This directly implicates expectations of the war decision maker as does incentive theory, and it importantly adds to the general finding about trade and war that even with existing high levels of bilateral trade, changing expectations from trade sanctions or other factors affecting the flow of trade can directly affect incentives and influence for or against war. A large imbalance of power in a relationship rather obviously impacts deterrence and incentives. Similarly, one might incur higher costs with high levels of common membership in international organizations through foregoing some of the heightened benefits of such participation or otherwise being presented with different options through the actions or effects of such organizations.¶ These external deterrence elements may also be yet another reason why democracies have a lower risk of war with one another. For their freer markets, trade, commerce, and international engagement may place them in a position where their generally higher level of interaction means that aggression will incur substantial opportunity costs. Thus, the "mechanism" of the democratic peace may be an aggregate of factors affecting incentives, both external as well as internal factors. Because of the underlying truth in the relationship between higher levels of trade and lower levels of war, it is not surprising that theorists throughout human history, including Baron de Montesquieu in 1748, Thomas Paine in 1792, John Stuart Mill in 1848, and, most recently, the founders of the European Union, have argued that increasing commerce and interactions among nations would end war. Though by themselves these arguments have been overoptimistic, it may well be that some level of "globalization" may make the costs of war and the gains of peace so high as to powerfully predispose to peace. Indeed, a 1989 book by John Mueller, Retreat From Doomsday,24 postulates the obsolescence of major war between developed nations (at least those nations within the "first and second worlds") as they become increasingly conscious of the rising costs of war and the rising gains of peace.¶ In assessing levels of democracy, there are indexes readily available, for example, the Polity III25 and Freedom House 26 indexes. I am unaware of any comparable index with respect to levels of deterrence that might be used to test the importance of deterrence in war avoidance?' Absent such an accepted index, discussion about the importance of deterrence is subject to the skeptical observation that one simply defines effective deterrence by whether a war did or did not occur. In order to begin to deal with this objection and encourage a more objective methodology for assessing deterrence, I encouraged a project to seek to develop a rough but objective measure of deterrence with a scale from minus ten to plus ten based on a large variety of contextual features that would be given relative weighting in a complex deterrence equation before applying the scaling to different war and nonwar settings.28 On the disincentive side of the scale, the methodology used a weighted calculation of local deterrence, including the chance to prevent a short- and intermediate-term military victory, and economic and political disincentives; extended deterrence with these same elements; and contextual communication and credibility multipliers. On the incentive side of the scale, the methodology also used a weighted calculation of perceived military, economic, and political benefits. The scales were then combined into an overall deterrence score, including, an estimate for any effect of prospect theory where applicable.2 This innovative first effort uniformly showed high deterrence scores in settings where war did not, in fact, occur. Deterring a Soviet first strike in the Cuban Missile Crisis produced a score of +8.5 and preventing a Soviet attack against NATO produced a score of +6. War settings, however, produced scores ranging from -2.29 (Saddam Hussein's decision to invade Kuwait in the Gulf War), -2.18 (North Korea's decision to invade South Korea in the Korean War), -1.85 (Hitler's decision to invade Poland in World War II), -1.54 (North Vietnam's decision to invade South Vietnam following the Paris Accords), -0.65 (Milosevic's decision to defy NATO in Kosovo), +0.5 (the Japanese decision to attack Pearl Harbor), +1.25 (the Austrian decision, egged on by Germany, to attack Serbia, which was the real beginning of World War I), to +1.75 (the German decision to invade Belgium and France in World War I). As a further effort at scaling and as a point of comparison, I undertook to simply provide an impressionistic rating based on my study of each pre-crisis setting. That produced high positive scores of +9 for both deterring a Soviet first strike during the Cuban Missile Crisis and NATO's deterrence of a Warsaw Pact attack and even lower scores than the more objective effort in settings where wars had occurred. Thus, I scored North Vietnam's decision to invade South Vietnam following the Paris Accords and the German decision to invade Poland at the beginning of World War II as -6; the North Korean/Stalin decision to invade South Korea in the Korean War as -5; the Iraqi decision to invade the State of Kuwait as -4; Milosevic's decision to defy NATO in Kosovo and the German decision to invade Belgium and France in World War I as -2; and the Austrian decision to attack Serbia and the Japanese decision to attack Pearl Harbor as -1. Certainly even knowledgeable experts would be likely to differ in their impressionistic scores on such pre-crisis settings, and the effort at a more objective methodology for scoring deterrence leaves much to be desired. Nevertheless, both exercises did seem to suggest that deterrence matters and that high levels of deterrence can prevent future war.¶ Following up on this initial effort to produce a more objective measure of deterrence, two years later I encouraged another project to undertake the same effort, building on what had been learned in the first iteration. The result was a second project that developed a modified scoring system, also incorporating local deterrence, extended deterrence, and communication of intent and credibility multipliers on one side of a scale, and weighing these factors against a potential aggressor's overall subjective incentives for action on the other side of the scale.3° The result, with a potential range of -5.5 to +10, produced no score higher than +2.5 for eighteen major wars studied between 1939 and the 1990 Gulf War.31 Twelve of the eighteen wars produced a score of zero or below, with the 1950-53 Korean War at -3.94, the 1965-75 Vietnam War at -0.25, the 1980-88 Iran-Iraq War at -1.53, and the 1990-91 Gulf War at -3.83. The study concluded that in more than fifty years of conflict there was "no situation in which a regime elite/decision making body subjectively faced substantial disincentives to aggressive military action and yet attacked."32¶ Yet another piece of the puzzle, which may clarify the extent of deterrence necessary in certain settings, may also assist in building a broader hypothesis about war. In fact, it has been incorporated into the just-discussed efforts at scoring deterrence. ¶ That is, newer studies of human behavior from cognitive psychology are increasingly showing that certain perceptions of decision makers can influence the level of risk they may be willing to undertake, or otherwise affect their decisions.33 It now seems likely that a number of such insights about human behavior in decision making may be useful in considering and fashioning deterrence strategies. Perhaps of greatest relevance is the insight of "prospect theory," which posits that individuals evaluate outcomes with respect to deviations from a reference point and that they may be more risk averse in settings posing potential gain than in settings posing potential loss.34 The evidence of this "cognitive bias," whether in gambling, trading, or, as is increasingly being argued, foreign policy decisions generally, is significant. Because of the newness of efforts to apply a laboratory based "prospect theory" to the complex foreign policy process generally, and ¶ particularly ambiguities and uncertainties in framing such complex events, our consideration of it in the war/peace process should certainly be cautious. It does, however, seem to elucidate some of the case studies.¶ In the war/peace setting, "prospect theory" suggests that deterrence may not need to be as strong to prevent aggressive action leading to perceived gain. For example, there is credible evidence that even an informal warning to Kaiser Wilhelm II from British Foreign Secretary Sir Edward Grey, if it had come early in the crisis before events had moved too far, might have averted World War I. And even a modicum of deterrence in Kuwait, as was provided by a small British contingent when Kuwait was earlier threatened by an irredentist Iraqi government in 1961, might have been sufficient to deter Saddam Hussein from his 1990 attack on Kuwait. Similarly, even a clear United States pledge for the defense of South Korea before the attack might have prevented the Korean War. Conversely, following the July 28 Austrian mobilization and declaration of war against Serbia in World War I, the issue for Austria may have begun to be perceived as loss avoidance, thus requiring much higher levels of deterrence to avoid the resulting war. Similarly, the Rambouillet Agreement may have been perceived by Milosevic as risking loss of Kosovo and his continued rule of Serbia and, as a result, may have required higher levels of NA-TO deterrence to have prevented Milosevic's actions in defiance. Certainly NATO's previous hesitant responses in 1995 against Milosevic in the Bosnia phase of the Yugoslav crisis and in 1998-99 in early attempts to deal with Kosovo did not create a high level of deterrence.35 One can only surmise whether the killing in Kosovo could have been avoided had NATO taken a different tack, both structuring the issue less as loss avoidance for Milosevic and considerably enhancing deterrence. Suppose, for example, NATO had emphasized that it had no interest in intervening in Serbia's civil conflict with the KLA but that it would emphatically take action to punish massive "ethnic cleansing" and other humanitarian outrages, as had been practiced in Bosnia. And on the deterrence side, it made clear in advance the severity of any NATO bombardment, the potential for introduction of ground troops if necessary, that in any assault it would pursue a "Leadership Strategy" focused on targets of importance to Milosevic and his principal henchmen (including their hold on power), and that it would immediately, unlike as earlier in Bosnia, seek to generate war crime indictments of all top Serbian leaders implicated in any atrocities. The point here is not to second-guess NATO's actions in Kosovo but to suggest that taking into account potential "cognitive bias," such as "prospect theory," may be useful in fashioning effective deterrence. "Prospect theory" may also have relevance in predicting that it may be easier to deter (that is, lower levels are necessary) an aggression than to undo that aggression. Thus, much higher levels of deterrence were probably required to compel Saddam Hussein to leave Kuwait than to prevent him initially from invading that state. In fact, not even the presence of a powerful Desert Storm military force and a Security Council Resolution directing him to leave caused Hussein to voluntarily withdraw. As this real-world example illustrates, there is considerable experimental evidence in "prospect theory" of an almost instant renormalization of reference point after a gain; that is, relatively quickly after Saddam Hussein took Kuwait, a withdrawal was framed as a loss setting, which he would take high risk to avoid. Indeed, we tend to think of such settings as settings of compellance, requiring higher levels of incentive to achieve compulsion producing an action, rather than deterrence needed for prevention.¶ One should also be careful not to overstate the effect of "prospect theory" or to fail to assess a threat in its complete context. We should remember that a belated pledge of Great Britain to defend Poland before the Nazi attack did not deter Hitler, who believed under the circumstances that the British pledge would not be honored. It is also possible that the greater relative wealth of democracies, which have less to gain in all out war, is yet another internal factor contributing to the "democratic peace."36 In turn, this also supports the extraordinary tenacity and general record of success of democracies fighting in defensive settings as they may also have more to lose.¶ In assessing adequacy of deterrence to prevent war, we might also want to consider whether extreme ideology, strongly at odds with reality, may be a factor requiring higher levels of deterrence for effectiveness. One example may be the extreme ideology of Pol Pot leading him to falsely believe that his Khmer Rouge forces could defeat Vietnam.37 He apparently acted on that belief in a series of border incursions against Vietnam that ultimately produced a losing war for him. Similarly, Osama bin Laden's 9/11 attack against America, hopelessly at odds with the reality of his defeating the Western World and producing for him a strategic disaster, seems to have been prompted by his extreme ideology rooted in a distorted concept of Islam at war with the enlightenment. The continuing suicide bombings against Israel, encouraged by radical rejectionists and leading to less and less for the Palestinians, may be another example. If extreme ideology is a factor to be considered in assessing levels of deterrence, it does not mean that deterrence is doomed to fail in such settings but only that it must be at higher levels (and properly targeted on the relevant decision elites behind the specific attacks) to be effective, as is also true in perceived loss or compellance settings.38 Even if major war in the modern world is predominantly a result of aggression by nondemocratic regimes, it does not mean that all nondemocracies pose a risk of war all, or even some, of the time. Salazar's Portugal did not commit aggression. Nor today do Singapore or Bahrain or countless other nondemocracies pose a threat. That is, today nondemocracy comes close to a necessary condition in generating the high risk behavior leading to major interstate war. But it is, by itself, not a sufficient condition for war. The many reasons for this, of course, include a plethora of internal factors, such as differences in leadership perspectives and values, size of military, and relative degree of the rule of law, as well as levels of external deterrence.39 But where an aggressive nondemocratic regime is present and poses a credible military threat, then it is **the totality of external factors**, **that is,** **deterrence, that become crucial.**

#### North Korea is shifting back toward confrontation---weak US credibility of threat causes war

Julian Ryall 9/10, Japan Correspondent for The Daily Telegraph, "Back to business as usual for North Korea", 2013, www.dw.de/back-to-business-as-usual-for-north-korea/a-17077430

"President [Barack] Obama is fluctuating one way and then another on Syria and the diplomatic and military credibility of the US has been damaged, which means that Washington's threats of force against North Korea become weaker day by day," said Yoichi Shimada, a professor of international relations at Japan's Fukui Prefectural University. "At the same time, South Korea is intent on restarting the Kaesong industrial park as a token of its goodwill towards the regime," he said. "This will earn a great deal of money for the North and you can be sure that money will then be used by the regime to build yet more nuclear weapons and missiles."¶ The expert went on to say that "this action by the South Korean government is tantamount to a violation of United Nations sanctions on the North."¶ The other key player in the region is China, which supported UN sanctions against Pyongyang after it test-fired a missile in December and carried out its third underground nuclear test in February of this year.¶ There was widespread optimism that Beijing had finally cracked down on its errant neighbor and was imposing controls that would limit North Korea's ability to acquire nuclear technology and export missile know-how.¶ Encouragement from China¶ But analysts now say it is business as usual once again between Beijing and Pyongyang and the North's exports are simply crossing the border into China and beyond while atomic technology - as well as the all-important luxury goods that the elite of the regime require to sustain their lifestyles - flow in the opposite direction.¶ "A couple of months ago China was being tough on the regime, but that's over now," said Professor Hiroyasu Akutsu, a North Korea expert at Japan's National Institute of Defense Studies, told DW. "It's not clear yet exactly how much China is now aiding the North, but there are clearly loopholes in the sanctions-based approach to dealing with the regime," he said.¶ Prof. Akutsu believes China's quiet about-face on enforcing international sanctions mirrors its actions in 2009, when it again supported the UN Security Council when it implemented Resolution 1874 in an attempt to isolate North Korea and encourage the regime to give up its weapons to develop and deploy a nuclear weapon.¶ "The international community expected China to get tough and stay touch on Pyongyang, but within months the aid had restarted," he said. "It's the same this time around."¶ Aggression on hold¶ North Korea has not yet returned to the aggression that it demonstrated earlier in the year - most famously when it threatened to turn Seoul into a "sea of fire" and to launch ballistic missiles at targets in the continental US.¶ "They appear to be quiet at this point and are engaging in dialogue with the South, but that is in order to win back the support of China and they are really just pretending to be quiet," Prof. Akutsu said. "The North is biding its time and looking for an excuse to restart its nuclear and missile tests. They need to carry out those tests to become the 'strong, prosperous and great power' that they always say they are going to be."¶ If the North is looking for an excuse to return to the hectoring bombast of the past, the US-South Korean Security Consultative Meeting scheduled to take place in Seoul on October 2 could be it.¶ At the meeting, the two governments will unveil a plan designed to deter the North from using its nuclear capabilities as a threat to the region and the wider world.¶ The two nations have been carrying out joint research on a "tailored deterrence strategy" that envisions the use of escalating political, diplomatic and military responses to any threat.¶ In addition to the "nuclear umbrella" that the US also guarantees to the South, the strategy includes a missile defense system and even the option of precision military strikes on North Korean nuclear facilities should Pyongyang indicate that it is planning to launch a missile with a nuclear warhead.¶ That possibility has taken a large step forward, according to a US intelligence assessment of Pyongyang's advances in miniaturizing its nuclear warheads to the point they can be attached to a missile. Instead of being some years off, Washington now believes that North Korea's scientists may be as little as 12 months away from perfecting the technology.¶ Return to confrontation¶ The comments emerging from the North also suggest that it is slowly moving away from engagement and back to confrontation.¶ "Everything depends on the behavior of the US and South Korea," Kim Myong-chol, executive director of The Center for North Korea-US Peace and unofficial spokesman for the regime in North Korea, told DW. "We in the North want peace, but this pressure on us from the US and South Korea is unnecessary and it cannot work," he said.¶ "North Korea has the capability to strike targets in the US within an hour. We could vaporize the US and that would be the end of both America and South Korea. It is my opinion that the US will surrender in the next two years and sign a peace treaty with North Korea," he added. "After that, the Korean peninsula will be reunited within another two years."

#### North Korea’s threatening war---only credible threats solve

Tom Rogan 13, BA in War Studies and MSc in Middle East Politics, "North Korea nuclear test", 2/11, www.tomroganthinks.com/2013/02/north-korea-nuclear-test.html

North Korea is threatening a further nuclear test and evidence suggests that this threat is more than rhetoric. While the North Koreans are steadily improving their ICBM capability, we already know that they have an albeit basic nuclear weapons facility. To be honest, although the North Koreans are loud, aggressive and seemingly unpredictable, their unpredictability has predictable contours. In essence, North Korea's foreign policy is similar to the actions of a young child. When a child wants attention or gifts, they cry. When North Korea wants attention or gifts (economic aid), it threatens war. True, the North Koreans sometimes take major action, most recently sinking a South Korean ship in 2010. But it's also true that whether headed by il-Sung, Jong-il or Jong-un, the North Korean regime resides on a foundation of luxury and patronage. It's leaders don't want to die. For all their threats, the North Koreans are cognizant that war with the US would be an act of suicide. With American resolve and strength, North Korea can be deterred.

