## Off

#### Interpretation - Restriction on authority must limit presidential discretion

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel\_.pdf)

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

#### Two violations

#### a.) NEPA is not a restriction war powers authority, it is a restriction on environmental pollution

#### b.) Extra T- at best the aff is a restriction on the introduction of armed forces into hostilities, not on the AUTHORITY of the president to introduce armed forces into hostilities.

#### Predictable limits – restrictions in general are multi-directional, and there are inifinite types of restrictions that the government has. They can restrict any action the US has, which kills any nexus point

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#### Double bind – Either the harms to the 1AC are true and they cannot solve for extinction before they control the levers of power OR their harms are constructed for the purpose of alarmism which makes them symbolic terrorists.

#### Apocalyptic predictions make serial policy failure inevitable

Kurasawa 4 – Professor of Sociology, York University of Toronto, Fuyuki, “Cautionary Tales: The Global Culture of Prevention and the Work of Foresight”, Constellations Volume 11, No 4, http://www.yorku.ca/kurasawa/Kurasawa%20Articles/Constellations%20Article.pdf

Up to this point, I have tried to demonstrate that transnational socio-political relations are nurturing a thriving culture and infrastructure of prevention from below, which challenges presumptions about the inscrutability of the future (II) and a stance of indifference toward it (III). Nonetheless, unless and until it is substantively ‘filled in,’ the argument is vulnerable to misappropriation since farsightedness does not in and of itself ensure emancipatory outcomes. Therefore, this section proposes to specify normative criteria and participatory procedures through which citizens can determine the ‘reasonableness,’ legitimacy, and effectiveness of competing dystopian visions in order to arrive at a socially self-instituting future. Foremost among thepossible distortions of farsightedness is alarmism, the manufacturing ofunwarranted and unfounded doomsday scenarios. State and market institutionsmay seek to produce a culture of fear by deliberately stretching interpretations of realitybeyond the limits of the plausible so as to exaggerate the prospects of impending catastrophes, or yet again, by intentionally promoting certain prognoses over others for instrumental purposes. Accordingly, regressive dystopiascan operate as Trojan horses advancing political agendasor commercial interests that would otherwise be susceptible to public scrutiny and opposition. Instances of this kind of manipulation of the dystopian imaginary are plentiful: the invasion of Iraq in the name of fighting terrorism and an imminent threat of use of ‘weapons of mass destruction’; the severe curtailing of American civil liberties amidst fears of a collapse of ‘homeland security’; the neoliberal dismantling of the welfare state as the only remedy for an ideologically constructed fiscal crisis; the conservative expansion of policing and incarceration due to supposedly spiraling crime waves; and so forth. Alarmism constructs and codes the future in particular ways, producing or reinforcing certain crisis narratives, belief structures, and rhetorical conventions. As much as alarmist ideas beget a culture of fear, the reverse is no less true. If fear-mongering is a misappropriation of preventive foresight, resignation about the future represents a problematic outgrowth of the popular acknowledgment of global perils. Some believe that the world to come is so uncertain and dangerous that we should not attempt to modify the course of history; the future will look after itself for better or worse, regardless of what we do or wish. One version of this argument consists in a complacent optimism perceiving the future as fated to be better than either the past or the present. Frequently accompanying it is a self-deluding denial of what is plausible (‘the world will not be so bad after all’), or a naively Panglossian pragmatism (‘things will work themselves out in spite of everything, because humankind always finds ways to survive’).37 Much more common, however, isthe opposite reaction, a fatalistic pessimism reconciled to the idea that the future will be necessarily worse than what preceded it. This is sustained by a tragic chronological framework according to which humanity is doomed to decay, or a cyclical one of the endless repetition of the mistakes of the past. On top of their dubious assessments of what is to come, alarmismand resignation would, if widely accepted, undermine a viable practice of farsightedness. Indeed, both of them encourage public disengagement from deliberation about scenarios for the future, a process that appears to be dangerous, pointless, or unnecessary. The resulting ‘depublicization’ of debate leaves dominant groups and institutions(the state, the market, techno-science) in charge of sorting out the future for the rest of us, thus effectively producing a heteronomous social order. How, then, can we support a democratic process of prevention from below? The answer, I think, lies in cultivating the public capacity for critical judgment and deliberation, so that participants in global civil society subject all claims about potential catastrophes to examination, evaluation, and contestation. Two normative concepts are particularly well suited to grounding these tasks: the precautionary principle and global justice.

#### Their epistemology is bankrupt - global warming will not cause extinction and framing it as a cataclysmic event empowers skeptics, turns the case.

Adam 2009 (David, "'Apocalyptic climate predictions' mislead the public, say experts" http://www.guardian.co.uk/environment/2009/feb/11/climate-change-misleading-claims)

Experts at Britain's top climate research centre have launched a blistering attack on scientific colleagues and journalists who exaggerate the effects of global warming. The Met Office Hadley Centre, one of the most prestigious research facilities in the world, says recent "apocalyptic predictions" about Arctic ice melt and soaring temperatures are as bad as claims that global warming does not exist. Such statements, however well-intentioned, distort the science and could undermine efforts to tackle carbon emissions, it says. In an article published on the Guardian website, Dr Vicky Pope, head of climate change advice at the Met Office, calls on scientists and journalists to stop misleading the public with "claim and counter-claim". She writes: "Having to rein in extraordinary claims that the latest extreme [event] is all due to climate change is at best hugely frustrating and at worse enormously distracting. Overplaying natural variations in the weather as climate change is just as much a distortion of science as underplaying them to claim that climate change has stopped or is not happening." She adds: "Both undermine the basic facts that the implications of climate change are profound and will be severe if greenhouse gas emissions are not cut drastically." Dr Peter Stott, a climate researcher at the Met Office, said a common misrepresentation was to take a few years data and extrapolate to what would happen if it continues. "You just can't do that. You have to look at the long-term trend and then at the natural variability on top." Dramatic predictions of accelerating temperature rise and sea ice decline, based on a few readings, could backfire when natural variability swings the other way and the trends seem to reverse, he says. "It just confuses people." Pope says there is little evidence to support claims that Arctic ice has reached a tipping point and could disappear within a decade or so, as some reports have suggested. Summer ice extent in the Arctic, formed by frozen sea water, has collapsed in recent years, with ice extent in September last year 34% lower than the average since satellite measurements began in 1979. "The record-breaking losses in the past couple of years could easily be due to natural fluctuations in the weather, with summer ice increasing again over the next few years," she says. "It is easy for scientists to grab attention by linking climate change to the latest extreme weather event or apocalyptic prediction. But in doing so, the public perception of climate change can be distorted. The reality is that extreme events arise when natural variations in the weather and climate combine with long-term climate change." "This message is more difficult to get heard. Scientists and journalists need to find ways to help to make this clear without the wider audience switching off." The criticism reflects mounting concern at the Met Office that the global warming debate risks being hijacked by people on both sides who push their own agendas and interests. It comes ahead of a key year of political discussions on climate, which climax in December with high-level political negotiations in Copenhagen, when officials will try to hammer out a successor to the Kyoto protocol.

#### Even if the rational arguments in favor of the plan are logical, the representations of apocalypse colonize the debate towards pressure for fast invasion and warmongering

Goodnight 2010 (G. Thomas Goodnight is Professor and Director of Doctoral Studies at the Annenberg School for Communication, the University of Southern California in Los Angeles; "The Metapolitics of the 2002 Iraq Debate: Public Policy and the Network Imaginary", Rhetoric & Public Affairs Volume 13, Number 1, Spring 2010)

Opponents of the Democratic Party argued the risks of war, but their pragmatic policy challenges did not grab sufficient traction to slow the unreeling web of justification. Of course, there was little denial that the war would create more terrorists, generate a lower threshold for intervention, receive weak international support, and in the end leave the dangerous business of Afghanistan unfinished. But the Democrats became entangled in reflexive posturing about the effects of the debate itself—the importance of "message sending" to the United Nations and "consensus" backing for the president as negotiator-in-chief. With 9/11 not far behind, "tough" messages appeared to provide a much desired supplement to boost confidence, while pragmatism, caution, and planning took a back seat. Presidential hopefuls cut loose from this morass and took advantage of Republican-offered political cover. Republicans did appear to benefit from tough war rhetoric in the immediate election aftermath, enabling Bush to run successfully in 2004 as a wartime president. As WMD continued not to turn up, the intervention dragged on, costs mounted, political fortunes reversed—although the entanglements remained and remain. [End Page 87] The debate of 2002 found that a systematic presidential campaign—when bolstered by cherry-picked evidence—can be particularly powerful, especially when administration supporters in Congress veer shamelessly from long-held positions on policy and the leadership of the opposing party takes shelter in offered political cover. Further, the debate illustrates how the events that should prompt policy debate become colonized, in this case making common sense difficult to muster because the network imaginary laces a web of associative fears with compensatory toughness. On the whole, the debates were not the nation's finest hour. The debate of 2002 strove to convert a traumatic national event into a conservative-articulated, Republican-captured, presidentially initiated rise in power, and ended by setting the stage for congressional investigation, the rise of the Democrats, reassertion of congressional power, and a new presidency committed to public diplomacy. WMD were at the heart of the six-year-long controversy. It was hardly remembered that [WMD] weapons of mass destruction were not deployed by terrorists on September 11th. Rather, fast, anonymous, networked, modern systems of circulation were turned, through ingenuity, into first-strike weapons. Seen with fresh militancy, 9/11 suggests that the modern world remains vulnerable to mutating events that change, shock, and command attention, actions that attain expanding scope and influence by virtue of a network imaginary, where such moments self-organize and multiply in varied directions. The development of policy studies as rhetoric, then, calls attention to the disruptive events as these become situated in the restricted focus of national debate and recovered, through critique, as an unfinished metapolitics, which demands rethinking of the taken-for-granted grounds and alliances upon which post-event consensus became fabricated. In its time, the "War on Terror" was framed as a "clash of civilizations" and a new Munich. In retrospect, 9/11 should be understood as signaling a much closer, changing, entangled, future world where the complications of security spread and interlock to haunt twenty-first-century network imaginaries.

