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### Agamben

#### The affirmative merely masks over the basis of sovereign power that legitimizes indefinite detention

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[Margaret, "Bare Life and the Limits of the Law," Theory & Event, 9:2, 2006, muse.jhu.edu/journals/theory\_and\_event/v009/9.2kohn.html, accessed 9-12-13, mss]

Giorgio Agamben is best known for his provocative suggestion that the concentration camp – the spatial form of the state of exception - is not exceptional but rather the paradigmatic political space of modernity itself.  When Agamben first made this claim in Homo Sacer (1995), it may have seemed like rhetorical excess. But a decade later in the midst of a permanent war on terror, in which suspects can be tried by military tribunals, incarcerated without trial based on secret evidence, and consigned to extra-territorial penal colonies like Guantanamo Bay, his characterization seems prescient. The concepts of bare life, sovereignty, the ban, and the state of exception, which were introduced in Homo Sacer, have exerted enormous influence on theorists trying to make sense of contemporary politics. Agamben recently published a new book entitled State of Exception that elaborates on some of the core ideas from his earlier work. It is an impressive intellectual history of emergency power as a paradigm of government. The book traces the concept from the Roman notion of iustitium through the infamous Article 48 of the Weimar constitution to the USA Patriot Act. Agamben notes that people interned at Guantanamo Bay are neither recognized as prisoners of war under the Geneva Convention nor as criminals under American law; as such they occupy a zone of indeterminacy, both legally and territorially, which, according to Agamben, could only be compared to the Jews in the Nazi Lager (concentration camps) (4). Agamben's critique of the USA Patriot Act, at least initially seems to bare a certain resemblance to the position taken by ACLU-style liberals in the United States. When he notes that "detainees" in the war on terror are the object of pure de factorule and compares their legal status to that of Holocaust victims, he implicitly invokes a normative stance that is critical of the practice of turning juridical subjects into bare life, e.g. life that is banished to a realm of potential violence. For liberals, "the rule of law" involves judicial oversight, which they identify as one of the most appropriate weapons in the struggle against arbitrary power. Agamben makes it clear, however, that he does not endorse this solution. In order to understand the complex reasons for his rejection of the liberal call for more fairness and universalism we must first carefully reconstruct his argument. State of Exception begins with a brief history of the concept of the state of siege (France), martial law (England), and emergency powers (Germany). Although the terminology and the legal mechanisms differ slightly in each national context, they share an underlying conceptual similarity. The state of exception describes a situation in which a domestic or international crisis becomes the pretext for a suspension of some aspect of the juridical order. For most of the bellicose powers during World War I this involved government by executive decree rather than legislative decision. Alternately, the state of exception often implies a suspension of judicial oversight of civil liberties and the use of summary judgment against civilians by members of the military or executive. Legal scholars have differed about the theoretical and political significance of the state of exception. For some scholars, the state of exception is a legitimate part of positive law because it is based on necessity, which is itself a fundamental source of law. Similar to the individual's claim of self-defense in criminal law, the polity has a right to self-defense when its sovereignty is threatened; according to this position, exercising this right might involve a technical violation of existing statutes (legge) but does so in the name of upholding the juridical order (diritto). The alternative approach, which was explored most thoroughly by Carl Schmitt in his books Political Theology and Dictatorship, emphasizes that declaring the state of exception is the perogative of the sovereign and therefore essentially extra-juridical. For Schmitt, the state of exception always involves the suspension of the law, but it can serve two different purposes. A "commissarial dictatorship" aims at restoring the existing constitution and a "sovereign dictatorship" constitutes a new juridical order. Thus, the state of exception is a violation of law that expresses the more fundamental logic of politics itself. Following Derrida, Agamben calls this force-of-law. What exactly is the force-of-law? Agamben suggests that the appropriate signifier would be force-of-law, a graphic reminder of the fact that the concept emerges out of the suspension of law. He notes that it is a "mystical element, or rather a fictio by means of which law seeks to annex anomie itself." It expresses the fundamental paradox of law: the necessarily imperfect relationship between norm and rule. The state of exception is disturbing because it reveals the force-of-law, the remainder that becomes visible when the application of the norm, and even the norm itself, are suspended. At this point it should be clear that Agamben would be deeply skeptical of the liberal call for more vigorous enforcement of the rule of law as a means of combating cruelties and excesses carried out under emergency powers. His brief history of the state of exception establishes that the phenomenon is a political reality that has proven remarkably resistant to legal limitations. Critics might point out that this descriptive point, even if true, is no reason to jettison the ideal of the rule of law. For Agamben, however, the link between law and exception is more fundamental; it is intrinsic to politics itself. The sovereign power to declare the state of exception and exclude bare life is the same power that invests individuals as worthy of rights. The two are intrinsically linked. The disturbing implication of his argument is that we cannot preserve the things we value in the Western tradition (citizenship, rights, etc.) without preserving the perverse ones. Agamben presents four theses that summarize the results of his genealogical investigation. (1) The state of exception is a space devoid of law. It is not the logical consequence of the state's right to self-defense, nor is it (qua commissarial or sovereign dictatorship) a straightforward attempt to reestablish the norm by violating the law. (2) The space devoid of law has a "decisive strategic relevance" for the juridical order. (3) Acts committed during the state of exception (or in the space of exception) escape all legal definition. (4) The concept of the force-of-law is one of the many fictions, which function to reassert a relationship between law and exception, nomos andanomie. The core of Agamben's critique of liberal legalism is captured powerfully, albeit indirectly, in a quote from Benjamin's eighth thesis on the philosophy of history. According to Benjamin, (t)he tradition of the oppressed teaches us that the 'state of exception' in which we live is the rule. We must attain a concept of history that accords with this fact. Then we will clearly see that it is our task to bring about the real state of exception, and this will improve our position in the struggle against fascism. (57) Here Benjamin endorses the strategy of more radical resistance rather than stricter adherence to the law. He recognizes that legalism is an anemic strategy in combating the power of fascism. The problem is that conservative forces had been willing to ruthlessly invoke the state of exception in order to further their agenda while the moderate Weimar center-left was paralyzed; frightened of the militant left and unwilling to act decisively against the authoritarian right, partisans of the rule of law passively acquiesced to their own defeat. Furthermore, the rule of law, by incorporating the necessity of its own dissolution in times of crisis, proved itself an unreliable tool in the struggle against violence. From Agamben's perspective, the civil libertarians' call for uniform application of the law simply denies the nature of law itself. He insists, "From the real state of exception in which we live, it is not possible to return to the state of law. . ." (87) Moreover, by masking the logic of sovereignty, such an attempt could actually further obscure the zone of indistinction that allows the state of exception to operate. For Agamben, law serves to legitimize sovereign power. Since sovereign power is fundamentally the power to place people into the category of bare life, the law, in effect, both produces and legitimizes marginality and exclusion.

#### Sanitization of US policy leads to endless violence and imperialism – turns case

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[A. J., retired career officer in the United States Army, former director of Boston University's Center for International Relations (from 1998 to 2005), The New American Militarism: How Americans Are Seduced by War, 2005 accessed 9-4-13, mss]

Today as never before in their history Americans are enthralled with military power. The global military supremacy that the United States presently enjoys--and is bent on perpetuating-has become central to our national identity. More than America's matchless material abundance or even the effusions of its pop culture, the nation's arsenal of high-tech weaponry and the soldiers who employ that arsenal have come to signify who we are and what we stand for. When it comes to war, Americans have persuaded themselves that the United States possesses a peculiar genius. Writing in the spring of 2003, the journalist Gregg Easterbrook observed that "the extent of American military superiority has become almost impossible to overstate." During Operation Iraqi Freedom, U.S. forces had shown beyond the shadow of a doubt that they were "the strongest the world has ever known, . . . stronger than the Wehrmacht in r94o, stronger than the legions at the height of Roman power." Other nations trailed "so far behind they have no chance of catching up. ""˜ The commentator Max Boot scoffed at comparisons with the German army of World War II, hitherto "the gold standard of operational excellence." In Iraq, American military performance had been such as to make "fabled generals such as Erwin Rommel and Heinz Guderian seem positively incompetent by comparison." Easterbrook and Booz concurred on the central point: on the modern battlefield Americans had located an arena of human endeavor in which their flair for organizing and deploying technology offered an apparently decisive edge. As a consequence, the United States had (as many Americans have come to believe) become masters of all things military. Further, American political leaders have demonstrated their intention of tapping that mastery to reshape the world in accordance with American interests and American values. That the two are so closely intertwined as to be indistinguishable is, of course, a proposition to which the vast majority of Americans subscribe. Uniquely among the great powers in all of world history, ours (we insist) is an inherently values-based approach to policy. Furthermore, we have it on good authority that the ideals we espouse represent universal truths, valid for all times. American statesmen past and present have regularly affirmed that judgment. In doing so, they validate it and render it all but impervious to doubt. Whatever momentary setbacks the United States might encounter, whether a generation ago in Vietnam or more recently in Iraq, this certainty that American values are destined to prevail imbues U.S. policy with a distinctive grandeur. The preferred language of American statecraft is bold, ambitious, and confident. Reflecting such convictions, policymakers in Washington nurse (and the majority of citizens tacitly endorse) ever more grandiose expectations for how armed might can facilitate the inevitable triumph of those values. In that regard, George W. Bush's vow that the United States will "rid the world of evil" both echoes and amplifies the large claims of his predecessors going at least as far back as Woodrow Wilson. Coming from Bush the war- rior-president, the promise to make an end to evil is a promise to destroy, to demolish, and to obliterate it. One result of this belief that the fulfillment of America's historic mission begins with America's destruction of the old order has been to revive a phenomenon that C. Wright Mills in the early days of the Cold War described as a "military metaphysics"-a tendency to see international problems as military problems and to discount the likelihood of finding a solution except through military means. To state the matter bluntly, Americans in our own time have fallen prey to militarism, manifesting itself in a romanticized view of soldiers, a tendency to see military power as the truest measure of national greatness, and outsized expectations regarding the efficacy of force. To a degree without precedent in U.S. history, Americans have come to define the nation's strength and well-being in terms of military preparedness, military action, and the fostering of (or nostalgia for) military ideals? Already in the 19905 America's marriage of a militaristic cast of mind with utopian ends had established itself as the distinguishing element of contemporary U.S. policy. The Bush administrations response to the hor- rors of 9/11 served to reaffirm that marriage, as it committed the United States to waging an open-ended war on a global scale. Events since, notably the alarms, excursions, and full-fledged campaigns comprising the Global War on Terror, have fortified and perhaps even sanctified this marriage. Regrettably, those events, in particular the successive invasions of Afghanistan and Iraq, advertised as important milestones along the road to ultimate victory have further dulled the average Americans ability to grasp the significance of this union, which does not serve our interests and may yet prove our undoing. The New American Militarism examines the origins and implications of this union and proposes its annulment. Although by no means the first book to undertake such an examination, The New American Militarism does so from a distinctive perspective. The bellicose character of U.S. policy after 9/11, culminating with the American-led invasion of Iraq in March 2003, has, in fact, evoked charges of militarism from across the political spectrum. Prominent among the accounts advancing that charge are books such as The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic, by Chalmers Johnson; Hegemony or Survival: Americas Quest for Global Dominance, by Noam Chomsky; Masters of War; Militarism and Blowback in the Era of American Empire, edited by Carl Boggs; Rogue Nation: American Unilateralism and the Failure of Good Intentions, by Clyde Prestowitz; and Incoherent Empire, by Michael Mann, with its concluding chapter called "The New Militarism." Each of these books appeared in 2003 or 2004. Each was not only writ- ten in the aftermath of 9/11 but responded specifically to the policies of the Bush administration, above all to its determined efforts to promote and justify a war to overthrow Saddam Hussein. As the titles alone suggest and the contents amply demonstrate, they are for the most part angry books. They indict more than explain, and what- ever explanations they offer tend to be ad hominem. The authors of these books unite in heaping abuse on the head of George W Bush, said to combine in a single individual intractable provincialism, religious zealotry, and the reckless temperament of a gunslinger. Or if not Bush himself, they fin- ger his lieutenants, the cabal of warmongers, led by Vice President Dick Cheney and senior Defense Department officials, who whispered persua- sively in the president's ear and used him to do their bidding. Thus, accord- ing to Chalmers Johnson, ever since the Persian Gulf War of 1990-1991, Cheney and other key figures from that war had "Wanted to go back and finish what they started." Having lobbied unsuccessfully throughout the Clinton era "for aggression against Iraq and the remaking of the Middle East," they had returned to power on Bush's coattails. After they had "bided their time for nine months," they had seized upon the crisis of 9/1 1 "to put their theories and plans into action," pressing Bush to make Saddam Hussein number one on his hit list." By implication, militarism becomes something of a conspiracy foisted on a malleable president and an unsuspecting people by a handful of wild-eyed ideologues. By further implication, the remedy for American militarism is self-evi- dent: "Throw the new militarists out of office," as Michael Mann urges, and a more balanced attitude toward military power will presumably reassert itself? As a contribution to the ongoing debate about U.S. policy, The New American Militarism rejects such notions as simplistic. It refuses to lay the responsibility for American militarism at the feet of a particular president or a particular set of advisers and argues that no particular presidential election holds the promise of radically changing it. Charging George W. Bush with responsibility for the militaristic tendencies of present-day U.S. for- eign policy makes as much sense as holding Herbert Hoover culpable for the Great Depression: Whatever its psychic satisfactions, it is an exercise in scapegoating that lets too many others off the hook and allows society at large to abdicate responsibility for what has come to pass. The point is not to deprive George W. Bush or his advisers of whatever credit or blame they may deserve for conjuring up the several large-scale campaigns and myriad lesser military actions comprising their war on ter- ror. They have certainly taken up the mantle of this militarism with a verve not seen in years. Rather it is to suggest that well before September 11, 2001 , and before the younger Bush's ascent to the presidency a militaristic predisposition was already in place both in official circles and among Americans more generally. In this regard, 9/11 deserves to be seen as an event that gave added impetus to already existing tendencies rather than as a turning point. For his part, President Bush himself ought to be seen as a player reciting his lines rather than as a playwright drafting an entirely new script. In short, the argument offered here asserts that present-day American militarism has deep roots in the American past. It represents a bipartisan project. As a result, it is unlikely to disappear anytime soon, a point obscured by the myopia and personal animus tainting most accounts of how we have arrived at this point. The New American Militarism was conceived not only as a corrective to what has become the conventional critique of U.S. policies since 9/11 but as a challenge to the orthodox historical context employed to justify those policies. In this regard, although by no means comparable in scope and in richness of detail, it continues the story begun in Michael Sherry's masterful 1995 hook, In the Shadow of War an interpretive history of the United States in our times. In a narrative that begins with the Great Depression and spans six decades, Sherry reveals a pervasive American sense of anxiety and vulnerability. In an age during which War, actual as well as metaphorical, was a constant, either as ongoing reality or frightening prospect, national security became the axis around which the American enterprise turned. As a consequence, a relentless process of militarization "reshaped every realm of American life-politics and foreign policy, economics and technology, culture and social relations-making America a profoundly different nation." Yet Sherry concludes his account on a hopeful note. Surveying conditions midway through the post-Cold War era's first decade, he suggests in a chapter entitled "A Farewell to Militarization?" that America's preoccupation with War and military matters might at long last be waning. In the mid- 1995, a return to something resembling pre-1930s military normalcy, involving at least a partial liquidation of the national security state, appeared to be at hand. Events since In the Shadow of War appear to have swept away these expectations. The New American Militarism tries to explain why and by extension offers a different interpretation of America's immediate past. The upshot of that interpretation is that far from bidding farewell to militariza- tion, the United States has nestled more deeply into its embrace. f ~ Briefly told, the story that follows goes like this. The new American militarism made its appearance in reaction to the I96os and especially to Vietnam. It evolved over a period of decades, rather than being sponta- neously induced by a particular event such as the terrorist attack of Septem- ber 11, 2001. Nor, as mentioned above, is present-day American militarism the product of a conspiracy hatched by a small group of fanatics when the American people were distracted or otherwise engaged. Rather, it devel- oped in full view and with considerable popular approval. The new American militarism is the handiwork of several disparate groups that shared little in common apart from being intent on undoing the purportedly nefarious effects of the I96OS. Military officers intent on reha- bilitating their profession; intellectuals fearing that the loss of confidence at home was paving the way for the triumph of totalitarianism abroad; reli- gious leaders dismayed by the collapse of traditional moral standards; strategists wrestling with the implications of a humiliating defeat that had undermined their credibility; politicians on the make; purveyors of pop cul- turc looking to make a buck: as early as 1980, each saw military power as the apparent answer to any number of problems. The process giving rise to the new American militarism was not a neat one. Where collaboration made sense, the forces of reaction found the means to cooperate. But on many occasions-for example, on questions relating to women or to grand strategy-nominally "pro-military" groups worked at cross purposes. Confronting the thicket of unexpected developments that marked the decades after Vietnam, each tended to chart its own course. In many respects, the forces of reaction failed to achieve the specific objectives that first roused them to act. To the extent that the 19603 upended long-standing conventions relating to race, gender, and sexuality, efforts to mount a cultural counterrevolution failed miserably. Where the forces of reaction did achieve a modicum of success, moreover, their achievements often proved empty or gave rise to unintended and unwelcome conse- quences. Thus, as we shall see, military professionals did regain something approximating the standing that they had enjoyed in American society prior to Vietnam. But their efforts to reassert the autonomy of that profession backfired and left the military in the present century bereft of meaningful influence on basic questions relating to the uses of U.S. military power. Yet the reaction against the 1960s did give rise to one important by-prod: uct, namely, the militaristic tendencies that have of late come into full flower. In short, the story that follows consists of several narrative threads. No single thread can account for our current outsized ambitions and infatua- tion with military power. Together, however, they created conditions per- mitting a peculiarly American variant of militarism to emerge. As an antidote, the story concludes by offering specific remedies aimed at restor- ing a sense of realism and a sense of proportion to U.S. policy. It proposes thereby to bring American purposes and American methods-especially with regard to the role of military power-into closer harmony with the nation's founding ideals. The marriage of military metaphysics with eschatological ambition is a misbegotten one, contrary to the long-term interests of either the American people or the world beyond our borders. It invites endless war and the ever-deepening militarization of U.S. policy. As it subordinates concern for the common good to the paramount value of military effectiveness, it promises not to perfect but to distort American ideals. As it concentrates ever more authority in the hands of a few more concerned with order abroad rather than with justice at home, it will accelerate the hollowing out of American democracy. As it alienates peoples and nations around the world, it will leave the United States increasingly isolated. If history is any guide, it will end in bankruptcy, moral as well as economic, and in abject failure. "Of all the enemies of public liberty," wrote James Madison in 1795, "war is perhaps the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies. From these proceed debts and taxes. And armies, debts and taxes are the known instruments for bringing the many under the domination of the few .... No nation could preserve its freedom in the midst of continual Warfare." The purpose of this book is to invite Americans to consider the continued relevance of Madison's warning to our own time and circumstances.