#### Korean war goes nuclear, spills over globally---risk of miscalc is high and this time is different

Steven Metz 13, Chairman of the Regional Strategy and Planning Department and Research Professor of National Security Affairs at the Strategic Studies Institute, 3/13/13, “Strategic Horizons: Thinking the Unthinkable on a Second Korean War,” http://www.worldpoliticsreview.com/articles/12786/strategic-horizons-thinking-the-unthinkable-on-a-second-korean-war

Today, North Korea is the most dangerous country on earth and the greatest threat to U.S. security. For years, the bizarre regime in Pyongyang has issued an unending stream of claims that a U.S. and South Korean invasion is imminent, while declaring that it will defeat this offensive just as -- according to official propaganda -- it overcame the unprovoked American attack in 1950. Often the press releases from the official North Korean news agency are absurdly funny, and American policymakers tend to ignore them as a result. Continuing to do so, though, could be dangerous as events and rhetoric turn even more ominous. ¶ In response to North Korea's Feb. 12 nuclear test, the U.N. Security Council recently tightened existing sanctions against Pyongyang. Even China, North Korea's long-standing benefactor and protector, went along. Convulsed by anger, Pyongyang then threatened a pre-emptive nuclear strike against the United States and South Korea, abrogated the 1953 armistice that ended the Korean War and cut off the North-South hotline installed in 1971 to help avoid an escalation of tensions between the two neighbors. A spokesman for the North Korean Foreign Ministry asserted that a second Korean War is unavoidable. He might be right; for the first time, an official statement from the North Korean government may prove true. ¶ No American leader wants another war in Korea. The problem is that the North Koreans make so many threatening and bizarre official statements and sustain such a high level of military readiness that American policymakers might fail to recognize the signs of impending attack. After all, every recent U.S. war began with miscalculation; American policymakers misunderstood the intent of their opponents, who in turn underestimated American determination. The conflict with North Korea could repeat this pattern. ¶ Since the regime of Kim Jong Un has continued its predecessors’ tradition of responding hysterically to every action and statement it doesn't like, it's hard to assess exactly what might push Pyongyang over the edge and cause it to lash out. It could be something that the United States considers modest and reasonable, or it could be some sort of internal power struggle within the North Korean regime invisible to the outside world. While we cannot know whether the recent round of threats from Pyongyang is serious or simply more of the same old lathering, it would be prudent to think the unthinkable and reason through what a war instigated by a fearful and delusional North Korean regime might mean for U.S. security. ¶ The second Korean War could begin with missile strikes against South Korean, Japanese or U.S. targets, or with a combination of missile strikes and a major conventional invasion of the South -- something North Korea has prepared for many decades. Early attacks might include nuclear weapons, but even if they didn't, the United States would probably move quickly to destroy any existing North Korean nuclear weapons and ballistic missiles. ¶ The war itself would be extremely costly and probably long. North Korea is the most militarized society on earth. Its armed forces are backward but huge. It's hard to tell whether the North Korean people, having been fed a steady diet of propaganda based on adulation of the Kim regime, would resist U.S. and South Korean forces that entered the North or be thankful for relief from their brutally parasitic rulers. As the conflict in Iraq showed, the United States and its allies should prepare for widespread, protracted resistance even while hoping it doesn't occur. Extended guerrilla operations and insurgency could potentially last for years following the defeat of North Korea's conventional military. North Korea would need massive relief, as would South Korea and Japan if Pyongyang used nuclear weapons. Stabilizing North Korea and developing an effective and peaceful regime would require a lengthy occupation, whether U.S.-dominated or with the United States as a major contributor. ¶ The second Korean War would force military mobilization in the United States. This would initially involve the military's existing reserve component, but it would probably ultimately require a major expansion of the U.S. military and hence a draft. The military's training infrastructure and the defense industrial base would have to grow. This would be a body blow to efforts to cut government spending in the United States and postpone serious deficit reduction for some time, even if Washington increased taxes to help fund the war. Moreover, a second Korean conflict would shock the global economy and potentially have destabilizing effects outside Northeast Asia. ¶ Eventually, though, the United States and its allies would defeat the North Korean military. At that point it would be impossible for the United States to simply re-establish the status quo ante bellum as it did after the first Korean War. The Kim regime is too unpredictable, desperate and dangerous to tolerate. Hence regime change and a permanent ending to the threat from North Korea would have to be America's strategic objective. ¶ China would pose the most pressing and serious challenge to such a transformation of North Korea. After all, Beijing's intervention saved North Korean dictator Kim Il Sung after he invaded South Korea in the 1950s, and Chinese assistance has kept the subsequent members of the Kim family dictatorship in power. Since the second Korean War would invariably begin like the first one -- with North Korean aggression -- hopefully China has matured enough as a great power to allow the world to remove its dangerous allies this time. If the war began with out-of-the-blue North Korean missile strikes, China could conceivably even contribute to a multinational operation to remove the Kim regime. ¶ Still, China would vehemently oppose a long-term U.S. military presence in North Korea or a unified Korea allied with the United States. One way around this might be a grand bargain leaving a unified but neutral Korea. However appealing this might be, Korea might hesitate to adopt neutrality as it sits just across the Yalu River from a China that tends to claim all territory that it controlled at any point in its history. ¶ If the aftermath of the second Korean War is not handled adroitly, the result could easily be heightened hostility between the United States and China, perhaps even a new cold war. After all, history shows that deep economic connections do not automatically prevent nations from hostility and war -- in 1914 Germany was heavily involved in the Russian economy and had extensive trade and financial ties with France and Great Britain. It is not inconceivable then, that after the second Korean War, U.S.-China relations would be antagonistic and hostile at the same time that the two continued mutual trade and investment. Stranger things have happened in statecraft.

#### North Korea’s deterrable --- prefer data based on the Kim regime’s foreign policy and structure

Daniel Byman 10, professor in the Security Studies Program at Georgetown University, and Jennifer Lind, Assistant Professor in the Department of Government, Dartmouth College, “"Keeping Kim: How North Korea's Regime Stays in Power"”, Policy Brief, Belfer Center for Science and International Affairs, Harvard Kennedy School, July http://belfercenter.ksg.harvard.edu/publication/20269/keeping\_kim.html?breadcrumb=%2Fexperts%2F1079%2Fjennifer\_lind%3Fgroupby%3D2%26page%3D1%26hide%3D1%26id%3D1079%26back\_url%3D%252Fexperts%252F%26%3Bback\_text%3DBack%2Bto%2Blist%2Bof%2Bexperts

\* Hardly an Erratic Regime. The Kim regime's foreign policy behavior, though frequently called erratic or crazy, has a rational basis. International provocations help to stoke popular nationalism, shoring up the regime’s domestic position, particularly within the military.¶ \* The Paradox of Sanctions. Effective sanctions—those that target Kim's power base—are likely to be rejected by key stakeholder countries because of the risk they pose of regime collapse and the chaos that would likely ensue.¶ THE STAYING POWER OF THE KIM REGIME¶ Predictions of the Kim regime's demise have been widespread for many years, particularly in the 1990s, as upwards of 1 million North Koreans perished in a famine. Limited openness in the form of bustling markets and some cross-border trade were viewed as a possible threat to the regime's control. Recently, analysts have argued that North Korean bellicosity—for example, the March 2010 attack on a South Korean warship and its nuclear and missile tests in 2009—is aimed at a domestic audience: an effort by a weak regime to shore up support among the North Korean military in advance of succession. Analysts also point to surprising popular protests after Pyongyang's botched 2009 currency reform and to increased information flows as reasons to think the regime may soon fall.¶ Decisionmakers and analysts, however, often underestimate the power of tyranny. Like other dictatorships, the Kim regime relies on numerous tools of authoritarian control to stay in power.¶ Although data are opaque, Kim Jong-il's hold on power seems more secure than many pundits suggest: the regime does not appear vulnerable to coups d'état or revolution. The greatest threat to the Kim regime is the challenge of succession. Prior to his death in 1994, Kim Il-sung skillfully applied a variety of tools from the "authoritarian toolbox" to ensure a smooth transfer of power for his son—for example, creating a cult of personality around the younger Kim. The current regime has not yet made similar preparations for Kim Jong-il's successor, which raises the risk of contested succession and regime collapse after Kim's death or incapacitation.¶ Understanding the Kim regime's resilience requires an understanding of the tools it has used to stay in power. The first is social engineering—creating a country where the very building blocks of opposition are lacking. North Korea has no merchant or land-owning class, independent unions, or clergy. Intellectuals are regime-loyal bureaucrats, not dissidents, and strict restrictions on the activities of students have cowed them into submission.¶ Second, the regime pushes an ideology. The Supreme Leader (suryong) system established Kim Il-sung as the center of a cult of personality. At the core of the regime's juche ideology is nationalism with a xenophobic, even racist, slant. Anti-Japanese sentiment, hostility to South Korea, and propaganda against the United States create legitimacy for the regime. As the regime inculcates its ideology and cult of personality, it strives for tighter controls on information. In the 1990s, after the famine, the regime's control of information decreased and cross-border smuggling grew, but recently the regime has tried to reassert its control.¶ Perhaps most important, the North Korean regime is brutal in its use of force. Dissent is detected through an elaborate network of informants working for multiple internal security agencies. People accused of relatively minor offenses undergo "reeducation"; those accused of more serious transgressions are either immediately executed or interred in miserable political prison camps. Even more daunting, according to the "three generations" policy, the regime punishes not only the individual responsible for the transgressions but his or her whole family.¶ At the same time, Kim Jong-il uses perks and rewards to co-opt military and political elites. Members of this class receive more and better food, in addition to the most desirable jobs working for the regime. During the famine, the core class was protected, so that the famine's devastation was concentrated on the people deemed least loyal. This group acquiesced to the succession of Kim Jong-il after his father's death; it keeps Kim in power and will influence his choice of successor. Kim Jong-il has co-opted the military by bestowing on it policy influence and prestige, as well as a large share—perhaps 25 percent—of the national budget. The military also has a favored position in policy circles and is lauded in regime propaganda. Nuclear weapons provide another tool for cultivating the military's support. They bring prestige to an institution whose morale has been challenged by hunger and by its relative inferiority to South Korea's military forces.¶ Kim Jong-il's regime manipulates foreign governments to generate the hard currency needed to buy off elites and sustain his military. China and the Soviet Union propped up North Korea during Kim Il-sung's reign. Kim Jong-il continues to rely on Chinese patronage, but he has also been adept at extracting extensive aid from his adversaries. Since the late 1990s, Pyongyang has used promises of denuclearization to extort more than $6 billion in aid, as well as hundreds of thousands of tons of food, not only from South Korea but also from the United States, China, and Japan. Economic initiatives associated with South Korea's sunshine policy, such as the Kaesong Industrial Complex, have also provided Pyongyang with a significant revenue stream. Although Seoul initially announced cuts in this economic support after the March 2010 attack on the South Korean warship, only a few months later it began to backtrack.¶ Should co-optation fail and domestic elites grow dissatisfied, the Kim regime has coup-proofed North Korean institutions in ways that deter, detect, and thwart anti-regime activity among these elites. North Korean military leaders are chosen for their political loyalty rather than military competence. Key positions are granted to individuals with family or other close ties. Kim Il-sung ruled with the help of relatives and his fellow anti-Japanese guerrillas. Kim Jong-il relies on multiple and competing internal security agencies to reduce the unity of the security forces and to maximize the information he receives about anti-regime activities. The Kim regime has created parallel security forces to protect itself from a military coup.¶ IMPLICATIONS AND POLICY RECOMMDENDATIONS¶ This analysis suggests several implications for foreign policy toward North Korea, in particular the effort to pressure Pyongyang to give up its nuclear arsenal. Sanctions aimed at weakening North Korea's broader economy are unlikely to exert much coercive pressure on Pyongyang; Kim Jong-il (like Joseph Stalin, Saddam Hussein, and many other dictators) protects his elite core while shifting the burden of sanctions to the people. A more effective economic lever with which to move the regime would be to directly threaten its access to hard currency and luxury goods, which it needs to bribe elites. Policies such as freezing North Korean assets overseas and embargoing luxury items are thus the most promising options.¶ Ironically, the United States and other countries will be hesitant to apply the kinds of sanctions that have the best chance of success. In China, South Korea, and the United States, fears of war or chaos on the Korean Peninsula and the calamity of refugees pouring across borders are likely to lead these states to continue to prop up the Kim regime, helping it to weather crises and keeping the country poor, starved, and brutalized.¶ North Korea is unlikely to yield to pressure to relinquish its nuclear arsenal. Although much debate focuses on the regime's security motivations for acquiring nuclear weapons, these weapons also serve as a tool of its survival. They help to curry the favor of the military, and they provide a bargaining chip that earns the regime billions of dollars in hard currency.¶ In contrast to the media, which persist in portraying Kim Jong-il as a madman or an incompetent playboy, this analysis shows him to be a shrewd, if reprehensible, leader. His meticulous use of the authoritarian toolbox reveals him to be a skilled strategic player. Kim shows every sign of being rational—and thus deterrable.¶Should the United States reject a deterrence strategy toward North Korea (as it ultimately did toward Iraq), limited military operations undertaken with the goal of inciting a coup or popular revolt are unlikely to succeed in this coup-proofed dictatorship. Air strikes would do little to stir up popular unrest or sufficient anger among the military elite to topple Pyongyang's regime. Rather, they would inflame nationalism at the popular level and likely increase the military's loyalty to the leadership. Kim's regime would be able to blame any resulting economic problems on the bombings rather than on its own bungling. Toppling the Kim regime, then, is unlikely to work with coercive strikes and would instead require a full invasion, a course the United States is unlikely to choose because of the tremendous instability it would unleash.

#### Only credibility of threats can prevent Kim Jong Un from initiating conflict

David S. Maxwell 12, the Associate Director of the Center for Peace and Security Studies and the Security Studies Program in the School of Foreign Service of Georgetown University, “IS THE KIM FAMILY REGIME RATIONAL AND WHY DON’T THE NORTH KOREAN PEOPLE REBEL?”, January, Foreign Policy Research Institute, http://www.fpri.org/enotes/2012/201201.maxwell.nkorea.html

With the death of Kim Jong-il and the ensuing temporary focus on North Korea, I was recently asked some questions that I think are worth considering. In light of the negative reaction of the South Korean stock markets to the rumor that the North had conducted a nuclear test, I was asked whether the North would ever carry out the irrational act of using its very limited nuclear weapons against the South when such an action would cause the end of the regime? In addition, given the horrendous suffering of the North, many rightly question why North Koreans do not rebel against the tyrannical and criminal dictatorship -- arguably one of the worst violators of human rights in modern history -- of the Kim Family Regime (KFR)? This paper will provide some thoughts on the answers to these separate but inter-related questions.¶ IS NORTH KOREA RATIONAL?¶ The political entity North Korea, or more specifically the Kim Family Regime, is very rational in the sense that it knows what it wants and works tirelessly to achieve it. The regime’s operating strategy can be broken down as follows:¶ Vital national interest: survival of the Kim Family Regime (not the nation-state but the regime).¶ Strategic aim: reunification of the Peninsula under the control of the DPRK (the only way to ensure the long-term survival of the KFR -- because anything else means that it will not survive)¶ Key condition to achieve its strategic aim: get US forces off the Peninsula (or in Sun Tzu terms “split the alliance”).¶ International political aim: to be recognized as a nuclear power.¶ Why does the North want (or need in its calculus) nuclear weapons? First and foremost it believes that it needs its nuclear program as a necessary deterrent. We should understand that the lessons that the regime has learned from Iraq and Libya are that their downfalls were a result of their not yet having developed nuclear weapons. Of course if anything happens to limit Iran’s development of such weapons (like what happened to Syria’s covert reactor several years ago) that lesson will only be reinforced.¶ Second, the nuclear program has proved to be an extremely useful strategic instrument in its diplomatic toolkit that has resulted in a range of political and economic concessions over the years and it will exploit that tool for as long as the regime is in existence.¶ Third, in my opinion, the regime is not suicidal at all and everything that it does and will do is focused on protecting its vital national interest. However, as irrational as it may seem to us that could include launching a war (particularly if the regime believes it is threatened and has no other alternative). And what is really dangerous to the region is that by the nature of the system no one is going to tell Kim Jong-un that his military is not capable of winning and the information that he receives from people around him (who have to act like sycophants in order to survive) can make a very irrational decision to us seem very rational to him.¶ Fourth, deterrence has been effective against the North. Hwang Jong Yop's debriefings suggest that the North has never initiated an attack on the ROK because it knows that it cannot win a nuclear war with the US and it believes that the US would use nuclear weapons against it. [1] This calculation drove its need for its own nuclear deterrent, which the regime had been trying to develop since the 1950's. Ironically, the very effectiveness of our deterrent drove the North to possess its own.¶ Lastly, I think an examination of the regime's actions over the past 60 years shows that it has been very rationally following its own "play book" to protect its vital national interests based on its understanding of the international and peninsula security situation. It has been singularly focused on its vital national interest and achieving its strategic aim as well as using provocations to gain political and economic concessions.¶ Of course on the flip side there are myriad reasons to judge the North as irrational: Is it rational to think it can win a war with the ROK, let alone with the ROK-US alliance? Is it rational to use provocations up to and including either the use or sale of nuclear weapons or capabilities? Is it rational to starve some 23 million people to allow the regime to survive? Was it rational to attack and hijack the Pueblo? Is it rational to attempt multiple assassinations to kill the South Korean leadership (at least twice in Seoul and once in Rangoon) and to use terrorist action against the South and international community? Is it rational to trade in myriad illicit activities to include being one of the world's largest and most proficient counterfeiters (to include that of US currency but also cigarettes and drugs such as Viagra and methamphetamines)? Is it rational to turn down Chinese help for economic reform (because such reform would likely end the regime)? Of course from our perspective the answer to my rhetorical questions is no but we cannot just view the problem from our perspective or even through the eyes of South Koreans, who are now vastly different than the North Korean regime. From the Kim Family Regime’s perspective, it has acted in a very rational way and, if we look at things carefully, we should see it has acted in a very predictable way over the past 60 years.

#### Empirics prove

Salon 11 “Lesson from the Korean Crisis: North Korea Can be Deterred”, 1-7, http://open.salon.com/blog/don\_rich/2011/01/07/lesson\_from\_the\_korean\_crisis\_north\_korea\_can\_be\_deterred

That link is good news, as it shows the the latest Korean crisis appears to have finally truly de-escalated, and it offers the lesson in the title: North Korea can be deterred, at least over some significant ranges of political disputes with South Korea and the United States, which is good news.¶ That is an important bit of information, because North Korea is a nuclear armed state that might possibly, possibly, on a good day, be able to hit American territory with one or two nuclear weapons with their extended version of the Taepodong II, if their missile could be launched before it was attacked by American and South Korean planes, get past the Airborne Laser of the Air Force, avoid the interceptors in Alaska and atVandenburg, and possibly also avoid an Aegis deployed on the West Coast, and it is only one or two that they are currently even possibly, possibly capable of attempting such a stunt with, at least as a single barrage.¶ The North Korean's nuclear weapons would not be very accurate, like within miles, and "at best" from the North Korean point of view, they would "only" go off at a yield of, given their two tests, five kilotons yield, less than half of Hiroshima, and would be at least as likely to "fizzle," and basically just create an unpleasant hazmat situation, if their warhead survived re-entry, but, that is still a nuclear weapons issue, and therefore an issue of something that the United States needs to deter.¶ Whether or not North Korea could be deterred once it acquired nuclear weapons was actually subject to a non-trivial amount of debate, and was the subject of some worry as the increase in tensions on the Korean Peninsula began with the sinking of the Cheonan in March 2010.¶ All summer long after the Cheonan, the United States and South Korea conducted military exercises to deter the North Koreans from further attacks, including the South Korean military exercises on and around Yeonpyeong Island last November, drills that finished with North shelling South Korean territory on said island.¶ That properly made a lot of people pretty nervous, especially when the next South Korean military exercises were set to go live fire while the North was threatening to shell these wargames too.¶ Russia had announced that "major conflict" could be imminent within hours after a Security Council Resolution to de-escalate tensions on the Korean Peninsula failed to pass, over Chinese objections as to blame for the situation.¶ There was in other words a non-zero possibility of a war at that point, and that was true the second the Cheonan went under water last March.¶ Fortunately, the North Koreans then proceeded to do something after the failure of the Security Council Resolution to pass, which their conduct had raised a lot of doubts about, which was to then act like they could be deterred, by announcing they would not shell the South Korean wargames after all.¶ They further de-escalated tensions on January 5 by calling for talks with South Korea, which of course was probably part of the point of this whole exercise in the first place, beyond the desire to show that the DPRK will still be here after Kim Jong il passes away.¶ But that wouldn't seem to be the whole story, because surely that is a big risk to take just to make that statement over sucession, and the existence of their nuclear weapons program shows why.¶ If you have nuclear weapons, you need from your own safety point of view to be thought of as deterrable, at least over some range of political disputes.¶ This need is because if you have nuclear weapons and are thought to not be deterrable over any range of political objectives, the correct thing to do for any potential target is to attack you, before you attack them.¶That conclusion that the North Koreans in part launched this crisis to show that they could be deterred as part of their motive is still consistent with the DPRK domestic politics aspect of these events, and is still consistent as well with the acknowledgement that the North Koreans probably went to up to the brink of war in order to bargain over their future, where the brinksmanship was to get leverage in such talks by showing resolve.¶ But still, these events also seemingly established that the North Koreans could be deterred, and that is actually in the interest of the North Koreans as a nuclear weapons state, even if they still want to be seen as "semi-crazy," to maximize bargaining leverage with the South.¶ That is kind of obnoxious, because of the dead people and the scare-nuisance factor, but also shows that if the North Koreans are what is known in the literature as "risk acceptant," which is a fancy way of saying that the North Koreans will pull some crazy stunts sometimes that have a high potential to get out of hand, nuclear deterrence theory still applies to the North Koreans, at least across some intervals of political objectives, which is nice to know, since if nuclear deterrence theory did not apply to the North Koreans, we would have to attack them, which they also know that we know that they know..., and again may have been the most important functionality and certainly is the most important lesson of these events of all, and which is good news.