#### The alternative is to reject the apocalyptic frames of the 1AC

#### Framing global warming in apocalyptic turns causes elite takeover and diminishes agency, exacerbating the problem. Spaces like debate are critical to examining the discourse used to motivate action against global warming - what happens here matters more than the potential for the plan.

Foust and Murphy 2009 (Christina R. Foust is an Assistant Professor in the Department of Human Communication Studies at the University of Denver. William O’Shannon Murphy is a doctoral student in the Department of Human Communication Studies at the University of Denver. "Revealing and Reframing Apocalyptic Tragedy in Global Warming Discourse" , Environmental Communication: A Journal of Nature and Culture, 3:2, 151-167 )

Along with supporting diverse sites of human agency, rhetors may want to avoid the inherent conservatism of apocalyptic discourse. Apocalyptic rhetoric suggests that received sense-making systems (i.e., common sense) cannot explain great changes, but that various prophets can (Brummett, 1991). In the case of climate change, apocalyptic framing endows an array of experts and elites (including scientists, actuaries, politicians, and journalists) with the power to understand, frame, and perhaps resolve the issue; helping fuel the common sentiment that ordinary people cannot do anything to reduce global warming (Lorenzoni et al., 2007), or that they will not need to because "'someone will invent the gizmo' that solves the problem" (Gregg Easterbrook, quoted in Nocera, 2007, p. C1). Perhaps by linking climate change solutions to common sense-especially Americans' notions of sacrifice, conservation, community, and family (Moser & Dilling, 2004)-we may free scientists from their role as controversial prophets, while expanding agency beyond Fate. As our analysis suggests, simply creating awareness of an issue is not enough to create an active public. Rather, that awareness needs to work toward arousing the public toward action (Hallahan, 2001). In conclusion, an apocalyptic structure permeates the global warming narrative in the American elite and popular press, with the potential to force the predicted tragedy into being, due to its limitations on human agency. We echo the call for communication scholars of all methodological commitments to join environmental advocates, climate scientists, and others, in their efforts to build a collective will to reduce greenhouse gas emissions (Moser & Dilling, 2007). A great part of this effort is in reframing the way the press constitutes climate change discourse (Boykoff, 2007b). These efforts also must extend beyond the media to include other arenas in which an active public is aroused, from kitchen tables and water coolers, to board rooms and classrooms. By providing the public, agenda-setting professionals (e.g., public relations practitioners and journalists), and community leaders with ways to structure communication that promote agency, rhetoricians might advance widespread public action on climate change. The apocalyptic frame, particularly in its tragic version, is not an effective rhetorical strategy for this situation. It has been developed over at least the last decade of press coverage, a time in which the US has refused all but the most paltry political action on greenhouse gas reductions. Tragic apocalyptic discourse encourages belief in prophesy at the expense of practicing persuasion, even as it provokes resignation in the face of a human-induced dilemma. Given the tragic apocalyptic frame's ineffectiveness at inspiring action-or, at least its persistent evacuation of agency-we must promote more action-oriented rhetorical strategies. Together, we may advance the climate change narrative from an apocalyptic tragedy to a more comic telos for humanity.

## Off

#### The 1AC represents a strategy of lawfare - using the law as a means to legitimize and justify an ever-expanding system of violence.

John Morrissey 11, Lecturer in Political and Cultural Geography, National University of Ireland, Galway; has held visiting research fellowships at University College Cork, City University of New York, Virginia Tech and the University of Cambridge. Liberal Lawfare and Biopolitics: US Juridical Warfare in the War on Terror, Geopolitics, Volume 16, Issue 2, 2011

Foucault’s envisioning of a more governmentalized and securitized modernity, framed by a ubiquitous architecture of security, speaks on various levels to the contemporary US military’s efforts in the war on terror, but I want to mention three specifically, which I draw upon through the course of the paper. First, in the long war in the Middle East and Central Asia, the US military actively seeks to legally facilitate both the ‘circulation’ and ‘conduct’ of a target population: its own troops. This may not be commonly recognized in biopolitical critiques of the war on terror but, as will be seen later, the Judge Advocate General Corps has long been proactive in a ‘juridical’ form of warfare, or lawfare, that sees US troops as ‘technical-biopolitical’ objects of management whose ‘operational capabilities’ on the ground must be legally enabled. Secondly, as I have explored elsewhere, the US military’s ‘grand strategy of security’ in the war on terror — which includes a broad spectrum of tactics and technologies of security, including juridical techniques — has been relentlessly justified by a power/knowledge assemblage in Washington that has successfully scripted a neoliberal political economy argument for its global forward presence.’9 Securitizing economic volatility and threat and regulating a neoliberal world order for the good of the global economy are powerful discursive touchstones registered perennially on multiple forums in Washington — from the Pentagon to the war colleges, from IR and Strategic Studies policy institutes to the House and Senate Armed Services Committees — and the endgame is the legitimization of the military’s geopolitical and biopolitical technologies of power overseas,20 Finally, Foucault’s conceptualization of a ‘society of security’ is marked by an urge to ‘govern by contingency’, to ‘anticipate the aleatory’, to ‘allow for the evental’.2’ It is a ‘security society’ in which the very language of security is promissory, therapeutic and appealing to liberal improvement. The lawfare of the contemporary US military is precisely orientated to plan for the ‘evental’, to anticipate a 4 series of future events in its various ‘security zones’ — what the Pentagon terms ‘Areas of Responsibility’ or ‘AORs’ (see figure 1)•fl These AORs equate, in effect, to what Foucault calls “spaces of security”, comprising “a series of possible events” that must be securitized by inserting both “the temporal” and “the uncertain”. And it is through preemptive juridical securitization ‘beyond the battlefield’ that the US military anticipates and enables the necessary biopolitical modalities of power and management on the ground for any future interventionary action. AORs and the ‘milieu’ of security For CENTCOM Commander General David Petraeus, and the other five US regional commanders across the globe, the population’ of primary concern in their respective AORs is the US military personnel deployed therein. For Petraeus and his fellow commanders, US ground troops present perhaps less a collection of “juridical-political” subjects and more what Foucault calls “technical- political” objects of “management and government”.25 In effect, they are tasked with governing “spaces of security” in which “a series of uncertain elements” can unfold in what Foucault terms the “milieu”.26 What is at stake in the milieu’ is “the problem of circulation and causality”, which must be anticipated and pLanned for in terms of “a series of possible events” that need to “be regulated within a multivalent and transformable framework”.27 And the “technical problem” posed by the eighteenth-century town planners Foucault has in mind is precisely the same technical problem of 5 space, population and regulation that US military strategists and Judge Advocate General Corps (JAG) personnel have in the twenty-first century. For US military JAGs, their endeavours to legally securitize the AORs of their regional commanders are ultimately orientated to “fabricate, organize, and plan a milieu” even before ground troops are deployed (as in the case of the first action in the war on terror, which I return to later: the negotiation by CENTCOM JAGs of a Status of Forces Agreement with Uzbekistan in early October 2OO1).2 JAGs play a key role in legally conditioning the battlefield, in regulating the circulation of troops, in optimizing their operational capacities, and in sanctioning the privilege to kill. The JAG’s milieu is a “field of intervention”, in other words, in which they are seeking to “affect, precisely, a population”.29 To this end, securing the aleatory or the uncertain is key. As Michael Dillon argues, central to the securing of populations are the “sciences of the aleatory or the contingent” in which the “government of population” is achieved by the regulation of “statistics and probability”.30 As he points out elsewhere, you “cannot secure anything unless you know what it is”, and therefore securitization demands that “people, territory, and things are transformed into epistemic objects”.3’ And in planning the milieu of US ground forces overseas, JAGs translate regional AORs into legally-enabled grids upon which US military operations take place. This is part of the production of what Matt Hannah terms “mappable landscapes of expectation”;32 and to this end, the aleatory is anticipated by planning for the ‘evental’ in the promissory language of securitization.

