## 2AC

### Solvency

#### There ev is nothing more than presidential posturing- Obama would comply with the aff

Green 11 (Craig, Prof of Law at Temple Unviersity , Northwestern University Law Review, Vol 105, No 3"Ending the Korematsu Era: An Early View From the War on Terror Cases")

Jackson’s hard-nosed analysis may seem intellectually bracing, but it understates the real-world power of judicial precedent to shape what is po- litically possible.306 Although presidential speeches occasionally declare a willingness to disobey Supreme Court rulings, actual disobedience of this sort is rare and would carry grave political consequences.307 Even President Bush’s losses in the GWOT cases did not spur serious consideration of noncompliance despite broad support from a Republican Congress.308 Likewise, from the perspective of strengthening presidential power, Kore- matsu-era decisions emboldened President Bush in his twenty-first-century choices about Guantánamo and military commissions.309 Thus, the modern historical record shows that judicial precedent can both expand and restrict the political sphere of presidential action.¶ The operative influence of judicial precedent is even stronger than a court-focused record might suggest, as the past sixty years have witnessed a massive bureaucratization and legalization of all levels of executive gov- ernment.310 From the White House Counsel, to the Pentagon, to other enti- ties addressing intelligence and national security issues, lawyers now occupy such high-level governmental posts that almost no significant policy is determined without multiple layers of legal review.311 And these execu- tive lawyers are predominantly trained to think—whatever else they may believe—that Supreme Court precedent is authoritative and binding.312

#### Enforcing controversial decisions builds legitimacy

Law 9 (David S., Professor of Law and Political Science – Washington University, “A Theory of Judicial Power and Judicial Review”, Georgetown Law Journal, March, 97 Geo. L.J. 723, Lexis)

Part IV of this Article discusses a counterintuitive implication of a coordination-based account of judicial power. Conventional wisdom suggests that courts secure compliance with their decisions by drawing upon their store of legitimacy, which is undermined by decisions that are unpopular, controversial, or lack intellectual integrity. **[25](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=8c88d133c25a3b4f5051a1f6e7d59e22&docnum=10&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAA&_md5=f69097397b5940fd4142eea50a91eed7&focBudTerms=supreme+court+w%2F35+controvers%21+or+unpopular+w%2F20+decision%21+or+ruling%21+w%2F35+legitimacy&focBudSel=all" \l "n25" \t "_self)** Part IV argues that precisely the opposite is true: an unpopular or unpersuasive decision can, in fact, enhance a court's power in future cases, as long as it is obeyed. Widespread compliance with a decision that is controversial, unpopular, or unpersuasive serves only to strengthen the widely held expectation that others comply with judicial decisions. This expectation, in turn, is self-fulfilling: those who expect others to comply with a court's decisions will find it strategically prudent to comply themselves, and the aggregate result will, in fact, be widespread compliance. Part IV illustrates these strategic insights--and the Supreme Court's apparent grasp of them--by contrasting  [\*734]  *Bush v. Gore* [**26**](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=8c88d133c25a3b4f5051a1f6e7d59e22&docnum=10&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAA&_md5=f69097397b5940fd4142eea50a91eed7&focBudTerms=supreme+court+w%2F35+controvers%21+or+unpopular+w%2F20+decision%21+or+ruling%21+w%2F35+legitimacy&focBudSel=all#n26) with *Brown v. Board of Education* [**27**](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=8c88d133c25a3b4f5051a1f6e7d59e22&docnum=10&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAA&_md5=f69097397b5940fd4142eea50a91eed7&focBudTerms=supreme+court+w%2F35+controvers%21+or+unpopular+w%2F20+decision%21+or+ruling%21+w%2F35+legitimacy&focBudSel=all#n27) and *Cooper v. Aaron*. **[28](http://www.lexis.com/research/retrieve?y=&dom1=&dom2=&dom3=&dom4=&dom5=&crnPrh=&crnSah=&crnSch=&crnLgh=&crnSumm=&crnCt=&cc=&crnCh=&crnGc=&shepSummary=&crnFmt=&shepStateKey=&pushme=1&tmpFBSel=all&totaldocs=&taggedDocs=&toggleValue=&numDocsChked=0&prefFBSel=0&delformat=XCITE&fpDocs=&fpNodeId=&fpCiteReq=&fpSetup=0&_m=8c88d133c25a3b4f5051a1f6e7d59e22&docnum=10&_fmtstr=FULL&_startdoc=1&wchp=dGLbVlb-zSkAA&_md5=f69097397b5940fd4142eea50a91eed7&focBudTerms=supreme+court+w%2F35+controvers%21+or+unpopular+w%2F20+decision%21+or+ruling%21+w%2F35+legitimacy&focBudSel=all" \l "n28" \t "_self)**