#### Tailored incentives are key --- targeting leaders and the elite makes deterrence effective

JEFFREY S. LANTIS 9, Associate Professor in the Department of Political Science at The College of Wooster, “Strategic Culture and Tailored Deterrence: Bridging the Gap between Theory and Practice”, Contemporary Security Policy, Vol.30, No.3 (December 2009), pp.467-485, http://www.contemporarysecuritypolicy.org/assets/CSP-30-3-Lantis.pdf

What are the implications of strong leadership for tailored deterrence? Dominant leaders who link themselves to prevailing cultural narratives may have a profound impact on security policy. If, drawing from insights in constructivism, one views the relationship between elites and strategic cultures as mutually constitutive, the leaders themselves become an important target of tailored deterrence initiatives. Elite allegiance to strategic culture also may be understood through the lens of emerging scholarship on identity and strategic choice. George emphasizes, 'the effectiveness of deterrence and coercive diplomacy is highly context dependent'.52 Much of the existing literature on strategic culture tends to focus on its role in authoritarian states, implying that there are more measurable strains of strategic culture manifest in certain types of political ideology, doctrine, and discourse. But recent case studies also suggest the power of elites to carry forward and shape strategic culture. Glenn Chafetz, Hillel Abramson, and Suzette Grillot suggest that the leaders of Ukraine and Belarussia demonstrated different attitudes toward acceding to the Nuclear Nonproliferation Treaty (NPT) after the collapse of the Soviet Union, partly as a function of strategic cultural orientations.5 Rodney Jones' study of Indian strategic culture emphasizes the interplay between leaders and a complex historical foundation. While deeply influenced by history, he argues, 'India's strategic culture is elite-driven and patrician-like rather than democratic in inspiration or style\*. Successful leaders tap into a larger common historical narrative, the 'near mystical features of India's strategic culture\* in shaping policy decisions. Murhaf Jouejati's study of Syrian strategic culture suggests that the al-Assad family has identified closely with Ba'athist secular traditions in the region to promote their own interests.55¶ Tailoring deterrence toward potential adversaries involves the identification of political leaders and elites, as well as individuals in the national military command, who should be the targets of important threat (or incentive) messages. -American responses to North Korea's nuclear weapon tests in 2006 and 2009 may demonstrate the evolution of deterrence messages. In 2006 President Bush declared that it was in the United States national interests to prevent North Korea from developing nuclear weapons. He added, in no uncertain terms that the United States would 'hold North Korea fully accountable for the consequences' if it provided nuclear weapons or materials to other countries or non-state actors. In early 2009 the Obama administration appears to have diversified its instruments of diplomacy from opening a back-channel to North Korea and pushing a new set of highly targeted sanctions through the UN Security Council focused on individuals and firms doing business with that country. Former President Clinton's surprise visit and personal meetings with Kim Jong-il in August 2009 seemed to augment policies and messages targeted at select individuals in the leadership structure.

#### Studies confirm --- North Korea’s ideology and regime structure ensure consistent security posture

JEFFREY S. LANTIS 9, Associate Professor in the Department of Political Science at The College of Wooster, “Strategic Culture and Tailored Deterrence: Bridging the Gap between Theory and Practice”, Contemporary Security Policy, Vol.30, No.3 (December 2009), pp.467-485, http://www.contemporarysecuritypolicy.org/assets/CSP-30-3-Lantis.pdf

Recent literature on strategic culture also focuses on authoritarian states, implying that there are more measurable or identiliable strains manifest in certain types of political ideology, doctrine, and discourse. Contemporary studies of North Korea and Iran emphasize the power of strategic culture in shaping policy choices. North Korea has developed a highly focused core ideology of self-reliance (Juche) which defines a strategic culture appears to prioritize national security over all other policy concerns**.** This may help to explain that country's seemingly relentless drive for nuclear weapons. The cult of personality of Kim Jong-Il also ensures some measure of continuity in expression of military priorities and other security orientations. Similarly, studies of Iran suggest a definable strategic culture. Iran's strategic culture may be rooted in a nearly 3,()()()-year history of Persian civilization that lends itself to a combination of feelings of 'cultural superiority', 'manifest destiny', coupled with a 'deep sense of insecurity'. 7 Gregory Giles argues that, 'specific attributes of Shi'ism, which was adopted by Persia in the sixteenth century, both reinforce and expand certain traits in Iranian strategic culture'. 8 Experts believe that Iran seeks a nuclear capability as a symbol of national pride, as well as a way to deter the United States, gain influence in the Middle East region and achieve status and power internationally. Broadly speaking, strategic cultural models might work best for authoritarian states where there is typically a singular historical narrative.

#### Even if our knowledge is incomplete, we have to take every threat by North Korea seriously

Thompson 10—Chief Operating Officer of the Lexington Institute, doctoral and masters degrees in government from Georgetown, bachelor of science degree in political science from Northeastern, former Deputy Director of the Security Studies Program at Georgetown (Loren, 26 July 2010, VOLATILE BUT VITAL TO OUR SECURITY, <http://security.nationaljournal.com/2010/07/korean-peninsula-in-danger-of.php>, )

The Korean Peninsula is the **nexus of more security challenges** than anywhere else that American forces operate. In one relatively small place, U.S. leaders must respond to the dangers posed by (1) nuclear proliferation, (2) China's rising economic power, (3) a failed state, and (4) conventional warfare. South Korea's rapid economic rise -- it now has a GDP roughly as big as America's $1.4 trillion projected deficit for fiscal 2011 -- has made it one of the 20 biggest economies in the world, but much of its productive capacity in microchips, cell phones, steel and consumer electronics **could be quickly wrecked by** an onslaught from the volatile North Korean regime. The repercussions of any such conflict would be felt around the world, especially in nearby Japan, which remains America's most important ally in the Western Pacific.¶ Our greatest challenge in dealing with the North Korean regime is its impenetrable secrecy, which makes every new move by Pyongyang a surprise. Because our intelligence community has no reliable way of determining the meaning or motivation of North Korea's frequent threats, **all must be taken seriously**. This has led to a state of chronic crisis on the peninsula that will probably persist as long as the descendents of Kim Il-Sung continue to rule. The threats seem to play a legtimizing role in North Korea's politics, justifying the continuation of dictatorial nepotism. Although the country has been dreadfully mismanaged for decades, its acquisition of nuclear weapons means that **all threats are frightening and credible**, regardless of the state of its conventional forces.¶ Support of the Pyongyang regime also seems to play a role in China's internal political machinations. There appears to be broad opposition in Beijing to Korean unification, and China's own economic rise has made it **less tolerant of the security role that America plays on the Korean Peninsula**. It's hard to imagine that the Chinese can be comfortable with a nuclear-armed regime in Pyongyang, but the prospect of a unified peninsula friendly to America and still nuclear-armed is even less palatable. U.S. policymakers have been hoping for decades that the incompetence of the North Korean government would eventually bring about its collapse, but circumstances are so tense and complicated in the region that the danger of war might rise with such a development, rather than receding.

### 1AC – Plan

#### The United States federal government should pass the War Powers Consultation Act.

### 1AC – Solvency

#### CONTENTION 2: SOLVENCY

#### Requiring Presidential consultation with Congress creates clarity and pragmatic oversight of introducing armed forces into hostilities

James A. Baker 11, Previous Secretary of State and Lee H. Hamilton, former Democratic representative from Indiana who chaired the House Committee on Foreign Affairs, "Breaking the war powers stalemate", June 9, www.washingtonpost.com/opinions/breaking-the-war-powers-stalemate/2011/06/08/AGX0CrNH\_story.html

There is, unfortunately, no clear legal answer about which side is correct. Some argue for the presidency, saying that the Constitution assigns it the job of “Commander in Chief.” Others argue for Congress, saying that the Constitution gives it the “power to . . . declare war.” But the Supreme Court has been unwilling to resolve the matter, declining to take sides in what many consider a political dispute between the other branches of government.¶ We believe there is a better way than wasting time disputing who is responsible for initiating or continuing war.¶ Almost three years ago, we were members of the Miller Center’s bipartisan National War Powers Commission, which proposed a pragmatic framework for consultation between the president and Congress. Co-chaired by one of us and the late Warren Christopher, the commission could not resolve the legal question of which branch has the ultimate authority. Only the court system can do that. Instead, the commission strove to foster interaction and consultation, and reduce unnecessary political friction. The commission — which represented a broad spectrum of views, from Abner Mikva on the liberal end to Edwin Meese on the conservative end — made a unanimous recommendation to the president and Congress in 2008.¶ The commission’s proposed legislation would repeal and replace the War Powers Resolution. Passed over a presidential veto and in response to the Vietnam War, the 1973 resolution was designed to give Congress the ability to end a conflict and force the president to consult more actively with the legislative branch before engaging in military action. The resolution, a hasty compromise between competing House and Senate plans, stated that the president must terminate a conflict within 90 days if Congress has not authorized it. But no president has ever accepted the statute’s constitutionality, Congress has never enforced it and even the bill’s original sponsors were unhappy with the end product. In reality, the resolution has only further complicated the issue of war powers.¶ Our proposed War Powers Consultation Act offers clarity. It creates a consultation process, defines what constitutes “significant armed conflict” and identifies specific actions that both the president and Congress must take.¶ On the executive side, the president would be required to confer with a specific group of congressional leaders before committing to combat operations that last or are expected to last more than a week. Reasonable exemptions exist, including training exercises, covert operations or missions to protect and rescue Americans abroad. Likewise, if an emergency precedes engagement, or secrecy is required that precludes prior consultation, then consultation can follow within three days. Under this proposal, the strike on Osama bin Laden would plainly fall within the president’s prerogative, while an action such as our current engagement in Libya would require advance consultation and congressional action at the appropriate time.¶ On the legislative side, Congress would have to vote on a resolution of approval no later than 30 days after the president had consulted lawmakers. If Congress refused to vote yea or nay, it would do so in the face of a clear requirement to the contrary. Inaction would no longer be a realistic option.¶ Given the Constitution’s ambiguity, no solution is perfect. But Congress and the White House should view the War Powers Consultation Act as a way out of the impasse. It is what the American people want when their leaders confront the serious questions of war and peace.

#### A pragmatic approach to politics is optimal---argumentation should start from empirical method using a reasoned process to avoid nihilism

Robert Rowland 95, Professor of Communication at the University of Kansas, “In Defense of Rational Argument: A Pragmatic Justification of Argumentation Theory and Response to the Postmodern Critique” Philosophy & Rhetoric Vol. 28, No. 4Oct 1, 1995, EBSCO

A pragmatic theory of argument¶ The first step in developing a justifiable theory of rational argument that can account for the epistemological and axiological attacks is to recognize the performative contradiction at the heart of the postmodern critique. Postmodernists rely on rational argument in order to attack rational argument and they consistently claim that their positions are in some way superior to those of their modernist opponents. Writing of post-structuralism, Amanda Anderson notes "the incommensurability between its epistemological stance and its political aims, between its descriptions and its prescriptions, between the pessimism of its intellect and, if not the optimism, at least the intrusiveness of its moral and political will" (1992, 64).¶ The performative contradiction at the heart of postmodernism is nowhere more evident than in the epistemological critique of modernism. The two most important points made by postmodernists in relation to epistemology are that humans can understand the world only through their symbols and that there is no means of using "reality" to test a symbolic description. Advocates of traditional approaches to rationality have not been able to satisfactorily answer these positions, precisely because they seem to be "true" in some sense. This "truth," however, suggests that a theory of rational argument may be salvageable. If postmodernists can defend their views as in some sense "truer" than those of their modernist opponents, then there must be some standard for judging "truth" that can withstand the postmodern indictment. That standard is pragmatic efficacy in fulfilling a purpose in relation to a given problem.¶ Both modernists and postmodernists generally assume that truth and fact are equivalent terms. Thus, a "true" statement is one that is factually correct in all circumstances. By this standard, of course, there are no totally "true" statements. However, if no statement can be proved factually true, then a focus on facts is an inappropriate standard for judging truth.¶ I suggest that knowledge and truth should be understood not as factual statements that are certain, but as symbolic statements that function as useful problem-solving tools. When we say that a view is true, we really mean that a given symbolic description consistently solves a particular problem. Thus, the statement "the sun will come up tomorrow" can be considered "true," despite ambiguities that a postmodernist might point to in regard to the meaning of sun or tomorrow, because it usefully and consistently solves a particular epistemic problem.¶ The standard for "truth" is pragmatic utility in fulfilling a purpose in relation to a particular problem. A true statement is one that "works" to solve the problem. Both the nature of the problem and the arguer's purpose in relation to that problem infiuence whether a given statement is viewed as true knowledge. This explains why biological researchers and physicians often seem to have different definitions of truth in regard to medical practice. The researcher is concerned with fully understanding the way that the body works. His or her purpose dictates application of rigorous standards for evaluating evidence and causation. By contrast, the physician is concerned with treating patients and therefore may apply a much lower standard for evaluating new treatments. The pragmatic theory of argument I am defending draws heavily on the work of William James, who believed that "the only test of probable truth is what works" (1982, 225). Alan Brinton explains that for jEunes "the ultimate question of truth is a question about the concepts and their fruitfulness in serving the purposes for which they were created and imposed. Ideas are true insofar as they serve these purposes, and false insofar as they fail to do so" (1982, 163). Some contemporary pragmatists take a similar view. For example, Nicholas Rescher writes in relation to methodology that "the proper test for the correctness or appropriateness of anything methodological in nature is plainly and obviously posed by the paradigmatically pragmatic questions: Does it work? Does it attain its intended purposes?" (1977, 3). Similarly, Celeste Condit Railsback argues that "truth is . . . relative to the language and purposes of the persons who are using it" (1983, 358-59). At this point, someone like Derrida might argue that while the pragmatic approach accounts for the symbolic nature of truth, it does not deal with the inability of humans to get at reality directly. Although the postmodern critique denies that humans can directly experience "the facts," it does not deny that a real-world exists.¶ Thus, a pragmatist endorses a given scientific theory because the symbolic description present in that theory does a better job than its competitors of fulfilling a set of purposes in a given context. Because it fulfills those purposes, we call the theory "true." We cannot attain knowledge about "the facts," but we can test the relative adequacy of competing problem-solving statements against those facts. Michael Redhead, a professor of history and philosophy of science at Cambridge University, notes that "we can always conjecture, but there is some control. The world kicks back" (in Peterson 1992,175; emphasis added). Knowledge is not about "facts." It is about finding symbolic descriptions of the world that work, that is, avoiding nature's kicks in fulfilling a given purpose.¶ The foregoing suggests that a principled pragmatic theory of argument sidesteps the postmodern critique. Argumentation theory ¶ should be understood as a set of pragmatic rules of thumb about the kinds of symbolic statements that effectively solve ¶ problems. These statements exist at varying levels of generality. A consistency principle , for example, is really a rule of thumb stating something like "All other things being equal, consistent symbolic descriptions are more likely to prove useful for solving a particular problem in relation to a given purpose than are inconsistent descriptions." Other principles are linked to narrower purposes in more specific contexts. Thus, the standards for evaluating arguments in a subfield of physics will be tied to the particular purposes and problems found in that subfield. The key point is that all aspects of a theory of argument can be justified pragmatically, based on their value for producing useful solutions to problems.¶ A pragmatic theory of argument can be understood as operating at three levels, all of which are tied to functionality. At the first or definitional level, argument is best understood as a kind of discourse or interaction in which reasons and evidence are presented in support of a claim. Argument as a symbolic form is valued based on its ability to deal with problems; the business of argument is problem solving. At a second or theoretical level, what Toulmin would call fieldinvariant, general principles of rational argument are justified pragmatically based on their capacity to solve problems. Thus, tests of evidence, general rules for describing argument, standards relating to burden of proof or presumption, and fallacies, all can be justified pragmatically based on the general problem-solving purpose served by all argument. For example, the requirement that claims must be supported with evidence can be justified as a general rule of thumb for distinguishing between strong and weak (that is, useful and useless) arguments. Certainly, there are cases in which unsupported assertions are "true" in some sense. However, the principle that any claim on belief should be supported with evidence of some type is a functional one for distinguishing between claims that are likely to be useful and those that are less likely to be useful.¶ At a third level, that of specific fields or subfields, principles of argumentation are linked to pragmatic success in solving problems in the particular area (see Rowland 1982). Thus, for instance, the rules of evidence found in the law are linked directly to the purposes served by legal argument. This explains why the burden of proof in a criminal trial is very different from that found in the civil law. The purpose of protecting the innocent from potential conviction requires that a higher standard of proof be applied in this area than elsewhere.¶ The pragmatic perspective I have described is quite different from that of interpretive pragmatists such as Richard Rorty (1979, 1982, 1985, 1987) and Stanley Fish (1980, 1989a, 1989b). Rorty, while denying the existence of legitimate formal or content-based standards for "proof" (1982,277), endorses a processual epistemology based on "the idea of [substituting] 'unforced agreement' for that of 'objectivity' " (41-42). Janet Home summarizes Rorty's views, noting that "the difference between 'certified knowledge' and 'mere belief is based upon intersubjective agreement rather than correspondence" (1989, 249). By contrast. Fish grounds reason in the practices of particular "interpretive communities" (1989b, 98). In this view, "Particular facts are firm or in question insofar as the perspective . . . within which they emerge is firmly in place, settled" (Fish 1989a, 308).¶ Unfortunately, a theory of argumentation cannot be salvaged merely by grounding reason in conversational practice or community assent. If there are no agreed upon standards, then how does one "rationally" test a claim intersubjectively or in process? Fish and Rorty beg the question when they ground reason in community and conversational process. Unlike Rorty and Fish, who reject the ideas of "truth" and "knowledge," I argue that those concepts must be redefined in relation to problem solving.¶ The pragmatic theory of argument that I have advanced provides a principled means of choosing among competing alternatives, regardless of the context. One always should ask whether or not a particular symbolic description of the world fulfills its purposes. In so doing, methodological principles for testing knowledge claims, such as tests of evidence, fallacies, and more precise field standards, can be justified, and then they can be applied within the conversation or by the community. The approach, therefore, provides standards to be applied in Rorty's process or by Fish's community and avoids the tautology that otherwise confronts those approaches. The perspective neatly avoids the problems associated with modernism, but also provides a principled approach to argument that does not lead to relativism.¶ In defense of rational argument¶ When argument is viewed as a pragmatic problem-solving tool, the power of the postmodern critique largely dissipates. At the most basic level, a pragmatic theory of argument is based on premises such as the following:¶ 'Statements supported by evidence and reasoning are more likely to be useful for satisfactorily solving a problem than ones that lack that support.¶ 'Consistent arguments are more likely to be generalizable than inconsistent ones.¶ 'Experts are more likely to have useful viewpoints about technical questions tied to a particular field than nonexperts. These statements are not "true" in the factual sense, but they are universally recognized as useful, a point that is emphasized in the work of even the most committed postmodernist. Even someone like Derrida demands that his opponents support their claims with evidence and consistent reasoning. In so doing, Derrida clearly recognizes the functional utility of general standards for testing argument form and process.¶ Arguing should be understood as a pragmatic process for locating solutions to problems. The ultimate justification of argument as a discipline is that it produces useful solutions. Of course, not all arguments lead to successful solutions because the world is a complex place and the people who utilize the form/process are flawed. However, the general functional utility of argument as a method of ¶ invention or discovery and the method of justification is undisputed. The pragmatic approach to argument also provides a means of answering the axiological objections to traditional reason. Initially, the view that argument is often a means of enslaving or disempowering people is based on a misunderstanding of how argument as a form of discourse functions. In fact, the danger of symbolic oppression is less applicable to argument as a type of symbol use than to other forms. Argument tells us how to solve problems. It can be a force for enslavement only to the degree that a successful problem-solution is enslaving. This is a rare event in any society grounded in democratic ethics.¶ Additionally, argument as a form and process is inherently person-respecting because in argument it is not status or force that matters, but only the reasoning (see Brockriede 1972). In a pure argumentative encounter, it does not matter whether you are President of the United States or a college junior; all that is relevant is what you have to say. Of course, this ideal is rarely realized, but the principle that humans should test their claims against standards of argumentation theory that are tied to pragmatic problem solving (and not base conclusions on power) is one that recognizes the fundamental humanity in all people.¶ Furthermore, argument is one of the most important means of protecting society from symbolic oppression. Argument as an internal process within an individual and external process within society provides a method of testing the claims of potential oppressors. Therefore, training in argument should be understood as a means of providing pragmatic tools for breaking out of terministic or disciplinary prisons.¶ Against this view, it could be argued that pragmatism, because of its "practical" bent, inevitably degenerates into "hegemonic instrumental reason" in which technocratic experts control society. In Eclipse of Reason, Max Horkheimer takes the position that "in its instrumental aspect, stressed by pragmatism," reason "has become completely harnessed to the social process. Its operational value, its role in the domination of men and nations has been made the sole criterion" (1947, 21). Later, he notes that "pragmatism is the counterpart of modern industrialism for which the factory is the prototype of human existence" (50).¶ The claims that pragmatism reduces reason to a mere instrument of production or leads to undemocratic technocratic control of society are, however, misguided. Initially, it is worth noting that Horkeimer's aim is not to indict rationality per se, but to focus on the inadequacy of a purely instrumental form of rationality, which he labels "subjective reason." Near the conclusion of Eclipse of Reason, Horkheimer defends "objective reason": "This concept of truth—the adequation of name and thing—inherent in every genuine philosophy, enables thought to withstand if not to overcome the demoralizing and mutilating effects of formalized reason" (1947, 180). The goal of this essay, to develop a theory of rational argument that can withstand the postmodern indictment, is quite consistent with Horkheimer's view that humans need "objective reason" in order to "unshackle . . . independent thought" and oppose "cynical nihilism" (127, 174). While there can be no purely "objective reason," field-invariant and field-dependent principles of argumentation can be justified pragmatically to serve the aims that Horkheimer assigns to that form.¶ Moreover, a pragmatic theory of argument should not be confused with a decision-making approach based on mere practicality or self-interest. Principles of argument are justified pragmatically, that is, because they work consistently to solve problems. But after justification, the invariant and relevant field-dependent principles may be used to test the worth of any argument and are not tied to a simple utilitarian benefit/loss calculus. The misconception that a pragmatic theory of truth is tied to a simplistic instrumentalism is a common one. John Dewey notes, for instance, that William James's reference to the "cash value" of reasoning was misinterpreted by some "to mean that the consequences themselves of our rational conceptions must be narrowly limited by their pecuniary value" (1982, 33). In fact, pragmatism "concerns not the nature of consequences but the nature of knowing" (Dewey 1960,331). Or as James himself put it, "The possession of true thoughts means everywhere the possession of invaluable instruments of action" (1948, 161). Pragmatism "is a method only," which "does not stand for any special result" (James 1982, 213), but that method can be used to justify principles of argument that in turn can be used to check the excesses of instrumental reason. Moreover, a pragmatic approach to argument is self-correcting. According to James, pragmatism "means the open air and possibilities of nature, as against dogma, artificiality and the pretense of finality in truth" (213). Dewey makes the same point when he claims that pragmatic theory involves "the use of intelligence to liberate and liberalize action" (1917,63). Nor does pragmatism necessarily lead to expert domination. A pragmatic argumentation theory endorses deference to the opinion of experts only on questions for which the expert possesses special knowledge relevant to a particular problem. And even on such issues, the views of the expert would be subject to rigorous testing. It would be quite unpragmatic to defer to expert opinion, absent good reasons and strong evidence.¶ The previous analysis in no way denies the risks associated with technical reason. It is, however precisely because of such risks that a principled pragmatic theory of argument is needed. Given that we live in an advanced technological society, it is inevitable that technical reason will play a role. Postmodernism points to the dangers of technical reason, but provides no means of avoiding those risks. A pragmatic theory of argument, by contrast, justifies principles of rationality that can be used to protect society from the nihilistic excesses of a purely instrumental reason.