#### The Alternative is to reject the 1AC and imagine Whatever Being--Any point of rejection of the sovereign state creates a non-state world made up of whatever life – that involves imagining a political body that is outside the sphere of sovereignty in that it defies traditional attempts to maintain a social identity

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(Anne, “Bio-Sovereignty and the Emergence of Humanity,” Theory & Event, Volume 7, Issue 2, Project Muse)

Can we imagine another form of humanity, and another form of power? The bio-sovereignty described by Agamben is so fluid as to appear irresistible. Yet Agamben never suggests this order is necessary. Bio-sovereignty results from a particular and contingent history, and it requires certain conditions. Sovereign power, as Agamben describes it, finds its grounds in specific coordinates of life, which it then places in a relation of indeterminacy. What defies sovereign power is a life that cannot be reduced to those determinations: a life "that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. " (2.3). In his earlier Coming Community, Agamben describes this alternative life as "whatever being." More recently he has used the term "forms-of-life." These concepts come from the figure Benjamin proposed as a counter to homo sacer: the "total condition that is 'man'." For Benjamin and Agamben, mere life is the life which unites law and life. That tie permits law, in its endless cycle of violence, to reduce life an instrument of its own power. The total condition that is man refers to an alternative life incapable of serving as the ground of law. Such a life would exist outside sovereignty. Agamben's own concept of whatever being is extraordinarily dense. It is made up of varied concepts, including language and potentiality; it is also shaped by several particular dense thinkers, including Benjamin and Heidegger. What follows is only a brief consideration of whatever being, in its relation to sovereign power. / "Whatever being," as described by Agamben, lacks the features permitting the sovereign capture and regulation of life in our tradition. Sovereignty's capture of life has been conditional upon the separation of natural and political life. That separation has permitted the emergence of a sovereign power grounded in this distinction, and empowered to decide on the value, and non-value of life (1998: 142). Since then, every further politicization of life, in turn, calls for "a new decision concerning the threshold beyond which life ceases to be politically relevant, becomes only 'sacred life,' and can as such be eliminated without punishment" (p. 139). / This expansion of the range of life meriting protection does not limit sovereignty, but provides sites for its expansion. In recent decades, factors that once might have been indifferent to sovereignty become a field for its exercise. Attributes such as national status, economic status, color, race, sex, religion, geo-political position have become the subjects of rights declarations. From a liberal or cosmopolitan perspective, such enumerations expand the range of life protected from and serving as a limit upon sovereignty. Agamben's analysis suggests the contrary. If indeed sovereignty is bio-political before it is juridical, then juridical rights come into being only where life is incorporated within the field of bio-sovereignty. The language of rights, in other words, calls up and depends upon the life caught within sovereignty: homo sacer. / Agamben's alternative is therefore radical. He does not contest particular aspects of the tradition. He does not suggest we expand the range of rights available to life. He does not call us to deconstruct a tradition whose power lies in its indeterminate status.21 Instead, he suggests we take leave of the tradition and all its terms. Whatever being is a life that defies the classifications of the tradition, and its reduction of all forms of life to homo sacer. Whatever being therefore has no common ground, no presuppositions, and no particular attributes. It cannot be broken into discrete parts; it has no essence to be separated from its attributes; and it has no common substrate of existence defining its relation to others. Whatever being cannot then be broken down into some common element of life to which additive series of rights would then be attached. Whatever being retains all its properties, without any of them constituting a different valuation of life (1993: 18.9). As a result, whatever being is "reclaimed from its having this or that property, which identifies it as belonging to this or that set, to this or that class (the reds, the French, the Muslims) -- and it is reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-such, for belonging itself." (0.1-1.2). / Indifferent to any distinction between a ground and added determinations of its essence, whatever being cannot be grasped by a power built upon the separation of a common natural life, and its political specification. Whatever being dissolves the material ground of the sovereign exception and cancels its terms. This form of life is less post-metaphysical or anti-sovereign, than a-metaphysical and a-sovereign. Whatever is indifferent not because its status does not matter, but because it has no particular attribute which gives it more value than another whatever being. As Agamben suggests, whatever being is akin to Heidegger's Dasein. Dasein, as Heidegger describes it, is that life which always has its own being as its concern -- regardless of the way any other power might determine its status. Whatever being, in the manner of Dasein, takes the form of an "indissoluble cohesion in which it is impossible to isolate something like a bare life. In the state of exception become the rule, the life of homo sacer, which was the correlate of sovereign power, turns into existence over which power no longer seems to have any hold" (Agamben 1998: 153). / We should pay attention to this comparison. For what Agamben suggests is that whatever being is not any abstract, inaccessible life, perhaps promised to us in the future. Whatever being, should we care to see it, is all around us, wherever we reject the criteria sovereign power would use to classify and value life. "In the final instance the State can recognize any claim for identity -- even that of a State identity within the State . . . What the State cannot tolerate in any way, however, is that the singularities form a community without affirming an identity, that humans co-belong without a representable condition of belonging" (Agamben 1993:85.6). At every point where we refuse the distinctions sovereignty and the state would demand of us, the possibility of a non-state world, made up of whatever life, appears.

### Kaldor

#### Notions of US legal prestige and modeling solidify global inequality by replacing political violence with legal violence---turns the case because it subordinates effective domestic systems to predatory rule of law models

Ugo Mattei 3, Alfred and Hanna Fromm Professor of International and Comparative Law, U.C. Hastings; Professore Ordinario di Diritto Civile, Università di Torino A Theory of Imperial Law: A Study on U.S. Hegemony and the Latin Resistance, ic.ucsc.edu/~rlipsch/pol160A/Mattei.pdf

This essay attempts to develop a theory of imperial law that is able to explain postCold War changes in the general process of Americanization in legal thinking. My claim is that “imperial law” is now a dominant layer of world-wide legal systems.1 Imperial law is produced, in the interest of international capital, by a variety of both public and private institutions, all sharing a gap in legitimacy, sometimes called the “democratic deficit.” Imperial law is shaped by a spectacular process of exaggeration, aimed at building consent for the purpose of hegemonic domination. Imperial law subordinates local legal arrangements world-wide, reproducing on the global scale the same phenomenon of legal dualism that thus far has characterized the law of developing countries. Predatory economic globalization is the vehicle, the all-mighty ally, and the beneficiary of imperial law. Ironically, despite its absolute lack of democratic legitimacy, imperial law imposes as a natural necessity, by means of discursive practices branded “democracy and the rule of law,” a reactive legal philosophy that outlaws redistribution of wealth based on social solidarity.2 At the core of imperial law there is U.S. law, as transformed and adapted after the Reagan-Thatcher revolution, in the process of infiltrating the huge periphery left open after the end of the Cold War. A study of imperial law requires a careful discussion of the factors of penetration of U.S. legal consciousness world-wide, as well as a careful distinction between the context of production and the context of reception3 of the variety of institutional arrangements that make imperial law. Factors of resistance need to be fully appreciated as well.

I. AMERICAN LAW: FROM LEADERSHIP TO DOMINANCE The years following the Second World War have shown a dramatic change in the pattern of world hegemony in the law. Leading legal ideas, once produced in Continental Civilian Europe and exported through the periphery of the world, are now for the first time produced in a common law jurisdiction: the United States.4 There is little question that the present world dominance of the United States has been economic, military, and political first, and legal only in a more recent moment, so that a ready explanation of legal hegemony can be found with a simple Marxist explanation of law as a superstructure of the economy.5 Nevertheless, the question of the relationship between legal, political, and economic hegemony is not likely to be correctly addressed within a cause-and-effect paradigm.6 Ultimately, addressing this question is a very important area of basic jurisprudential research because it reveals some general aspects about the nature of law as a device of global governance.

Observing historical patterns of legal hegemony allows us to critique the distinction between two main patterns of governance through the law (and of legal transplants).7 Scholars of legal transplants have traditionally distinguished two patterns. The first is law as dominance without hegemony, in which the legal system is ultimately a coercive apparatus asserting political and economic power without consent. This area of inquiry and this model have been used to explain the relationship between the legal system of the motherland and that of the colonies within imperialistic colonial enterprises. The opposing pattern, telling a story of consensual voluntary reception by an admiring periphery of legal models developed and provided for at the center, is usually considered the most important pattern of legal transplants. It is described by stressing on the idea of consent within a notion of “prestige.”8

Little effort is necessary to challenge the sufficiency of this basic taxonomy in introducing legal transplants. Law is a detailed and complex machinery of social control that cannot function with any degree of effectiveness without some cooperation from a variety of individuals staffing legal institutions. These individuals usually consist of a professional elite which either already exists or is created by the hegemonic power. Such an elite provides the degree of consent to the reception of foreign legal ideas that is necessary for any legal transplant to occur. Hence, the distinction between imperialistic and non-imperialistic transplants is a matter only of degree and not of structure. In order to understand the nature of present legal hegemony, it is necessary to capture the way in which the law functions to build a degree of consent to the present pattern of international economic and political dominance.9

In this essay I suggest that a fundamental cultural construct of presumed consent is the rhetoric of democracy and the rule of law utilized by the imperial model of governance, 10 triumphant worldwide together with the neo-American model of capitalism developed by the Reagan and Thatcher revolution early in the 1980s. I argue that the last twenty years have produced the triumph in global governance of reactive, politically irresponsible institutions, such as the courts of law, over proactive politically accountable institutions such as direct administrative apparatuses of the State.11

This essay attempts to open a radical revision of some accepted modes of thought about the law as they appear today, at what has been called “the end of history.”12 Its aim is to discuss some ways in which global legality has been created in the present stage of world-wide legal development. It will show how democracy and the rule of law, in the present legal landscape, are just another rhetoric of legitimization of a given international dynamic of power. It will also denounce the present unconscious state in which the law is produced and developed by professional “consent building” elites. The consequences of such unconsciousness are creating a legal landscape in which the law is “naturally” giving up its role of constraining opportunistic behavior of market actors. This process results in the development of faked rules and institutions that are functional to the interests of the great capital and that dramatically enlarge inequality within society. I predict that such a legal environment is unable to avoid tragic results on a global scale such as those outlined in the well-known parable of the tragedy of the commons.13

My object of observation is a legal landscape in transition. I wish to analyze this path of transition from one political setting (the local state) to another political setting (world governance) in which American-framed reactive institutions are asserting themselves as legitimate and legitimating governing bodies, which I call imperial law. Imperial law is the product of a renowned alliance between state and economic institutions, a cooperative game in which a very limited number of powerful players are at play.14 While in the ages of colonialism such political battles for international hegemony were mostly carried on with an open use of force and political violence (in such a way that final extensive conflict between superpowers was unavoidable), in the age of globalization and of economic Empire political violence has been transformed into legal violence.

#### Recreation of these stereotypes entrenches the existing power structure ensuring globalized war and structural violence

Kaldor 99, Mary Kaldor, professor of Global Governance a the London School of Economics and Director of the Civil Society and Human Security Research Unit, New & Old Wars, 1999, Stanford University Press, pg 110-111

The new wars have political goals. The aim is political mobilization on the basis of identity. The military strategy for achieving this aim is population displacement and destabilization so as to get rid of those whose identity is different and to foment hatred and fear. Nevertheless, this divisive and exclusive form of politics cannot be disentangled from its economic basis. The various political/military factions plunder the assets of ordinary people as well as the remnants of the state and cream off external assist ance destined for the victims, in a way that is only possible in conditions of war or near war. In other words, war provides a legitimation for various criminal forms of private aggrandizement while at the same time these are necessary sources of revenue in order to sustain the war. The warring parties need more or less permanent conflict both to reproduce their positions of power and for access to resources. While this predatory set of social relationships is most prevalent in the war zones, it aLso characterizes the surrounding regions. Because participation in the war is relatively low (in Bosnia, only 6.5 per cent of the population took part directly in the pros ecution of the war) the difference between zones of war and apparent zones of peace are not nearly as marked as in earlier periods. Just as it is difficult to distinguish between the political and the economic, public and private, military and civil, so it is increasingly difficult to distinguish between war and peace. The new war economy could be represented as a continuum, starting with the combination of criminality and racism to be found in the inner cities of Europe and North America and reaching its most acute manifestation in the areas where the scale of violence is greatest. If violence and predation are to be found in what are considered zones of peace, so it is possible to find islands of civility in nearly all the war zones. They are much less known about than the war zones, because it is violence and criminalitý and not normality that is generally reported. But there are regions where local state apparatuses continue to function, where taxes arc raised, services are provided and some production is maintained. There are groups who defend humanistic values and refuse the politics of particularism. The town of Tuzia in Bosnia— Herzegovina represents one celebrated example. The self-defence units created in Southern Rwanda arc another example. In isolation, these islands of civility are difficult to preserve, squeezed by the polarization of violence, but the very fragmentary and decentralized character of the new type of warfare makes such examples possible. Precisely because the new wars are a social condition that arises as the formal political economy withers, they are very difficult to end. Diplomatic negotiations from above fail to take into account the underlying social relations; they treat the various factions as though they were protostates. Temporary ceaselires or truces may merely legitimize new agreements or partnerships that, for the moment, suit the various factions. Peacekeeping troops sent in to monitor ceasefires which reflect the status quo may help to maintain a division of territory and to prevent the return of refugees. Economic reconstruction channelled through existing ‘political authorities’ may merely provide new sources of revenue as local assets dry up. As long as the power relations remain the same, sooner or later the violence will start again. Fear, hatred and predation are riot recipes for long-term viable polities. Indeed, this type of war economy is perennially on the edge of exhaustion. This does not mean, however, that they will disappear of their own accord. There has to be some alternative. In the next chapter, I will consider the possibilities for such an alternative; in particular, how islands of civility might offer a counterlogic to the new warfare.

#### The alternative is to reject the 1AC and their outdated conceptions of sovereignty and war to interrupt the cycle of acting and alter our scholarship and military logic to embrace a reformist cosmopolitan ethic.

Kaldor 05, Mary Kaldor, professor of Global Governance at the London School of Economics and Director of the Civil Society and Human Security Research Unit, “Old Wars, Cold Wars, New Wars, and the War on Terror,” International Politics, 42.4, December 2005, pg 497-498

By analysing New War in terms of social relations of warfare, we come up with a very different approach about how to deal with these type of conflicts and indeed, how to deal with terrorism in general. I don't want to suggest that terrorism is not a serious threat. On the contrary, I think it is too serious to be hijacked by fantasies of Old War. Actually, I felt the same way about Communism; nuclear weapons, in my view, prevented us from adopting a serious strategy for undermining communism; this was only possible in a détente context. I think World War II really did mark the end of Old Wars. Wars of this type are impossible; they are simply too destructive to be fought and have become unacceptable and, indeed, illegitimate. The 8-year war between Iraq and Iran was probably the exception that proved the rule. It was immensely destructive and led to a military stalemate and, at least on the Iraqi side, far from consolidating the state, it was the beginning of state disintegration, the slide into new war.New Wars deliberately violate all the conventions of Old War, as well as the new body of human rights legislation that has been built up since World War II. The key to dealing with New Wars has to be the reconstruction of political legitimacy. If Old Wars established a notion of political legitimacy in terms of the friend-enemy distinction, in New Wars the friend-enemy distinction destroys political legitimacy. So, political legitimacy can only be reconstructed on the basis of popular consent and within a framework of international law. It means supporting efforts of democratization in difficult situations or using various international tools and law to support such processes.Is there a role for military force? Yes, I believe military force has to be used to protect people and uphold the rule of law. I favour humanitarian intervention in cases of threatened humanitarian catastrophes. But that can't be done through classic war fighting. I don't have time to discuss this, but I do think that one can envisage new defensive uses of forces aimed at prevention, protection and stabilization rather than victory.Carl Schmitt would argue that there can be no political community without enemies, and that, where force is used in the name of humanity, the adversary is no longer an enemy but an outlaw, a disturber of the peace. If he is right, the future is very grim, a pervasive global New War is possible. But if we believe political communities can be held together by reason rather than fear, then there is an alternative possibility, a transformation of statehood, in which states are no longer intrinsically linked to warfare and operate within a multilateral framework. And as for the argument about humanity, we could turn it on its head. If we dub the terrorists as enemies, we give them political status; indeed, this may be what they are trying to achieve. I think it is quite a good idea to see them as outlaws and disturbers of the peace, and to use the methods of policing and intelligence rather than Old War.To conclude, what I have tried to show is that attempts to recreate Old War prevent us from dealing with the realities of today's globalized world. Indeed ideas of Old War feed into and exacerbate real New Wars taking place in Iraq and elsewhere. I call them 'new' not because they are altogether new but because we can only develop alternative strategies if we see how different they are from World War II, the Cold War or the War on Terror. I think there is a huge security gap in the world today. Millions of people live in daily fear of violence. Yet, our conceptions of security, drawn from the dominant experience of World War II, does not reduce that insecurity. Indeed, it makes it worse.