The ontology of the event’ has recently garnered wide academic engagement. Randy Martin, for example, has underlined the evental discursive underpinnings of US military strategy in the war on terror; highlighting how the risk of future events results in ‘preemption’ being the tactic of their securitization.33 Naomi Klein has laid bare the powerful event-based logic of disaster capitalism’;34 while others have pointed out how an ascendant logic of premediation’. in which the future is already anticipated and mediated”. is a marked feature of the “post-9/1 I cultural landscape”.35 But it was Foucault who first cited the import of the evental’ in the realm of biopolitics. He points to the “anti-scarcity system” of seventeenth-century Europe as an early exemplar of a new ‘evental’ biopolitics in which “an event that could take place” is prevented before it “becomes a reality”.36 To this end, the figure of ‘population’ becomes both an ‘object’, “on which and towards which mechanisms are directed in order to have a particular effect on it”, but also a ‘subject’, “called upon to conduct itself in such and such a fashion”.37 Echoing Foucault, David Nally usefully argues that the emergence of the “era of bio-power” was facilitated by “the ability of ‘government’ to seize, manage and control individual bodies and whole populations”.38 And this is part of Michael Dillon’s argument about the “very operational heart of the security dispositif of the biopolitics of security”, which seeks to ‘strategize’, ‘secure’. ‘regulate’ and ‘manipulate’ the “circulation of species Iife”.3 For the US military, it is exactly the circulation and regulation of life that is central to its tactics of lawfare to juridically secure the necessary legal geographies and biopolitics of its overseas ground presence.

#### The impact is militarism and the precursor to atrocities in the name of national security.

Smith 2 – prof of phil @ U of South Florida

(Thomas, International Studies Quarterly 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroy- ing the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declara- tions of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its mem- bers have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed. '

#### The alternative is to raise the question of jus CONTRA bellum—voting negative injects epistemic doubt about militarism into our decision calculus which is the prerequisite to shifting away from violence as the solution.

**Neu 13**—University of Brighton (Michael, “The tragedy of justified war”, International Relations 27(4) 461–480, dml)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operating mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is concerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgements are offered and the ability to regard the moral case as closed once the judgements have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgements about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, selfrighteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstructing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

## Bioterror

#### They don't solve - plan would only say reduce on armed forces into hostility, not a reduction on bioengineering

#### Multiple detention cases prove there’s no court deference on issues of war powers authority

Skinner 8/23, Professor of Law at Willamette

(13, Gwynne, Misunderstood, Misconstrued, and Now Clearly Dead: The 'Political Question Doctrine' in Cases Arising in the Context of Foreign Affairs, papers.ssrn.com/sol3/papers.cfm?abstract\_id=2315237)

RECENT SUPREME COURT CASE LAW HAS SOUNDED THE DEATH KNELL FOR THE “POLITICAL QUESTION DOCTRINE”WITH REGARD TO INDIVIDUAL RIGHTS CLAIMS IN THE REALM OF FOREIGN AFFAIRS. Four important Supreme Court cases in the aftermath of 9/11 and Iraq and Afghanistan Wars clarify that individual rights claims – even those arising in the context of national security and foreign policy – will be adjudicated notwithstanding that they involve important questions for the executive and legislative branch, including in the areas of military and foreign affairs. In these cases, the Supreme Court ensured that the federal judiciary’s role in adjudicating individual rights cases in the area of Constitutional and international law would be maintained. The Supreme Court either did not invoke the “political question doctrine” when it could have, or in the case of one, rejected it altogether. Hamdi v. Rumsfeld In 2004 case of Hamdi v. Rumsfeld,279 the Supreme Court found although Congress had authorized the President to hold indefinitely a U.S. citizen who met the definition of an enemy combatant,280, the citizen-detainee was entitled to challenge his classification as an enemy combatant given that right to habeas had not been suspended, to receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker.281 In Hamdi, the Supreme Court noted that even in a military context, the Court is not usurping the role of the military when it simply exercises its “time-honored and constitutionally mandated roles of reviewing and resolving claims…” The Court stated that “simply because this case touches upon the military’s judgment in its treatment of Plaintiff does not mean that the courts are prohibited from exercising their respective power. Although the Supreme Court has acknowledged that ‘core strategic matters of warmaking,’ deserve deference to the “coordinate branches of the government” – something not at issue here - the Constitution ‘most assuredly envisions a role for all three branches when individual liberties are at stake.’ Rasul v. Bush Importantly, Rasul v. Bush, the 2004 Supreme Court case that held that detainees in Guantanamo Bay had statutory habeas rights, also addressed access to U.S. courts in civil cases brought by detainees. In Rasul, the Court found that nothing precluded aliens detained in military custody outside of the U.S. from the privilege in litigation in U.S. courts. The district court had dismissed civil claims brought under the Alien Tort Statute and the Torture Victim Protection for conditions of confinement, noting that the aliens did not have the privilege of litigation in U.S. courts for claims that rest on the habeas statute, which the lower court had found the aliens were not entitled to invoke.286 First, the Supreme Court noted that because the lower court was in error in finding that the federal habeas statute did not extend to the plaintiff, its analysis regarding the civil claims was equally flawed.287 Moreover, in addition, the Court noted that “in any event, nothing in Eisentrager or in any of our other cases categorically excludes aliens detained in military custody outside the United States from the “privilege of litigation” in U.S. courts.288 The Court noted that the ATS in particular gives aliens the right to sue in federal courts for violations of the law of nations.289 The Court further noted, “The fact that petitioners in these cases are being held in military custody is immaterial to the question of the District Court's jurisdiction over their non-habeas statutory claims.” 290 In its decision, the Supreme Court did not foreclose the possibility that special factors counseling hesitation might prevent a Bivens claim or that the “political question doctrine” might preclude an ATS or TVPA claim. However, its clarification that the federal courts are open to those in military custody for such claims, without any obvious restriction, casts doubt on decisions that limit access to remedies for violations of both human rights and constitutional rights. Justice Kennedy’s concurrence in Rasul arguably addressed the “political question doctrine” (without calling it that directly), and appears to add support for the position taken in this article that rather than dismiss cases as nonjusticiable, courts should directly address whether the branch at issue acted within its constitutional powers. In his concurrence in Rasul, Kennedy agreed that the federal courts should have jurisdiction to consider challenges to the legality of the detaining of foreign nationals held at Guantanamo Bay Naval Base.2 He distinguished Eisentrager in two signification ways: first, that unlike the prisoners in the Landsberg prison Germany, the detainees at issue in Rasul were held in what was in all practical purposes a United States Territory.292 Second, the plaintiffs in Eisentrager were tried and convicted by a military commission for violating the laws of war and were sentenced to prison,293 where the Guantanamo Bay detainees were being held indefinitely and without any benefit of any legal proceeding to determine their case.294 While noting that Eisentrager indicates there is a “realm of political authority over military affairs where the judicial power may not enter” and acknowledging the power over military affairs the President and Congress has, 295 Justice Kennedy stated that a “faithful application” of Eisentrager “requires an initial inquiry into the general circumstances of the detention to determine whether the Court has the authority to entertain the petition and to grant relief after considering all of the facts presented.”296 This demonstrates Justice Kennedy’s view that the real issue whether the President and Congress are acting within their constitutional powers, not turning a blind eye to justiciability. Justice Kennedy confirmed this reading by stating, “A necessary corollary of Eisentrager is that there are circumstances in which the courts maintain the power and the responsibility to protect persons from unlawful detention even where military affairs are implicated.”297 Boumediene v. Bush Perhaps the most important, recent case clarifying that individual rights claims will be adjudicated in foreign and military contexts is the 2008 case of Boumediene v. Bush.298 In the case, the Supreme Court found that the Constitutional right to habeas corpus extended to those held at Guantanamo Bay, striking down Congress’ attempt to strip the federal courts of jurisdiction to hear such cases as part of the Military Commissions Act.299 In Boumediene, the Supreme Court specifically rejected the “political question doctrine” as a reason for dismissal of the case.300 The Court found that although the Constitution grants Congress and the President the power to acquire, dispose of, and govern territory, it does not grant them the power to decide when and where the Constitutions’ terms apply. 301 When the United States acts outside its borders, the Court opined, its powers are not “absolute and unlimited” but are subject “to such restrictions as are expressed in the Constitution.”302 The Court went on: Abstaining from questions involving formal sovereignty and territorial governance is one thing. To hold the political branches have the power to switch the Constitution on or off at will is quite another. The former position reflects this Court's recognition that certain matters requiring political judgments are best left to the political branches. The latter would permit a striking anomaly in our tripartite system of government, leading to a regime in which Congress and the President, not this Court, say “what the law is.