#### This approach to politics is necessary for effective progress in situations of uncertainty---avoids instrumentalism through inter-subjective understanding

Friedrich Kratochwil 8, is Assistant Professor of International Relations at Columbia University, Pragmatism in International Relations “Ten points to ponder about pragmatism” p11-25

First, a pragmatic approach does not begin with objects or ‘things’ (ontology), or with reason and method (epistemology), but with ‘acting’ (prattein), thereby preventing some false starts. Since, as historical beings placed in a specific situations, we do not have the luxury of deferring decisions until we have found the ‘truth’ we have to act and must do so always under time pressures and in the face of incomplete information. Precisely because the social world is characterized by strategic interactions, what a situation ‘is’, is hardly ever clear ex ante, since it is being ‘produced’ by the actors and their interactions, and the multiple possibilities are rife with incentives for (dis)information. This puts a premium on quick diagnostic and cognitive shortcuts informing actors about the relevant features of the situation, and on leaving an alternative open (‘plan B’) in case of unexpected difficulties. Instead of relying on certainty and universal validity gained through abstraction and controlled experiments, we know that completeness and attentiveness to detail, rather than to generality, matter. To that extent, likening practical choices to simple ‘discoveries’ of an already independently existing ‘reality’ disclosing itself to an ‘observer’–or relying on optimal strategies – is somewhat heroic. These points have been made vividly by ‘realists’ such as Clausewitz in his controversy with von Buelow, in which he criticized the latter’s obsession with a strategic ‘science’ (Paret et al. 1986). While Clausewitz has become anicon for realists, a few of them (usually dubbed ‘old’ realists) have taken seriously his warnings against the misplaced belief in the reliability and usefulness of a ‘scientific’ study of strategy. Instead, most of them, especially ‘neorealists’ of various stripes, have embraced the ‘theory’-building based on the epistemological project as the via regia to the creation of knowledge. A pragmatist orientation would most certainly not endorse such a position. Second, since acting in the social world often involves acting ‘for’ someone, special responsibilities arise that aggravate both the incompleteness of knowledge as well as its generality problem. Since we owe special care to those entrusted to us, for example, as teachers, doctors or lawyers, we cannot just rely on what is generally true, but have to pay special attention to the particular case. Aside from avoiding the foreclosure of options, we cannot refuse to act on the basis of incomplete information or insufficient knowledge, and the necessary diagnostic will involve typification and comparison, reasoning by analogy rather than generalization or deduction. Leaving out the particularities of a case, be it a legal or medical one, in a mistaken effort to become ‘scientific’ would be a fatal flaw. Moreover, there still remains the crucial element of ‘timing’ – of knowing when to act. Students of crises have always pointed out the importance of this factor but, in attempts at building a general ‘theory’ of international politics analogously to the natural sciences, such elements are neglected on the basis of the ‘continuity of nature’ and the ‘large number’ assumptions. Besides, ‘timing’ seems to be quite recalcitrant to analytical treatment. Third, the cure for anxiety induced by Cartesian radical doubt does not consist in the discovery of a ‘foundation’ guaranteeing absolute certainty. This is a phantasmagorical undertaking engendered by a fantastic starting point, since nobody begins with universal doubt! (Peirce 1868). Rather, the remedy for this anxiety consists in the recognition of the unproductive nature of universal doubt on the one hand, and of the fetishization of ‘rigour’ on the other. Letting go of unrealizable plans and notions that lead us to delusional projects, and acquiring instead the ability to ‘go on’ despite uncertainties and the unknown, is probably the most valuable lesson to learn. Beginning somewhere, and reflecting critically on the limitations of the starting point and the perspective it opened, is likely to lead to a more fruitful research agenda than starting with some preconceived notions of the nature of things, or of ‘science’, and then testing the presumably different (but usually quite similar) theories (such as liberalism and realism). After all, ‘progress’ in the sciences occurred only after practitioners had finally given up on the idea that in order to say something about the phenomena of the world (ta onta), one had to grasp first ‘being’ itself (to ontos on). Fourth, by giving up on the idea that warranted knowledge is generated either through logical demonstration or through the representation of the world ‘out there’, a pragmatic starting point not only takes seriously the always preliminary character of knowledge, it also promises that we will learn to follow a course of action that represents a good bet.7 Thus, it accounts for changes in knowledge in a more coherent fashion. If the world were ‘out there’, ready-made, only to be discovered, scientific knowledge would have to be a simple accumulation of more and more true facts, leading us virtually automatically closer and closer to ‘the TRUTH’. Yet, if we have learned anything from the studies of various disciplines, it is the fact that progress consists in being able to formulate new questions that could not even be asked previously. Hence, whatever we think of Kuhn’s argument about ‘paradigms’, we have to recognize that in times of revolutionary change the bounds of sense are being redrawn, and thus the newly generated knowledge is not simply a larger sector of the encircled area (Kratochwil 2000). Fifth, pragmatism recognizes that science is social practice, which is determined by rules and in which scientists not only are constitutive for the definitions of problems (rather than simply lifting the veil from nature), but they also debate seemingly ‘undecidable’ questions and weigh the evidence, instead of relying on the bivalence principle of logic as an automatic truth-finder (Ziman 1991; Kratochwil 2007a). To that extent, the critical element of the epistemological project is retained, but the ‘court’, which Kant believed to be reason itself, now consists of the practitioners themselves. Instead of applying free-standing epistemological standards, each science provides its own court, judging the appropriateness of its methods and practices. Staying with the metaphor of a court, we also have to correct an implausible Kantian interpretation of law – that it has to yield determinate and unique decisions. We know from jurisprudence and case law that cases can be decided quite differently without justifying the inference that this proves the arbitrariness of law. Determinacy need not coincide with uniqueness, either in logic (multiple equilibria), science (equifinality) or law – Ronald Dworkin (1978) notwithstanding! Sixth, despite the fact that it is no longer a function of bivalent truth conditions, or anchored neither in the things themselves (as in classical ontology) nor in reason itself, ‘truth’ has not been abolished or supplanted by an ‘anything goes’ attitude. Rather, it has become a procedural notion of rule-following according to community practices, since nobody can simply make the rules as she or he goes along. These rules do not ‘determine’ outcomes, as the classical logic of deductions or truth conditions suggest, but they do constrain and enable us in our activities. Furthermore, since rule-following does not simply result in producing multiple copies of a fixed template, rules provide orientation in new situations, allowing us to ‘go on’, making for both consistency and change. Validity no longer assumes historical universality, and change is no more conceived of as temporal reversibility, as in differential equations, where time can be added and multiplied, compared with infinity, and run towards the past or the future. Thus ‘History’ is able to enter the picture, and it matters because, differently from the old ontology, change can now be conceived of as a ‘path-dependent’ development, as a (cognitive) evolution or even as radical historicity, instead of contingency or decay impairing true knowledge. Consequently, time-bound rather than universal generalizations figure prominently in social analysis, and as Diesing, a philosopher of science, reminds us, this is no embarrassment. Being critical of the logical positivists’ search for ‘laws’ does not mean that only single cases exist and that no general statements are possible. It does mean, however, that in research: there are other goals as well and that generality is a matter of degree. Generalizations about US voting behaviour can be valid though they apply only between 1948–72 and only to Americans. Truth does not have to be timeless. Logical empiricists have a derogatory name for such changing truths (relativism); but such truths are real, while the absolute, fully axiomatized truth is imaginary. (Diesing 1991:91) Seventh, the above points show their importance when applied not only to the practices of knowledge generation but also to the larger problem of the reproduction of the social world. Luhmann (1983) suggested how rule-following solves the problem of the ‘double contingency’ of choices that allows interacting parties to relate their actions meaningfully to each other. ‘Learning’ from past experience on the basis of a ‘tit for tat’ strategy represents one possibility for solving what, since Parsons, has been called the ‘Hobbesian problem of order’. This solution, however, is highly unstable, and thus it cannot account for institutionalized behaviour. The alternative to learning is to forgo ‘learning’. Actors must abstract from their own experiences by trusting in a ‘system of expectations’ which is held to be counterfactually valid. ‘Institutionalization’ occurs in this way, especially when dispute-settling instances emerge that are based on shared expectations about the system of expectations. Thus, people must form expectations about what types of arguments and reasons are upheld by ‘courts’ in case of a conflict (Luhmann 1983). Eighth, a pragmatic approach, although sensitive to the social conditions of cognition, is not simply another version of the old ‘sociology of knowledge’, let alone of utilitarianism by accepting ‘what works’ or what seems reasonable to most people. It differs from the old sociology of knowledge that hinged on the cui bono question of knowledge (Mannheim 1936), since no argument about a link between social stratification and knowledge is implied, not to mention the further-reaching Marxist claims of false consciousness. A pragmatist approach, however, is compatible with such approaches as Bourdieu’s (1977) or more constructivist accounts of knowledge production, such as Fuller’s (1991) social epistemology, because it highlights the interdependence of semantics and social structures. Ninth, as the brief discussion of ‘science studies’ above has shown, it is problematic to limit the problem of knowledge production to ‘demonstrations’ (even if loosely understood in terms of the arguments within the scientific community), thus neglecting the factors that are conducive to (or inhibitive of) innovation in the definition of problems. To start with, antecedent to any demonstration, there has to be the step of ‘invention’, as the classical tradition already suggested. In addition, although it might well be true that ‘invention’ does not follow the same ‘logic’ as ‘testing’ or demonstrating, this does not mean that these considerations are irrelevant or can be left outside the reflection on how knowledge is generated. To attribute originality solely to a residual category of a rather naively conceived individual ‘psychology of discovery’, as logical positivism does, will simply not do. After all, ‘ideas’ are not representations and properties of the individual mind, but do their work because they are shared; innovation is crucially influenced by the formal and informal channels of communication within a (scientific) community. While the logical form of refutability in principle is, for logical positivists, a necessary element of their ‘theoretical’ enterprise, it does not address issues of creativity and innovation, which are a crucial part of the search for knowledge. Corroborating what we already suspected is interesting only if such inquiries also lead to novel discoveries, since nobody is served by ‘true’ but trivial results. Quite clearly, the traditional epistemological focus is much too narrow to account for and direct innovative research, while pragmatic approaches have notoriously emphasized the creativity of action (Rochberg-Halton 1986). Tenth, the above discussion should have demonstrated that a pragmatic approach to knowledge generation is not some form of ‘instrumentalism’ á la Friedman (1968), perhaps at basement prices, or that it endorses old wives’ tales if they generated ‘useful predictions’, even though for rather unexplainable reasons. Thus, buying several lottery tickets on the advice of an acquaintance to rid oneself of debts and subsequently hitting the jackpot neither qualifies as a pragmatically generated solution to a problem nor does it make the acquaintance a financial advisor. Although ‘usefulness’ is a pragmatic standard, not every employment of it satisfies the exacting criteria of knowledge production. As suggested throughout this chapter, a coherent pragmatic approach emphasizes the intersubjective and critical nature of knowledge generation based on rules, and it cannot be reduced to the de facto existing (or fabricated) consensus of a concrete group of scientists or to the utility of results, the presuppositions of which are obscure because they remained unexamined. Conclusions No long summary of argument is necessary here. Simply, a pragmatic turn shows itself to be consistent with the trajectory of a number of debates in the epistemology of social sciences; it also ties in with and feeds into the linguistic, constructivist and ‘historical’ turns that preceded it; and finally, it is promising for the ten reasons listed above. While these insights might be useful correctives, they do not by themselves generate viable research projects. This gain might have been the false promise of the epistemological project and its claim that simply following the path of a ‘method’ will inevitably lead to secure knowledge. Disabusing us of this idea might be useful in itself because it would redirect our efforts at formulating and conceptualizing problems that are antecedent to any ‘operationalization’ of our crucial terms (Sartori 1970), or of any ‘tests’ concerning which ‘theory’ allegedly explains best a phenomenon under investigation.