### 1NC Solvency

#### Civilian trials are rigged- the State gets the results it wants

Silverglate 10-6-13 [Harvey Silverglate, a Boston criminal defense and civil liberties lawyer, is the author, most recently, of "Three Felonies a Day: How the Feds Target the Innocent" (Encounter Books, updated second edition 2011), “How Prosecutors Rig Trials by Freezing Assets,” <http://online.wsj.com/article/SB10001424127887324110404578630561814823892.html>]

On Oct. 16, the Supreme Court will hear oral arguments on a claim brought by husband and wife Brian and Kerri Kaley. The Kaleys are asking the high court to answer a serious and hotly contested question in the federal criminal justice system: Does the Constitution allow federal prosecutors to seize or freeze a defendant's assets before the prosecution has shown at a pretrial hearing that those assets were illegally obtained?¶ Such asset freezes often prevent a defendant from hiring the trial counsel of his choice to mount a vigorous defense, thus increasing the likelihood of the government extracting a guilty plea or verdict. Because asset forfeiture almost automatically follows conviction, a pretrial freeze ultimately enables the Justice Department to grab the frozen assets for use by executive-branch law enforcement agencies. It is a neat, vicious circle. What crimes are the Kaleys charged with? Kerri Kaley was a sales representative for a subsidiary of Johnson & Johnson JNJ +1.90% . Beginning in 2005, the fedsin Florida investigated her, her husband Brian, and other sales reps for reselling medical devices given to them by hospitals. The hospitals had previously bought and stocked the devices but no longer needed or wanted the overstock since the company was offering new products. Knowing that the J&J subsidiary had already been paid for the now-obsolete products and was focused instead on selling new models, the sales reps resold the old devices and kept the proceeds.¶ The feds had various theories for why this "gray market" activity was a crime, even though prosecutors could not agree on who owned the overstocked devices and, by extension, who were the supposed victims of the Kaleys' alleged thefts. The J&J subsidiary never claimed to be a victim.¶ The Kaleys were confident that they would prevail at trial if they could retain their preferred lawyers. A third defendant did go to trial with her counsel of choice and was acquitted. But the Justice Department made it impossible for the Kaleys to pay their chosen lawyers for trial.¶ The government insisted that as long as the Kaleys' assets—including bank accounts and their home—could be traced to the sale of the medical devices, all of those assets could be frozen. The Kaleys were not allowed to go a step further and show that their activities were in no way criminal, since this would be determined by a trial. But the Kaleys insisted that if the government wanted to freeze their funds, the court had to hold a pretrial hearing on the question of the legality of how the funds were earned.¶ The Kaleys complained that the asset freeze effectively deprived them of their Sixth Amendment right to the counsel of their choice—the couple couldn't afford to hire the defense that they wanted. Prosecutors and the trial judge responded that the Kaleys could proceed with a public defender. This wouldn't have been an encouraging prospect for them, for while public counsel is often quite skilled, such legal aid wouldn't meet the requirements the Kaleys believed they needed for this complex defense. Choice of counsel in a free society, one would think, lies with the defendant, not with the prosecutor or the judge. (The Kaleys' chosen trial lawyers have agreed to stick with the case during the pretrial tussling over the asset-freeze question, but trying the case before a jury would be much more expensive and would require the frozen funds.)¶ Federal asset-forfeiture statutes like the one the Kaleys are fighting are actually a relatively recent invention. Before 1970, when Congress adopted the first provisions seeking to strip organized-crime figures of ill-gotten racketeering gains, there were no such laws (with the exception of the Civil War-era Confiscation Acts providing for the forfeiture of property of Confederate soldiers).¶ Since 1970, however, such federal statutes have expanded to cover a breathtaking number of crimes, from the sale of fraudulent passports and contraband cigarettes right up to murder and drug trafficking. An authoritative treatise, the 4th edition of the encyclopedia "Federal Practice & Procedure," asserts that federal forfeiture is now available "for almost every crime." In January, the New York Times quoted Manhattan U.S. Attorney Preet Bharara as saying that asset forfeiture is "an important part of the culture" and "an example of the government being efficient and bringing home the bacon." In 2012 alone, federal prosecutors seized more than $4 billion in assets. The Justice Department is allowed by law to put that bacon to use however prosecutors wish—to pay informants, provide snazzy cars to cooperating witnesses, whatever.¶ The Kaleys are hardly alone. The recently completed prosecution of Conrad Black indicates starkly how such seizures can torpedo a defendant's chance of getting a fair trial. In his 2007 high-profile case, Mr. Black, a former newspaper publisher indicted for alleged fraud and related crimes in the sale of Hollinger International, endured a federal freeze of his major unencumbered asset, the cash proceeds from the sale of his New York City apartment. That freeze prevented him from being able to retain the legal counsel upon whom he had relied before the asset freeze.¶ Mr. Black ultimately was convicted on two counts, winning on all the others in a shifting array of counts that numbered more than a dozen. Last year, having served his 42-month prison sentence, he filed a petition in federal court seeking to vacate his convictions on the ground that the government's asset-forfeiture tactics had deprived him of his counsel of choice. That effort foundered when the judge concluded that Mr. Black's trial counsel—not his counsel of choice, it must be noted, but rather the counsel he could afford after the asset freeze—had failed to properly raise and hence preserve the issue for later appellate review.¶ The Supreme Court has now threatened to upset the game that is so lucrative for the government and disabling for defendants. On March 18, the court agreed to consider the Kaleys' claim that the asset freeze without a hearing on the merits of the underlying criminal charge violated their constitutional rights. At oral argument in mid-October, the broader question will be whether, after four decades of federal asset seizures, the high court will put a freeze on the Justice Department.

#### Obama empirically exploits detention loopholes

Calabresi ’11 [Massimo Calabresi joined the Washington bureau of TIME in 1999 and has covered the CIA, State, Justice, Treasury, Congress and the White House. He covered the wars in Bosnia, Croatia and Kosovo as TIME's Central Europe bureau chief from 1995 to 1999 and the collapse of the Soviet Union as a freelancer in Moscow in 1991, “Why Obama Is Threatening to Veto a Defense Bill Over Detention Policy,” Nov. 18, <http://swampland.time.com/2011/11/18/why-obama-is-threatening-to-veto-a-defense-bill-over-detention-policy/>]

The White House is threatening to veto a long-awaited defense funding bill over a perennial policy dispute: whether the President can prosecute terrorists in civilian courts, or must transfer them to military custody. The battle has raged since the very first day of Barack Obama’s presidency, but this time Obama’s opponent is not the GOP. It’s the powerful Democratic chairman of the Senate Armed Services Committee, Carl Levin of Michigan.¶ Originally, Levin worked with the SASC’s conservative Democrats (like Joe Lieberman) and GOP members (like John McCain and Lindsey Graham) to produce a bill that would have mandated transfer of captured terrorists to military custody. The White House briefed wary liberals two weeks ago not to worry, though, that they were engaged in negotiations with Levin and the GOP to change the language. “They were very optimistic that they were going to get an agreement,” says one Senate aide.¶ But last Tuesday, Levin marked up the bill in private and moved it straight to the Senate floor, where Senate majority leader Harry Reid promptly scheduled it for debate. And while Levin had responded to some of the White House’s concerns, he didn’t give it much of what it wanted, and even hawkish national security lawyers are objecting.¶ Levin says he accepted White House changes to a section that for the first time gives legislative authority for the indefinite detention of Americans in the U.S. And he inserted several loopholes that he says soften the requirement that al-Qaeda terrorists arrested in the U.S. must be transferred to military custody.¶ The administration in response issued a four-page “Statement of Administration Policy” (pdf) Thursday, stating that the bill “would tie the hands of our intelligence and law enforcement professionals” and would be “inconsistent with the fundamental American principle that our military does not patrol our streets.” Further, the administration said, Levin’s loopholes—particularly a provision allowing the Administration to issue a waiver–“fails to address these concerns.”¶ Said the White House: “Any bill that challenges or constraines the President’s critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President’s senior advisers to recommend a veto.”¶ On the floor of the Senate Friday, Levin said he’d accepted all of the Administration’s changes regarding indefinite detention, and that the requirement to transfer suspects to military detention “does not mandate military custody” because of the waiver. “Nothing is automatic,” Levin said.¶ “The White House got rolled,” says the Senate aide, who admits the bill is nevertheless likely to pass. “The votes don’t exist to change it,” the aide says. Moreover, the White House veto threat is significantly more vague than previous ones on the subject of detention, declining to refer specifically to the authorization bill itself, and leaving the Administration a way out if it decides it doesn’t want to continue this fight with a veto in an election year.

### 1NC Legitimacy

#### Maintaining hegemony accelerates paranoid imperial violence – their obsession manufactures threats and conceals the US’ role in enemy construction – the alternative makes visible power relationships that enable endless warfare

McClintock 9 (Anne, Simone de Beauvoir Professor of English and Women’s and Gender Studies at the University of Wisconsin, Madison, "Paranoid Empire: Specters from Guantánamo and Abu Ghraib," Muse)

By now it is fair to say that the United States has come to be dominated by two grand and dangerous hallucinations: the promise of **benign US globalization** and the permanent threat of the “war on terror.” I have come to feel that we cannot understand the extravagance of the violence to which the US government has committed itself after 9/11—two countries invaded, thousands of innocent people imprisoned, killed, and tortured—unless we grasp a defining feature of our moment, that is, a deep and disturbing doubleness with respect to power. Taking shape, as it now does, around **fantasies of global omnipotence** (Operation Infinite Justice, the War to End All Evil) **coinciding with nightmares of impending attack**, the United States has entered the domain of **paranoia**: dream world and catastrophe. For it is only in paranoia that one finds simultaneously and in such condensed form both **deliriums of absolute power and forebodings of perpetual threat.** Hence the spectral and nightmarish quality of the “war on terror,” a limitless war against a limitless threat, a war vaunted by the US administration to encompass all of space and persisting without end. But the war on terror is not a real war, for “terror” is not an identifiable enemy nor a strategic, real-world target. The war on terror is what William Gibson calls elsewhere “a consensual hallucination,”[4](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f4) and the US government can fling its military might against ghostly apparitions and hallucinate a victory over all evil only at the cost of catastrophic self-delusion and the infliction of great calamities elsewhere. [End Page 51] I have come to feel that we **urgently need to make visible** (the better politically to challenge) those established but **concealed circuits of imperial violence** that now animate the war on terror. We need, as urgently, to illuminate the continuities that connect those circuits of imperial violence abroad with the vast, internal shadowlands of prisons and supermaxes—the modern “slave-ships on the middle passage to nowhere”—that have come to characterize the United States as a super-carceral state.[5](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f5) Can we, the uneasy heirs of empire, now speak only of national things? If a long-established but primarily covert US imperialism has, since 9/11, manifested itself more aggressively as an overt empire, does the terrain and object of intellectual inquiry, as well as the claims of political responsibility, not also extend beyond that useful fiction of the “exceptional nation” to embrace the shadowlands of empire? If so, how can we theorize the phantasmagoric, imperial violence that has come so dreadfully to constitute our kinship with the ordinary, but which also at the same moment renders extraordinary the ordinary bodies of ordinary people, an imperial violence which in **collusion** with a complicit corporate media would **render itself invisible**, casting **states of emergency** into fitful shadow and fleshly bodies into specters? For imperialism is not something that happens elsewhere, an offshore fact to be deplored but as easily ignored. Rather, the force of empire comes to **reconfigure**, from within, the nature and violence of the nation-state itself, giving rise to perplexing questions: Who under an empire are “we,” the people? And who are the ghosted, ordinary people beyond the nation-state who, in turn, constitute “us”? We now inhabit a crisis of violence and the visible. How do we insist on seeing the violence that the imperial state attempts to render **invisible**, while also seeing the ordinary people afflicted by that violence? For to allow the spectral, disfigured people (especially those under torture) obliged to inhabit the haunted no-places and penumbra of empire to be made visible as ordinary people is to forfeit the long-held US claim of moral and cultural exceptionalism, the traditional self-identity of the United States as the **uniquely superior, universal standard-bearer of moral authority, a tenacious, national mythology of originary innocence now in tatters**. The deeper question, however, is not only how to see but also how to theorize and oppose the violence without becoming beguiled by the seductions of spectacle alone.[6](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f6) Perhaps in the labyrinths of torture we must also find a way to speak with ghosts, for specters disturb the authority of vision and the hauntings of popular memory disrupt the great forgettings of official history. [End Page 52] Paranoia Even the paranoid have enemies. —Donald Rumsfeld Why paranoia? Can we fully understand the proliferating circuits of imperial violence—the very eclipsing of which gives to our moment its uncanny, phantasmagoric cast—without understanding the **pervasive presence of the paranoia** that has come, quite violently, to manifest itself across the political and cultural spectrum as a defining feature of our time? By paranoia, I mean not simply Hofstadter’s famous identification of the US state’s tendency toward conspiracy theories.[7](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f7) Rather, I conceive of paranoia as an **inherent contradiction** with respect to power: a **double-sided phantasm** that **oscillates precariously between deliriums of grandeur and nightmares of perpetual threat**, a deep and dangerous doubleness with respect to power that is held in unstable tension, but which, if suddenly destabilized (as after 9/11), can produce **pyrotechnic displays of violence**. The pertinence of understanding paranoia, I argue, lies in its peculiarly intimate and peculiarly dangerous relation to violence.[8](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f8) Let me be clear: I do not see paranoia as a primary, structural cause of US imperialism nor as its structuring identity. Nor do I see the US war on terror as animated by some collective, psychic agency, submerged mind, or Hegelian “cunning of reason,” nor by what Susan Faludi calls a national “terror dream.”[9](http://muse.jhu.edu.go.libproxy.wfubmc.edu/journals/small_axe/v013/13.1.mcclintock.html#f9) Nor am I interested in evoking paranoia as a kind of psychological diagnosis of the imperial nation-state. Nations do not have “psyches” or an “unconscious”; only people do. Rather, a social entity such as an organization, state, or empire can be spoken of as “paranoid” if the dominant powers governing that entity cohere as a collective community around **contradictory cultural narratives, self-mythologies, practices, and identities that oscillate between delusions of inherent superiority and omnipotence,** and phantasms of threat and engulfment. The term paranoia is analytically useful here, then, not as a description of a collective national psyche, nor as a description of a universal pathology, but rather as an **analytically strategic concept**, a way of seeing and being **attentive to contradictions within power**, a way of making visible (the better politically to oppose) the contradictory **flashpoints of violence** that the state tries to conceal. [End Page 53] Paranoia is in this sense what I call a hinge phenomenon, articulated between the ordinary person and society, between psychodynamics and socio-political history. Paranoia is in that sense dialectical rather than binary, for its violence **erupts from the force** of its multiple, **cascading contradictions**: the intimate memories of wounds, defeats, and humiliations condensing with cultural fantasies of aggrandizement and revenge, in such a way as to be productive at times of **unspeakable violence**. For how else can we understand such debauches of cruelty?