#### Warming is inevitable

**Mims ’12** (It’s Probably Too Late To Stop Warming By Christopher Mims 27 March, 2012 Grist.org

If you like cool weather and not having to club your neighbors as you battle for scarce resources, now’s the time to move to Canada, because the story of the 21st century is almost written, reports Reuters. Global warming is close to being irreversible, and in some cases that ship has already sailed. Scientists have been saying for a while that we have until between 2015 and 2020 to start radically reducing our carbon emissions, and what do you know: That deadline’s almost past! Crazy how these things sneak up on you while you’re squabbling about whether global warming is a religion. Also, our science got better in the meantime, so now we know that no matter what we do, we can say adios to the planet’s ice caps.ffff **For ice sheets — huge refrigerators that slow down the warming of the planet — the tipping point has probably already been passed, Steffen said**. The West Antarctic ice sheet has shrunk over the last decade and the Greenland ice sheet has lost around 200 cubic km (48 cubic miles) a year since the 1990s. **Here’s what happens next: Natural climate feedbacks will take over and, on top of our prodigious human-caused carbon emissions, send us over an irreversible tipping point**. By 2100, the planet will be hotter than it’s been since the time of the dinosaurs, and everyone who lives in red states will pretty much get the apocalypse they’ve been hoping for. The subtropics will expand northward, the bottom half of the U.S. will turn into an inhospitable desert, and everyone who lives there will be drinking recycled pee and struggling to salvage something from an economy wrecked by the destruction of agriculture, industry, and electrical power production. Water shortages, rapidly rising seas, superstorms swamping hundreds of billions of dollars’ worth of infrastructure: It’s all a-coming, and anyone who is aware of the political realities knows that the odds are slim that our government will move in time to do anything to avert the biggest and most avoidable disaster short of all-out nuclear war. **Even if our government did act, we can’t control the emissions of the developing world. China is now the biggest emitter of greenhouse gases on the planet and its inherently unstable autocratic political system demands growth at all costs. That means coal.** Meanwhile, engineers and petroleum geologists are hoping to solve the energy crisis by harvesting and burning the nearly limitless supplies of natural gas frozen in methane hydrates at the bottom of the ocean, a source of atmospheric carbon previously considered so exotic that it didn’t even enter into existing climate models. So, welcome to the 21st century. Hope you packed your survival instinct.

## Neo-lib

#### Threats are real

**Schweller 4** [Randall L. Schweller, Associate Professor in the Department of Political Science at The Ohio State University, “Unanswered Threats A Neoclassical RealistTheory of Underbalancing,” International Security 29.2 (2004) 159-201, Muse]