#### Political deliberation about war powers promotes agency and decision-making---reciprocity and public debate facilitates mutual respect that lays the groundwork for cooperation on other issues

Dr. Amy Gutmann 4, President and Christopher H. Browne Distinguished Professor of Political Science in the School of Arts and Sciences and Professor of Communication in the Annenberg School for Communication University of Pennsylvania, AND Dennis Thompson, Alfred North Whitehead Professor of Political Philosophy in the Faculty of Arts and Sciences and in the John F. Kennedy School of Government, Emeritus Political Theory, "Why Deliberative Democracy?" press.princeton.edu/chapters/s7869.html

WHAT DELIBERATIVE DEMOCRACY MEANS¶ To go to war is the most consequential decision a nation can make. Yet most nations, even most democracies, have ceded much of the power to make that decision to their chief executives--to their presidents and prime ministers. Legislators are rarely asked or permitted to issue declarations of war. The decision to go to war, it would seem, is unfriendly territory for pursuing the kind of reasoned argument that characterizes political deliberation.¶ Yet when President George W. Bush announced that the United States would soon take military action against Saddam Hussein, he and his advisors recognized the need to justify the decision not only to the American people but also to the world community. Beginning in October 2002, the administration found itself engaged in argument with the U.S. Congress and, later, with the United Nations. During the months of preparation for the war, Bush and his colleagues, in many different forums and at many different times, sought to make the case for a preventive war against Iraq.1 Saddam Hussein, they said, was a threat to the United States because he had or could soon have weapons of mass destruction, and had supported terrorists who might have struck again against the United States. Further, he had tyrannized his own people and destabilized the Middle East.¶ In Congress and in the United Nations, critics responded, concurring with the judgment that Hussein was a terrible tyrant but challenging the administration on all its arguments in favor of going to war before exhausting the nonmilitary actions that might have controlled the threat. As the debate proceeded, it became clear that almost no one disagreed with the view that the world would be better off if Saddam Hussein no longer ruled in Iraq, but many doubted that he posed an imminent threat, and many questioned whether he actually supported the terrorists who had attacked or were likely to attack the United States.¶ This debate did not represent the kind of discussion that deliberative democrats hope for, and the deliberation was cut short once U.S. troops began their invasion in March 2003. Defenders and critics of the war seriously questioned one another's motives and deeply suspected that the reasons offered were really rationalizations for partisan politics. The administration, for its part, declined to wait until nonmilitary options had been exhausted, when a greater moral consensus might have been reached. But the remarkable fact is that even under the circumstances of war, and in the face of an alleged imminent threat, the government persisted in attempting to justify its decision, and opponents persevered in responding with reasoned critiques of a preventive war.¶ The critics are probably right that no amount of deliberation would have prevented the war, and the supporters are probably right that some critics would never have defended going to war even if other nonmilitary sanctions had ultimately failed. Yet the deliberation that did occur laid the foundation for a more sustained and more informative debate after the U.S. military victory than would otherwise have taken place**. Because the administration had given reasons** (such as the threat of the weapons of mass destruction) for taking action, **critics had more basis to continue to dispute the original decision, and to challenge the administration's judgment. The imperfect deliberation that preceded the war** prepared the ground for the less imperfect deliberation that followed.¶ Thus even in a less than friendly environment, deliberative democracy makes an appearance, and with some effect. Both the advocates and the foes of the war acted as if they recognized an obligation to justify their views to their fellow citizens. (**That their motives were political or partisan is less important than that their actions were responsive to this obligation.**) This problematic episode can help us discern the defining characteristics of deliberative democracy if we attend to both the presence and the absence of those characteristics in the debate about the war.¶ What Is Deliberative Democracy?¶ Most fundamentally, deliberative democracy affirms the need to justify decisions made by citizens and their representatives. Both are expected to justify the laws they would impose on one another. In a democracy, leaders should therefore give reasons for their decisions, and respond to the reasons that citizens give in return. But not all issues, all the time, require deliberation. Deliberative democracy makes room for many other forms of decision-making (including bargaining among groups, and secret operations ordered by executives), as long as the use of these forms themselves is justified at some point in a deliberative process. Its first and most important characteristic, then, is its reason-giving requirement.¶ The reasons that deliberative democracy asks citizens and their representatives to give should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject. The reasons are neither merely procedural ("because the majority favors the war") nor purely substantive ("because the war promotes the national interest or world peace"). They are reasons that should be accepted by free and equal persons seeking fair terms of cooperation.¶ The moral basis for this reason-giving process is common to many conceptions of democracy**. Persons should be treated not merely as objects of legislation, as passive subjects to be ruled, but as** autonomous agents **who take part in the governance of their own society, directly or through their representatives.** In deliberative democracy an important way these agents take part is by presenting and responding to reasons, or by demanding that their representatives do so, with the aim of justifying the laws under which they must live together. The reasons are meant both to produce a justifiable decision and to express the value of mutual respect. It is not enough that citizens assert their power through interest-group bargaining, or by voting in elections. No one seriously suggested that the decision to go to war should be determined by logrolling, or that it should be subject to a referendum. Assertions of power and expressions of will, though obviously a key part of democratic politics, still need to be justified by reason. When a primary reason offered by the government for going to war turns out to be false, or worse still deceptive, then not only is the government's justification for the war called into question, so also is its respect for citizens.¶ A second characteristic of deliberative democracy is that the reasons given in this process should be accessible to all the citizens to whom they are addressed. To justify imposing their will on you, your fellow citizens must give reasons that are comprehensible to you. If you seek to impose your will on them, you owe them no less. This form of reciprocity means that the reasons must be public in two senses. First, the deliberation itself must take place in public**, not merely in the privacy of one's mind.** In this respect deliberative democracy stands in contrast to Rousseau's conception of democracy, in which individuals reflect on their own on what is right for the society as a whole, and then come to the assembly and vote in accordance with the general will.2¶ The other sense in which the reasons must be public concerns their content. A deliberative justification does not even get started if those to whom it is addressed cannot understand its essential content. It would not be acceptable, for example, to appeal only to the authority of revelation, whether divine or secular in nature. Most of the arguments for going to war against Iraq appealed to evidence and beliefs that almost anyone could assess. Although President Bush implied that he thought God was on his side, he did not rest his argument on any special instructions from his heavenly ally (who may or may not have joined the coalition of the willing).¶ **Admittedly, some of the evidence on both sides of the debate was technical** (for example, the reports of the U.N. inspectors). But this is a common occurrence in modern government. Citizens often have to rely on experts. This does not mean that the reasons**, or the bases of the reasons,** are inaccessible. Citizens are justified in relying on experts if they describe the basis for their conclusions in ways that citizens can understand; and if the citizens have some independent basis for believing the experts to be trustworthy (such as a past record of reliable judgments, or a **decision-making structure that contains checks and balances by experts who have reason to exercise critical scrutiny over one another**).¶ To be sure, the Bush administration relied to some extent on secret intelligence to defend its decision. Citizens were not able at the time to assess the validity of this intelligence, and therefore its role in the administration's justification for the decision. In principle, using this kind of evidence does not necessarily violate the requirement of accessibility if good reasons can be given for the secrecy, and if opportunities for challenging the evidence later are provided. As it turned out in this case, the reasons were indeed challenged later, and found to be wanting. Deliberative democracy would of course have been better served if the reasons could have been challenged earlier.¶ **The third characteristic of deliberative democracy is that its process** aims at producing a decision that is binding **for some period of time**. **In this respect the deliberative process is not like a talk show or an academic seminar. The participants do not argue for argument's sake; they do not argue even for truth's own sake** (although the truthfulness of their arguments is a deliberative virtue because it is a necessary aim in justifying their decision). They intend their discussion to influence a decision the government will make, or a process that will affect how future decisions are made. At some point, the deliberation temporarily ceases, and the leaders make a decision. The president orders troops into battle, the legislature passes the law, or citizens vote for their representatives. Deliberation about the decision to go to war in Iraq went on for a long period of time, longer than most preparations for war. Some believed that it should have gone on longer (to give the U.N. inspectors time to complete their task). But at some point the president had to decide whether to proceed or not. Once he decided, deliberation about the question of whether to go to war ceased.¶ Yet deliberation about a seemingly similar but significantly different question continued: was the original decision justified? Those who challenged the justification for the war of course did not think they could undo the original decision. They were trying to cast doubt on the competence or judgment of the current administration. They were also trying to influence future decisions--to press for involving the United Nations and other nations in the reconstruction effort, or simply to weaken Bush's prospects for reelection.¶ This continuation of debate illustrates the fourth characteristic of deliberative democracy--its process is dynamic. Although deliberation aims at a justifiable decision, it does not presuppose that the decision at hand will in fact be justified, let alone that a justification today will suffice for the indefinite future. **It keeps open the** possibility of a continuing dialogue**, one in which citizens can criticize previous decisions and move ahead on the basis of that criticism**. Although a decision must stand for some period of time, it is provisional in the sense that it must be open to challenge at some point in the future. This characteristic of deliberative democracy is neglected even by most of its proponents. (We discuss it further below in examining the concept of provisionality.)¶ Deliberative democrats care as much about what happens after a decision is made as about what happens before. Keeping the decision-making process open in this way--recognizing that its results are provisional--is important for two reasons. First, **in politics as in much of practical life, decision-making processes and the human understanding upon which they depend are imperfect.** We therefore cannot be sure that the decisions we make today will be correct tomorrow, and even the decisions that appear most sound at the time may appear less justifiable in light of later evidence. Even in the case of those that are irreversible, like the decision to attack Iraq, reappraisals can lead to different choices later than were planned initially. Second, **in politics most decisions are not consensual. Those citizens and representatives who disagreed with the original decision are more likely to accept it if they believe they have a chance to reverse or modify it in the future. And they are more likely to be able to do so if they have a chance to keep making arguments**.¶ One important implication of this dynamic feature of deliberative democracy is that the continuing debate it requires should observe what we call the principle of the economy of moral disagreement**. In giving reasons for their decisions, citizens and their representatives should try to find justifications that** minimize their differences with their opponents. Deliberative democrats do not expect deliberation always or even usually to yield agreement. How citizens deal with the disagreement that is endemic in political life should therefore be a central question in any democracy. Practicing the economy of moral disagreement promotes the value of mutual respect (which is at the core of deliberative democracy). By economizing on their disagreements, citizens and their representatives can continue to work together to find common ground, if not on the policies that produced the disagreement, then on related policies about which they stand a greater chance of finding agreement. Cooperation on the reconstruction of Iraq does not require that the parties at home and abroad agree about the correctness of the original decision to go to war. Questioning the patriotism of critics of the war, or opposing the defense expenditures that are necessary to support the troops, does not promote an economy of moral disagreement.¶ Combining these four characteristics, we can define deliberative democracy as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.3 This definition obviously leaves open a number of questions. We can further refine its meaning and defend its claims by considering to what extent deliberative democracy is democratic; what purposes it serves; why it is better than the alternatives; what kinds of deliberative democracy are justifiable; and how its critics can be answered.

# 2AC

## Deterrence Adv

### AT: Deterrence Wrong

#### Deterrence theory is effective as a heuristic despite flaws

Lupovici 10 Amir, assistant professor in the Department of Political Sciences at Tel Aviv University, International Studies Quarterly, "The Emerging Fourth Wave of Deterrence Theory--Toward a New Research Agenda", onlinelibrary.wiley.com/doi/10.1111/j.1468-2478.2010.00606.x/pdf

The ﬁrst three waves of deterrence theory made some signiﬁcant theoretical contributions not only to the study of deterrence but with regard to security studies in general. These theories constituted how scholars thought about deterrence for many years, and in this way they helped to solidify the realist school of international relations (Jervis 1979:290–291).5 Essential inﬂuences of the third wave can also be seen in the framing of theoretical issues, such as enduring rivals (Huth and Russett 1993; and compare Lieberman 1995 with Stein 1996), conventional deterrence (Mearsheimer 1983; Shimshoni 1988), extended deterrence (Huth 1988), and psychological and cognitive understanding of decision making (Jervis 1985; Lebow and Stein 1987, 1989; Morgan 2003:134–142, 149–151; see also Levy 1992).6 Furthermore, the methodological impact of this wave can also be seen (Achen and Snidal 1989:161; Lebow and Stein 1990:346–351), not only in the ﬁeld of security studies but in international relations and political science as well (Maoz 2002:172–174; see also King, Keohane, and Verba 1994:24, 134– 135).¶ The ﬁrst three waves of deterrence theory also signiﬁcantly inﬂuenced policymaking. The un-intuitive implications of deterrence literature were evident in the strategies and relations of the superpowers, in particular with regard to the strategy of MAD aimed at stabilizing relations between opponents, as demonstrated in the SALT agreements of 1972 (Adler 1992; Garthoff 1994:647, 849– 852; Evangelista 1999). Deterrence theories allowed policymakers to organize strategic knowledge into a clear conceptual framework that was easier to ‘‘sell,’’ providing them with strategic language and jargon (Jervis 1979:291; Kaplan 1991:171–172) that included concepts such as massive retaliation, invulnerability, assured destruction, counterforce, pre-emptive strike, ﬁrst strike, second strike, and ﬂexible response. While some of these concepts were not completely new (Quester 1966:1–2; Chilton 1985:115), they gained inﬂuence primarily in the context of deterrence.¶ Scholars, mainly of the ﬁrst two waves, based the idea of deterrence upon apolitical and ahistorical arguments (Jervis 1979:322–323; Kaplan 1991:109; Trachtenberg 1991:40, 44–46), and as a result paid very little attention to its operation in reality. Ironically, this obfuscation of empirical contradictions and problems led to the consensus on its validity.7 As Adler argues, ‘‘because the science of nuclear strategy has no empirical reference points and data banks, it cannot be falsiﬁed’’ (Adler 1992:107).8 In other words, deterrence could become a heuristic tool, supplying simple, and even simplistic, solutions to complicated foreign policy problems. This made it more attractive than other strategic options to decision makers. Moreover, the concept of deterrence could force rationality on decision making, so that deterrence practices became a convincing—and even justiﬁable—option (Kaplan 1991:72–73; Morgan 2003:13).

#### Specifically true for North Korea

Lupovici 10 Amir, assistant professor in the Department of Political Sciences at Tel Aviv University, International Studies Quarterly, "The Emerging Fourth Wave of Deterrence Theory--Toward a New Research Agenda", onlinelibrary.wiley.com/doi/10.1111/j.1468-2478.2010.00606.x/pdf

However, some scholars highlight the possibility of successfully deterring rogue states (see Lebovic 2007:26–103). More speciﬁcally, they emphasize that Smith’s arguments, rather than undermining deterrence strategy, can in fact work to successfully implement it. For example, Morgan argues that threatening the regime can have a deterrent effect, and he further contends that ‘‘a state that is not a great power but has WMD should be easier for the US to deter than one without them.’’ Morgan suggests that WMD encourages a cautious policy and simpliﬁes the risks involved for the actors (Morgan 2003:271–273; see also Waltz 1995). This type of argument has also been made regarding speciﬁc states, such as Iran (in Adler 2009:101), Iraq (Nolan and Strauss 1997:33; Jervis 2003:323–324; Morgan 2003:271), and North Korea (Nolan and Strauss 1997:34–35).

**AT: Goodman**

**Goodman votes aff –tailored deterrence incentivizes a defensive military posture by our adversaries and reduces offensive modernization**

**Goodman 5**, Prof of Law @ Harvard, American Journal of International Law, April, 99 A.J.I.L. 507

Second, consider strategies for operationalizing deterrence. One concern is that some forms of deterrence may interact negatively with nonincentive-based mechanisms. Moore's conception of deterrence includes military threats, international criminal prosecutions, and trade inducements. According to the emulation model, however, the first of these -- the use of military force -- may have perverse effects. If deterrence strategies help instill or deepen the belief that "modern states" brandish military force to achieve political objectives, other states might aspire to obtain and exercise similar symbols of power. n36 Additionally, emphasizing military threats may conflict with the mechanism of democratic-norm projection. Recall that the empirical evidence suggests that the latter is important not only for war prevention, but also for inhibiting interstate conflicts short of war. The logic of the mechanism assumes that democratic norms of conflict resolution must be cultivated and developed. It also assumes that norms strengthened or weakened in one setting will affect their application in other settings. Hence, honing the skills associated with threatening violence to achieve policy outcomes (as required by military deterrence) may erode the development of cooperative, democratic norms for averting and resolving international crises. Finally, if social effects are important, one would want to compare the option of rewarding desirable behavior (positively framed incentives) with the option of penalizing undesirable behavior (negatively framed incentives). n37 Paying leaders not to commit the crime of aggression versus punishing leaders who commit the crime of aggression might make little, if any, difference in a pure incentive model. Some studies suggest, however, that negative incentives may be considerably less effective than positive incentives under conditions in which social norms already inspire voluntary cooperation. n38 In this respect, **the point would not be to abandon incentive-based mechanisms**, but to **tailor them more effectively**.¶ Third, under certain circumstances, some mechanisms may be **fundamentally incompatible**. For example, incentive-based strategies may **directly conflict** with emulation-based strategies. According to the emulation model, under certain conditions states begin to internalize social norms disfavoring the use of force. Over time, such behavior may be described as "intrinsically motivated." [n39](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n39) Recent empirical studies suggest, however, that [\*514] using rewards or punishments can "crowd out" intrinsic motives for engaging in appropriate behavior. [n40](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n40) An explicit incentive-based policy can suggest that the preferred behavior (for example, forgoing weapons of mass destruction, military aggression, and saber rattling) is not self-evidently appropriate or that the broader social environment does not adequately value self-motivated adherence to the rule. [n41](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n41) Accordingly, strategies that focus on **ratcheting up** the **severity**, certainty, **or timing of punishments** -- such as **preventive self-defense** as a method of deterrence [n42](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n42) -- may make the undesirable behavior (for example, developing WMDs) seem **more acceptable** to actors who care about following community norms. Indeed, in terms of aggregate effects, studies show that if the locus of control shifts from intrinsic impulses to extrinsic motivation, overall levels of socially desirable behavior can decline. [n43](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n43) In addition to these crowding-out effects, the use of explicit incentives can **undermine voluntary cooperation** by **introducing an element of deep distrust** into socially produced modes of reciprocal behavior. [n44](http://www.lexisnexis.com.turing.library.northwestern.edu/us/lnacademic/frame.do?tokenKey=rsh-20.442123.98356732907&target=results_DocumentContent&reloadEntirePage=true&rand=1254332180154&returnToKey=20_T7470609031&parent=docview" \l "n44) That is, actors may enjoy high levels of cooperation on the basis of shared social norms until an explicit incentive (a carrot or stick) is introduced as an instrument for obtaining cooperation.¶ Fourth, some of the above factors also raise concerns about cycling effects -- the prospect of states passing into and out of democratic forms of government. For example, promoting the symbolic importance of a community of democratic states may amplify negative reactions and intergroup hostilities when a democratic regime is toppled. As the most recent Nuclear Posture Review Report indicates, anxieties will already be raised when a regime change involves a state that possesses WMDs. In discussing "unexpected contingencies" that might **prompt U.S. nuclear strikes**, the report notes that "contemporary illustrations might include a sudden regime change by which an existing nuclear arsenal comes into the hands of a new, hostile leadership group." n45 Such a scenario is even more dangerous if it involves misperceptions by the United States and its allies of the threat represented by the overthrow of a democratic regime.