**No decline and no challengers**

**Kaplan ‘11**, senior fellow – Center for a New American Security, and Kaplan, frmr. vice chairman – National Intelligence Council, (Robert D and Stephen S, “America Primed,” The National Interest, March/April)

But in spite of the seemingly inevitable and rapid diminution of U.S. eminence, to write America’s great-power obituary is beyond premature. The United States remains a highly capable power. Iraq and Afghanistan, as horrendous as they have proved to be—in a broad historical sense—are still relatively minor events that America can easily overcome. The eventual demise of empires like those of Ming China and late-medieval Venice was brought about by far more pivotal blunders. Think of the Indian Mutiny against the British in 1857 and 1858. Iraq in particular—ever so frequently touted as our turning point on the road to destruction—looks to some extent eerily similar. At the time, orientalists and other pragmatists in the British power structure (who wanted to leave traditional India as it was) lost some sway to evangelical and utilitarian reformers (who wanted to modernize and Christianize India—to make it more like England). But the attempt to bring the fruits of Western civilization to the Asian subcontinent was met with a violent revolt against imperial authority. Delhi, Lucknow and other Indian cities were besieged and captured before being retaken by colonial forces. Yet, the debacle did not signal the end of the British Empire at all, which continued on and even expanded for another century. Instead, it signaled the transition from more of an ad hoc imperium fired by a proselytizing lust to impose its values on others to a calmer and more pragmatic empire built on international trade and technology.1 There is no reason to believe that the fate of America need follow a more doomed course. Yes, the mistakes made in Iraq and Afghanistan have been the United States’ own, but, though destructive, they are not fatal. If we withdraw sooner rather than later, the cost to American power can be stemmed. Leaving a stable Afghanistan behind of course requires a helpful Pakistan, but with more pressure Washington might increase Islamabad’s cooperation in relatively short order. In terms of acute threats, Iran is the only state that has exported terrorism and insurgency toward a strategic purpose, yet the country is economically fragile and politically unstable, with behind-the-scenes infighting that would make Washington partisans blanch. Even assuming Iran acquires a few nuclear devices—of uncertain quality with uncertain delivery systems—the long-term outlook for the clerical regime is itself unclear. The administration must only avoid a war with the Islamic Republic. To be sure, America may be in decline in relative terms compared to some other powers, as well as to many countries of the former third world, but in absolute terms, particularly military ones, the United States can easily be the first among equals for decades hence. China, India and Russia are the only major Eurasian states prepared to wield military power of consequence on their peripheries. And each, in turn, faces its own obstacles on the road to some degree of dominance. The Chinese will have a great navy (assuming their economy does not implode) and that will enforce a certain level of bipolarity in the world system. But Beijing will lack the alliance network Washington has, even as China and Russia will always be—because of geography—inherently distrustful of one another. China has much influence, but no credible military allies beyond possibly North Korea, and its authoritarian regime lives in fear of internal disruption if its economic growth rate falters. Furthermore, Chinese naval planners look out from their coastline and see South Korea and a string of islands—Japan, Taiwan and Australia—that are American allies, as are, to a lesser degree, the Philippines, Vietnam and Thailand. To balance a rising China, Washington must only preserve its naval and air assets at their current levels. India, which has its own internal insurgency, is bedeviled by semifailed states on its borders that critically sap energy and attention from its security establishment, and especially from its land forces; in any case, India has become a de facto ally of the United States whose very rise, in and of itself, helps to balance China. Russia will be occupied for years regaining influence in its post-Soviet near abroad, particularly in Ukraine, whose feisty independence constitutes a fundamental challenge to the very idea of the Russian state. China checks Russia in Central Asia, as do Turkey, Iran and the West in the Caucasus. This is to say nothing of Russia’s diminishing population and overwhelming reliance on energy exports. Given the problems of these other states, America remains fortunate indeed. The United States is poised to tread the path of postmutiny Britain. America might not be an empire in the formal sense, but its obligations and constellation of military bases worldwide put it in an imperial-like situation, particularly because its air and naval deployments will continue in a post-Iraq and post-Afghanistan world. No country is in such an enviable position to keep the relative peace in Eurasia as is the United States—especially if it can recover the level of enduring competence in national-security policy last seen during the administration of George H. W. Bush. This is no small point. America has strategic advantages and can enhance its power while extricating itself from war. But this requires leadership—not great and inspiring leadership which comes along rarely even in the healthiest of societies—but plodding competence, occasionally steely nerved and always free of illusion.

**The only comprehensive study proves no transition impact.**

**MacDonald and Parent 11** —Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a **comprehensive study** of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by **systematically examining** the relationship between acute relative decline and the responses of great powers. We examine **eighteen cases** of acute relative decline since 1870 and advance three main arguments. First, we challenge the retrenchment pessimists’ claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, **peaceful retrenchment** **is the most common** response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61–83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations. Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state’s rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined. Third, we argue that the rate of decline helps explain what forms great power retrenchment will take. How fast great powers fall contributes to whether these retrenching states will internally reform, seek new allies or rely more heavily on old ones, and make diplomatic overtures to enemies. Further, our analysis suggests that great powers facing acute **decline are less likely to** initiate or **escalate** militarized interstate disputes. **Faced with diminishing resources**, great **powers** **moderate their** foreign policy **ambitions** and offer concessions in areas of lesser strategic value. Contrary to the pessimistic conclusions of critics, **retrenchment neither requires aggression nor invites predation**. Great powers are able to rebalance their **commitments through compromise, rather than conflict**. In these ways, states respond to penury the same way they do to plenty: they seek to adopt policies that maximize security given available means. Far from being a hazardous policy, retrenchment can be successful. States that retrench often regain their position in the hierarchy of great powers. Of the fifteen great powers that adopted retrenchment in response to acute relative decline, 40 percent managed to recover their ordinal rank. In contrast, none of the declining powers that failed to retrench recovered their relative position. Pg. 9-10

#### CATASTROPHIC DEPICTIONS OF CLIMATE CHANGE GLOSS OVER THE ROOT CAUSE OF OUR ENVIRONMENTAL CRISIS AND THE ONGOING DESTRUCTION OF LIFE ON EARTH.

Eileen CRIST, Associate Professor of Science and Technology in Society at Virginia Tech University, 2007 [“Beyond the Climate Crisis: A Critique of Climate Change Discourse,” Telos, Volume 141, Winter, Available Online to Subscribing Institutions via Telos Press, p. 33-36]

While the dangers of climate change are real, I argue that there are even greater dangers in representing it as the most urgent problem we face. Framing climate change in such a manner deserves to be challenged for two reasons: it encourages the restriction of proposed solutions to the technical realm, by powerfully insinuating that the needed approaches are those that directly address the problem; and it detracts attention from the planet's ecological predicament as a whole, by virtue of claiming the limelight for the one issue that trumps all others. Identifying climate change as the biggest threat to civilization, and ushering it into center stage as the highest priority problem, has bolstered the proliferation of technical proposals that address the specific challenge. The race is on for figuring out what technologies, or portfolio thereof, will solve "the problem." Whether the call is for reviving nuclear power, boosting the installation of wind turbines, using a variety of renewable energy sources, increasing the efficiency of fossil-fuel use, developing carbon-sequestering technologies, or placing mirrors in space to deflect the sun's rays, the narrow character of such proposals is evident: confront the problem of greenhouse gas emissions by technologically phasing them out, superseding them, capturing them, or mitigating their heating effects. In his The Revenge of Gaia, for example, Lovelock briefly mentions the need to face climate change by "changing our whole style of living."16 [end page 33] But the thrust of this work, what readers and policy-makers come away with, is his repeated and strident call for investing in nuclear energy as, in his words, "the one lifeline we can use immediately."17 In the policy realm, the first step toward the technological fix for global warming is often identified with implementing the Kyoto protocol. Biologist Tim Flannery agitates for the treaty, comparing the need for its successful endorsement to that of the Montreal protocol that phased out the ozone-depleting CFCs. "The Montreal protocol," he submits, "marks a signal moment in human societal development, representing the first ever victory by humanity over a global pollution problem."18 He hopes for a similar victory for the global climate-change problem. Yet the deepening realization of the threat of climate change, virtually in the wake of stratospheric ozone depletion, also suggests that dealing with global problems treaty-by-treaty is no solution to the planet's predicament. Just as the risks of unanticipated ozone depletion have been followed by the dangers of a long underappreciated climate crisis, so it would be naïve not to anticipate another (perhaps even entirely unforeseeable) catastrophe arising after the (hoped-for) resolution of the above two. Furthermore, if greenhouse gases were restricted successfully by means of technological shifts and innovations, the root cause of the ecological crisis as a whole would remain unaddressed. The destructive patterns of production, trade, extraction, land-use, waste proliferation, and consumption, coupled with population growth, would go unchallenged, continuing to run down the integrity, beauty, and biological richness of the Earth. Industrial-consumer civilization has entrenched a form of life that admits virtually no limits to its expansiveness within, and perceived entitlement to, the entire planet.19 But questioning this civilization is by [end page 34] and large sidestepped in climate-change discourse, with its single-minded quest for a global-warming techno-fix.20 Instead of confronting the forms of social organization that are causing the climate crisis—among numerous other catastrophes—climate-change literature often focuses on how global warming is endangering the culprit, and agonizes over what technological means can save it from impending tipping points.21 The dominant frame of climate change funnels cognitive and pragmatic work toward specifically addressing global warming, while muting a host of equally monumental issues. Climate change looms so huge [end page 35] on the environmental and political agenda today that it has contributed to downplaying other facets of the ecological crisis: mass extinction of species, the devastation of the oceans by industrial fishing, continued old-growth deforestation, topsoil losses and desertification, endocrine disruption, incessant development, and so on, are made to appear secondary and more forgiving by comparison with "dangerous anthropogenic interference" with the climate system. In what follows, I will focus specifically on how climate-change discourse encourages the continued marginalization of the biodiversity crisis—a crisis that has been soberly described as a holocaust,22 and which despite decades of scientific and environmentalist pleas remains a virtual non-topic in society, the mass media, and humanistic and other academic literatures. Several works on climate change (though by no means all) extensively examine the consequences of global warming for biodiversity,23 but rarely is it mentioned that biodepletion predates dangerous greenhouse-gas buildup by decades, centuries, or longer, and will not be stopped by a technological resolution of global warming. Climate change is poised to exacerbate species and ecosystem losses—indeed, is doing so already. But while technologically preempting the worst of climate change may temporarily avert some of those losses, such a resolution of the climate quandary will not put an end to—will barely address—the ongoing destruction of life on Earth.

**Warming won’t cause extinction**

**Barrett** **‘7** professor of natural resource economics – Columbia University, (Scott, Why Cooperate? The Incentive to Supply Global Public Goods, introduction)

First, **climate change does not threaten the survival of the human species**.5 If unchecked, it will cause other species to become extinction (though biodiversity is being depleted now due to other reasons). It will alter critical ecosystems (though this is also happening now, and for reasons unrelated to climate change). It will reduce land area as the seas rise, and in the process displace human populations. “Catastrophic” climate change is possible, but not certain. Moreover, and unlike an asteroid collision, large changes (such as sea level rise of, say, ten meters) **will likely take centuries to unfold, giving societies time to adjust.** “Abrupt” climate change is also possible, and will occur more rapidly, perhaps over a decade or two. However, **abrupt climate change** (such as a weakening in the North Atlantic circulation), though potentially very serious, **is unlikely to be ruinous.** Human-induced climate change is an experiment of planetary proportions, and we cannot be sur of its consequences. Even in a worse case scenario, however, global climate change is not the equivalent of the Earth being hit by mega-asteroid. Indeed, if it were as damaging as this, and if we were sure that it would be this harmful, then our incentive to address this threat would be overwhelming. The challenge would still be more difficult than asteroid defense, but we would have done much more about it by now.

#### Oceans resilient

Kennedy ‘2 (Victor, Environmental science prof, Maryland, Former Director, Cooperative Oxford Laboratory, PhD, Coastal and Marine Ecosystems and Global Climate Change, <http://www.pewclimate.org/projects/marine.cfm>, 2002)

There is evidence that marine organisms and ecosystems are resilient to environmental change. Steele (1991) hypothesized that the biological components of marine systems are tightly coupled to physical factors, allowing them to respond quickly to rapid environmental change and thus rendering them ecologically adaptable. Some species also have wide genetic variability throughout their range, which may allow for adaptation to climate change.

**Security fears of disease cause emergency measures that are counterproductive at the domestic level and undermine critical international cooperation**

**- Enemark ‘9** (Is Pandemic Flu a Security Threat? Author: Christian Enemark DOI: 10.1080/00396330902749798 Publication Frequency: 6 issues per year Published in: journal Survival, Volume 51, Issue 1 February 2009 , pages 191 - 214

Most infectious diseases do not attract heightened political attention because their effects are mild, they are familiar to physicians, or their geographic occurrence is limited. A particular disease might be deemed a security issue, however, when its effects impose or threaten to impose an intolerable burden on society. That burden can be measured in terms of morbidity and mortality, **but also in terms of the way in which a disease is perceived by those who fear infection**. The disease described by the World Health Organisation (WHO) as 'the most feared security threat' today is pandemic influenza.1 The next pandemic could cause illness and death on a large scale, over a wide area, in a short space of time. **Such a prospect arguably sets this disease apart from the many others that may be regarded simply as health issues, and some Western governments have started to frame pandemic influenza as a threat to national security.** According to the US pandemic plan, a 'necessary enabler of pandemic preparedness' is that this be viewed 'as a national security issue'.2 The 'National Security Strategy of the United Kingdom' assesses an influenza pandemic as the 'highest risk' civil emergency.3 And under the Australian pandemic plan, which emphasises 'maintenance of social functioning',4 Australians are to receive the best possible health care 'commensurate with the maintenance of a safe and secure society'.5 Historical experience indicates that the world is overdue for an influenza pandemic, and a virus with pandemic potential - H5N1 avian influenza, which emerged in late 2003 - is still out of control. Past pandemics were all the more damaging because they took the world by surprise; however, the stakes are still high in the twenty-first century because increased human interconnectedness facilitates the global spread of disease. In the first identifiable pre-pandemic phase of human history, it makes sense to be thinking seriously about how best to prepare and respond. Yet **as some governments move to prioritise this health issue by framing it in security terms, two risks emerge: firstly, that emergency responses implemented at the domestic level might do more harm than good; and secondly, that placing too great an emphasis on the health and security interests of individual states might detract from the need for long-term international cooperation on resisting pandemic influenza.**

**No disease impact – Extinction impossible and ahistorical**

**Posner 5** (Richard A., Judge U.S. Court of Appeals 7th Circuit, Professor Chicago School of Law, January 1, 2005, Skeptic, Altadena, CA, Catastrophe: Risk and Response, http://goliath.ecnext.com/coms2/gi\_0199-4150331/Catastrophe-the-dozen-most-significant.html#abstract)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but **none has come close** to destroying the entire human race. There is a biological reason. Natural selection favors germs of **limited lethality**; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time. That the human race has not yet been destroyed by germs created or made more lethal by modern science, as distinct from completely natural disease agents such as the flu and AIDS viruses, is even less reassuring. We haven't had these products long enough to be able to infer survivability from our experience with them. A recent study suggests that as immunity to smallpox declines because people am no longer being vaccinated against it, monkeypox may evolve into "a successful human pathogen," (9) yet one that vaccination against smallpox would provide at least some protection against; and even before the discovery of the smallpox vaccine, smallpox did not wipe out the human race. What is new is the possibility that science, bypassing evolution, will enable monkeypox to be "juiced up" through gene splicing into a far more lethal pathogen than smallpox ever was.

#### Their realism defenses are epistemologically bankrupt – they naturalize political assumptions to legitimize violence and oppressive political structures – Their method causes self-fulfilling prophesies – the alt is key to reclaim agency from inevitable violence

Busser 6 (Mark Busser, Masters Candidate at the Dept of Political Science at York University. Aug 2006, “The Evolution of Security: Revisiting the Human Nature Debate in International Relations ”, <http://www.yorku.ca/yciss/publications/documents/WP40-Busser.pdf>)

Responding directly to Thayer, Duncan Bell and Paul MacDonald have expressed concern at the intellectual functionalism inherent in sociobiological explanations, suggesting that too often analysts choose a specific behaviour and read backwards into evolutionary epochs in an attempt to rationalize explanations for that behaviour. These arguments, Bell and MacDonald write, often fall into what Richard Lewontin and Stephen Jay Gould have called ‘adaptionism,’ or “the attempt to understand all physiological and behavioural traits of an organism as evolutionary adaptations.”42 Arguments such as these are hand-crafted by their makers, and tend to carry forward their assumptions and biases. In an insightful article, Jason Edwards suggests that sociobiology and its successor, evolutionary psychology, are fundamentally political because they frame their major questions in terms of an assumed individualism. Edwards suggests that the main question in both subfields is: “given human nature, how is politics possible?”43 The problem is that the ‘givens’ of human nature are drawn backward from common knowledges and truths about humans in society, and the game-theory experiments which seek to prove them are often created with such assumptions in mind. These arguments are seen by their critics as politicized from the very start. Sociobiology in particular has been widely interpreted as a conservative politico-scientific tool because of these basic assumptions, and because of the political writings of many sociobiologists.44 Because sociobiology naturalizes certain behaviours like conflict, inequality and prejudice, Lewontin et al. suggest that it “sets the stage for legitimation of things as they are.”45 The danger inherent in arguments that incorporate sociobiological arguments into examinations of modern political life, the authors say, is that such arguments naturalize variable behaviours and support discriminatory political structures. Even if certain behaviours are found to have a biological drives behind them, dismissing those behaviours as ‘natural’ precludes the possibility that human actors can make choices and can avoid anti-social, violent, or undesirable action.46 While the attempt to discover a geneticallydetermined human nature has usually been justified under the argument that knowing humankind’s basic genetic programming will help to solve the resulting social problems, discourse about human nature seems to generate self-fulfilling prophesies by putting limits on what is considered politically possible. While sociobiologists tend to distance themselves from the naturalistic fallacy that ‘what is’ is ‘what should be,’ there is still a problem with employing adaptionism to ‘explain’ how existing political structures because conclusions tend to be drawn in terms of conclusions that assert what ‘must be’ because of biologically ingrained constraints.47 Too firm a focus on sociobiological arguments about ‘natural laws’ draws attention away from humanity’s potential for social and political solutions that can counteract and mediate any inherent biological impulses, whatever they may be. A revived classical realism based on biological arguments casts biology as destiny in a manner that parallels the neo-realist sentiment that the international sphere is doomed to everlasting anarchy. Jim George quotes the English School scholar Martin Wight as writing that “hope is not a political virtue: it is a theological virtue.”48 George questions the practical result of traditional realsist claims, arguing that the suggestion that fallen man’s sinful state can only be redeemed by a higher power puts limitations on what is considered politically possible. Thayer’s argument rejects the religious version of the fallen man for a scientific version, but similar problems remain with his ‘scientific’ conclusions.