Despite the historical frequency of underbalancing, little has been written on the subject. Indeed, Geoffrey Blainey's memorable observation that for "every thousand pages published on the causes of wars there is less than one page directly on the causes of peace" could have been made with equal veracity about overreactions to threats as opposed to underreactions to them.92 Library shelves are filled with books on the causes and dangers of exaggerating threats, ranging from studies of domestic politics to bureaucratic politics, to political psychology, to organization theory. By comparison, there have been few studies at any level of analysis or from any theoretical perspective that directly explain why states have with some, if not equal, **regularity underestimated dangers to their survival**. There may be some cognitive or normative bias at work here. Consider, for instance, that there is a commonly used word, paranoia, for the unwarranted fear that people are, in some way, "out to get you" or are planning to do oneharm. I suspect that just as many people are afflicted with the opposite psychosis: the delusion that everyone loves you when, in fact, they do not even like you. Yet, we do not have a familiar word for this phenomenon. Indeed, I am unaware of any word that describes this pathology (hubris and overconfidence come close, but they plainly define something other than what I have described). That noted, international relations theory does have a frequently used phrase for the pathology of states' underestimation of threats to their survival, the so-called Munich analogy. The term is used, however, in a disparaging way by theorists to ridicule those who employ it. The central claim is that the naïveté associated with Munich and the outbreak of World War II has become an overused and inappropriate analogy because few leaders are as evil and unappeasable as Adolf Hitler. Thus, the analogy either mistakenly causes leaders [End Page 198] to adopt hawkish and overly competitive policies or is deliberately used by leaders to justify such policies and mislead the public. A more compelling explanation for the paucity of studies on underreactions to threats, however, is the tendency of theories to reflect contemporary issues as well as the desire of theorists and journals to provide society with policy- relevant theories that may help resolve or manage urgent security problems. Thus, born in the atomic age with its new balance of terror and an ongoing Cold War, the field of security studies has naturally produced theories of and prescriptions for national security that have had little to say about—and are, in fact, heavily biased against warnings of—the dangers of underreacting to or underestimating threats. After all, the nuclear revolution was not about overkill but, as Thomas Schelling pointed out, speed of kill and mutual kill.93 Given the apocalyptic consequences of miscalculation, accidents, or inadvertent nuclear war, small wonder that theorists were more concerned about overreacting to threats than underresponding to them. At a time when all of humankind could be wiped out in less than twenty-five minutes, theorists may be excused for stressing the benefits of caution under conditions of uncertainty and erring on the side of inferring from ambiguous actions overly benign assessments of the opponent's intentions. The overwhelming fear was that a crisis "might unleash forces of an essentially military nature that overwhelm the political process and bring on a war thatnobody wants. Many important conclusions about the risk of nuclear war, and thus about the political meaning of nuclear forces, rest on this fundamental idea."94 Now that the Cold War is over, we can begin to redress these biases in the literature. In that spirit, I have offered a domestic politics model to explain why threatened states often fail to adjust in a prudent and coherent way to dangerous changes in their strategic environment. The model fits nicely with recent realist studies on imperial under- and overstretch. Specifically, it is consistent with Fareed Zakaria's analysis of U.S. foreign policy from 1865 to 1889, when, he claims, the United States had the national power and opportunity to expand but failed to do so because it lacked sufficient state power (i.e., the state was weak relative to society).95 Zakaria claims that the United States did [End Page 199] not take advantage of opportunities in its environment to expand because it lacked the institutional state strength to harness resources from society that were needed to do so. I am making a similar argument with respect to balancing rather than expansion: incoherent, fragmented states are unwilling and unable to balance against potentially dangerous threats because elites view the domestic risks as too high, and they are unable to mobilize the required resources from a divided society. The arguments presented here also suggest that elite fragmentation and disagreement within a competitive political process, which Jack Snyder cites as an explanation for overexpansionist policies, are more likely to produce underbalancing than overbalancing behavior among threatened incoherent states.96 This is because a balancing strategy carries certain political costs and risks with few, if any, compensating short-term political gains, and because the strategic environment is always somewhat uncertain. Consequently, logrolling among fragmented elites within threatened states is more likely to generate overly cautious responses to threats than overreactions to them. This dynamic captures the underreaction of democratic states to the rise of Nazi Germany during the interwar period.97 In addition to elite fragmentation, I have suggested some basic domestic-level variables that regularly intervene to thwart balance of power predictions

#### Reps don’t shape reality

**Jarvis, 00** (Darryl, lecturer in IR at the University of Sydney, International relations and the challenge of postmodernism, 2000, p. 128-130)