#### No Use, No Extinction

Mueller, 2005 (John, Professor of political science at Ohio State University, “Simplicity and Spook: Terrorism and the Dynamics of Threat Exaggeration,” International Studies Perspectives, 6, 208-234)

Properly developed and deployed, biological weapons could indeed, if thus far only in theory, kill hundreds of thousands, perhaps even millions, of people. The discussion remains theoretical because biological weapons have scarcely ever been used even though the knowledge about their destructive potential as weapons goes back decades, even centuries in some respects (the English, e.g., made some efforts to spread smallpox among American Indians in the French and Indian War) (Christopher, Cieslak, Pavlin, and Eitzen, 1997:412). Belligerents have eschewed such weapons with good reason:biological weapons are extremely difficult to deploy and to control. Terrorist groups or rogue states may be able to solve such problems in the future with advances in technology and knowledge, but the record thus far is unlikely to be very encouraging to them. For example, Japan reportedly infected wells in Manchuria and bombed several Chinese cities with plague-infested fleas before and during the Second World War. These ventures may have killedthousands of Chinese, but they apparently alsocaused thousands of unintended casualties among Japanese troops and seem to have had little military impact.18 In the 1990s, AumShinrikyo, a Japanese cult that had some300 scientists in its employ and an estimated budget of $1 billion, reportedly tried at least nine times over 5 years to set off biological weapons by spraying pathogens from trucks and wafting them from rooftops, hoping fancifully to ignite an apocalyptic war. These efforts failed to create a single fatalityin fact,nobody even noticed that the attacks had taken place (Broad, 1998; Rapoport, 1999:57). For the most destructive results, biological weapons need to be dispersed in very lowaltitude aerosol clouds: aerosols do not appreciably settle, and anthrax (which is not easy to spread or catch and is not contagious) would probably have to be sprayed near nose level (Meselson, 1995; Panofsky, 1998; Terry, 1998). Explosive methods of dispersion may destroy the organisms. Moreover, except for anthrax spores, long-term storage of lethal organisms in bombs or warheads is difficult, and, even if refrigerated, most of the organisms have a limited lifetime. The effects of such weapons can take days or weeks to have full effect, during which time they can be countered with civil defense measures. And their impact is very difficult to predict and in combat situationsmay spread back on the attacker (OTA, 1993:48–49, 62; Broad and Miller, 1998; Easterbrook, 2002).

#### Nanotech solves improved BW

Bostrom 2 – PhD, Prof Philosophy @ Oxford, Nick, “Existential Risks”, Journal of Evolution and Technology, Vol. 9, March, http://www.nickbostrom.com/existential/risks.html

Genetic medicine will also lead to better cures and vaccines, but there is no guarantee that defense will always keep pace with offense. (Even the accidentally created mousepox virus had a 50% mortality rate on vaccinated mice.) Eventually, worry about biological weapons may be put to rest through the development of nanomedicine, but while nanotechnology has enormous long-term potential for medicine [39] it carries its own hazards.

## Warming

#### Can’t solve other nations from polluting

#### Renewables transition now—its solving warming.

Leonhardt 12—David Leonhardt is the Washington bureau chief of The New York Times, There’s Still Hope for the Planet, NYT, 7-22

Behind the scenes, however, a somewhat different story is starting to emerge — one that offers reason for optimism to anyone worried about the planet. The world’s largest economies may now be in the process of creating a climate-change response that does not depend on the politically painful process of raising the price of dirty energy. The response is not guaranteed to work, given the scale of the problem. But the early successes have been notable. Over the last several years, the governments of the United States, Europe and China have spent hundreds of billions of dollars on clean-energy research and deployment. And despite some high-profile flops, like ethanol and Solyndra, the investments seem to be succeeding more than they are failing. The price of solar and wind power have both fallen sharply in the last few years. This country’s largest wind farm, sprawling across eastern Oregon, is scheduled to open next month. Already, the world uses vastly more alternative energy than experts predicted only a decade ago. Even natural gas, a hotly debated topic among climate experts, helps make the point. Thanks in part to earlier government investments, energy companies have been able to extract much more natural gas than once seemed possible. The use of natural gas to generate electricity — far from perfectly clean but less carbon-intensive than coal use — has jumped 25 percent since 2008, while prices have fallen more than 80 percent. Natural gas now generates as much electricity as coal in the United States, which would have been unthinkable not long ago. The successes make it possible at least to fathom a transition to clean energy that does not involve putting a price on carbon — either through a carbon tax or a cap-and-trade program that requires licenses for emissions. It was exactly such a program, supported by both Barack Obama and John McCain in the 2008 campaign, that died in Congress in 2010 and is now opposed by almost all Congressional Republicans and some coal-state and oil-state Democrats. To describe the two approaches is to underline their political differences. A cap-and-trade program sets out to make the energy we use more expensive. An investment program aims to make alternative energy less expensive. Most scientists and economists, to be sure, think the best chance for success involves both strategies: if dirty energy remains as cheap as it is today, clean energy will have a much longer road to travel. And even an investment-only strategy is not guaranteed to continue. The clean-energy spending in Mr. Obama’s 2009 stimulus package has largely expired, while several older programs are scheduled to lapse as early as Dec. 31. In the current political and fiscal atmosphere, their renewal is far from assured. Still, the clean-energy push has been successful enough to leave many climate advocates believing it is the single best hope for preventing even hotter summers, more droughts and bigger brush fires. “Carbon pricing is going to have an uphill climb in the U.S. for the foreseeable future,” says Robert N. Stavins, a Harvard economist who is a leading advocate for such pricing, “so it does make sense to think about other things.” Those others things, in the simplest terms, are policies intended to help find a breakthrough technology that can power the economy without heating the planet. “Our best hope,” says Benjamin H. Strauss, a scientist who is the chief operating officer of Climate Central, a research group, “is some kind of disruptive technology that takes off on its own, the way the Internet and the fax took off.” Governments have played a crucial role in financing many of the most important technological inventions of the past century. That’s no coincidence: Basic research is often unprofitable. It involves too much failure, and an inventor typically captures only a tiny slice of the profits that flow from a discovery. Although government officials make mistakes when choosing among nascent technologies, one success can outweigh many failures. Washington-financed research has made possible semiconductors, radar, the Internet, the radio, the jet engine and many medical advances, including penicillin. The two countries that have made the most progress in reducing carbon emissions, France and Sweden, have done so largely by supporting nuclear and hydropower, notes Michael Shellenberger, president of the Breakthrough Institute in Oakland, Calif.

#### Also solves their environmental leadership internal links.

Madsen et al 9—Travis Madsen and Tony Dutzik Frontier Group Bernadette Del Chiaro and Rob Sargent Environment America Research & Policy Center, Generating Failure, Environment America, November, http://www.environmentamericacenter.org/sites/environment/files/reports/Generating-Failure---Environment-America---Web.pdf

Quick Action Through Clean Energy Can Demonstrate International Leadership

If the United States chooses nuclear power as its primary strategy to reduce emissions of global warming pollution, it is likely that the nation would have little or nothing to show for it in terms of real emission reductions from the electric power sector in the next 10 years. The failure of the United States to demonstrate real emission reductions would erode U.S. leadership in addressing global warming and likely reduce the international community’s appetite for action. We need other countries across the world to act rapidly and forcefully alongside the United States in order to have a chance at limiting global warming to 3.6°F above the pre-industrial era – thus controlling the severity of global warming impacts.

Showing a commitment to urgent action by adopting a clean energy path, however, could demonstrate more U.S. leadership, bringing the international community closer to achieving an ambitious, binding and firm agreement to fight global warming. Urgent action to deploy clean energy can also help America take a leadership role in building a clean technology and clean energy economy. 135

#### US soft power dead and it has failed – Egypt revolutions, Israel-Palestine talks, and world relations prove.

Datta-Ray 2013; Augst 24; “US Today Just a Soft Power,” SUNANDA K. DATTA-RAY; http://freepressjournal.in/us-today-just-a-soft-power/

The United States is under pressure at the time of writing to suspend its $1.3 billion aid to Egypt’s military. It is also accused of not trying to create the right atmosphere for success in the Israeli-Palestinian talks it helped to start. Perhaps nothing more effectively proclaimed the limitations of American power than President Barack Obama’s petulant snub to Vladimir Putin because the Russians had given asylum to Edward Snowden. Expressing disappointment with Moscow, Obama refused a private meeting with Putin on the sidelines of the United Nations General Assembly in New York.¶ The lesson seems to be that no country, howsoever powerful, can decisively shape events unless it is in absolute control. Even then, influence lasts only as long as sovereign authority. That was true of the Austro-Hungarian, Ottoman and Napoleonic empires. It was true of Britain in those parts of the world that were painted red in maps, and of Russia in the old Soviet Union. But factors of history, geography, language, religion and culture began to assume importance as soon as the imperial power receded.¶ No one will deny that in the strife-torn Egypt, for instance, the need is (as Britain’s Foreign Secretary William Hague, says) “to promote democratic institutions, to promote political dialogue and to keep faith with the majority of Egyptians who just want a free, stable and prosperous country.” But it’s ludicrous to think that

Britain or even the US can achieve that aim. Americans have never exercised ruling authority. With their money and military, they were able to coax, coerce, even compel, lesser nations to do their bidding, but the US was not the sole controlling force anywhere. The limits of US authority are now evident.