### 1NC Modeling

#### Discourse of bioattacks justifies US double-standards – makes us complicit in ongoing atrocities

Egan 2 (R. Danielle, Assistant Professor of Sociology at St. Lawrence University, (Collateral Language, ed. Collins and Glover, p. 18-19)

A function of the discourse of Anthrax and its **production of panic** is the construction of Anthrax as a weapon of mass de­struction. This creates **both the illusion and the panic necessary** for its cultural acceptability. Anthrax as weapon of mass destruc­tion extends this discourse to its ultimate limit, meaning that if Anthrax is a weapon of mass destruction, then any and all governmental intervention is not only valid but also **absolutely nec­essary** for national safety. This, in effect, makes the continual bombing of Afghanistan seem necessary and the next potential target, Iraq, prudent. We are being bombarded, we are under at­tack, the body America is in danger by a weapon of mass de­struction; therefore, we must strengthen our immune system— we must fight back. We must protect ourselves by any means nec­essary. The use of the term “weapon of mass destruction” in the discourse of Anthrax is the ultimate illusion, the ultimate way of producing a cultural panic and blindness to the massive contra­diction between Anthrax, which has at this time killed four peo­ple, and the repeated dropping of ten-ton bombs on Afghanistan. The contradiction in logic is so obvious, but so ob­scured. How can a bacterium that a simple sixty-day course of the antibiotic Cipro can cure be viewed as more threatening than the continual air raids in Afghanistan? Or the “daisy cutter” bombs that incinerate a one-square-mile area? The United States has repeatedly used weapons of mass de­struction, whether one thinks of the napalm used in Vietnam, the atomic weapons dropped on Japan, or the not-so-”smart” bombs in Iraq which killed thousands of innocent Iraqi civilians—or the embargo which has been estimated to have cost close to a million children their lives in Iraq. Or, if we go back further in history, the smallpox-infested blankets sent to Native Americans by the U.S. government, an action that cost thousands of lives. Weapons of mass destruction are defined as those that can kill large num­bers of people through nuclear, biological, or chemical means. I would argue that there is a need to recognize that conventional weapons such as daisy cutters, smart bombs, and cluster bombs with their ability to take large numbers of lives, particularly in re­peated air raids, are weapons of mass destruction. To do so would force the United States to **explore its own mass destruction** in other countries, destruction that has been **ideologically ignored** under the guise of “protection of U.S. interests.” Our **discursively produced panic** has **effectively wiped out** our cultural under­standing of past and present U.S. atrocities.

#### No risk of a bioterror attack, and there won’t be retaliation - your evidence is hype

Matishak ‘10 (Martin, Global Security Newswire, “U.S. Unlikely to Respond to Biological Threat With Nuclear Strike, Experts Say,”, <http://www.globalsecuritynewswire.org/gsn/nw_20100429_7133.php>, April 29, 2010)

WASHINGTON -- The United States is not likely to use nuclear force to respond to a biological weapons threat, even though the Obama administration left open that option in its recent update to the nation's nuclear weapons policy, experts say (See GSN, April 22). "The notion that we are in imminent danger of confronting a scenario in which hundreds of thousands of people are dying in the streets of New York as a consequence of a biological weapons attack is fanciful," said Michael Moodie, a consultant who served as assistant director for multilateral affairs in the U.S. Arms Control and Disarmament Agency during the George H.W. Bush administration. Scenarios in which the United States suffers mass casualties as a result of such an event seem "to be taking the discussion out of the realm of reality and into one that is hypothetical and that has no meaning in the real world where this kind of exchange is just not going to happen," Moodie said this week in a telephone interview. "There are a lot of threat mongers who talk about devastating biological attacks that could kill tens of thousands, if not millions of Americans," according to Jonathan Tucker, a senior fellow with the James Martin Center for Nonproliferation Studies. "But in fact, no country out there today has anything close to what the Soviet Union had in terms of mass-casualty biological warfare capability. Advances in biotechnology are unlikely to change that situation, at least for the foreseeable future." No terrorist group would be capable of pulling off a massive biological attack, nor would it be deterred by the threat of nuclear retaliation, he added. The biological threat provision was addressed in the Defense Department-led Nuclear Posture Review, a restructuring of U.S. nuclear strategy, forces and readiness. The Obama administration pledged in the review that the United States would not conduct nuclear strikes on non-nuclear states that are in compliance with global nonproliferation regimes. However, the 72-page document contains a caveat that would allow Washington to set aside that policy, dubbed "negative security assurance," if it appeared that biological weapons had been made dangerous enough to cause major harm to the United States. "Given the catastrophic potential of biological weapons and the rapid pace of biotechnology development, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat," the posture review report says. The caveat was included in the document because "in theory, biological weapons could kill millions of people," Gary Samore, senior White House coordinator for WMD counterterrorism and arms control, said last week after an event at the Carnegie Endowment for International Peace. Asked if the White House had identified a particular technological threshold that could provoke a nuclear strike, Samore replied: "No, and if we did we obviously would not be willing to put it out because countries would say, 'Oh, we can go right up to this level and it won't change policy.'" "It's deliberately ambiguous," he told Global Security Newswire. The document's key qualifications have become a lightning rod for criticism by Republican lawmakers who argue they eliminate the country's previous policy of "calculated ambiguity," in which U.S. leaders left open the possibility of executing a nuclear strike in response to virtually any hostile action against the United States or its allies (see GSN, April 15). Yet experts say there are a number of reasons why the United States is not likely to use a nuclear weapon to eliminate a non-nuclear threat. It could prove difficult for U.S. leaders to come up with a list of appropriate targets to strike with a nuclear warhead following a biological or chemical event, former Defense Undersecretary for Policy Walter Slocombe said during a recent panel discussion at the Hudson Institute. "I don't think nuclear weapons are necessary to deter these kinds of attacks given U.S. dominance in conventional military force," according to Gregory Koblentz, deputy director of the Biodefense Graduate Program at George Mason University in Northern Virginia. "There's a bigger downside to the nuclear nonproliferation side of the ledger for threatening to use nuclear weapons in those circumstances than there is the benefit of actually deterring a chemical or biological attack," Koblentz said during a recent panel discussion at the James Martin Center. The nonproliferation benefits for restricting the role of strategic weapons to deterring nuclear attacks outweigh the "marginal" reduction in the country's ability to stem the use of biological weapons, he said. In addition, the United States has efforts in place to defend against chemical and biological attacks such as vaccines and other medical countermeasures, he argued. "We have ways to mitigate the consequences of these attacks," Koblentz told the audience. "There's no way to mitigate the effects of a nuclear weapon." Regardless of the declaratory policy, the U.S. nuclear arsenal will always provide a "residual deterrent" against mass-casualty biological or chemical attacks, according to Tucker. "If a biological or chemical attack against the United States was of such a magnitude as to potentially warrant a nuclear response, no attacker could be confident that the U.S. -- in the heat of the moment -- would not retaliate with nuclear weapons, even if its declaratory policy is not to do so," he told GSN this week during a telephone interview. Political Benefits Experts are unsure what, if any, political benefit the country or President Barack Obama's sweeping nuclear nonproliferation agenda will gain from the posture review's biological weapons caveat. The report's reservation "was an unnecessary dilution of the strengthened negative security and a counterproductive elevation of biological weapons to the same strategic domain as nuclear weapons," Koblentz told GSN by e-mail this week. "The United States has nothing to gain by promoting the concept of the biological weapons as 'the poor man's atomic bomb,'" he added.

## 2NC

### \*\*\*Framework

#### 3. Fiat is not real – the k is an academic discussion of the underpinnings of the affirmative – by definition comes before the outcomes of the aff because winning that their epistomolgy is wrong means the aff should have never happened – this is specifically true of war powers debates

Pugliese, 13 -- Macquarie University Cultural Studies professor

[Joseph, Macquarie University MMCCS (Media, Music, Communication and Cultural Studies) research director, State Violence and the Execution of Law: Biopolitcal Caesurae of Torture, Black Sites, Drones, 3-15-13, ebook accessed via EBL on 8-30-13, mss]

A constitutively incomplete scholarship: redactions, foreclosures, fragments

The work that unfolds in the chapters that follow is inscribed by a constitutively incomplete scholarship. This incompleteness is not due to the standard limitations imposed by time, word length and the other practical exigencies that impact on the process of scholarly research. Rather, this incompleteness is constitutive in quite another way. It is an incompleteness determined by the power of the state to impose fundamental omissions of information through the redaction of key documents, through the legal silencing of its agents and through the literal obliteration of evidence. These are all techniques of foreclosure that establish the impossibility of disclosure. In rhetorical terms, the redactions that score the legal texts that I examine operate as aposiopetic ﬁgures; ﬁgures that, in keeping with Greek etymology of the term, demand the keeping of silence. In their liquidation of linguistic meaning, they establish voids of signiﬁcation. Through the process of institutionalized censorship, they order into silence the voices of those subjects who might proceed to name the violence they perpetrated, while also nullifying the voices of the tortured. As rectilinear bars of blackness, the redactions that score the state’s declassiﬁed texts occlude the victims of state violence even as they neatly geometrize the disorder of torn flesh and violated bodies. The slabs of redaction encrypt the disappeared victims of torture in their textual black coffins. As such, they graphically exemplify the obliterative violence of law. These aposiopetic tracts are the textual and symbolic equivalent of the physical violence that is exercised by the state in order to silence its captives. Perhaps the most graphic incarnation of this transpired at Guantanamo, where a detainee, after an interrogation session, ‘began to yell (in Arabic): “Resist, Resist with all your might.”’102 The Interrogation Control Element Chief for Joint Task Force 170# GTMO ordered the detainee to be silenced with duct tape. In their Summarized Witness Statement, an unnamed agent recounts what they witnessed: "˜When I arrived at the interrogation room. I observed six or seven soldiers (or persons I believed were soldiers) laughing and pointing at something inside the room. When I looked inside I noticed a detainee with his entire head covered in duct tape . . . When I asked how he planned to take the tape off without hurting the detainee (the detainee had a beard and longer hair) [redacted] just laughed" The reduction of the detainee to a figure of bondage - short-shackled to the floor and manacled - is not adequate in confirming his status as captive. His face and voice, evidence of his human status, must be physically redacted. The taping of his entire head transmutes him into a faceless papier-machê mannequin. Even the most minimal sign of resistance, such as the exercise of the voice, IIILISI be subju- gated. The corporal economies of torture oscillate between the exercise of violence in order to extort confessions from broken bodies finally rendered docile and the exercise of violence to silence those insurgent bodies that refuse the order to be silent. The duct taping of the head of the detainee emblematizes the deployment of two violent modalities of torture: instrumental and gratuitous. Instrumental violence is produced by the direct application of tools and technologies - such as cables, pliers. electrodes and so on ~ onto the body of the victim in order to inflict pain. In this case the duct taping of the detainee's entire head directly produces a terrifying sense of asphyxiation. Gratuitous violence is a type of supplementary violence that results indirectly, after the fact of the application of instrumental violence. In this instance, the instrumentalized application of duct tape was principally driven by the desire to silence and subjugate the detainee. The ripping off of the duct tape and the tearing of his hair and beard will generate a violence that is wanton, augmenting the pain of having one's facial apertures sealed up. The end result is to confirm the detainee's status as subjugated object of violence. The US government’s power to withhold or destroy information runs the full gamut of censorial practices -- from the ludicrous to the indefensible. The CIA, for example, has exercised an impressive commitment to linguistic probity by insisting on the redaction of such disturbing terms as ‘rot,’ ‘shithole’ and ‘urinal’ from the testimony of one its former interrogators.104 It has also overseen the wholesale destruction of 92 videos that document the torture practices inflicted on their victims; torture practices that allegedly ‘went even beyond those approved by the expansive Yoo and Bybee Torture Memos.’105 These censorial practices have fundamentally determined the very material conditions of possibility of my research. They have produced a complex textual field inscribed by gaps, silences and the contingent fragments of knowledge that have managed to enter the public domain despite the censorial power of the state. And I refer here to the extraordinary work of individuals - such as Bradley Manning, who is himself now a victim of the state`s punitive regime of cruel and degrading punishment - or organizations, such as WikiLeaks, that have defied the censorial power of the state in order to make public texts that document the full extent of the state's violent practices and that compel its witnesses to call it to account. The work of these whistle- blowers and activists evidences the fact that the state is not an impervious monolith of repressive power but that, on the contrary, much as it strives to be unilateral in its actions and monologic in its enunciations, the state cannot completely master its heterogeneous agents or silence its heteroglossic voices. In the chapters that follow, I draw heavily on the texts that document the operations of the state in executing and exceeding its laws. I also, however, take the time to reflect critically on the materiality of the absences that mark my field of study by focusing specifically on the redactions that score a number of the key state documents to which I refer. These redactions, as I argue in Chapter 5, visibly signify both the sovereign power of the state and its insecurity. I read these redactions as techniques designed to manage, control and, where necessary, to obliterate knowledge altogether. In effect, these redactions function to constitute the opposite of epistemology: they generate official systems of unknowing, anti-epistemologies that consign the reading subject to ignorance and unknowledge. Faced with these lacunae, I attempt to unsettle the anti-epistemological practices of redaction by reading the very processes of redaction as symbolic instantiations of state violence: they reproduce, textually, their own figural black sites that effectively occlude the names of the agents responsible for the torture practices, even as they also become the black holes to which are dispatched the victims of such practices. Against the grain, then, I read these black sites of redaction as the textual and symbolic equivalent to the material black site prisons run by the state. The anti-epistemological violence of these sites of redaction works in tandem with the ontological violence that the state visits upon its embodied subjects.

#### Only confronting issues of sovereignty allows us to break free of the circular political practies that entrench militarism

Wadiwel 02 (Dinesh Joesph, completing a doctorate at the University of Western Sydney, 2K2, “Cows and Sovereignty: Biopower and Animal Life” Borderlands E-Journal Vol. 1 # 2 <http://www.borderlandsejournal.adelaide.edu.au/vol1no2_2002/wadiwel_cows.html>)

Such a political program has far reaching consequences, both for Western sovereignty, and the way that the business of politics is conducted. The living population of the earth has inherited a vision of sovereign power, which has spread cancerously into even the most seemingly inaccessible aspects of everyday life. This vision commands all, claims legitimacy for all, and determines the conduct of living for all within its domain. Politics ‘as we know it’ is caught inextricably in the web of sovereign power, in such a way that it seems that modern political debate cannot help but circulate around the same, routine issues: *"What is the appropriate legislative response?"; "Is it within the State’s powers to intervene in this particular conflict?";* "How can we ensure the citizen’s rights are maintained in the face of the state?"*.* To challenge such an encompassing and peremptory political discourse — where every question implies the sovereign absolutely, and every decision made refers to life itself — would require the most intensive rethinking of the way in which territory, governance and economy are imagined. In this sense, whilst Agamben’s analysis of bare life, and Foucault’s theory of bio-power, provide a means by which to assess the condition of non-human life with respect to sovereign power, the political project must reach beyond these terms, and embrace an intertwining of the human and the non-human: an intersection which may be found in the animal life shared by both entities.

#### The affirmatives faith in the legal system is misplaced. They posit a static form of legality that violently aims to order and control socio-economicly identified populations without accepting inherent difference.