**Goodman’s critique of Moore links more to the alternative**

**Goodman 5**, Prof of Law @ Harvard, American Journal of International Law, April, 99 A.J.I.L. 507

**Whenever possible**, international-regime design should be **closely tethered to empirical research** and, in particular, **consideration of the mechanisms** that **influence state behavior**. Although Moore's work pushes the discussion in that direction, he stops short of the necessary analysis. Considerable empirical evidence suggests that a broad range of cultural and material factors must be taken into account in understanding why states go to war. Uncovering the principal mechanisms and their potential interactions is critical to discerning the true nature of the war puzzle and fashioning international institutions to address major parts of it.

## Solvency

### AT: Circumvention

#### President believes he is constrained by statute

Saikrishna Prakash 12**,** professor of law at the University of Virginia and Michael Ramsey, professor of law at San Diego, “The Goldilocks Executive” Feb, SSRN

We accept that the President’s lawyers search for legal arguments to justify presidential action, that they find the President’s policy preferences legal more often than they do not, and that the President sometimes disregards their conclusions. But the close attention the Executive pays to legal constraints suggests that the President (who, after all, is in a good position to know) believes himself constrained by law. Perhaps Posner and Vermeule believe that the President is mistaken. But we think, to the contrary, it represents the President’s recognition of the various constraints we have listed, and his appreciation that attempting to operate outside the bounds of law would trigger censure from Congress, courts, and the public.

#### Obama will comply

David J Barron 8, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, it is tempting to think that Commanders in Chief would always have claimed a unilateral and unregulable authority to determine the conduct of military operations. And yet, as we show, for most of our history, the presidential practice was otherwise. Several of our most esteemed Presidents - Washington, Lincoln, and both Roosevelts, among others - never invoked the sort of preclusive claims of authority that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, even when they confronted problematic restrictions, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed.¶ Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, rather than denying the authority of Congress to act in this area, some modern Presidents, like their predecessors, have acknowledged the constitutionality of legislative regulation. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, there has been much less executive assertion of an inviolate power over the conduct of military campaigns than one might think. And, perhaps most importantly, until recently there has been almost no actual defiance of statutory limitations predicated on such a constitutional theory.¶ This repeated, though not unbroken, deferential executive branch stance is not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between the branches over war. In particular, this well-developed executive branch practice appears to be premised on the assumption that the constitutional plan requires the nation's chief commander to guard his supervisory powers over the military chain of command jealously, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - but that otherwise, the Constitution compels the Commander in Chief to comply with legislative restrictions.¶ In this way, the founding legal charter itself exhorts the President to justify controversial military judgments to a sympathetic but sometimes skeptical or demanding legislature and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 What emerges from our analysis is how much pull it seemed to [\*950] have on the executive branch itself for most of our history of war powers development.

## FW

### FW – Bacevich

#### Radical rejection fails --- the plan’s the most pragmatic check on militarism

Andrew Bacevich 13, Professor of History and International Relations at Boston University and Ph.D. in American Diplomatic History from Princeton University, The New American Militarism, p. 205-210

There is, wrote H. L. Mencken, “always a well-known solution to every human problem—neat, plausible, and wrong.”1 Mencken’s aphorism applies in spades to the subject of this account. To imagine that there exists a simple antidote to the “military metaphysic” to which the people and government of the United States have fallen prey is to misconstrue the problem. As the foregoing chapters make plain, the origins of America’s present-day infatuation with military power are anything but simple. American militarism is not the invention of a cabal nursing fantasies of global empire and manipulating an unsuspecting people frightened by the events of 9/11. Further, it is counterproductive to think in these terms— to assign culpability to a particular president or administration and to imagine that throwing the bums out will put things right. Yet neither does the present-day status of the United States as sole superpower reveal an essential truth, whether positive or negative, about the American project. Enthusiasts (mostly on the right) who interpret America’s possession of unrivaled and unprecedented armed might as proof that the United States enjoys the mandate of heaven are deluded. But so too are those (mostly on the left) who see in the far-flung doings of today’s U.S. military establishment substantiation of Major General Smedley Butler’s old chestnut that “war is just a racket” and the American soldier “a gangster for capitalism” sent abroad to do the bidding of Big Business or Big Oil.2 Neither the will of God nor the venality of Wall Street suffices to explain how the United States managed to become stuck in World War IV. Rather, the new American militarism is a little like pollution—the perhaps unintended, but foreseeable by-product of prior choices and decisions made without taking fully into account the full range of costs likely to be incurred. In making the industrial revolution, the captains of American enterprise did not consciously set out to foul the environment, but as they harnessed the waters, crisscrossed the nation with rails, and built their mills and refineries, negative consequences ensued. Lakes and rivers became choked with refuse, the soil contaminated, and the air in American cities filthy. By the time that the industrial age approached its zenith in the middle of the twentieth century, most Americans had come to take this for granted; a degraded environment seemed the price you had to pay in exchange for material abundance and by extension for freedom and opportunity. Americans might not like pollution, but there seemed to be no choice except to put up with it. To appreciate that this was, in fact, not the case, Americans needed a different consciousness. This is where the environmental movement, beginning more or less in the 1960s, made its essential contribution. Environmentalists enabled Americans to see the natural world and their relationship to that world in a different light. They argued that the obvious deterioration in the environment was unacceptable and not at all inevitable. Alternatives did exist. Different policies and practices could stanch and even reverse the damage. Purists in that movement insisted upon the primacy of environmental needs, everywhere and in all cases. Theirs was (and is) a principled position deserving to be heard. To act on their recommendations, however, would likely mean shutting down the economy, an impractical and politically infeasible course of action. Pragmatists advanced a different argument. They suggested that it was possible to negotiate a compromise between economic needs and environmental imperatives. This compromise might oblige Americans to curtail certain bad habits, but it did not require changing the fundamentals of how they lived their lives. Americans could keep their cars and continue their love affair with consumption; but at the same time they could also have cleaner air and cleaner water. Implementing this compromise has produced an outcome that environmental radicals (and on the other side, believers in laissez-faire capitalism) today find unsatisfactory. In practice, it turns out, once begun negotiations never end. Bargaining is continuous, contentious, and deeply politicized. Participants in the process seldom come away with everything they want. Settling for half a loaf when you covet the whole is inevitably frustrating. But the results are self-evident. Environmental conditions in the United States today are palpably better than they were a half century ago. Pollution has not been vanquished, but it has become more manageable. Furthermore, the nation has achieved those improvements without imposing on citizens undue burdens and without preventing its entrepreneurs from innovating, creating, and turning a profit. Restoring a semblance of balance and good sense to the way that Americans think about military power will require a similarly pragmatic approach. Undoing all of the negative effects that result from having been seduced by war may lie beyond reach, but Americans can at least make them more manageable and thereby salvage their democracy. In explaining the origins of the new American militarism, this account has not sought to assign or to impute blame. None of the protagonists in this story sat down after Vietnam and consciously plotted to propagate perverse attitudes toward military power any more than Andrew Carnegie or John D. Rockefeller plotted to despoil the nineteenth-century American landscape. The clamor after Vietnam to rebuild the American arsenal and to restore American self-confidence, the celebration of soldierly values, the search for ways to make force more usable: all of these came about because groups of Americans thought that they glimpsed in the realm of military affairs the solution to vexing problems. The soldiers who sought to rehabilitate their profession, the intellectuals who feared that America might share the fate of Weimar, the strategists wrestling with the implications of nuclear weapons, the conservative Christians appalled by the apparent collapse of traditional morality: none of these acted out of motives that were inherently dishonorable. To the extent that we may find fault with the results of their efforts, that fault is more appropriately attributable to human fallibility than to malicious intent. And yet in the end it is not motive that matters but outcome. Several decades after Vietnam, in the aftermath of a century filled to overflowing with evidence pointing to the limited utility of armed force and the dangers inherent in relying excessively on military power, the American people have persuaded themselves that their best prospect for safety and salvation lies with the sword. Told that despite all of their past martial exertions, treasure expended, and lives sacrificed, the world they inhabit is today more dangerous than ever and that they must redouble those exertions, they dutifully assent. Much as dumping raw sewage into American lakes and streams was once deemed unremarkable, so today “global power projection”—a phrase whose sharp edges we have worn down through casual use, but which implies military activism without apparent limit—has become standard practice, a normal condition, one to which no plausible alternatives seem to exist. All of this Americans have come to take for granted: it’s who we are and what we do. Such a definition of normalcy cries out for a close and critical reexamination. Surely, the surprises, disappointments, painful losses, and woeful, even shameful failures of the Iraq War make clear the need to rethink the fundamentals of U.S. military policy. Yet a meaningful reexamination will require first a change of consciousness, seeing war and America’s relationship to war in a fundamentally different way. Of course, dissenting views already exist. A rich tradition of American pacifism abhors the resort to violence as always and in every case wrong. Advocates of disarmament argue that by their very existence weapons are an incitement to violence. In the former camp, there can never be a justification for war. In the latter camp, the shortest road to peace begins with the beating of swords into ploughshares. These are principled views that deserve a hearing, more so today than ever. By discomfiting the majority, advocates of such views serve the common good. But to make full-fledged pacifism or comprehensive disarmament the basis for policy in an intrinsically disordered world would be to open the United States to grave danger. The critique proposed here—offering not a panacea but the prospect of causing present-day militaristic tendencies to abate—rests on ten fundamental principles. First, heed the intentions of the Founders, thereby restoring the basic precepts that animated the creation of the United States and are specified in the Constitution that the Framers drafted in 1787 and presented for consideration to the several states. Although politicians make a pretense of revering that document, when it comes to military policy they have long since fallen into the habit of treating it like a dead letter. This is unfortunate. Drafted by men who appreciated the need for military power while also maintaining a healthy respect for the dangers that it posed, the Constitution in our own day remains an essential point of reference. Nothing in that compact, as originally ratified or as subsequently amended, commits or even encourages the United States to employ military power to save the rest of humankind or remake the world in its own image nor even hints at any such purpose or obligation. To the contrary, the Preamble of the Constitution expressly situates military power at the center of the brief litany of purpose enumerating the collective aspirations of “we the people.” It was “to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity” that they acted in promulgating what remains the fundamental law of the land. Whether considering George H. W. Bush’s 1992 incursion into Somalia, Bill Clinton’s 1999 war for Kosovo, or George W. Bush’s 2003 crusade to overthrow Saddam Hussein, the growing U.S. predilection for military intervention in recent years has so mangled the concept of common defense as to make it all but unrecognizable. The beginning of wisdom—and a major first step in repealing the new American militarism—lies in making the foundational statement of intent contained in the Preamble once again the basis of actual policy. Only if citizens remind themselves and remind those exercising political authority why this nation exists will it be possible to restore the proper relationship between military power and that purpose, which centers not on global dominance but on enabling Americans to enjoy the blessings of liberty. Such a restoration is long overdue. For over a century, since the closing of the frontier, but with renewed insistence following the end of the Cold War, American statesmen have labored under the misconception that securing the well-being of the United States requires expanding its reach and influence abroad. From the invasion of Cuba in 1898 to the invasion of Iraq in 2003, policymakers have acted as if having an ever larger perimeter to defend will make us safer or taking on burdens and obligations at ever greater distances from our shores will further enhance our freedoms.3 In fact, apart from the singular exception of World War II, something like the opposite has been the case. The remedy to this violation of the spirit of the Constitution lies in the Constitution itself and in the need to revitalize the concept of separation of powers. Here is the second principle with the potential to reduce the hazards by the new American militarism. In all but a very few cases, the impetus for expanding America’s security perimeter has come from the executive branch. In practice, presidents in consultation with a small circle of advisers decide on the use of force; the legislative branch then either meekly bows to the wishes of the executive or provides the sort of broad authorization (such as the Tonkin Gulf Resolution of 1964) that amounts in effect to an abrogation of direct responsibility. The result, especially in evidence since the end of World War II, has been to eviscerate Article I, Section 8, Clause 11 of the Constitution, which in the plainest of language confers on the Congress the power “To declare War.” The problem is not that the presidency has become too strong. Rather, the problem is that the Congress has failed—indeed, failed egregiously—to fulfill its constitutional responsibility for deciding when and if the United States should undertake military interventions abroad. Hiding behind an ostensible obligation to “support our commander-in-chief” or to “support the troops,” the Congress has time and again shirked its duty. An essential step toward curbing the new American militarism is to redress this imbalance in war powers and to call upon the Congress to reclaim its constitutionally mandated prerogatives. Indeed, legislators should insist upon a strict constructionist definition of war such that any use of force other than in direct and immediate defense of the United States should require prior congressional approval. The Cold War is history. The United States no longer stands eyeball-toeyeball with a hostile superpower. Ensuring our survival today does not require, if it ever did, granting to a single individual the authority to unleash the American military arsenal however the perception of threats, calculations of interest, or flights of whimsy might seem to dictate. Indeed, given all that we have learned about the frailties, foibles, and strange obsessions besetting those who have occupied the Oval Office in recent decades—John Kennedy’s chronic drug abuse, Richard Nixon’s paranoia, and Ronald Reagan’s well-documented conviction that Armageddon was drawing near, to cite three examples—it is simply absurd that elevation to the presidency should include the grant of such authority.4 The decision to use armed force is freighted with implications, seen and unseen, that affect the nation’s destiny. Our history has shown this time and again. Such decisions should require collective approval in advance by the people’s elected representatives, as the Framers intended. Granted, one may examine the recent past—for instance, the vaguely worded October 2002 joint resolution authorizing the use of force against Iraq—and despair of those representatives actually stirring themselves to meet their responsibilities.5 But the errors and misapprehensions, if not outright deceptions, that informed the Bush administration’s case for that war—and the heavy price that Americans subsequently paid as a result— show why Cold War–era deference to the will of the commander-in-chief is no longer acceptable. If serving members of Congress cannot grasp that point, citizens should replace them by electing people able to do so.

#### Institutional checks effectively limit war, are compatible with broader critique and are a pre-requisite to the alt

Eric Grynaviski 13, Professor of Political Science at The George Washington University, “The Bloodstained Spear: Public Reason and Declarations of War”, International Theory, 5(2), Cambridge Journals

Conclusion

The burden of the argument, thus far, has been to show that no war is justified unless it has been justified. States have an obligation intent on war to ensure that third parties and the target are given reasons for the war, as well as a chance to respond and reason with the belligerent state. Furthermore, without a declaration of war, war is not a last resort and therefore belligerent states are fully responsible for the harms that wars inevitably do to the innocent.

One broader implication of the argument for declarations of war is to relate institutional solutions for moral questions. Some argue that declarations of war are an old and moribund ritual, antiquated and old-fashioned. Ian Holliday (2002, 565), noting the irregularity with which wars are declared, writes ‘we would not want to make a just war verdict hang on such a rare political practice’. This argument is deeply wrong. If declaring war is important, than we can and should criticize states for failing to do so. Others might suggest that even if states do declare war, they might still lie and misrepresent their case. Of course, there is nothing particular to declarations of war that would make misrepresentations of one's case more likely; we are pretty good at lying now. If arguments are given publicly, however, it might lead to a greater degree of precision in argumentation. This precision may make misrepresentations more noticeable. Alternatively, one might suspect that requiring states to declare war is not enough. Rather than simply requiring states to make a case, we should institutionalize rules of war so that states will pay a price if the cases they make are repugnant. These arguments, of course, do not exclude the importance of declarations. In fact, requiring that states explain their case is perfectly compatible with any reasonable institutional solution to the problem of war. Some mechanism to ensure that states make a case is probably an important condition for any of these schemes to work.

The international system likely will not include robust, impartial international institutions that can make enforceable decisions about war and peace in the near future. Declarations of war are a tool that might actually be appropriated by states, especially if the public and the international community demand them. Half-formed cosmopolitan proposals, while interesting thought exercises, may deflect attention from practical measures that can be reached here and now. Declarations may be only first steps, but they are important ones. Moral arguments make a difference, even if that difference is too often small. They mattered during slavery, decolonization, and have altered citizenship policies in Israel, the Ukraine, and elsewhere (Checkel 2001; Crawford 2002). Moreover, forcing states to explain the moral case may make unjust wars less likely by preventing executives from overselling conflicts (Goodman 2006) or by leading states to face hypocrisy costs if they intervene despite target states’ concessions on just cause or inflict humanitarian causalities in wars declared for humanitarian reasons (Finnemore 2009).

A broader implication relates to public reason and just war thinking. Showing that poorly justified, undeclared wars are unjust highlights the way that public reason conditions our understanding of just war theory. This argument is not new. In the last year of his life, Cicero (1913, 37) elaborated a theory of war that emphasized discussion and persuasion. His claim, discussed above, is worth reiterating: ‘there are two ways of settling a dispute; first, by discussion; second, by physical force; and since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion’. Cicero's approach to war highlights mechanisms of public diplomacy – the importance of maintaining agreements with enemies, the use of declarations of war to inform enemies of the rationale for war, and discussion and diplomacy to peacefully resolve conflict – to explain the conditions under which a resort to force is justified. Cicero's comments presaged his end; when Anthony's men executed Cicero, they cut off his hands – the device used by Cicero to write criticisms of Anthony – and nailed them to rostra (the platform in the forum where speakers could be heard).

Cicero's distinction between force and argument is central to his thinking about the conditions under which violence is justly used. After Cicero, the centrality of discussion and argument fades, disappearing by the 20th century. Consider several recent examples. Jean Bethke Elshtain (2003, 19) – a noted just war theorist – describes terrorists as groups that are unwilling to accept compromises and refuse diplomacy: ‘terrorists are not interested in the subtleties of diplomacy or in compromise solutions. They have taken leave of politics’. Michael Walzer (1977), a just war theorist often credited for the revival of moral thinking about war after Vietnam, barely mentions obligations to settle disputes through negotiation in his key text Just and Unjust Wars. More amusingly in many ways, moral philosophers often construct hypothetical examples designed to showcase the types of moral dilemmas involved in war that unrealistically exclude the possibility of successful diplomacy. David Rodin (2002, 80), for example, describes a person trapped at the bottom of a well who has to decide whether to shoot a ray gun at a fat man falling into the well above his head, knowing that if he does not shoot the ray gun he will die. Discussion with the fat man – of course – is impossible; he is falling and no longer has control over his actions.22

Modern discussions of ethics in war usually discount diplomatic solutions. In doing so, they are rooted in an extraordinarily pessimistic version of realism, where only power and force have the ability to settle conflict. When painting war as a solution to pressing concerns related to self-defense against terrorists who have no interest in compromise, or the rescue of populations from genocide by regimes who will take any delay as cause to continue killing innocents, diplomacy does not loom large as a central component of just war reasoning.