#### Legit not key to heg

Brooks and Wohlforth, 9 (Stephen Brooks and William Wohlforth, both are professors of Government at Dartmouth, “Reshaping the world order: how Washington should reform international institutions,” Foreign Affairs, March-April)

FOR ANALYSTS such as Zbigniew Brzezinski and Henry Kissinger, the key reason for skepticism about the United States' ability to spearhead global institutional change is not a lack of power but a lack of legitimacy. Other states may simply refuse to follow a leader whose legitimacy has been squandered under the Bush administration; in this view, the legitimacy to lead is a fixed resource that can be obtained only under special circumstances. The political scientist G.John Ikenberry argues in After Victory that states have been well positioned to reshape the institutional order only after emerging victorious from some titanic struggle, such as the French Revolution, the Napoleonic Wars, or World War I or II. For the neoconservative Robert Kagan, the legitimacy to lead came naturally to the United States during the Cold War, when it was providing the signal service of balancing the Soviet Union. The implication is that today, in the absence of such salient sources of legitimacy, the wellsprings of support for U.S. leadership have dried up for good. But this view is mistaken. For one thing, it overstates how accepted U.S. leadership was during the Cold War: anyone who recalls the Euromissile crisis of the 1980s, for example, will recognize that mass opposition to U.S. policy (in that case, over stationing intermediaterange nuclear missiles in Europe) is not a recent phenomenon. For another, it understates how dynamic and malleable legitimacy is. Legitimacy is based on the belief that an action, an actor, or a political order is proper, acceptable, or natural. An action - such as the Vietnam War or the invasion of Iraq - may come to be seen as illegitimate without sparking an irreversible crisis of legitimacy for the actor or the order. When the actor concerned has disproportionately more material resources than other states, the sources of its legitimacy can be refreshed repeatedly

. After all, this is hardly the first time Americans have worried about a crisis of legitimacy. Tides of skepticism concerning U.S. leadership arguably rose as high or higher after the fall of Saigon in 1975 and during Ronald Reagan's first term, when he called the Soviet Union an "evil empire." Even George W. Bush, a globally unpopular U.S. president with deeply controversial policies,oversaw a marked improvement in relations with France, Germany, and India in recent years - even before the elections of Chancellor Angela Merkel in Germany and President Nicolas Sarkozy in France. Of course, the ability of the United States to weather such crises of legitimacy in the past hardly guarantees that it can lead the system in the future. But there are reasons for optimism. Some of the apparent damage to U.S. legitimacy might merely be the result of the Bush administration's approach to diplomacy and international institutions. Key underlying conditions remain particularly favorable for sustaining and even enhancing U.S. legitimacy in the years ahead. The United States continues to have a far larger share of the human and material resources for shaping global perceptions than any other state, as well as the unrivaled wherewithal to produce public goods that reinforce the benefits of its global role. No other state has any claim to leadership commensurate with Washington's. And largely because of the power position the United States still occupies, there is no prospect of a counterbalancing coalition emerging anytime soon to challenge it. In the end, the legitimacy of a system's leader hinges on whether the system's members see the leader as acceptable or at least preferable to realistic alternatives. Legitimacy is not necessarily about normative approval: one may dislike the United States but think its leadership is natural under the circumstances or the best that can be expected. Moreover, history provides abundant evidence that past leading states - such as Spain, France, and the United Kingdom - were able to revise the international institutions of their day without the special circumstances Ikenberry and Kagan cite. Spainfashioned both normative and positive laws to legitimize its conquest of indigenous Americans in the early seventeenth century; France instituted modern concepts of state borders to meet its needs as Europe's preeminent land power in the eighteenth century; and the United Kingdom fostered rules on piracy, neutral shipping, and colonialism to suit its interests as a developing maritime empire in the nineteenth century. As Wilhelm Grewe documents in his magisterial The Epochs of International Law, these states accomplished such feats partly through the unsubtle use of power: bribes, coercion, and the allure oflucrative long-term cooperation. Less obvious but often more important, the bargaining hands of the leading states were often strengthened by the general perception that they could pursue their interests in even less palatable ways - notably, through the naked use of force. Invariably, too, leading states have had the power to set the international agenda, indirectly affecting the development of new rules by defining the problems they were developed to address. Given its naval primacy and global trading interests, the United Kingdom was able to propel the slave trade to the forefront of the world's agenda for several decades after it had itself abolished slavery at home, in 1833. The bottom line is that the UnitedStates today has the necessary legitimacy to shepherd reform of the international system.

### 2nc

Err neg— historically, explosion of renewables is vastly underestimated.

Roberts 12—Staff writer for Grist, David, Why do ‘experts’ always lowball clean-energy projections?, Grist, 7-19, http://grist.org/renewable-energy/experts-in-2000-lowballed-the-crap-out-of-renewable-energy-growth/

Last month, Michael Noble of Fresh Energy put up a fascinating list of projections made by energy experts around 2000 or so. (I got there via Brad Plumer.) Suffice to say, the projections did not fare well. They were badly wrong, and all in the same direction — they underestimated the growth of renewable energy. It’s worth quoting the whole list: WIND In 2000, the International Energy Agency (IEA) published its World Energy Outlook, predicting that non-hydro renewable energy would comprise 3 percent of global energy by 2020. That benchmark was reached in 2008. In 2000, IEA projected that there would be 30 gigawatts of wind power worldwide by 2010, but the estimate was off by a factor of 7. Wind power produced 200 gigawatts in 2010, an investment of approximately $400 billion. In 1999, the U.S. Department of Energy estimated that total U.S. wind power capacity could reach 10 gigawatts by 2010. The country reached that amount in 2006 and quadrupled between 2006 and 2010. In 2000, the European Wind Energy Association predicted Europe would have 50 gigawatts of wind by 2010 and boosted that estimate to 75 two years later. Actually, 84 gigawatts of wind power were feeding into the European electric grid by 2012. In 2000, IEA estimated that China would have 2 gigawatts of wind power installed by 2010. China reached 45 gigawatts by the end of 2010. The IEA projected that China wind power in 2020 would be 3.7 gigawatts, but most projections now exceed 150 gigawatts, or 40 times more. SOLAR In 2000, total installed global photovoltaic solar capacity was 1.5 gigawatts, and most of it was off-the-grid, like solar on NASA satellites or on cabins in the mountains or woods. In 2002, a top industry analyst predicted an additional 1 gigawatt annual market by 2010. The annual market in 2010 was 17 times that at 17 gigawatts. In 1996, the World Bank estimated 0.5 gigawatts of solar photovoltaic in China by 2020, but China reached almost double that mark — 900 megawatts — by 2010. What should we take from this? Well, mainly that fossil-fuel energy was really cheap in 2000. Oil was about a third the price it is now, coal for electricity about half. That colored those projections. But that’s a boring lesson. Let’s speculate about some others. The projections weren’t just off, they were way off. You can find similarly poor projections from the ’70s that underestimate the spread of energy efficiency and other demand-side technology solutions. (They thought they were going to need hundreds of nuclear plants. See Alexis Madrigal on this.) Similarly terrible projections were also common in the early years of cell phones. What do cell phones, energy efficiency, and renewable energy have in common? One, they are dynamic areas of technology development and market competition, which makes straight-line projections pretty useless. And two, they are distributed, with millions of loosely networked people and organizations working on them in parallel. Distributed, human-scale technologies come in small increments. They replicate quickly, so there’s more variation and competitive selection, and thus more evolution. Nuclear power, in contrast, comes in gigantic increments only (at least for now). There’s a limited number of people doing the R&D, a limited number of entities capable of building or financing the power plants. It’s a little easier to know the potential. When it comes to complex, parallel, loosely linked networks, the dynamics are more fluid and nonlinear changes more likely. They’re harder to quantify and predict. And so we consistently underestimate them. Something to keep in mind when pondering what today’s projections are going to look like in 2020.