Gordon 87, Robert Gordon, Professor of Law at Stanford, “Unfreezing Legal Reality: Critical Approaches to Law,” Florida State University Law Review, Vol 15 No 3. 1987, lexis

Now a central tenet of CLS work has been that the ordinary discourses of law -- debates over legislation, legal arguments, administrative and court decisions, lawyers' discussions with clients, legal commentary and scholarship, etc. -- all contribute to cementing this feeling, at once despairing and complacent, that things must be the way they are and that major changes could only make them worse. Legal discourse accomplishes this in many ways. First by endlessly repeating the claim that law and the other policy sciences have perfected a set of rational techniques and institutions that have come about as close as we are ever likely to get to solving the problem of domination in civil society. Put another way, legal discourse paints an idealized fantasy of order according to which legal rules and procedures have so structured relations among people that such relations may primarily be understood as instituted by their consent, their free and rational choices. Such coercion as apparently remains may be explained as the result of necessity -- either natural necessities (such as scarcity or the limited human capacity for altruism) or social necessities. For example, in a number of the prevailing discourses, the ordinary hierarchies of workplace domination and subordination are explained: (1) by reference to the contractual agreement of the parties and to their relative preferences for responsibility versus leisure, or risk taking versus security; (2) by the natural distribution of differential talents and skills (Larry Bird earns more as a basketball player because he is better); and (3) by the demands of efficiency in production, which are said to require extensive hierarchy for the purposes of supervision and monitoring, centralization of investment decisions, and so forth. There are always some residues of clearly unhappy [\*199] conditions -- undeserved deprivation, exploitation, suffering -- that cannot be explained in any of these ways. The discourses of law are perhaps most resourceful in dealing with these residues, treating them as, on the whole, readily reformable within the prevailing political options for adjusting the structures of ordinary practices -- one need merely fine tune the scheme of regulation, or deregulation, to correct them. But the prevailing discourse has its cynical and worldly side, and its tragic moments, to offset the general mood of complacency. In this mood it resignedly acknowledges that beyond the necessary minimum and the reformable residues of coercion and misery there is an irreducible, intractable remainder -- due to inherent limits on our capacity for achieving social knowledge, or for changing society through deliberate intervention, or for taking collective action against evil without suffering the greater evil of despotic power. These discourses of legal and technical rationality, of rights, consent, necessity, efficiency, and tragic limitation, are of course discourses of power -- not only for the obvious reasons that law's commands are backed by force and its operations can inflict enormous pain, but because to have access to these discourses, to be able to use them or pay others to use them on your behalf, is a large part of what it means to possess power. Further, they are discourses that -- although often partially constructed, or extracted as concessions, through the pressure of relatively less powerful groups struggling from below -- in habitual practice tend to express the interests and the perspectives of the powerful people who use them. The discourses have some of the power they do because some of their claims sound very plausible, though many do not. The claim, for example, that workers in health-destroying factories voluntarily "choose," in any practical sense of the term, the risks of the workplace in return for a wage premium, is probably not believed by anyone save those few expensively trained out of the capacity to recognize what is going on around them. In addition, both the plausible and implausible claims are backed up in the cases of law and of economics and the policy sciences by a quite formidable-seeming technocratic apparatus of rational justification -- suggesting that the miscellany of social practices we happen to have been born into in this historical moment is much more than a contingent miscellany. It has an order, even if sometimes an invisible one; it makes sense. The array of legal norms, institutions, procedures, and doctrines in force, can be rationally derived from the principles of regard for individual autonomy, utilitarian [\*200] efficiency or wealth creation, the functional needs of social order or economic prosperity, or the moral consensus and historical traditions of the community. There are several general points CLS people have wanted to assert against these discourses of power. First, the discourses have helped to structure our ordinary perceptions of reality so as to systematically exclude or repress alternative visions of social life, both as it is and as it might be. One of the aims of CLS methods is to try to dredge up and give content to these suppressed alternative visions. Second, the discourses fail even on their own terms to sustain the case for their relentlessly apologetic conclusions. Carefully understood, they could all just as well be invoked to support a politics of social transformation instead. n3 Generally speaking, the CLS claims under this heading are that the rationalizing criteria appealed to (of autonomy, functional utility, efficiency, history, etc.) are far too indeterminate to justify any conclusions about the inevitability or desirability of particular current practices; such claims, when unpacked, again and again turn out to rest on some illegitimate rhetorical move or dubious intermediate premise or empirical assumption. Further, the categories, abstractions, conventional rhetorics, reasoning modes and empirical statements of our ordinary discourses in any case so often misdescribe social experience as not to present any defensible pictures of the practices that they attempt to justify. Not to say of course that there could be such a thing as a single correct way of truthfully rendering social life as people live it, or that CLS writers could claim to have discovered it. But the commonplace legal discourses often produce such seriously distorted representations of social life that their categories regularly filter out complexity, variety, irrationality, unpredictability, disorder, cruelty, coercion, violence, suffering, solidarity and self-sacrifice. n4 [\*201] Summing up: The purpose of CLS as an intellectual enterprise is to try to thaw out, or at least to hammer some tiny dents on, the frozen mind sets induced by habitual exposure to legal practices -- by trying to show how normal legal discourses contribute to freezing, and to demonstrate how problematic these discourses are.

#### HOLD THEM ACCOUNTABLE TO THE 1AC. They replicate heteronormative and hyperracialzed power structures that ensures intervention in the name of violent world order. Rejecting their scholarship requires you to vote neg.

Patricia Hill Collins 90 (Patricia Hill, Distinguished University Professor of Sociology at the University of Maryland, College Park, Former head of the Department of African American Studies at the University of Cincinnati, and the past President of the American Sociological Association Council, Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment, p. 62-65)

A second component of the ethic of caring concerns the appropriateness of emotions in dialogues. Emotion indicates that a speaker believes in the validity of an argument. Consider Ntozake Shange’s description of one of the goals of her work: "Our [Western] society allows people to be absolutely neurotic and totally out of touch with their feelings and everyone else’s feelings, and yet be very respectable. This, to me, is a travesty I’m trying to change the idea of seeing emotions and intellect as distinct faculties." The Black women’s blues tradition’s history of personal expressiveness heals this either/or dichotomous rift separating emotion and intellect. For example, in her rendition of "Strange Fruit," Billie Holiday’s lyrics blend seamlessly with the emotion of her delivery to render a trenchant social commentary on southern lynching. Without emotion, Aretha Franklin’s cry for "respect" would be virtually meaningless. A third component of the ethic of caring involves developing the capacity for empathy. Harriet Jones, a 16-year-old Black woman, explains to her interviewer why she chose to open up to him: "Some things in my life are so hard for me to bear, and it makes me feel better to know that you feel sorry about those things and would change them if you could." Without her belief in his empathy, she found it difficult to talk. Black women writers often explore the growth of empathy as part of an ethic of caring. For example, the growing respect that the Black slave woman Dessa and the white woman Rufel gain for one another in Sherley Anne William’s Dessa Rose stems from their increased understanding of each other’s positions. After watching Rufel fight off the advances of a white man, Dessa lay awake thinking: "The white woman was subject to the same ravishment as me; this the thought that kept me awake. I hadn’t knowed white mens could use a white woman like that, just take her by force same as they could with us." As a result of her newfound empathy, Dessa observed, "it was like we had a secret between us." These components of the ethic of caring: the value placed on individual expressiveness, the appropriateness of emotions, and the capacity for empathy-pervade African-American culture. One of the best examples of the interactive nature of the importance of dialogue and the ethic of caring in assessing knowledge claims occurs in the use of the call-and-response discourse mode in traditional Black church services. In such services both the minister and the congregation routinely use voice rhythm and vocal inflection to convey meaning. The sound of what is being said is just as important as the words themselves in what is, in a sense, a dialogue of reason and emotion. As a result it is nearly impossible to filter out the strictly linguistic-cognitive abstract meaning from the sociocultural psychoemotive meaning. While the ideas presented by a speaker must have validity (i.e., agree with the general body of knowledge shared by the Black congregation), the group also appraises the way knowledge claims are presented. There is growing evidence that the ethic of caring may be part of women’s experience as well. Certain dimensions of women’s ways of knowing bear striking resemblance to Afrocentric expressions of the ethic of caring. Belenky et al. point out that two contrasting epistemological orientations characterize knowing: one an epistemology of separation based on impersonal procedures for establishing truth and the other, an epistemology of connection in which truth emerges through care. While these ways of knowing are not gender specific, disproportionate numbers of women rely on connected knowing. The emphasis placed on expressiveness and emotion in African-American communities bears marked resemblance to feminist perspectives on the importance of personality in connected knowing. Separate knowers try to subtract the personality of an individual from his or her ideas because they see personality as biasing those ideas. In contrast, connected knowers see personality as adding to an individual’s ideas and feel that the personality of each group member enriches a group’s understanding. The significance of individual uniqueness, personal expressiveness, and empathy in African-American communities thus resembles the importance that some feminist analyses place on women’s "inner voice." The convergence of Afrocentric and feminist values in the ethic of caring seems particularly acute. White women may have access to a women’s tradition valuing emotion and expressiveness, but few Eurocentric institutions except the family validate this way of knowing. In contrast, Black women have long had the support of the Black church, an institution with deep roots in the African past and a philosophy that accepts and encourages expressiveness and an ethic of caring. Black men share in this Afrocentric tradition. But they must resolve the contradictions that confront them in searching for Afrocentric models of masculinity in the face of abstract, unemotional notions of masculinity imposed on them. The differences among race/gender groups thus hinge on differences in their access to institutional supports valuing one type of knowing over another. Although Black women may be denigrated within white-male-controlled academic institutions, other institutions, such as Black families and churches, which encourage the expression of Black female power, seem to do so, in part, by way of their support for an Afrocentric feminist epistemology. The Ethic of Personal Accountability An ethic of personal accountability is the final dimension of an alternative epistemology. Not only must individuals develop their knowledge claims through dialogue and present them in a style proving their concern for their ideas, but people are expected to be accountable for their knowledge claims. Zilpha Elaw’s description of slavery reflects this notion that every idea has an owner and that the owner’s identity matters: "Oh, the abominations of slavery! ... Every case of slavery, however lenient its infliction and mitigated its atrocities, indicates an oppressor, the oppressed, and oppression." For Elaw abstract definitions of slavery mesh with the concrete identities of its perpetrators and its victims. African-Americans consider it essential for individuals to have personal positions on issues and assume full responsibility for arguing their validity. Assessments of an individual’s knowledge claims simultaneously evaluate an individual’s character, values, and ethics. African-Americans reject the Eurocentric, masculinist belief that probing into an individual’s personal viewpoint is outside the boundaries of discussion. Rather, all views expressed and actions taken are thought to derive from a central set of core beliefs that cannot be other than personal.

#### Third, we don’t preclude the 1AC or the possibility of policy focus, we just think that methodology is a prior question – means they don’t have offense. But even if they win policy simulation is good that makes the kritik more important – ethical and methodological questions are critical to avoid policy failure

McAllister et al 12 – School of Planning, Architecture and Civil Engineering Queen’s University Belfast (Keith, with Liu Ping Hui and Stephen McKay, “Evidence and Ethics in Infrastructure Planning”, International Journal of Applied Science and Technology Vol. 2 No. 5; May 2012, dml)

Lack of transparency on matters of policymaking and decision taking raise more ethical questions than answers. There was a definitive disinclination by key respondents to answer on such matters, inferring a reluctance to engage in fearless speech (Foucault, 1983). Nonetheless, such is the importance of these questions that those who provide leadership and wield power must be cognisant of the ramifications of not upholding the ethical standards and principles of legitimacy which justify their position. The professional-political relationship in decision taking is masked in shadow, though this investigation has yielded knowledge inferring that ethical dilemmas face planning practitioners on a daily basis, albeit that most do not perceive it to be a serious issue, as one respondent put it “it‟s just part of the job”.

Such perceptions undermine the ethos upon which the profession is founded and must be redressed. Rudimentary knowledge means that only speculation is possible on the dynamic which is located at the hub of policymaking and decision taking, therefore only those interacting at the foci of power truly understand how outputs emerge from interactive discursive processes. The evidence from this investigation did, however, indicate that cognisance must not just be taken of the professional-political relationship but the professional-professional relationship in the wider planning context. While the sample is admittedly small, there is clearly an issue to address with regard to the impact of power on professional ethics. Professionals, whatever their rank, have a responsibility to dissent (Marcuse, 1976) and it is disconcerting to think that where organisational legitimacy (Tilling, 2004) is taken as read, power-laden structures (Tewdwr-Jones and Allmendinger, 1998) may be conducive to the development of an inherent fear to express opinion as it might damage how, at best, they are perceived by their superiors or, at worst, impede career development.

While specifically testing the integrity of professional practitioners is almost impossible, it is vitally important that those who influence decisions at locations where power is wielded hold true to the ethical principles underpinning the profession. Failure to do so will ultimately lead to a catastrophic breakdown of societal approval (Kapland and Ruland, 1992) of the planning profession. Such a scenario may ultimately be conducive to the development and implementation of inappropriate policies and strategies which contribute to the demise of the environment which we strive to protect. Evidence from other jurisdictions suggests that the new infrastructure paradigm for operational practice is generally well placed to face such challenges in terms of “expertise and knowledge” (Sheridan, 2010, p. 10). The findings from this investigation suggest that commissioners and inspectors in the wider planning context are perceived as having the ethical robustness to distance themselves from challenges presented by powerbrokers; and the inherent nature of the approach is such that, unlike advocates who tactically manipulate knowledge or flagrantly misrepresent the truth, commissioners are programmed to use a balance sheet approach underpinned by impartiality (Marcuse, 1976). The task for the IPC commissioners is to remain cognisant of such ethical challenges and match the expectations achieved by their counterparts in other planning decision making arenas.

### \*\*\*Kaldor

### A2 Permutation

#### b) Protection from a biological weapon solidifies state control over the population. Attempts to control biological weapons simply re-create a zone of indistinction

**Pease ‘3** Foundation Chair of the Humanities at Dartmouth (Donald, “The Global Homeland State” boundary 2 30.3 (2003) 1-18 Muse)

As we have seen, the Homeland enacted into law by the Homeland Security Act did not have reference to an enclosed territory. And it was not exactly a political order. The Homeland Security Act was the political instrument on whose authority the state transformed a temporary suspension of order erected on the basis of factual danger into a quasi-permanent biopolitical arrangement that as such remained outside the normal order. After the passage of the Homeland Security Act, the state of exception no longer referred to an external state of factual danger and was instead identified with the juridical-political order itself. This juridical-political apparatus thereafter authorized a biopolitical settlement that inscribed the body of the people into an order of state power that endowed the state with power over the life and death of the population. [5](http://ezproxy.library.nyu.edu:2115/journals/boundary/v030/30.3pease.html#FOOT5#FOOT5)This biopolitical sphere emerged with the state's decision to construe [End Page 11] the populations it governed as indistinguishable from unprotected biological life. Insofar as the Homeland State's biopolitical imperative to regulate the life and death of the population that it governed was irreducible to the denizens of the nation-state, the Homeland State's biopolitical regime became potentially global in its extensibility. The body of the people as a free and equal citizenry endowed with the capacity to reconstitute itself through recourse to historically venerated social significations was replaced by a biological population that the state protected from biological terrorism. The biopolitical sphere constructed by the provisions of the Homeland Security Act first subtracted the population from the forms of civic and political life through which they recognized themselves as a national people and then positioned these life forms—the people, their way of life—into nonsynchronous zones of protection with the promise that their future synchronization would resuscitate the nation-state. [6](http://ezproxy.library.nyu.edu:2115/journals/boundary/v030/30.3pease.html#FOOT6#FOOT6)In undergoing a generalized dislocation from the national imaginary through which their everyday life practices become recognizably "American," the National Peoples underwent a mass denationalization and were reconstituted as biological life forms. As vulnerable biological life under the state's protection, the biopoliticized population also could play no active political role in the Homeland State's reordering of things. The Homeland State thereafter represented the population as an unprotected biological formation whose collective vitality must be administered and safeguarded against weapons of biological terrorism. The state's description of the weapons that endanger the aggregated population as "biological" in part authorized the state's biopolitical settlement. In representing its biopolitical imperatives in terms of a defense against weapons of biological destruction, the state also produced an indistinction between politics and the war against terrorism. This redescription produced two interrelated effects: it transformed the population's political and civil liberties into life forms that were to be safeguarded by the state rather than acted on by the citizenry; more importantly, it turned political opponents of this biopolitical settlement into potential enemies of the ways of life that the state safeguards. [End Page 12]

#### c) Framing that prioritizes global warming masks over status quo injustices and justifies violence.

Swyngedouw 2009

Erik, Geography @ School of Environment and Development Manchester University, Climate Change as Post-Political and Post-Democratic Populism, Paper presented at DVPW conference, Kiel, Germany, 22-25 September

The environmentally apocalyptic future, forever postponed, neither promises redemption nor does it posses a name; it is pure negativity. The attractions of such an apocalyptic imaginary are related to a series of characteristics. In contrast to standard Left arguments about the apocalyptic dynamics of unbridled capitalism (Mike Davis is a great exemplar of this (see (Davis, 1999, 2002)), I would argue that sustaining and nurturing apocalyptic imageries are an integral and vital part of the new cultural politics of capitalism (Boltanski & Chiapello, 2007) for which the management of fear is a central leitmotiv (Badiou, 2007). At the symbolic level, apocalyptic imaginaries are extraordinarily powerful in disavowing or displacing social conflict and antagonisms. As such, apocalyptic imaginations are decidedly populist and foreclose a proper political framing. Or in other words, the presentation of climate change as a global humanitarian cause produces a thoroughly depoliticized imaginary, one that does not revolve around choosing one trajectory rather than another, one that is not articulated with specific political programs or socio-ecological project or revolutions. It is this sort of mobilizations without political issue that led Alain Badiou to state that ‘ecology is the new opium for the masses’, whereby the nurturing of the promise of a more benign retrofitted climate exhausts the horizon of our aspirations and imaginations (Badiou, 2008) (Žižek, 2008). We have to make sure that radical techno-managerial and socio-cultural transformations, organized within the horizons of a capitalist order that is beyond dispute, are initiated that retrofit the climate (Swyngedouw, 2009c). In other words, we have to change radically, but within the contours of the existing state of the situation – ‘the partition of the sensible’ in Rancière’s words (Rancière, 1998), so that nothing really has to change. The negative desire for an apocalypse that few really believe will realise itself (if we were to belief that the earth is really in the dismal state we are told it is in, we would not be sitting around writing and reading arcane academic journal articles) finds its positive injunction around a fetishist invocation of CO2 as the ‘thing’ around which our environmental dreams, aspirations, contestations as well as policies crystallise. The ‘point de capiton’, the quilting point through which the signifying chain that weaves a discursive matrix of meaning and content for the climate change problematic, is CO2, the objet petit a that simultaneously expresses our deepest fears and around which the desire for change, for a better socio-climatic world is expressed (see also (Stavrakakis, 1997, 2000; Swyngedouw, 2009c). The fetishist disavowal of the multiple and complex relations through which environmental changes unfold finds its completion in the double reductionism to this singular socio-chemical component (CO2). The reification of complex processes to a thing-like object-cause in the form of a socio-chemical compound around which our environmental desire crystallise is furthermore inscribed with a particular social meaning and function through its enrolment as commodity in the processes of capital circulation and market exchange (Liverman, 2009) (Bumpus & Liverman, 2008). The commodification of CO2 – primarily via the Kyoto protocol and various off-setting schemes -- in turn, has triggered a rapidly growing derivatives market of futures and options. On the European climate exchange, for example, trade in CO2 futures and options grew from zero in 2005 to 463 million tons in June 2009, with prices fluctuating from over 30 Euro to less than 10 Euro per ton over this time period (www.ecx.eu – accessed 30 July 2009). The extraordinary complexity of the CO2 commodifation exemplifies per excellent what Marx once defined as commodity fetishism: “A commodity appears, at first sight, a very trivial thing, and easily understood. Its analysis shows that it is, in reality, a very queer thing, abounding in metaphysical subtleties and theological niceties”. CO2’s functioning as a commodity (and financialised asset) is dependent on its insertion in a complex governance regime organized around a set of technologies of governance that revolve around reflexive risk-calculation, self-assessment, interest-negotiation and intermediation, accountancy rules and accountancy based disciplining, detailed quantification and bench-marking of performance. The latter is politically choreographed and instituted by the Kyoto protocol and related, extraordinarily complex, institutional configurations, the techno-managerial machinery of post-democratic governing. The above potted summary of the uses of apocalyptic imaginaries, the science-politics short-circuiting and the privatization of the climate through the commodification of CO2 is strictly parallel, I contend, with the deepening consolidation of a political populism that characterizes the present post-political condition (Žižek, 2006a). And that is what we shall turn to next.