### FW – Nuke Policy

#### Students must debate nuclear policy --- next generation’s experts solve extinction

Douglas **Shaw 9**, associate dean for planning, research, and external relations & assistant professor of international affairs at George Washington University's Elliott School of International Affairs & formerly worked for the Arms Control and Disarmament Agency and Energy Department, “Reintroducing arms control to higher education”, Bulletin of the Atomic Scientists, 5-26-09, http://www.thebulletin.org/web-edition/op-eds/reintroducing-arms-control-to-higher-education

The first set of tensions involves the transformation of nonproliferation regime institutions. This comes, in part, from the temptation to look backward in nuclear negotiations. The U.N. General Assembly has failed to control nuclear weapons. The Comprehensive Test Ban Treaty and other commitments embedded in the Nuclear Non-Proliferation Treaty (NPT) are years overdue. The "thirteen steps" on a practical path toward nuclear disarmament identified at the 2000 NPT Review Conference are a good start, but there have been few new ideas to realize the potential of technological, political, and social developments. **Higher education must educate a next generation** to look forward in **examining these institutions**. Prudent and verifiable progress may include new fora for negotiations, new governmental structures, new issue linkages, and new technologies and procedures for enhancing global confidence.¶ The second set of tensions involves universality. In reality, the exclusive superpower prerogative over the nuclear future ended long ago. Every human being is threatened by nuclear weapons and has a legitimate stake in nuclear negotiations. But **vastly more people need to understand** these topics in order to create a global order that can control nuclear weapons permanently. Moving forward, useful negotiations will involve an increasing number of parties--and this must extend beyond inviting the British, French, and Chinese to participate directly in U.S.-Russian strategic arms reduction negotiations or the pursuit of a global nuclear weapons convention. More far-reaching and innovative solutions must be put forward. For example, we might consider how follow-on generations of nuclear safeguard enhancements might expand the use of transparency. In addition, we might consider confidence-building measures that enhance global verification in the arms reduction process or reinforce nuclear weapon states' negative security assurances.¶ Peaceful uses of nuclear energy encompass a third group of tensions. The prospect of "power too cheap to meter" has tantalized leaders into compromises about proliferation risk since the dawn of the nuclear age. President Dwight D. Eisenhower's vision of "Atoms for Peace" led to these compromises being written into the NPT and the mandate of the International Atomic Energy Agency. Internationalization of the nuclear fuel supply, the dilution of international safeguards to suit any one state, the spread of nuclear power to additional countries, and the widening understanding of plutonium as an energy resource may each have a purpose, but they also imply identifiable risks for the future. Going forward, experts must be trained to assess these current challenges to nuclear energy. They must also look further afield and learn to examine the effects climate change and oil dependence will have on future proliferation compromises since such new risks will undoubtedly accompany any "nuclear renaissance."¶ Most importantly, a fourth group of tensions involves deterrence stability on the way to zero. Deterrence isn't a reliable piece of hardware, so we must be increasingly clear about why we have nuclear weapons, what we imagine destroying, how many we need available on short notice, and how others will react to our choices. Currently, Al Qaeda aims to provoke the United States to overreact, and at the same time, is attempting to convince the world the United States must be resisted. But in a key moment we may find that the fear nuclear weapons are built to instill doesn't necessarily serve our interests. The perceptions of allies and billions of innocent bystanders too often are assumed irrelevant or even requiring a larger nuclear arsenal for "extended deterrence." Looking forward, it is incumbent that the soundness and costs of each of these assumptions are continuously tested and improved.¶ The **trade-offs between uncertain paths** forward should be **explicitly debated** both by today's experts and tomorrow's nascent explorers. These tensions of zero--institutional transformation, universality, peaceful uses of nuclear energy, and deterrence--will never be cleanly resolved. But if we're lucky, we will be managing them long after the legal abolition of nuclear weapons. Learning to do so effectively is the work of a generation, and we are **a generation behind in preparing our best and brightest** for this work. This suggests an intimidating, but attainable, goal for higher education institutions.

### AT: Prior Questions – Cochrane

#### Prior questions will never be fully settled---must take action even under conditions of uncertainty

Molly Cochran 99, Assistant Professor of International Affairs at Georgia Institute for Technology, “Normative Theory in International Relations”, 1999, pg. 272

To conclude this chapter, while modernist and postmodernist debates continue, while we are still unsure as to what we can legitimately identify as a feminist ethical/political concern, while we still are unclear about the relationship between discourse and experience, it is particularly important for feminists that we proceed with analysis of both the material (institutional and structural) as well as the discursive. This holds not only for feminists, but for all theorists oriented towards the goal of extending further moral inclusion in the present social sciences climate of epistemological uncertainty. Important ethical/political concerns hang in the balance. We cannot afford to wait for the meta-theoretical questions to be conclusively answered. Those answers may be unavailable. Nor can we wait for a credible vision of an alternative institutional order to appear before an emancipatory agenda can be kicked into gear. Nor do we have before us a chicken and egg question of which comes first: sorting out the metatheoretical issues or working out which practices contribute to a credible institutional vision. The two questions can and should be pursued together, and can be via moral imagination. Imagination can help us think beyond discursive and material conditions which limit us, by pushing the boundaries of those limitations in thought and examining what yields. In this respect, I believe international ethics as pragmatic critique can be a useful ally to feminist and normative theorists generally.

### Particularlity Good

#### Evaluate using particularity---no “root cause” or sweeping takeouts to our specific claims

PRICE ‘98

(RICHARD PRICE is a former prof in the Department of Anthropology at Yale University. Later, he moved to Johns Hopkins University to found the Department of Anthropology, where he served three terms as chair. A decade of freelance teaching (University of Minnesota, Stanford University, Princeton University, University of Florida, Universidade Federal da Bahia), ensued. This article is co-authored with CHRISTIAN REUS-SMIT – Monash University – European Journal of International Relations Copyright © 1998 via SAGE Publications – <http://www.arts.ualberta.ca/~courses/PoliticalScience/661B1/documents/PriceReusSmithCriticalInternatlTheoryConstructivism.pdf>)

One of the central departures of critical international theory from positivism is the view that we cannot escape the interpretive moment. As George (1994: 24) argues, ‘the world is always an interpreted “thing”, and it is always interpreted in conditions of disagreement and conflict, to one degree or another’. For this reason, ‘there can be no common body of observational or tested data that we can turn to for a neutral, objective knowledge of the world. There can be no ultimate knowledge, for example, that actually corresponds to reality per se.’ This proposition has been endorsed wholeheartedly by constructivists, who are at pains to deny the possibility of making ‘Big-T’ Truth claims about the world and studiously avoid attributing such status to their findings. This having been said, after undertaking sustained empirical analyses of aspects of world politics constructivists do make ‘small-t’ truth claims about the subjects they have investigated. That is, they claim to have arrived at logical and empirically *plausible* interpretations of actions**,** events or processes**,** and they appeal to the weight of evidence to sustain such claims. While admitting that their claims are always contingent and partial interpretations of a complex world, Price (1995, 1997) claims that his genealogy provides the best account to date to make sense of anomalies surrounding the use of chemical weapons, and Reus-Smit (1997) claims that a culturalist perspective offers the best explanation of institutional differences between historical societies of states. Do such claims contradict the interpretive ethos of critical international theory? For two reasons, we argue that they do not. First, the interpretive ethos of critical international theory is driven, in large measure, by a normative rejection of totalizing discourses, of general theoretical frameworks that privilege certain perspectives over others. One searches constructivist scholarship in vain, though, for such discourses. With the possible exception of Wendt’s problematic flirtation with general systemic theory and professed commitment to ‘science’, constructivist research is at its best when and because it is question driven, with self-consciously contingent claims made specifically in relation to *particular* phenomena, at a *particular* time, based on *particular* evidence, and always open to alternative interpretations. Second, the rejection of totalizing discourses based on ‘big-T’ Truth claims does not foreclose the possibility, or even the inevitability, of making ‘small-t’ truth claims. In fact, we would argue that as soon as one observes and interacts in the world such claims are unavoidable, either as a person engaged in everyday life or as a scholar. As Nietzsche pointed out long ago, we cannot help putting forth truth claims about the world. The individual who does not cannot act, and the genuinely unhypocritical relativist who cannot struggles for something to say and write. In short, if constructivists are not advancing totalizing discourses, and if making ‘small-t’ truth claims is inevitable if one is to talk about how the world works, then it is no more likely that constructivism per se violates the interpretive ethos of critical international theory than does critical theory itself.

### AT: Metaphors Link

#### Can’t discern a positive intent from a metaphor ---- can’t influence policy

Matthew S. McGlone 7, Department of Communication Studies, The University of Texas at Austin, What is the explanatory value of a conceptual metaphor?, Language & Communication, Volume 27, Issue 2, April 2007, Pages 109-126

In drawing these pessimistic conclusions about the notion of a ‘‘conceptual metaphor,’’ I do not intend to deny the importance of metaphor in human communication. To the contrary, I concur with linguists who treat the trope as the principal device of lexical innovation (Breal, 1899; Makkai et al., 1995; McGlone et al., 1994). According to this view, **metaphors ﬁll lexical ‘‘gaps’’** in discourse by extending existing words to name novel categories and concepts. The cognitive processes underlying the creation and interpretation of these ‘‘innovative metaphors’’ are active and contemplative (McGlone, 1996), not passive and unconscious (Lakoﬀ and Johnson, 1998). I also do not deny that the conventional ﬁgurative expressions we use to talk about abstract concepts and emotions cluster around common metaphoric themes like LOVE IS A JOURNEY. The origin of such idioms might very well derive from contemplation of the ﬁgurative schemata CM theorists have described. **However, etymology is not epistemology**, nor is the typical speaker a lexicographer. Thus, I am skeptical when researchers draw inferences about people’s attitudes and beliefs **based solely on the idioms** they use to talk about personal experiences. Most of us harbor no prejudice against the good people of Holland, yet we blithely call a pay-your own-way lunch a Dutch treat and a small roasting pot a Dutch oven, unaware that these expressions originated as ethnic slurs (Feldman, 1990). Analogously, it is presumptuous to infer that a spouse who confesses that she has ‘‘fallen out of love’’ with her partner has mentally invoked (let alone embraced) the schema RELATIONSHIPS ARE CONTAINERS. **Evidence independent** from the mere occurrence of idioms in conversation is necessary to demonstrate the conscious or unconscious deployment of a conceptual metaphor. Although metaphors in discourse sometimes seem to stick out like a sore thumb, **metaphors in the mind are far harder to ﬁnd.**

## AT: Deterrence K

**Deterrence Verifiable**

**Deterrence is epistemologically verifiable**

Frederick **Kroon 96**, Associate Professor of Philosophy at the University of Auckland, “Deterrence and the Fragility of Rationality”, Ethics, Vol. 106, No. 2 (Jan., 1996), pp. 350-377, JSTOR

I take it that from the point of view of the early proponents of nuclear deterrence this would not be a concession of any worth. They didn't just think that nuclear deterrers were doing something that happened to be rational (and even moral); they thought that in the specified circumstances nuclear **deterrers were acting the part of properly rational agents**, that **nuclear deterrers were doing what a fully rational agent would be doing if put in the same difficult situation, despite the monstrousness of what was threatened.** Call this kind of position **an "agent-rationalist" view of nuclear deterrence**. More precisely, agent-rationalists about nuclear deterrence are those who think that **it is not only the act of threatening retaliation-**in the sense of conditionally intending it-**that is fully rational in the specified circumstances; the agent who threatens retaliation** in these **circumstances can also be fully rational, despite the fact that what she threatens to do is irrational.** The contrary position held by Kavka I call an "agent-irrationalist" view of nuclear deterrence. On such a view, deterrers must be irrational in some way, perhaps through having undergone a process of corruption that gives them irrational goals or makes them unable to understand the full implications of what they propose.9 (Although I am mainly interested in nuclear deterrence, the issues, of course, are wider. Thus agent-rationalism and agentirrationalism can also be understood more broadly as views concerning the rationality of agents who face "Special Deterrent Situations" in roughly Kavka's sense; these situations include our nuclear scenarios but also many other possible situations of conflict between agents. While the argument of this article may be general enough to extend to all such situations, I shall continue to focus on the nuclear case.)10 In the same way, we may talk of "agent-moralism" and "agentimmoralism." ¶ Thus agent-immoralism about nuclear deterrence holds that because of the immorality of the retaliatory act, and despite the moral desirability of the threat, no morally good agent can seriously threaten retaliation in the nuclear scenarios described.11 Any agent able to threaten retaliation must have undergone a process of moral corruption, or be affected in some other way by an element of moral imperfection in her nature. (This is again Kavka's view, but versions of the view are held by many others; David Lewis, for example.) ¶ These various positions are not, of course, exhaustive. Take rationality again. Some theorists think that there can be no situation in which threatening nuclear retaliation is rational.12 If so, no fully rational agent could be a nuclear deterrer. And in the mid-1980s (but no longer) David Gauthier held that because threatening retaliation is sometimes clearly rational, it would ipso facto be rational in those cases for a deterrer to act on her retaliatory threats should deterrence fail. If so, agent-irrationalist arguments can't get a toehold, and we can no longer deny full rationality to nuclear deterrers**.** While I reject these various positions, they are not the direct concern of this article. 13 ¶ The debate I am presently interested in is between agent-rationalists and agent-irrationalists, agent-moralists and agent-immoralists: **philosophical opponents who all accept that threatening (nuclear) retaliation** can be rational and moral **where acting on the threats is not.** ¶ In this article I am mainly concerned to defend agent-rationalism about nuclear deterrence against its irrationalist critics. That is, my main goal is to show that we can coherently regard both of the following rationality claims as true: **not only is the act of forming and maintaining deterrent conditional intentions** perfectly rational **in the nuclear circumstances envisaged, but in addition forming and maintaining such intentions is something that rational agents are** fully capable of, **despite their knowing that such intentions, conditionally enjoin an irrational act**. **I thereby take myself to be defending nuclear deterrence against an important and persuasive** philosophical attack on the character of those running the policy.¶By implication, however, I will also be defending an agent-moralist view of nuclear deterrence and hence defending deterrence against another kind of attack on the character of those running the policy. For the moral case turns out to be similar and in some ways easier. ¶ Although there are conclusive reasons of a moral kind against applying a nuclear sanction should deterrence fail, I claim that broadly the same kind of argument can be used to show that a **rational and moral agent is** nonetheless **able to form and have the relevant conditional intention to apply such a sanction**. **And nothing**, as far as I can see, **would restrict this conclusion very strongly to certain favored accounts of morality, such as some version of consequentialism**. While agentmoralism is not the focus of this article, I hope to say enough to justify these claims. ¶ **Why suppose** for a moment that **rational agents cannot** form and **sustain such deterrent intentions**? I can think of five more or less seductive **arguments** to this effect, some reconstructed from the literature on the topic, others independently plausible. All **are based** directly or indirectly-**on the content of the conditional intentions contemplated and on the implications for a rational agent who contemplates such intentions**. Recall the problem**.** Because of what any such intention enjoins, we allegedly have a circumstance where an agent satisfies the following conditions**:** P: PI, the agent is (fully) rational; P2, she conditionally intends to do something E if a certain event C happens; P3, it is clear to her that if C should happen it would be irrational to do E. ¶ This triad of conditions appears inconsistent, however, which suggests that **no rational agent can have such a conditional intention in full knowledge of what it involves.** But then neither, it seems, can a rational agent form such an intention in full knowledge of what it involves; deterrence can't even get started unless the deterring agent first becomes irrational**.** ¶ Different agent-irrationalist arguments provide different ways of showing how the tension inherent in (P) argues for agent-irrationality. But before I begin my survey of these arguments, let me say a bit more about the idea of agent-rationality itself. The substance of my critique will be that, one way or another, **agent-irrationalist arguments variously mislocate or misdescribe aspects of this idea.** ¶What follows is supposed to be uncontentious. **To describe an agent as rational is to characterize the agent as** epistemically responsible: **such an agent** responds to evidence **in the right sort of way,** believing propositions when the evidence supports them (**but at any rate not when it is cognitively unsafe to adopt such beliefs) and deciding how to act by taking proper account of her desires and beliefs** regarding the likely outcome of actions. This is clearly a dispositional notion, for **someone is correctly described as rational to the extent that she is disposed to function in this way, not just that perchance she always does function in this way**. But note that **the disposition is characterized in terms of** a more **local rationality: options open to a person have the property of being rational if they are supported by her evidence in the right sort of way or if they reflect her beliefs and desires in the right sort of way.**

### AT: Psych Explains

#### Psychology can’t explain nuclear weapons

Gusterson 98 – Hugh Gusterson, Professor of Anthropology and Sociology at George Mason University, 1998, Nuclear Rites: A Weapons Laboratory at the End of the Cold War, p. 12

The psychological critique of the arms race also tends to confound psychological and social processes. Although some psychologists embroider their analyses with caveats that individual and collective processes are different, the incessant discussion of international relations in terms of individual pathology and the frequent comparisons of national politics and personal psychology encourage the reduction of national and international politics to individual psychology. However, the individual and the national are not only, as the jargon of political science would phrase it, different "levels of analysis"; they also involve different processes requiring different kinds of analysis. Understanding the psychology of Edward Teller, the "father of the hydrogen bomb," may illuminate the arms race, but it does not explain it.23 Although institutional processes are enmeshed with individual psychological processes, neither kind of process can be reduced to the other, and societies cannot be analyzed as if they were giant personalities. In this book, proceeding more in the spirit of Emile Durkheim than of Sigmund Freud, I show how institutions and processes of cultural production act on individuals to produce certain normative structures of feeling while at the same time I try to respect the partial autonomy of individual psychological processes.24

## AT: Chernus

### AT: Chernus

#### Alt can’t impact nuclear policy---dilemmas are inevitable and it’s utopian

Blight 86 James G, professor of IR at Brown University’s Watson Institute for International Studies, “How Might Psychology Contribute to Reducing the Risk of Nuclear War?”, Political Psychology, Vol. 7, No. 4 (Dec), pp. 617-660, JSTOR

This suggests that, whatever may be discovered or already known by behavioral scientists about decision-making, it is quite **unlikely that this knowledge will ever significantly reduce the risk of nuclear war**, simply because it **cannot intrude into the policy making process**. The fundamental reason for this is that policy making is not an applied science. Contrast this with clinical medicine, which rests on, and is to a greater extent than ever before an application of, biomedical research. This is not true of the relation between behavioral science and foreign policy making. The former is in many respects a science, though a fairly primitive one; the latter is an art. Each grew up separately from the other and only one side—the psychological—seems interested in a rapprochement.¶ What is the likelihood that behavioral psychology might, in principle, become something like a basic science underlying and intimately connected with the construction and execution of nuclear policy? The answer, I believe, is**: Extremely low**. The obstacle is not the mere (though presently substantial) problem of reflexivity. It is related to Tetlock's point about the uniqueness and individuality of the variables a foreign policy maker must confront, but it goes much deeper into the very nature of decision-making in situations where nuclear war may appear to be a live option. Everyone acknowledges that such decisions must be awesome to contemplate and momentous to execute. Yet behavioral psychologists have tended to conclude from these facts that the central danger in such situations is that stress will occur and that decision-making will thus become faulty, **resulting in decisions to enact policies which are riskier than they need to be** (see e.g., George, 1980, pp. 47-49; Janis, 1982, pp. 250-259; Lebow, 1987).¶ But this approach fails to address a basic characteristic of such decisions, which is that they constitute attempts to confront and transcend profound moral dilemmas. In fact, they are exemplars of a condition the philosopher Thomas Nagel calls a "moral blind alley...a choice between morally abominable courses of action...[with] no way to escape" (1979, p. 74; see also Hoffmann, 1981, p. 81). For the essence of a nuclear crisis, from the standpoint of an American president or Soviet chairman, would be the confrontation with a set of policy options, all of which are believed to require raising the risk of nuclear war, whether in the short run or the long run. No matter which way he turns, he faces increased risk of initiating a holocaust of unprecedented and (in his own mind) totally unjustifiable magnitude. In such situations, decision-makers are unlikely to believe they are at something resembling a choice point in a behavioral psychologist's "decision tree." Instead, the situation they are in is likely to look much more like a "moral blind alley," and it will look this way not because stress has distorted their cognition and perception, but **because that is the way it really is.**