Deeks 10/11/13 (Associate Professor of Law, University of Virginia Law School, “THE OBSERVER EFFECT: NATIONAL SECURITY LITIGATION, EXECUTIVE POLICY CHANGES, AND JUDICIAL DEFERENCE,” http://fordhamlawreview.org/assets/pdfs/Vol\_82/Deeks\_November.pdf)

Another goal in separating powers—and in placing all of the power to execute the laws in a single entity—is to promote the accountability of the decisionmakers to the people they represent.283 Those who favor national security deference emphasize that the president (and Congress, when it chooses to get involved in national security decisions) are far more politically accountable to the people than the courts. The executive in particular is best positioned to make the difficult decisions that protect individuals from or expose individuals to danger during times of crises. At the same time, the public may and will hold the president accountable for those decisions. Courts are less directly accountable to the people, and, according to this argument, should therefore tread carefully when invalidating executive policies established to protect the citizenry. Courts are sensitive to the reputational costs of deciding controversial cases—and cases involving wartime or emergency policies are particularly likely to be controversial. Many scholars have highlighted the institutional costs of deciding such cases.284 Judicial decisions on the merits force courts to bear certain reputational costs. The operation of the observer effect means that courts need to decide fewer such cases (or decide them in a more modest manner) than they may think in order to preserve separation of- powers values. This approach allows courts largely (though not entirely) to avoid making politically controversial decisions that might cast questions on their institutional competence, while allowing the courts on limited occasions to stake out their more popular role as defender of rights.285 At the same time, there are ways in which courts can distance themselves from the policies in question, thus ensuring that political accountability for the policy falls squarely on the executive.

Obama improving bio-defense—prevents mass casualties.

Washington Post 10 - U.S. is unprepared for major bioterrorism attack, commission finds, 1/27, http://www.washingtonpost.com/wp-dyn/content/article/2010/01/26/AR2010012601265.html

The report, which measured the government's performance in 17 key areas, gave the White House and Congress "F" grades for not building a rapid-response capability for dealing with disease outbreaks from bioterrorism, or providing adequate oversight of security and intelligence agencies. Within hours of the report's release, the **Obama** administration **revealed plans to fill gaps in** the nation's **public health defenses** with a series of initiatives to be announced in Wednesday's State of the Union address. The **proposals**, which administration officials said had been in the works well before the report's findings were known, will seek to **speed up delivery of drugs in the event of** a major **attack, addressing one of the principal shortcomings** identified by the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. President **Obama'**s speech **will** include a "**call** to action" to various government **leaders to redesign the way medical countermeasures are mass produced**, White House spokesman Nick Shapiro said. "**The goal is a national capability for** the **rapid, reliable** and affordable **production of** an array of medical **countermeasures against public health threats."**

BW impact is tiny.

Easterbrook ‘3 – contributing editor of The Atlantic Monthly, The New Republic and The Washington Monthly; a visiting fellow at the Brookings Institution; and a columnist for ESPN.com Gregg, “We’re All Gonna Die!”, Wired, 11/7, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=

3. Germ warfare!Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. **Weaponized smallpox escaped from a Soviet laboratory** in Aralsk, Kazakhstan, in 1971; **three** people **died**, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, **evolution** has **spent millions of years conditioning mammals to resist** **germs**. Consider **the** Black **Plague**. It **was the worst** known **pathogen in history, loose in a Middle Ages society** of poor public health, awful sanitation, and no antibiotics. **Yet it didn't kill off humanity. Most people** who were **caught in the epidemic survived. Any superbug introduced into today's** Western **world would** **encounter top-notch public health, excellent sanitation, and** an array of **medicines** specifically **engineered to kill bioagents.**

### Kritik

#### Pacifism is feasible.

Cady 10 (Duane L., prof of phil @ hamline university, From Warism to Pacifism: A Moral Continuum, pp. 100-102)

It would be foolish to claim that nonviolent action always succeeds against any opponent, just as it would be foolish to claim that ¶ violence always succeeds against any enemy. We must look to the evidence of history. It should be clear that the widespread belief that ¶ nonviolence “doesn’t work” is a misconception grounded in ignorance ¶ or neglect of when and where nonviolent direct action has succeeded. ¶ Similarly, the widespread confidence in violent means of struggle ¶ rests on neglect of its many failures. A review of post– World War II ¶ military interventions is beyond the scope of this book, but we can ¶ take a broad look at the historical record by reflecting briefly on important military actions of the past few decades. Vietnam, Lebanon, ¶ Somalia, Chechnya, Bosnia, Afghanistan, and Iraq all come to mind. ¶ How well has violence “worked”? Did the outcome of the war in Vietnam outweigh the evils in death, injuries, destruction, dislocation, ¶ and influence of the war on the region, namely, Pol Pot’s reign of terror? The Vietnam war is widely considered a tragic mistake. What ¶ about the first and second wars in Iraq? When the full outcome is ¶ weighed, will justice be served by such thorough destruction of a nation’s infrastructure, deaths and injuries of tens (some say hundreds) ¶ of thousands, dislocation of millions of refugees, and a very uncertain future for the region? Beyond Vietnam and Iraq, can we honestly say ¶ that the outcomes of war are better for Lebanon, Somalia, Chechnya, ¶ and Bosnia, not to mention the prospects for the ongoing war in Afghanistan? It seems not. In every case the intentions and expectations ¶ widely missed the outcomes. So, history shows that nonviolence has ¶ succeeded with little preparation and virtually no public confidence ¶ while violence is systematically planned, of the highest priority when ¶ investing public resources, and widely supported, yet it frequently ¶ fails to be an effective means of achieving the peaceful ends desired. ¶ Critics say pacifists should “be realistic.” Pacifists ask the same of warists, and history— certainly since the end of World War II— seems to ¶ favor nonviolence. Pragmatic objections to pacifism, once examined, ¶ are not decisive refutations at all. It must be acknowledged that pacifism may or may not succeed at ¶ defeating unrestrained evil. At the same time we must admit that war, ¶ by its nature, is a test of might; as such, it can never settle questions of ¶ right.18 Rather, in war one side prevails and domination replaces the ¶ cooperation of genuine peace. And it is exactly at this point that the ¶ positive peace side of pacifism makes its strongest case: only nonviolence can create the internal order characteristic of genuine peace, so ¶ violence always fails in the long run. Violence can satisfy the urge to do ¶ something in the face of injustice, violence can satisfy the desire for ¶ revenge against evil, and sometimes violence can impose a short-term ¶ negative peace. But violence cannot create and sustain the conditions ¶ of genuine positive peace because these conditions come from within ¶ individuals and groups by agreement and cooperation, not from the ¶ outside by force or threat. The historical record of the last century— ¶ the carnage of the twentieth century which began with most victims ¶ of war being combatants and ended with most victims of war being ¶ innocent civilians— should awaken us to the need for fundamental ¶ change, as should successes of largely nonviolent revolution in much of ¶ Eastern Europe after the collapse of the Soviet Union, in the nonviolent dismantling of apartheid in South Africa, and in the unarmed ¶ forces of the Philippines removing a dictator through nonviolent revolution. We are a sorry species if the best we can do is multiply and refine our means of violence while escalating our military threats and ¶ actions, carrying out increasingly devastating violence against one an-¶ other. But history shows not only the failure of violence but also the successes of nonviolence; here we find hope that we may learn from ¶ the past and reduce violence while expanding nonviolence.

As a legal scholar you should reflect on the 1ac as an up-down vote: there is no way voting aff can access their plan, but the university is a crucial place of praxis. If we win that lawmaking in the context of war is about justifying rather than challenging war, and the aff is an instance of that, you should vote neg.

Bond Graham 9. Darwin Bond Graham, PhD Sociology UC Santa Barbara, and Hell, UC Fiat Pax Research Project Group, Higher Education Militarization Resource, 2003, “The Militarization of America’s Universities”, Fiat Pax, UC Santa Cruz Press, pages 3-4, http://www.fiatpax.net/demil.pdf, Accessed 10/15/09

This publication is the testimony of our careers as students of a university in service of the warfare state. This publication is founded on a belief that war, no matter how urgent it might seem and no matter how necessary we are made to think it is, can no longer be considered a justifiable act. War is not the last resort, war is not the path to peace, war is not the means to an end, war is never the solution. War is always a failure. This publication is founded on a fact: War is not possible and pursuable in any society without the coordination and resources of a nation’s knowledge base for the purposes of making war. In our society this means that war is made possible only through a permanent technological revolution encompassing most dis- ciplines of science. War is the product of a close relationship between the US military establishment, private corporations, and academic institutions. This is the military-industrial-academic complex. Colleges and universities serve a critical purpose that only they can fulfill by providing access to the best and brightest minds, the product of their research, and the legitimization of war and weapons as high and honorable pursuits. The role that universities collectively play in warfare cannot be over-stated. War as we know it, with all its destructive and horrific capacity, would not be possible were it not for the military-industrial shaping of science, and our institutions of knowledge creation. We are not against science. We are opposed to the manipulation and perversion of science and technology used for the destruction of humankind. We are for the realization of a university that works to better society through research and education. We are in support of science guided by ethics not profits. In a message to the university community dated March 19th, 2003 UC President Richard Atkinson remarked that with respect to the war against Iraq and during times of war in general, "it is important that we all remember, now more than ever, the important role the University plays as a place of reasoned inquiry and civil discourse. While emotions may run high, there can be no room on our campuses for violence or intolerance." President Atkinson is right. There can be no room on our campuses for violence or intolerance. Therefore we must immediately cease all participation in the production of war and the technologies used to fight it. We must mobilize science entirely for peace and the prevention of war. Since the UC laid the foundation for the military-university relationship, it should be the first to sever the ties. We are calling upon the University of California to show leadership by transforming its system of research from war to peace, its economic purpose from destruction to sustainability, and by realizing its motto "Fiat Lux," that progress and a peaceful future is still possible.