#### d) Security fears of disease cause emergency measures that are counterproductive at the domestic level and undermine critical international cooperation

**Enemark ‘9** (Is Pandemic Flu a Security Threat? Author: Christian Enemark DOI: 10.1080/00396330902749798 Publication Frequency: 6 issues per year Published in: journal Survival, Volume 51, Issue 1 February 2009 , pages 191 - 214

Most infectious diseases do not attract heightened political attention because their effects are mild, they are familiar to physicians, or their geographic occurrence is limited. A particular disease might be deemed a security issue, however, when its effects impose or threaten to impose an intolerable burden on society. That burden can be measured in terms of morbidity and mortality, **but also in terms of the way in which a disease is perceived by those who fear infection**. The disease described by the World Health Organisation (WHO) as 'the most feared security threat' today is pandemic influenza.1 The next pandemic could cause illness and death on a large scale, over a wide area, in a short space of time. **Such a prospect arguably sets this disease apart from the many others that may be regarded simply as health issues, and some Western governments have started to frame pandemic influenza as a threat to national security.** According to the US pandemic plan, a 'necessary enabler of pandemic preparedness' is that this be viewed 'as a national security issue'.2 The 'National Security Strategy of the United Kingdom' assesses an influenza pandemic as the 'highest risk' civil emergency.3 And under the Australian pandemic plan, which emphasises 'maintenance of social functioning',4 Australians are to receive the best possible health care 'commensurate with the maintenance of a safe and secure society'.5 Historical experience indicates that the world is overdue for an influenza pandemic, and a virus with pandemic potential - H5N1 avian influenza, which emerged in late 2003 - is still out of control. Past pandemics were all the more damaging because they took the world by surprise; however, the stakes are still high in the twenty-first century because increased human interconnectedness facilitates the global spread of disease. In the first identifiable pre-pandemic phase of human history, it makes sense to be thinking seriously about how best to prepare and respond. Yet **as some governments move to prioritise this health issue by framing it in security terms, two risks emerge: firstly, that emergency responses implemented at the domestic level might do more harm than good; and secondly, that placing too great an emphasis on the health and security interests of individual states might detract from the need for long-term international cooperation on resisting pandemic influenza.**

#### e) Credibility and modeling posit a notion of the incapable and lacking Other – justifies violence

Nayar 99 Copyright (c) 1999 Transnational Law & Contemporary Problems Transnational Law & Contemporary Problems Fall, 1999 9 Transnat'l L. & Contemp. Probs. 599. “SYMPOSIUM: RE-FRAMING INTERNATIONAL LAW FOR THE 21ST CENTURY: Orders of Inhumanity” Jayan Nayar (Ph. D from the University of Cambridge, Professor of International Development Law and Human Rights and the University of Warwick) cylab.info/u/JQ/texts/Nayar-\_Orders\_of\_Inhumanity.doc

Order as Evolutionary Structure: The potency of the term "world-order" to mobilize human imagination lies in its appeal to something almost divine: the civilizational project that is the natural path of human evolution, our common destiny, inherently good, bound by the "cords of the heart." n13 In this respect, "order" is presented as standing in opposition to the undesired condition of "disorder." Therefore, to construct an order out of this condition which, at best, is one of nothingness, and at worst, one of chaos and anarchy, stands as a task of historic human responsibility. Being of the "order of things," so to speak, we may regard the project of creating order, of "ordering," as inherent and intrinsic to human history in its movement toward ever greater levels of evolutionary unfolding. This assumption of order gives rise to a Cartesian conception of the organization of human relationships, wherein the progressive evolution of human civilization entails the mechanical, "neutral" and necessary process of amalgamating diversity ("disorder") into an efficient and unitary total structure of world-order. Order as Coercive Command: The flip side of order as "structure" is order as "command." Viewed in this way, it is the present of the coercive process of "ordering" rather than the future of the emancipatory condition/structure of order that becomes emphasized. There is nothing "natural," "evolutionist" or "neutral" about world-order when the command of ordering is made visible. The vision of civilization as mechanical organization of the component parts of "humanity" is no longer tenable when the coercion of command to fit into this order is exposed. World-order, then, no longer describes the "order" of the world open to discovery, but rather, the "ordering" of the world open to conflict. [\*606] Distinguishing these two meanings of "order" provides us with radically opposed directions of analysis and orientations for future imagings of social relations. Although the rhetoric of world-order would focus on visions of some projected "world" that provides the aspiration for collective endeavors, "order" does not come to be without necessary "ordering;" the "world" of "world-order" has not come to be without the necessary ordering of many worlds. The ordering and the ordered, the world of order and the ordered world, all are inextricable parts of the past and the present of "civil-ization." Despite the vision of world-order founded on a notion of a universal society of humankind aspiring toward a universal common good, (first given meaning within a conceptual political-legal framework through the birth of the so-called "Westphalian" state system n14 ), the materialities of "ordering" were of a different complexion altogether. Contrary to the disembodied rhetoric of world-order as bloodless evolution, the new images of the world and languages of "globality" did not evolve out of a sense of "hospitality" n15 to the "other," the "stranger." Rather, the history of the creation of the post-Westphalian "world" as one world, can be seen to be most intimately connected with the rise of an expansionist and colonizing world-view and practice. Voyages of "discovery" provided the necessary reconnaissance to image this "new world." Bit by bit, piece by piece, the jigsaw of the globe was completed. With the advance of the "discoverer," the "colonizer," the "invader," the "new" territories were given meaning within the hermeneutic construct that was the new "world."

#### Fourth, thinking that we can resist the structures of imperialism while endorsing problematic policies and world views ensures that we become amoral political subjects bound to imperial empathy. Any inclusion of the plan coopts the alternative and makes it a footnote.

Abbas 10, Asma Abbas, Professor and Division Head in Social Studies, Political Science, Philosophy at the Liebowitz Center for International Studies at Bard College at Simon’s Rock, Liberalism and Human Suffering: Materialist Reflections on Politics, Ethics, and Aesthetics, London: Palgrave Macmillan, pg. Pg. 38-39/

The dizzying back and forth between professed Kantians and Humeans blurs the fact that, regardless of whether morality is anchored interior to the acting subject or determined by the effects of the actions of the subject as they play out in the outside world, the unit of analysis is quite the same. Thus, when touchy liberals desire better attention to the fact of human pain and suffering, they manage to talk about cruelty where, ironically, cruel actions are derivatives of cruel agents and the victim’s suffering is just fallout. Besides this shared inability to dispel the primacy of the agent and the perpetrator in favor of the sufferer of pain, the rift between Kant and Hume is deceptive in another way. In terms of historical evolution, the current status of cruelty betrays a fetish of the active agent. It is no accident that the terms “good” and “evil” require a focus on cruelty and its infliction, leaving untouched the suffering of cruelty. Moral psychology ends up being the psychology of cruelty, which is amoral question, and hence of those who cause it. In the same frame, suffering is never a moral, let alone political or legal, question unless amoral agent with a conscience has caused it. All sufferers automatically become victims in the eyes of politics and law when “recognized.” Suffering is thus relevant as a political question only after it is a moral one, when it is embodied and located in a certain way, when it surpasses arbitrary thresholds. It is one thing to claim that liberalism, whether empiricist or idealist, cannot overcome its subject-centeredness even in its moments of empathy for the “victim.” It is another to understand the stubborn constitution of the agent at the helm of liberal justice and ask what makes it so incurable and headstrong and what the temperament of this stubbornness might be: is it pathetic, squishy, helplessly compassionate, humble, philanthropic, imperialist, venomous, neurotic, all of the above, or none of these? Not figuring out this pathos is bound to reduce all interaction with liberal assertions to one or another act of editing or “correcting” them. Inadvertently, all protests to liberalism tread a limited, predictable path and will be, at some point, incorporated within it. Liberalism’s singular gall and violence is accessed every time a resistance to it is accommodated by liberalism. Think, for instance, not only of how often liberals affirm their clumsiness and mediocrity in speaking for the other’s suffering but also of how quickly its antagonists—purveyors of many a righteous anti-representational politics—“make space” for the voice of others without challenging the (liberal, colonizing) structures that determine and distribute the suffering and speaking self, and the suffering and speaking other, to begin with. This protest leaves unquestioned what it means to speak for one’s own, or others’, suffering and whether there are other ways of speaking suffering that problematize these as the only options.

### 2NC – Alt

#### This debate round matters – critical interrogation of our war policy and adaptation to “new wars” is critical to create a new form of scholarship that is predicated on local, national, and global scholarship external from the status quo security apparatus.

Kaldor 13, Mary Kaldor, professor of Global Governance at the London School of Economics and Director of the Civil Society and Human Security Research Unit, “In Defence of New Wars,” March 7, 2013, Stability, 2(1): 4, pp. 1-16, <http://www.stabilityjournal.org/article/download/sta.at/40%E2%80%8E>

The debate about new wars has helped to refine and reformulate the argument. The debate about Clausewitz has facilitated a more conceptual interpretation of new wars, while the debate about data has led to the identification of new sources of evidence that have helped to substantiate the main proposition. The one thing the critics tend to agree is that the new war thesis has been important in opening up new scholarly analysis and new policy perspectives, which, as I have stressed, was the point of the argument (Newman 2004; Henderson and Singer 2002). The debate has taken this further. It has contributed to the burgeoning field of conflict studies. And it has had an influence on the intensive policy debates that are taking place especially within the military, ministries of defence and international organisations the debates about counter-insurgency in the Pentagon, for example, or about human security in the European Union and indeed about non-traditional approaches to security in general. What is still lacking in the debate is the demand for a cosmopolitan political response. In the end, policing, the rule of law, justice mechanisms and institution-building depend on the spread of norms at local, national and global levels, and norms are constructed both through scholarship and public debate. If we are to reconceptualise political violence as ‘new war’ or crime and the use of force as cosmopolitan law enforcement rather than war-fighting, then we have to be able to challenge the claims of those who conceptualise political violence as ‘old war’, and this can only be done through critical publicly-engaged analysis.

### A2 Sovereignty/Realism

#### Globalization and collective security are inevitable, but our method and justification for how we should engage those strcutures is founded in our scholarship. Alt is a prerequisite and any risk of a link means you vote neg.

Kaldor 99, Mary Kaldor, professor of Global Governance a the London School of Economics and Director of the Civil Society and Human Security Research Unit, New & Old Wars, 1999, Stanford University Press, pg 123-124

The failure to take seriously alternative sources of power displays a myopia about the character of power and the relationship between power and violence. An effective response to the new wars has to be based on an alliance between international organizations and local advocates of cosmopolitanism in order to reconstruct legitimacy. A strategy of winning hearts and minds needs to identify with individuals and groups respected for their integrity. They have to be supported, and their advice, proposals, recommendations need to be taken seriously. There is no standard formula for a cosmopolitan response; the point is rather that, in each local situation, there has to be a process involving these individuals and groups through which a strategy is developed. The various components of international involvement — the use of troops, the role of negotiation, funds for reconstruction — need to be worked out jointly. This argument also has implications for the way in which political pressure from the above is exerted on political and military leaders to reach agreement or to consent to peacekeeping forces. Typical methods include the threat of air strikes or economic sanctions, which have the consequence of identifying the leaders with the population instead of isolating them, treating them as representative of ‘sides’, as legitimate leaders of states or proto-states. Such methods can easily be counterproductive, alienating the local population and narrowing the possibilities of pressure below. There may be circumstances in which these methods are an appropriate strategy and others where more targeted approaches may be more effective — arraigning the leaders as war criminals so that they Cannot travel, exempting Cultural communication so as to support civil society, for example. The point is that local cosmopolitans can provide the best advice on what is the best approach; they need to be consulted and treated as partners.

#### Cosmopolitanism solves every impact because of widespread cooperation

Held 10 (David, Professor of Political Science at the London School of Economics and Political Science, February 4th, Share the World’s Resources, “The Changing Face of Global Governance”, http://www.stwr.org/the-un-people-politics/the-changing-face-of-global-governance.html)

Today, there is a newfound recognition that global problems cannot be solved by any one nation state acting alone, nor by states just fighting their corner in regional blocs. As demands on the state have increased, a whole series of policy problems have arisen which cannot be adequately resolved without cooperation with other states and non-state actors. There is a growing recognition that individual states are no longer the only appropriate political units for either resolving key policy problems or managing a broad range of public functions. The policy packages that have largely set the global agenda – in economics and security – have been discredited. The Washington Consensus and Washington security doctrines have dug their own graves. The most successful developing countries in the world are successful because they have not followed the Washington Consensus agenda, and the conflicts that have most successfully been diffused are ones that have benefited from concentrated multilateral support and a human security agenda. Here are clear clues as to how to proceed in the future. We need to follow these clues and learn from the mistakes of the past if democracy, social justice and a renewed multilateral order are to be advanced. Or, to sum up, realism is dead, long live cosmopolitanism. The future of organised force in countries like our own is through regional and international organisations. Cooperation between states is still important, if not more so, but what has changed is the rationale, which is now deeper and more complex. The old threat was the ‘other’; the new threat is shared problems and collective threats.

### \*\*\*Solvency

#### Empirically cant solve circumvention

Gregory McNeal 08, Visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law. The author previously served as an academic consultant to the former Chief Prosecutor, Department of Defense Office of Military Commissions, “ARTICLE: BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” August 08, 103 Nw. U. L. Rev. Colloquy 29

3. Executive Forum-Discretion--Any reform which allows for adjudication of guilt in different forums, each with differing procedural protections, raises serious questions of legitimacy and also incentivizes the Executive to use "lesser" forms of justice--nonprosecution or prosecutions by military commission. In this section, my focus is on the incentives which compel the Executive to not prosecute, or to prosecute in military commissions rather than Article III courts. Understanding the reason for these discretionary decisions will guide reformers pondering whether a new system will actually be used by the next President.¶ There are two primary concerns that executive actors face when selecting a forum: protecting intelligence and ensuring trial outcomes. Executive forum-discretion is a different form of prosecutorial discretion with a different balancing inquiry from the one engaged in by courts. Where prosecutorial discretion largely deals with the charges a defendant will face, executive forum-discretion impacts the procedural protections a defendant can expect at both the pretrial and trial phase. Where balancing by Courts largely focuses on ensuring a just outcome which protects rights, the balancing engaged in by executive actors has inwardly directed objectives [\*50] which value rights only to the degree they impact the Executive's self interest.¶ Given the unique implications flowing from forum determinations, reformers can benefit from understanding why an executive actor chooses one trial forum over another. I contend that there are seven predictive factors that influence executive discretion; national security court reformers should be aware of at least the two most salient predictive factors: trial outcomes and protection of intelligence equities. n112 The Executive's balancing of factors yields outcomes with direct implications for fundamental notions of due process and substantial justice. Any proposed reform is incomplete without thoroughly addressing the factors that the Executive balances.