### Fear Good

#### Especially true in the context of nuclear weapons---key to change

Krieger 12 David, President of the Nuclear Age Peace Foundation, "Fear of Nuclear Weapons", June 19, www.wagingpeace.org/articles/db\_article.php?article\_id=371

I was recently asked during an interview whether people fear nuclear weapons too much, causing them unnecessary anxiety. The implication was that it is not necessary to live in fear of nuclear weapons.¶ My response was that fear is a healthy mechanism when one is confronted by something fearful. It gives rise to a fight or flight response, both of which are means of surviving real danger.¶ In the case of nuclear weapons, these are devices to be feared since they are capable of causing terrifying harm to all humanity, including one’s family, city and country. If one is fearful of nuclear weapons, there will be an impetus to do something about the dangers these weapons pose to humanity.¶ But, one might ask, what can be done? In reality, there is a limited amount that can be done by a single individual, but when individuals band together in groups, their power to bring about change increases. Individual power is magnified even more when groups join together in coalitions and networks to bring about change.¶ Large numbers of individuals banded together to bring about the fall of the Berlin Wall, the breakup of the Soviet Union and the end of apartheid in South Africa. The basic building block of all these important changes was the individual willing to stand up, speak out and join with others to achieve a better world. The forces of change have been set loose again by the Arab Spring and the Occupy Movement across the globe.¶ When dangers are viewed rationally, there may be good cause for fear, and fear may trigger a response to bring about change. On the other hand, complacency can never lead to change. Thus, while fear may be a motivator of change, complacency is an inhibitor of change. In a dangerous world, widespread complacency should be of great concern. ¶ If a person is complacent about the dangers of nuclear weapons, there is little possibility that he will engage in trying to alleviate the danger. Complacency is the result of a failure of hope to bring about change. It is a submission to despair.¶ After so many years of being confronted by nuclear dangers, there is a tendency to believe that nothing can be done to change the situation. This may be viewed as “concern fatigue.” We should remember, though, that any goal worth achieving is worth striving for with hope in our hearts. A good policy for facing real-world dangers is to never give up hope and never stop trying.

### 2AC Psycho False

#### Pyschoanalysis is non-falsifiable hindsight thinking

Samuels 93—Training Analyst – Society of Analytical Psychology and Science Associate – American Academy of Psychoanalysis (Andrew, Free Associations, “The mirror and the hammer: depth psychology and political transformation”, Vol. 3D, Psychoanalytic Electronic Publishing)

The paper is about the depth psychology of political processes, focusing on processes of political change. It is a contribution to the longstanding ambition of depth psychology to develop a form of political and cultural analysis that will, in Freud's words, 'under-stand the riddles of the world'. It has to be admitted that there is an equally longstanding reluctance in the non-psychological commun¬ity to accept the many and varied ideas and suggestions concerning political matters that have been offered by analysts of all persua¬sions. I do not believe this can all be put down to resistance. There is something offensive above **reductive interpretations** of complex socio-political problems **in exclusively psychological terms**. The tendency to **panpsychism** on the part of some depth psychologists has led me to wonder if an adequate methodology and ethos actually exists with which to make an **engagement of** depth **psychology with the public sphere possible**.¶ By 'politics' I mean the arrangements within a culture for the organization and distribution of power, especially economic power, and the way in which power is deployed to maintain the survival and enhance the quality of human life. Economic and political power includes control of processes of information and representation as well as the use of physical force and possession of vital resources such as land, food and water. On a more personal level, political power reflects the ability to choose freely whether to act and what action to take in a given situation. 'Politics' refers to the interplay between the personal and public dimensions of power. That is, there is an articulation between public, economic power and power as expressed on the personal, private level. This articulation is demonstrated in family organization, gender and race relations, and in religious and artistic assumptions as they affect the life of individuals. (I have also tried to be consistent in my use of the terms 'culture', 'society' and 'collective'.)'¶ Here is an example of the difficulty with psychological rcduc-tionism to which I am referring. At a conference 1 attended in London in 1990, a distinguished psychoanalyst referred to the revolutionary students in Paris in 1968 as 'functioning as a regressive group'. Now, for a large group of students to be said to regress, there must be, in the speaker's mind, some sort of normative developmental starting point for them to regress to. The social group is supposed to have a babyhood, as it were. Similarly, the speaker must have had in mind the possibility of a healthier, progressive group process — what a more mature group of revolutionary students would have looked like. But complex social and political phenomena do not conform to the individualistic, chronological, moralistic, pathologizing framework that is often imported.¶ The problem stems from treating the entire culture, or large chunks of it, as if it were an individual **or, worse, as if it were a baby**. Psychoanalysts project a version of personality development couched in judgemental terms onto a collective cultural and political process**. If we look in this manner for pathology in the culture, we will surely find it**. **As we are looking with a psychological theory in mind**, then, **lo and behold, the theory will explain the pathology**, **but this is a retrospective prophecy** (to use a phrase of Freud's), **twenty-twenty hindsight**. In this psychoanalytic tautologizing there is really nothing much to get excited about. Too much psychological writing on the culture, my own included, has suffered from this kind of smug 'correctness' when the 'material' proves the theoretical point. Of course it does! If we are interested in envy or greed, then we will find envy or greed in capitalistic organization. If we set out to demonstrate the presence of archetypal patterns, such as projection of the shadow, in geopolitical relations, then, without a doubt, they will seem to leap out at us. We influence what we analyse and so psychological reflection on culture and politics needs to be muted- there is not so much 'aha!' as one hoped.

### Psycho Can’t Be Scaled Up

#### Psychoanalysis only applies to individuals

Gordon 1—psychotherapist living and working in London (Paul, Psychoanalysis and Racism: The politics of defeat Race & Class v. 42, n. 4)

The problem with the application of psychoanalysis to social institutions is that there can be no testing of the claims made. If someone says, for instance, that nationalism is a form of looking for and seeking to replace the body of the mother one has lost, or that the popular appeal of a particular kind of story echoes the pattern of our earliest relationship to the maternal breast, how can this be proved? The pioneers of psychoanalysis, from Freud onwards, all derived their ideas in the context of their work with individual patients and their ideas can be examined in the everyday laboratory of the therapeutic encounter where the validity of an interpretation, for example, is a matter for dialogue between therapist and patient. Outside of the consulting room, there can be no such verification process, and the further one moves from the individual patient, the less purchase psycho- analytic ideas can have. Outside the therapeutic encounter, anything and everything can be true, psychoanalytically speaking. But if every- thing is true, then nothing can be false and therefore nothing can be true. An example of Cohen's method is to be found in his 1993 working paper, `Home rules', subtitled `Some reflections on racism and nation- alism in everyday life'. Here Cohen talks about taking a `particular line of thought for a walk'. While there is nothing wrong with taking a line of thought for a walk, such an exercise is not necessarily the same as thinking. One of the problems with Cohen's approach is that a kind of free association, mixed with deconstruction, leads not to analysis, not even to psychoanalysis, but to . . . well, just more free association, an endless, indeed one might say pointless, play on words. This approach may well throw up some interesting associations along the way, connections one had never thought of but it is not to be confused with political analysis. In `Home rules', anything and everything to do with `home' can and does ®nd a place here and, as I indicated above, even the popular film Home Alone is pressed into service as a story about `racial' invasion.

## AT: Despair Alt

### Alt Fails

#### The alt’s utopian --- can’t impact policy

Blight 86 James G, professor of IR at Brown University’s Watson Institute for International Studies, “How Might Psychology Contribute to Reducing the Risk of Nuclear War?”, Political Psychology, Vol. 7, No. 4 (Dec), pp. 617-660, JSTOR

In the past several years, there has been an emphatic revival of interest among psychologists and others in applying psychological insights to the problem of reducing the risk of war, especially nuclear war. In the following sections, I have surveyed some of the most influential recent attempts to link psychological knowledge with reducing the risk of nuclear war. My conclusion regarding this enterprise is not unlike Freud's in response to Einstein's inquiry: The results so far indicate that the revival of Einsteinian enthusiasm is unwarranted. In sum, the critical conclusions are these: ¶ 1. There has been **little or no influence on the policy-making process**, at the level of deep, intermediate, or precipitating psychological causes of a potential nuclear war. ¶ 2. There is reason to believe that such influence will **continue to be minimal** and also, in fact, that it probably should be minimal, when viewed from the policy-maker's perspective. ¶ The most compelling reason policy-makers have for ignoring psychiatrists and psychologists is this: the **assumptions and modus operandi at each level are utopian** - in the case of the "depth" psychologists (see section 2) because they **believe they can change the mental structures** of virtually all important world leaders, and for the "intermediate" behavioral scientists (see section 3) because they believe they can convince foreign policy makers that it is in their best interest to permit the transformation of nuclear policy into a virtual applied behavioral science. I believe that each of these pursuits has been and will remain fruitless. Thus, since I regard **influence on the policy process as the sine qua non of successful nuclear risk reduction**, I believe psychologists are likely to remain out in the cold, as it were, without influence, despite all their good intentions. ¶ As I argue in the last two sections, on precipitating psychological causes of a potential nuclear war, the time may be right for viewing the potential linkage between risk of nuclear war and psychology in a new light. The main requirement is that **psychologists learn to think in a non-utopian way** about the problem of nuclear risk reduction and that they therefore avoid calling for conversion-like psychological revolutions and suggesting "off the shelf' solutions from their laboratories and clinics. In the final section, an outline is sketched of a phenomenological approach to the precipitating psychological causes, an approach which may eventually yield psychological information more useful to policy-makers than have previous approaches (Blight, 1985a,b; 1986).

## Impacts/Defense

### Util Good

#### Ethical policymaking requires calculation of consequences

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

## Alt

### AT: Alt – Wright

#### The alt’s all-or-nothing choice fails --- small reforms like the plan are key to institutional change and getting others to sign on to the alt

Erik Olin Wright 7, Vilas Distinguished Professor of Sociology at the University of Wisconsin, “Guidelines for Envisioning Real Utopias”, Soundings, April, www.ssc.wisc.edu/~wright/Published%20writing/Guidelines-soundings.pdf

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

# 1AR

### Predictions Possible

#### Policy-makers can make reasonably accurate predictions based on social science methods, empiricism, and relatively objective facts

Chernoff 9Fred, Prof. IR and Dir. IR – Colgate U., European Journal of International Relations, “Conventionalism as an Adequate Basis for Policy-Relevant IR Theory”, 15:1, Sage

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

### Metaphors Fail

#### Metaphorical discussions of psychic numbing result in nonfalsifiable incoherence

Summers 91—prof at of psychology at Mount Allison University (Craig, Review of Nuclear Madness, http://public.wsu.edu/~brians/ntc/NTC6.pdf)

The only evidence for numbing in the book is Lifton’s observations of victims in Hiroshima, which are then linked to potential victims of the contemporary nuclear threat. Lifton himself recently associated the thought processes in perpetrating Nazi mass killing, and in contemporary “perpetrators” of the nuclear threat, which would have been very relevant to reference here (Lifton and Markusen, 1990). The tendency throughout Nuclear Madness is to increasingly leave the initial evidence and begin describing events as schizophrenic, neurotic or mad. The mental health metaphors in Nuclear Madness are rooted in pre-1950s psychoanalysis. (Even continual reference to “The bomb” rather than “smart missiles,” for example, is outdated.) Chernus states Psychologists may identify nuclear weapons with interpersonal hostility, dominance needs, repressed rage, or magical defenses against insecurity. Freudians will find a mapping of infantile omnipotence desires. Jungians will find archetypal patterns of all sorts. Theologians will consider the bomb a mapped replication of our traditional image of God. But all will attest the existence of social fantasy. (p. 32. Infantile omnipotence desires? All will attest to the existence of social fantasy? Nuclear Madness does, but it is surely a step backwards for any reader attempting to learn something of explanations in contemporary political psychology. In relying on clinical metaphors from over forty years ago, Chernus has tied his philosophy to a clinical approach with little actual evidence, and which is generally no longer accepted. Psychic numbing and mental illness could be used successfully if not treated as just a metaphorical explanation for nuclear irrationality. This is a difference between Lifton’s (1967) actual psychiatric observations and Chernus’s numbing metaphor. But Nuclear Madness dwells on descriptive images and similes, not actually pursuing responses to the nuclear threat using either side of psychology:

(a) the experimental and observational bases, which have been extensively documented, or (b) clinical psychopathology, which would be worth seriously pursuing. One could propose very real psychiatric grounds for the suicidal nature of being a passive bystander or having vested interests in the nuclear arms race (see Charny, 1986). Masking, numbing, rationalizing, or however ignoring the potential for nuclear omnicide is a psychological process that poses a very real threat to human life, and may thus fit the criteria for inclusion as a pathological disorder in the Diagnostic and Statistical Manual of Mental Disorders III (American Psychiatric Association, 1987). People with different political agendas could make completely different conclusions using the material in Nuclear Madness. It is also the case that completely different premises and images could be used to arrive at the same conclusions. A discussion of sexual and pornographic images of the nuclear threat in Rosenbaum (1978) is equally metaphorical. It is descriptive, but not explanatory. Perhaps no real explanation is necessary in Nuclear Madness, though, or even any conclusions on religious thinking or psychological processes. Chernus’s description of “the bomb” as “a symbol of neurotic ambivalence” (p. 67; also 56, 61) is almost just an abstract, artistic image. This would be okay if presented this way in the introduction. As it is, though, we are misled from the title on into thinking that this book will provide an understanding of psychological perceptions and responses to the nuclear threat. In conclusion, I appreciate the attempt in Nuclear Madness to deal with a fundamental threat to our continued survival. However, I would have reservations about recommending it, at least as a book on psychology or religion and the nuclear threat. Nuclear Madness attempts to provide a new understanding through a metaphorical nuclear neurosis: “the annihilating trap of narrowness and the empty dark void of formlessness” (p. 65). But really, the book just descends into these itself.

### AT: Duffield

#### Duffield is wrong---there’s no global democratic development project, the aff doesn’t cause it, and it doesn’t cause extinction

David Chandler 10, Professor of International Relations, Department of Politics and International Relations, University of Westminster, 2010, “The uncritical critique of ‘liberal peace’,” Review of International Studies, Vol. 36, p. 137-155

Since the late 1990s, commentators have developed critical frameworks of the ‘liberal peace’ to understand the new, more interventionist, approaches to the problems of post-conﬂict rebuilding and the threat of state failure. 1 In essence, the ‘liberal peace’ is held to go beyond traditional approaches of conﬂict prevention, or ‘negative peace’; towards the external engineering of post-conﬂict societies through the export of liberal frameworks of ‘good governance’, democratic elections, human rights, the rule of law and market relations. 2 As Alex Bellamy summarises: ‘The principle aim of peace operations thus becomes not so much about creating spaces for negotiated conﬂict resolution between states but about actively contributing to the construction of liberal polities, economies and societies.’ 3 The critical discourse of the liberal peace ﬂags up the problem that – under the guise of universalising Western liberal frameworks of democracy and the market – the needs and interests of those subject to intervention are often ignored, resulting in the maintenance of inequalities and conﬂicts and undermining the asserted goals of external interveners. The critique of international intervention and statebuilding, framed by the construction of the liberal peace, has been highly effective in challenging assumptions of easy ﬁxes to post-conﬂict situations.4

This article seeks to forward an alternative framework and to question the use of the ‘liberal peace’ rubric to describe and analyse post-conﬂict and international statebuilding interventions in the post-Cold War period. It will be argued that the critique of liberal peace bears much less relation to policy practice than might be assumed by the critical (radical and policy) discourses and, in fact, appears to inverse the relationship between the critique of the liberal peace and the dominant policy assumptions. The shared desire to critique the liberal peace leads to a set of assumptions and one-sided representations that portray Western policy interventions as too liberal: t

oo ﬁxated on Western models and too keen to allow democratic freedoms and market autonomy. It will be explained here that this view of ‘liberal’ interventions transforming post-conﬂict societies through ‘immediate’ liberalisation and ‘rapid democratization and marketization’ is a self-serving and ﬁctional policy narrative. 5 This narrative ﬁction is then used, in the frameworks of policy orientated critiques, as the basis upon which to reﬂect upon Western policy and to limit policy expectations (while often extending regulatory controls) on the basis that the aspirations of external interveners were too ambitious, too interventionist, and too ‘liberal’ for the states and societies which were the subject of intervention.

It is unfortunate that this policy narrative can appear to be given support by more radical critiques of post-Cold War intervention, similarly framed through the critique of liberal peace. For example, Oliver Richmond is not exceptional in re-reading the catastrophe of the invasion and occupation of Iraq in terms of an ‘attempt to mimic the liberal state’, which has ‘done much to discredit the universal claims of the transferability of the liberal peace in political terms’. 6 Michael Barnett argues that ‘liberal values’ clearly guide peacebuilding activities and that their ‘explicit goal’ is ‘to create a state deﬁned by the rule of law, markets and democracy’. 7 Beate Jahn has argued that ‘the tragedy of liberal diplomacy’ lies in the ideological drive of liberalism, in which intervention is intensiﬁed despite the counterproductive results. 8 Foucaultian-inspired theorists, Michael Dillon and Julian Reid, similarly reinforce the claims that the key problematic of intervention is its liberal nature in their assertion that we are witnessing a liberal drive to control and to regulate the post-colonial world on the behalf of neo-liberal or biopolitical power, seeking ‘to globalize the domesticating power of civil society mechanisms in a war against all other modes of cultural forms’.9

This view of a transformative drive to regulate and control the post-colonial world on the basis of the liberal framings of power and knowledge stands in stark contrast to the policy world, in which, by the end of the Cold War, leading policy institutions were already highly pessimistic of the capacities of non-liberal subjects to cope with liberal political, economic and social forms and suspicious of even East and Central European states coping with democracy and the market, let alone those of sub-Saharan Africa. Bringing the critique back in relation with the policy practices seems to suggest that the policy critics of the liberal peace offer succour and consolation to the policymakers rather than critique. This leads to the concern of this article that more radical critiques of the liberal peace may need to ensure that they are not drawn into a framework in which their critical intentions may be blunted.