-Resolved means mental decision

AHD 06. American Heritage Dictionary

resolved v. To cause (a person) to reach a decision.

#### Multilaterialism through legal frameworks are doomed to fail - the alt is a pre-req for global governance.

**Langenhove, 11** – Luk Van, Director of the Comparative Regional Integration Studies Institute of the United Nations University (“Multilateralism 2.0: The transformation of international relations,” UN University, 5/31/11, http://unu.edu/publications/articles/multilateralism-2-0-the-transformation-of-international-relations.html)

Two major developments are currently transforming the multilateral system. The first is the trend towards multi-polarity as expressed by the rising number of states that act as key players. There have been times when only a few or even one player dominated the geopolitical game. But today it seems that several states are becoming dominant players as global or regional actors. The (voting) behavior of the BRICS countries (Brazil, Russia, India, China and South Africa) in the UN and their presence in the G20 illustrates this trend. The second development, meanwhile, is that new types of actors are changing the nature of the playing multilateral field. Regions with statehood properties are increasingly present in the area of international relations. Since 1974, the European Union (EU) for instance has been an observer in the United Nations General Assembly (UNGA). But on 3 May 2011, UNGA upgraded the EU’s status by giving it speaking rights. And that same resolution opens the door for other regional organizations to request the same speaking rights. Undoubtedly, this is what is what will happen in the near future. But as stated by some UN members in discussions on this resolution, this could unbalance the ‘one state, one vote’ rule within the UN. On the other hand, this opening towards regional organizations brings with it new opportunities. Together these two developments illustrate that multilateralism is no longer only a play between states: various regions as well as other actors are present and are profoundly changing the multilateral game. **But thinking about multilateralism is still very much based upon the centrality of states**: they are regarded as the constitutive elements of the multilateral system and it is their interrelations that determine the form and content of multilateralism. This implies that international politics is regarded as a closed system in at least two ways: firstly, it spans the whole world; and, secondly, there are huge barriers to enter the system. Many authors have pointed to all kinds of dys-functions such as the complexity of the UN system with its decentralized and overlapping array of councils and agencies, or to the divides between developed and developing countries. The emergence of truly global problems such as climate change, proliferation of weapons of mass destruction and many others have indeed **led to an increasing paradox** of governance. As Thakur and Van Langenhove put it in Global Governance (2006, 12:3) “[t]he policy authority for tackling global problems still belong to the states, while the sources of the problems and potential solutions are situated at transnational, regional or global level”. As such the building blocks of multilateralism, the states, seem to be **less and less capable of dealing with the challenges** of globalization. But because the multilateral world order is so dependent on the input of states, **multilateralism itself is not functioning well.** From an open to a closed system One way to capture the above-mentioned developments is to use the metaphor of ‘multilateralism 2.0’ in order to stress how the playing field and the players in multilateralism are changing. The essence of the Web 2.0 metaphor is that it stresses the emergence of network thinking and practices in international relations, as well as the transformation of multilateralism from a closed to an open system. In multilateralism 1.0 the principle actors in the inter-state space of international relations are states. National governments are the ‘star players’. Intergovernmental organizations are only dependent agents whose degrees of freedom only go as far as the states allow them to go. The primacy of sovereignty is the ultimate principle of international relations. In contrast, in multilateralism 2.0, there are players other than sovereign states that play a role and some of these players challenge the notion of sovereignty. Regions are one such type of actor. Conceived by states, other players can have statehood properties and as such aim to be actors in the multilateral system. Regional organizations especially are willing and able to play such a role. But sub-national regions as well increasingly have multilateral ambitions as demonstrated by their efforts towards para-diplomacy. As a result ‘international relations’ is becoming much more than just inter-state relations. Regions are claiming their place as well. This has major consequences for how international relations develop and become institutionalized, as well as for how international relations ought to be studied. What was once an exclusive playing ground for states has now become a space that states have to share with others. It is a fascinating phenomenon: both supra- and sub-national governance entities are largely built by states and can therefore be regarded as ‘dependent agencies’ of those states. However, once created, these entities start to have a life of their own and are not always totally controllable by their founding fathers. These new sub- and supra-entities are knocking on the door of the multilateral system because the have a tendency to behave ‘as if’ they were states. This actorness gives them, at least in principle, the possibility to position themselves against other actors, including their founding fathers! All of this has weakened the Westphalian relation between state and sovereignty. ‘One state, one vote’ Organizing multilateralism in a state-centric would only be possible if all states are treated as equal. This means that irrespective of the differences in territorial size, population size, military power or economic strength, all states have the same legal personality. Or in other words, the Westphalian principle of sovereign equality means working with the principle of ‘one state, one vote’, although it is universally acknowledged that this principle does not correspond to the reality. In multilateralism 2.0 this could be balanced through a more flexible system that compares actors in terms of certain dimensions (such as economic power) regardless of the type of actors they are. In other words, one can for instance compare big states with regions or small states with sub-national regions. This allows not only a more flexible form of multilateralism. It could perhaps also lead to a more just system with a more equal balance of power and representation. Within the present multilateral system, the UN occupies a major position. But, in order to adapt to the emerging ‘mode 2.0’ of multilateralism, it needs to open up to regions. This is a problem, as the UN is a global organization with sovereign states as members. Indeed, the way the UN is organized, only sovereign states, the star players, can be full members (see Article four of the UN Charter). Even though the EU was granted speaking rights, it was not granted voting rights. Chapter VIII of the Charter also mentions the possibility of cooperation with regional organizations and right from its conception there have been attempts to go beyond a state-centric approach. However, for many years now, the UN has struggled with the question of what place supra-national regional organizations should and could take in achieving UN goals. On one end of the spectrum is the position that regionalism blocks the necessary global and universal approach needed to solve the problems of today. At the other end there is the position that regionalism can serve the overall goals of the UN. Obviously, the question is not only a philosophical one. Rather, it is also about power of institutions. Are regional organizations weakening the UN or can they be considered as allies of the UN in dealing with supra-national problems? Further recognition required The key issue in relation to any institutional reform aimed at reinforcing multilateralism is how to create a balance of power among UN members and a balance of responsibilities and representation for the people of our planet. **Such a complex set of balances cannot be found if reform propositions continue to be based upon states as the sole building blocks of multilateralism. A radical rethinking is needed**, which recognizes that, next to states, world regions based upon integration processes between states have to play a role in establishing an effective multilateralism. Today’s reality is that, next to states, world regions are becoming increasingly important tools of global governance. There needs to be, however, a lot of creative and innovative thinking based upon careful analysis of the regional dimensions of ongoing conflicts and of existing cooperation between the UN and regional organizations. The upgrading of the EU’s status in the UN is an important step forward. But it is not enough. Other regional organizations such as the African Union, ASEAN or the League of Arab States should follow. And next to speaking rights, collaboration between the UN and regional organizations needs to be further developed. This is the only way to increase regional ownership of what the UN and its Security Council decide. As a matter of fact, this recently happened with the UNSC resolution 1973 regarding Libya: explicit reference is made to the African Union, the League of Arab States and the Organization of Islamic Conference. Moreover, the League of Arab States’ members are requested to act in the spirit of Chapter VIII of the UN Charter in implementing the resolution. Reviving Chapter VIII seems to be a promising way to combine global concerns with local (regional) legitimacy and capacity to act. The challenge is that in line with the complexity of the emerging new world order, any proposal to rethink multilateralism in such a way that it incorporates regionalism needs to be flexible. A simplistic system of regional representations that replace the national representations will not work. And not only the UN, but also the regional organizations themselves need to adjust to the reality of multilateralism 2.0. In this respect it remains to be seen to what extent the EU Member States will allow the EU to speak with one vision. And above all, in order to become politically feasible, the idea of a multi-regional world order needs to be supported and promoted by civil society. As long as this is not the case, **old habits and organizational structures will not change, and the world will not become a more secure place to live in.**

#### Their strategy of legitmacy is just more of the same - attempts to whitewash U.S. militarism and expansion paves over the atrocities we do against the Other - the alternative is a pre-requisite to peaceful coexistence.