## 1NR

### Legitimacy

Staking hegemony on one test case causes constant intervention – this turns the case

Rana 5 (Aziz, Harvard University, [Haunted by a Paradox: Human Rights Promotion and American Foreign Policy](http://www.tandfonline.com/doi/abs/10.1080/13642980500095435) [The International Journal of Human Rights](http://www.tandfonline.com/toc/fjhr20/9/2) Vol. 9, Iss. 2, 2011

The second key implication of the millenarian link between rights and security has been a deep-seated moral incoherence in American foreign policy. The need to view all local forms of violence as threats to global pacification has in practice meant distorting the meaning of these events. In assessing the Vietnam War, Raymond Aron wrote that, ‘What led to the Vietnam tragedy was not the concept of containment nor perhaps the imperative of nonresort to force, but the growing tendency to substitute symbol for reality in the discrimination of interests and issues.’18 What Aron recognised was the power of American millenarianism to cloak the nature of international political relationships. When substituting symbol for reality, conflicts are stripped of their local significance and given an abstract global meaning. Indigenous contests over power and resources are only understood in their implications for the US's missionary project. However, this focus obscures the real causes of local struggle and the likely consequences of foreign intervention. Aron also writes that the ‘domino theory, though in itself implausible, was a clumsy reflection of the correct idea that the American commitment is devalued by any throwing in of the sponge.’19 In other words, not only does such symbolism often distort the real significance of local events, but it also justifies constant intervention – the never ‘throwing in of the sponge’. The possibility that violence will break out and undermine both order and rights requires a continual and aggressive American presence. Intervention becomes a moral imperative whose only meaningful checks are the limits of practicality. As a consequence, the US finds itself implicated in operations of power that often compromise the original premise of rights protection. The abstract moral imperatives of human rights and global order produce the antithetical outcome of complicity in violence and imposition. As Pratap Bhanu Mehta writes, ‘Americans often forget that for every nation rescued and made safe for democracy there are many whose democracy had been rendered precarious by the exercise of American power.’

**We control all the key alliances—deter challengers and keep world friendly to US**

**Bandow, 11** – senior fellow at the Cato Institute. A former special assistant to Ronald Reagan, he is the author of Foreign Follies: America's New Global Empire (Xulon) [1-31-2011, Doug Bandow, “Solving the Debt Crisis: A Military Budget for a Republic”, January 31st, <http://www.cato.org/pub_display.php?pub_id=12746>]

More than two decades after the Cold War dramatically ended, the U.S. maintains a Cold War military. America has a couple score allies, dozens of security commitments, hundreds of overseas bases, and hundreds of thousands of troops overseas. Yet international hegemonic communism has disappeared, the Soviet Union has collapsed, Maoist China has been transformed, and pro-communist Third World dictatorships have been discarded in history's dustbin. The European Union has a larger economy and population than America does. Japan spent decades with the world's second largest economy. South Korea has 40 times the GDP and twice the population of North Korea. As Colin Powell exclaimed in 1991, "I'm running out of demons. I'm running out of enemies. I'm down to Castro and Kim Il-sung." Yet America accounts for roughly half of the globe's military outlays. In real terms the U.S. government spends more on the military today than at any time during the Cold War, Korean War, or Vietnam War. It is difficult for even a paranoid to concoct a traditional threat to the American homeland. Terrorism is no replacement for the threat of nuclear holocaust. Commentator Philip Klein worries about "gutting" the military and argued that military cuts at the end of the Cold War "came back to haunt us when Sept. 11 happened." Yet the reductions, which still left America by far the world's most dominant power, neither allowed the attacks nor prevented Washington from responding with two wars. And responding with two wars turned out to be a catastrophic mistake. Evil terrorism is a threat, but existential threat it is not. Moreover, the best response is not invasions and occupations — as the U.S. has learned at high cost in both Afghanistan and Iraq. Rather, the most effective tools are improved intelligence, Special Forces, international cooperation, and restrained intervention. Attempts at nation-building are perhaps even more misguided than subsidizing wealthy industrialized states. America's record isn't pretty. The U.S. wasn't able to anoint its preferred Somali warlord as leader of that fractured nation. Washington's allies in the still unofficial and unstable nation of Kosovo committed grievous crimes against Serb, Roma, and other minorities. Haiti remains a failed state after constant U.S. intervention. The invasion of Iraq unleashed mass violence, destroyed the indigenous Christian community, and empowered Iran; despite elections, a liberal society remains unlikely. After nine years most Afghans dislike and distrust the corrupt government created by the U.S. and sustained only by allied arms. The last resort of those who want America to do everything everywhere is to claim that the world will collapse into various circles of fiery hell without a ubiquitous and vast U.S. military presence. Yet there is no reason to believe that scores of wars are waiting to break out. And America's prosperous and populous allies are capable of promoting peace and stability in their own regions.

**Unipolarity is comparatively meaningless to other factors in preventing conflict**

**Legro 11** (Jeffrey W. – professor of politics and Randolph P. Compton Professor in the Miller Center at the University of Virginia, Sell unipolarity? The future of an overvalued concept in International Relations Theory and the Consequences of Unipolarity, p. EBook)

Such a view, however, is problematic. What seems increasingly clear is that the role of polarity has been overstated or misunderstood or both. This is the unavoidable conclusion that emerges from the penetrating chapters in this volume that probe America’s current dominant status (unipolarity) with the question “does the distribution of capabilities matter for patterns of international politics?”3 Despite the explicit claim that “unipolarity does have a profound impact on international politics”4 what is surprising is how **ambiguous** and **relatively limited** that influence is across the chapters. The causal impact of unipolarity has been **overvalued** for three fundamental reasons. The first is that the effects of unipolarity are often not measured relative to the influence of other causes that explain the same outcome. When the weight of **other factors** is considered, polarity seems to **pale in comparison**. Second, rather than being a structure that molds states, polarity often seems to be the product of state choice. Polarity may be more outcome than cause. Finally, while international structure does exist, it is constituted as much by ideational content as by material capabilities. Again polarity **loses ground in significance**.

**Brooks Ikenberry and Wohlforth are incorrect- hegemony causes entanglement, balancing, and nuclear weapons are sufficient**

Walt ’13 (Stephen M. Walt, “More or less: The debate on U.S. grand strategy”, January 2, 2013)

If you'd like to start 2013 by sinking your teeth into the debate on U.S. grand strategy, I recommend you start with two pieces in the latest issue of Foreign Affairs. Both are by good friends of mine, and together they nicely limn the contours of a useful debate on America's global role. It's also worth noting that there are realists on both sides of this particular exchange, which reminds us that agreement on fundamental principles doesn't necessarily yield agreement on policy conclusions. The first piece is Barry Posen's "Pull Back: The Case for a Less Activist Foreign Policy," and the second is Stephen Brooks, John Ikenberry, and William Wohlforth's "Lean Forward: In Defense of American Engagement." (A longer version of the B, I & W argument can be found in the latest issue of International Security; Posen's argument is outlined at length in a forthcoming book.) Dedicated readers of this blog know that I am largely in agreement with Posen's position, so I'm going to focus today on what I find lacking in B, I & W. Like all of their work, it's vigorously argued and the longer version is richly documented. But all those footnotes cannot save it from some serious weaknesses. First, B, I, & W straw-man their target by lumping together a group of strategic thinkers whose differences are at least as significant as their points of agreement. The "proponents of retrenchment" that they criticize range from libertarian isolationists who want to bring virtually all US forces home to "offshore balancers" like Posen who support a robust but less extravagant defense budget and favor not isolationism but merely more limited forms of international engagement. Needless to say, there is a world of difference in these views (even if both are broadly in favor of doing less), and so many of B, I & W's broad-brush charges miss their mark. Second, there is something deeply puzzling about B, I & W's devotion to what Ikenberry used to called "liberal hegemony," and what he and his co-authors now prefer to call "deep engagement." B, I & W argue that deep engagement has been America's grand strategy since World War II and they believe it was the optimal strategy for the bipolar Cold War, when the United States faced a global threat from a major great-power rival. Not only was the USSR a formidable military power, but it was also an ideological rival whose Marxist-Leninist principles once commanded millions of loyal followers around the world. Here's the puzzle: the Soviet Union disappeared in 1992, and no rival of equal capacity has yet emerged. Yet somehow "deep engagement" is still the optimal strategy in these radically different geopolitical circumstances. It's possible that U.S. leaders in the late 1940s hit on the ideal grand strategy for any and all structural conditions, but it is surely odd that an event as significant as the Soviet collapse can have so few implications for how America deals with the other 190-plus countries around the globe. Third, B, I, & W give "deep engagement" full credit for nearly all the good things that have occurred internationally since 1945 (great power peace, globalization, non-proliferation, expansion of trade, etc.), even though the direct connection between the strategy and these developments remains contested. More importantly, they absolve the strategy from most if not all of the negative developments that also took place during this period. They recognize the events like the Indochina War and the 2003 war in Iraq were costly blunders, but they regard them as deviations from "deep engagement" rather than as a likely consequence of a strategy that sees the entire world as of critical importance and the remaking of other societies along liberal lines as highly desirable if not strategically essential. The problem, of course, is that U.S. leaders can only sell deep engagement by convincing Americans that the nation's security will be fatally compromised if they do not get busy managing the entire globe. Because the United States is in fact quite secure from direct attack and/or conquest, the only way to do that is by ceaseless threat-mongering, as has been done in the United States ever since the Truman Doctrine, the first Committee on the Present Danger and the alarmist rhetoric of NSC-68. Unfortunately, threat-mongering requires people in the national security establishment to exaggerate U.S. interests more-or-less constantly and to conjure up half-baked ideas like the domino theory to keep people nervous. And once a country has talked itself into a properly paranoid frame of mind, it inevitably stumbles into various quagmires, as the United States did in Vietnam, Iraq, and Afghanistan. Again, such debacles are not deviations from "deep engagement"; they are a nearly inevitable consequence of it. Fourth, B, I, & W largely ignore the issue of opportunity cost. Advocates of restraint like Posen (and myself) are not saying that the United States cannot afford to intervene in lots of overseas venues, they are saying that the United States would be better off with a smaller set of commitments and a more equitable division of labor between itself and its principal allies. If the United States were not spending more than more of the world combined on "deep engagement," it could invest more in infrastructure here at home, lower taxes, balance budgets more easily, provide more generous health or welfare benefits, or do whatever combination of the above the public embraced. Fifth, B, I, & W argue that deep engagement works because hardly anybody is actively trying to balance American power. In their view, most of the world likes this strategy, and is eager for Washington to continue along the same path. On the one hand, this isn't that surprising: why shouldn't NATO countries or Japan prefer a world where they can spend 1-2% of GDP on defense while Uncle Sucker shoulders the main burden? More importantly, advocates of restraint believe doing somewhat less would encourage present allies to bear a fairer share of the burden, and also discourage some of them from adventurist behavior encouraged by excessive confidence in U.S. protection (which Posen terms "reckless driving"). If the U.S. played hard-to-get on occasion, it would discover that some of its allies would do more both to secure their own interests and to remain eligible for future U.S. help. Instead of bending over backwards to convince the rest of the world that the United States is 100 percent reliable, U.S. leaders should be encouraging other states to bend over backwards to convince us that they are worth supporting. Moreover, even if most of the world isn't balancing U.S. power, the parts that are remain troublesome. For instance, "deep engagement" in the Middle East has produced some pretty vigorous balancing behavior, in the form of Iraq and Iran's nuclear programs, Tehran's support for groups such as Hezbollah, and the virulent anti-Americanism of Al Qaeda. Indeed, the more deeply engaged we became in the region (especially with the onset of "dual containment" following the first Gulf War), the more local resistance we faced. Ditto our "deep engagement" in Iraq and Afghanistan. And given that those two wars may have cost upwards of $3 trillion,////// it seems clear that at least a few people have "balanced" against the United States with a certain amount of success. Sixth, reading B, I, & W, one would hardly know that the nuclear revolution had even occurred. Nuclear weapons are not very useful as instruments of coercion, but they do make their possessors largely unconquerable and thus reduce overall security requirements considerably. Because the United States has a second-strike capability sufficient to devastate any country foolish enough to attack us, the core security of the United States is not in serious question. The presence of nuclear weapons in the hands of eight other countries also makes a conventional great power war like World War I or World War II exceedingly unlikely. Yet despite this fundamental shift in the global strategic environment, B, I & W believe the United States must remain "deeply engaged" in Europe, Asia, and elsewhere in order to prevent a replay of the first half of the 20th century. To repeat: most of the strategists who reject "deep engagement/liberal hegemony" do not call for isolationism, a retreat to Fortress America, or a slash-and-burn approach to defense spending. On the contrary: they favor continued U.S. engagement, albeit in a more restrained, highly selective, and strategically sustainable way. They believe the United States should seek to maintain favorable balances of power in key regions, but that it does not need to provide all the military muscle itself and certainly should not try to dictate or control the political evolution of these areas with military force. They believe this approach would preserve core U.S. interests at an acceptable cost, and would be far better suited to the current distribution of global power. "Deep engagement" might have been a good strategy for the Cold War, though even that proposition is debatable. But as you may have noticed, the Cold War is now over. Isn't it about time that U.S. grand strategy caught up with that fact?

#### Their naïve hope in the effectiveness of small changes distracts us from how individuals each contribute to warming – turns case – alt solves better.

Kingsnorth, ’12 [Paul Kingsnorth, ; Taken from email interview with Kingsnorth, interview conducted by Wen Stephenson; Wen Stephenson, writer and climate activist, is a contributor to Grist and the Boston Phoenix and has written about climate and culture for the Boston Globe, The New York Times, and Slate; “’I Withdraw’: A talk with climate defeatist Paul Kingsnorth”], Apr 11, 2012 <http://grist.org/climate-energy/i-withdraw-a-talk-with-climate-defeatist-paul-kingsnorth/> ]

I wonder what it is that makes me so “ecocentric,” and you such a humanist? I wonder what fuels my sense of resignation, and my occasional sneaking desire for it all to come crashing down, and what fuels your powerful need for this thing called hope. Whenever I hear the word “hope” these days, I reach for my whisky bottle. It seems to me to be such a futile thing. What does it mean? What are we hoping for? And why are we reduced to something so desperate? Surely we only hope when we are powerless? This may sound a strange thing to say, but one of the great achievements for me of the Dark Mountain Project has been to give people permission to give up hope. What I mean by that is that we help people get beyond the desperate desire to do something as impossible as ‘save the Earth’, or themselves, and start talking about where we actually are, what is actually possible and where we are actually coming from. I don’t think we need hope. I think we need imagination. We need to imagine a future which can’t be planned for and can’t be controlled. I find that people who talk about hope are often really talking about control. They hope desperately that they can keep control of the way things are panning out. Keep the lights on, keep the emails flowing, keep the nice bits of civilisation and lose the nasty ones; keep control of their narrative, the world they understand. Giving up hope, to me, means giving up the illusion of control and accepting that the future is going to be improvised, messy, difficult. The Tim DeChristopher quote which you use approvingly is something which divides us. I admire anyone who can go to prison for their beliefs (well, not anyone, it rather depends what those beliefs are) but I’m of the opinion that the last thing the world needs right now is more “humanitarians.” What the world needs right now is human beings who are able to see outside the human bubble, and understand that all this talk about collapse, decline, and crisis is not just a human concern. When I look to the future, the thing that frightens me most is not climate change, or the possibility of the lights going out in the lit-up parts of the world, it’s that we may keep this ecocidal civilization going long enough to take everything down with it. I feel I have to respond to all of this by giving up hope, so that I can instead find some measure of reality. So I’ve let hope fall away from me, and wishful thinking too, and I feel much lighter. I feel now as if I am able to look more honestly at the way the world is, and what I can do with what I have to give, in the time I have left. I don’t think you can plan for the future until you have really let go of the p

#### No extinction

**Gladwell ‘95**, Malcolm writer for The New Yorker and best-selling author The New Republic, July 17 and 24, 1995, excerpted in Epidemics: Opposing Viewpoints, 1999, p. 31-32

Every infectious agent that has ever plagued humanity has had to adapt a specific strategy but every strategy carries a corresponding cost and this makes human counterattack possible. Malaria is vicious and deadly but it relies on mosquitoes to spread from one human to the next, which means that draining swamps and putting up mosquito netting can all hut halt endemic malaria. Smallpox is extraordinarily durable remaining infectious in the environment for years, but its very durability its essential rigidity is what makes it one of the easiest microbes to create a vaccine against. AIDS is almost invariably lethal because it attacks the body at its point of great vulnerability, that is, the immune system, but the fact that it targets blood cells is what makes it so relatively uninfectious. Viruses are not superhuman. I could go on, but the point is obvious. Any microbe capable of wiping us all out would have to be everything at once: as contagious as flue, as durable as the cold, as lethal as Ebola, as stealthy as HIV and so doggedly resistant to mutation that it would stay deadly over the course of a long epidemic. But viruses are not, well, superhuman. They cannot do everything at once. It is one of the ironies of the analysis of alarmists such as Preston that they are all too willing to point out the limitations of human beings, but they neglect to point out the limitations of microscopic life forms.

### Modeling

**The worst case scenario happened – no extinction**

**Dove 12** [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶ Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people.