John Landreau 11, associate professor of womenâs and gender studies at The College of New Jersey., Obamas My Dad: Mixed Race Suspects, Political Anxiety and the New Imperialism, www.thirdspace.ca/journal/article/viewArticle/landreau/408

Both during his campaign, and in his presidential inauguration speech, Barack Obama promised a "new beginning" in American foreign and national security policy (especially in relation to the Middle East) that would both keep us safe from enemies and "restore our moral standing" (Obama, Acceptance). In particular, this new beginning promised to distance U.S. foreign policy from the grim (and largely illegal) features of the Bush administration's "war on terror" such as the executive sanctioning of the torture of prisoners, the maintenance of a gulag of foreign detention centres where prisoners could be treated outside the guidelines of U.S. and international law, and illegal secret initiatives such as the program to assassinate Al-Qaeda operatives directed by Vice President Cheney (Mazzetti and Shane). In his first day in the White House, on January 22, 2009, Obama issued three executive orders that followed through on this promise.[2] In addition to these early executive orders, in the days and months following his election Obama showed great rhetorical sensitivity to the wide-spread negative perception in the Middle East of U.S. imperial behavior and designs, its uncritical support of Israel, and its disregard for civilian casualties and for the civil rights of prisoners. In an effort to reverse the tide of anti-American feeling, Obama's first post-inaugural interview was given to Hisham Melhem of Al Arabiya TV news (Interview). This was followed in April and May by major addresses in Ankara and Cairo whose primary intended audience was Middle Eastern and, more broadly, Islamic. Both of these speeches articulate a new rhetoric of hope for U.S.-Middle Eastern relations. In the speech to the Turkish parliament, for example, Obama declares:¶ I [...] want to be clear that America's relationship with the Muslim community, the Muslim world, cannot, and will not, just be based upon opposition to terrorism. We seek broader engagement based on mutual interest and mutual respect. We will listen carefully, we will bridge misunderstandings, and we will seek common ground. We will be respectful, even when we do not agree [...]. (para. 38)¶ Hope for a new era of U.S Middle East relations is here embodied by an attitude of respect, by a willingness to negotiate differences and find areas of mutual interest, and by an explicit criticism of the unilateral and monologic focus of the Bush administration on the 'war on terror'.¶ This apparent change in direction in national security and foreign policy seems to be characterized by an alternate version of presidential masculinity and by an alternate telling of the myth of American exceptionalism. Many have commented on the muscular character of George W. Bush's rhetoric of war and national security. Indeed, his policies in what he called the 'war on terror' depended almost exclusively on what Joseph Nye famously called "hard power", and were justified rhetorically by a conspicuously militarist and masculinist narrative about America's role in world history and politics.[3] In contrast to the "[...] stern projection of a tough national persona" (Ivie and Giner 288) in Bush's rhetoric and policies, Obama seems to articulate a gentler, more reasoned approach to national security and terrorism that includes the use of 'hard' military power but also depends importantly on 'soft' power in the form of diplomacy, international cooperation, and an emphasis on human rights, economic stability and political freedom. Ivie and Giner argue that the success of Obama's rhetorical appeal to 'soft' power during the 2008 presidential campaign was due to his ability to harness and resignify the deeply-resonant myth of American exceptionalism for a more democratic and community-minded projection of America's role in world affairs. In Obama's version of national security, they write:¶ A less tragic sense of order mandated a reduced sense of guilt and thereby decreased the need for redemption via the cult of killing. This expression of national mission in more democratic and practical terms indicated, at least "logologically," the possibility of aligning public culture with a more global and constructive perspective on matters of national security. It revealed the possibility of a founding myth reformed to relax the lethal grip of the Evil One on the conscience of a nation that might do more good in the world if it were burdened less by tragic guilt.[4] (296)¶ This conclusion requires a retrospective reassessment in the light of Obama's decision to escalate the war in Afghanistan. How do we reconcile Obama's seemingly dramatic shift from progressive presidential candidate who was proud to have opposed the war in Iraq from the beginning, and who abolished the use of torture and illegal detention in his first day in office, to the president who in December 2009 made the decision to pursue and significantly escalate military violence in Afghanistan? How do we reconcile Obama's seemingly contradictory use of both the soft rhetoric of hope and diplomacy and the hard rhetoric of fear and military violence in his national security statements and speeches?¶ In the analysis that follows I argue that while Obama at times articulates a softer version of foreign policy, and seems to perform a softer, more inclusive presidential masculinity in the area of global politics and terrorism, this does not fundamentally signify a different orientation to national security as some have argued. I emphasize how Obama's rhetoric and policies fall within the standard rhetorical oscillations that constitute the myth of American exceptionalism and presidential masculinity, and that those oscillations are principally and most significantly oriented by the more militarist and conventionally masculinist versions of the myth

### 1nr

Constant fear appeals are counterproductive - decrease issue salience and makes people less motivated

O'Neill and Nicholson-Cole 2009 (Saffron O’Neill is a tutor at the University of East Anglia, and a research fellow with the Tyndall Centre for Climate Change Research. Sophie Nicholson-Cole is a senior research associate in the Tyndall Centre for Climate Change Research at the University of East Anglia, United Kingdom. “Fear Won’t Do It” Promoting Positive Engagement With Climate Change Through Visual and Iconic Representations)

Many individuals also exhibit unrealistic optimism (Weinstein, 1980) in their ability to avoid climate risks compared to others, with Leiserowitz (2007), Lowe et al. (2006), and O’Neill (2008) finding that individuals generally considered climate change “less serious” and “less dangerous” to themselves than to other people. An additional difficulty posed by climate change is that it is not possible, in a deterministic sense, to attribute particular events to anthropogenic climatic change. Attributing increasing anthropogenic GHG emissions to particular weather events is unusual and limited to risk statements of statistical likelihood (e.g., see the case of the 2003 European summer heat wave event in Stott, Stone, & Allen, 2004). Therefore, the constant use of fear appeals may act to decrease issue salience and increase individual feelings of invulnerability, if the narratives of disaster and destruction do not ring true or are not “proven” within an imaginable period.

Focus on feasibility destroys the Kritik

Anthony Burke, Senior Lecturer @ School of Politics & IR @ Univ. of New South Wales, **‘**7 [*Beyond Security, Ethics and Violence*, p. 21-2]

A further argument of the CSS thinkers, one that adds a sharply conservative note to their normative discourse, needs comment. This states that proposals for political transformation must be based on an identification of 'immanent possibilities' for change in the present order. Indeed, Richard Wyn Jones is quite, militant about this: [D]escriptions of a more emancipated order must focus on realizable utopias ... If [critical theorists] succumb to the temptation of suggesting a blueprint for an emancipated order that is unrelated to the possibilities inherent in the present ... [they] have no way of justifying their arguments epistemologically. Furthermore, it is highly unlikely that a vision of an emancipated order that is not based on immanent potential will be politically efficacious. 47 Certainly it is helpful to try to identify such potentials; but whatever the common sense about the practicalities of political struggle this contains, I strongly reject the way Jones frames it so dogmatically. Even putting aside the analytical ambiguities in identifying **where immanent possibilities exist**, such **arguments are ultimately disabling and risk denying the entire purpose** of the critical project. It is precisely at times of the greatest pessimism, when new potentials are being shut down or normative change is distinctly negative arguably true of the period in which I am writing - that the critical **project is most important**. To take just one example from this book, any reader would recognise that my arguments about the resolution of the Israeli-Palestinian conflict will be extremely difficult to 'realise' (even though they endorse a negotiated two-state solution). This only makes it more important to make them because the available contours of the present, confined as they are within the masculinist ontology of the insecure nation-state, **fail to provide a stable platform** either for peace or a meaningful security. In the face of such obstacles the critical project must think and conceive the unthought, and its limiting test ought not to be realism but responsibility. The realism underlying the idea of immanent possibility sets up an important tension between the arguments of this book and the normative project of cosmopolitanism which was most famously set out by Kant in his Perpetual Peace as the establishment of a 'federation of peoples' based on Republication constitutions and principles of universal hospitality, that might result in the definitive abolition of the need to resort to war. 41 However, Kant's image of universal human community and the elimination of war exists in fundamental tension with its foundation on a 'pacific federation' of national democracies. With two terrible centuries' hindsight we know that republics have not turned out to be pacifistic vehicles of cosmopolitan feeling; instead, in a malign convergence of the social contract with Clausewitzian strategy, they have too often formed into exciusivist communities whose ultimate survival is **premised upon violence**. Is the nation-state the reality claim upon which cosmopolitanism always founders? Could a critique of security, sovereignty and violence, along the lines I set out here, help us to form a **badly needed buttress** for its structure?

Perm leads to elitist discourse—makes the impacts worse

Anthony Burke, Senior Lecturer @ School of Politics & IR @ Univ. of New South Wales, ‘7 [*Beyond Security, Ethics and Violence*, p. 21-2]

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