Perhaps more alarming though is the outright violence Ashley recom-mends in response to what at best seem trite, if not imagined, injustices. Inculpating modernity, positivism, technical rationality, or realism with violence, racism, war, and countless other crimes not only smacks of anthropomorphism but, as demonstrated by Ashley's torturous prose and reasoning, requires a dubious logic to malce such connections in the first place. Are we really to believe that ethereal entities like positivism, mod-ernism, or realism emanate a "violence" that marginalizes dissidents? Indeed, where is this violence, repression, and marginalization? As self- professed dissidents supposedly exiled from the discipline, Ashley and Walker appear remarkably well integrated into the academy-vocal, pub-lished, and at the center of the Third Debate and the forefront of theo-retical research. Likewise, is Ashley seriously suggesting that, on the basis of this largely imagined violence, global transformation (perhaps even rev-olutionary violence) is a necessary, let alone desirable, response? Has the rationale for emancipation or the fight for justice been reduced to such vacuous revolutionary slogans as "Down with positivism and rationality"? The point is surely trite. Apart from members of the academy, who has heard of positivism and who for a moment imagines that they need to be emancipated from it, or from modernity, rationality, or realism for that matter? In an era of unprecedented change and turmoil, of new political and military configurations, of war in the Balkans and ethnic cleansing, is Ashley really suggesting that some of the greatest threats facing humankind or some of the great moments of history rest on such innocu-ous and largely unknown nonrealities like positivism and realism? These are imagined and fictitious enemies, theoretical fabrications that represent arcane, self-serving debates superfluous to the lives of most people and, arguably, to most issues of importance in international relations. More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil. That it does and continues to do so reflects our lack of judicious criteria for evaluating the-ory and, more importantly, the lack of attachment theorists have to the real world. Certainly it is right and proper that we ponder the depths of our theoretical imaginations, engage in epistemological and ontological debate, and analyze the sociology of our lmowledge.37 But to suppose that this is the only task of international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggles as actors in international politics. What does Ashley's project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and des-titute? How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emigres of death squads? Does it in any way speak to those whose actions and thoughts comprise the policy and practice of international relations? On all these questions one must answer no. This is not to say, of course, that all theory should be judged by its technical rationality and problem-solving capacity as Ashley forcefully argues. But to suppose that problem-solving technical theory is not necessary-or is in some way bad-is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily. As Holsti argues, we need ask of these theorists and their theories the ultimate question, "So what?" To what purpose do they deconstruct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches? Does this get us any further, make the world any better, or enhance the human condition? In what sense can this "debate toward [a] bottomless pit of epistemology and metaphysics" be judged pertinent, relevant, help-ful, or cogent to anyone other than those foolish enough to be scholasti-cally excited by abstract and recondite debate.38 Contrary to Ashley's assertions, then, poststructural approach a fails to empower the marginalized and, in fact, abandons them. Rather than ana-lyze the political economy of power, wealth, oppression, production, or international relations and render an intelligible understanding of these processes, Ashley succeeds in ostracizing those he portends to represent by delivering an obscure and highly convoluted discourse. If Ashley wishes to chastise structural realism for its abstractness and detachment, he must be prepared also to face similar criticism, especially when he so adamantly intends his work to address the real life plight of those who struggle at marginal places. If the relevance of Ashley's project is questionable, so too is its logic and cogency. First, we might ask to what extent the postmodern "empha-sis on the textual, constructed nature of the world" represents "an unwar-ranted extension of approaches appropriate for literature to other areas of human practice that are more constrained by an objective reality. "39 All theory is socially constructed and realities like the nation-state, domestic and international politics, regimes, or transnational agencies are obviously social fabrications. But to what extent is this observation of any real use? Just because we acknowledge that the state is a socially fabricated entity, or that the division between domestic and international society is arbitrar-ily inscribed does not make the reality of the state disappear or render invisible international politics. Whether socially constructed or objectively given, the argument over the ontological status of the state is of no particular moment. Does this change our experience of the state or somehow diminish the political-economic-juridical-military functions of the state? To recognize that states are not naturally inscribed but dynamic entities continually in the process of being made and reimposed and are therefore culturally dissimilar, economically different, and politically atypical, while perspicacious to our historical and theoretical understanding of the state, in no way detracts from its reality, practices, and consequences. Similarly, few would object to Ashley's hermeneutic interpretivist understanding of the international sphere as an artificially inscribed demarcation. But, to paraphrase Holsti again, so what? This does not malce its effects any less real, diminish its importance in our lives, or excuse us from paying serious attention to it. That international politics and states would not exist with-out subjectivities is a banal tautology. The point, surely, is to move beyond this and study these processes. Thus, while intellectually interesting, con-structivist theory is not an end point as Ashley seems to think, where we all throw up our hands and announce there are no foundations and all real-ity is an arbitrary social construction. Rather, it should be a means of rec-ognizing the structurated nature of our being and the reciprocity between subjects and structures through history. Ashley, however, seems not to want to do this, but only to deconstruct the state, international politics, and international theory on the basis that none of these is objectively given but fictitious entities that arise out of modernist practices of representa-tion. While an interesting theoretical enterprise, it is of no great conse- quence to the study of international politics. Indeed, structuration theory has long talcen care of these ontological dilemmas that otherwise seem to preoccupy Ashley.40

#### The state of the world has never been better, we are increasing on all metrics

Brookings Institute ’11 (Brookings Institute, Global Think tank, “Poverty in Numbers: The Changing State of Global Poverty from 2005 to 2015 by the Brookings Institute”, <http://nextbigfuture.com/2011/02/poverty-in-numbers-changing-state-of.html>, February 26, 2011, LEQ)

By 2015, we will not only have halved the global poverty rate, but will have halved it again to under 10 percent, or less than 600 million people, with India and China responsible for three-quarters of the reduction in the world’s poor expected between 2005 and 2015. How many poor people are there in the world and how many are there likely to be in 2015? To calculate the number of people in the world living in extreme poverty, we update the World Bank’s official $1.25 a day poverty estimates for 119 countries, which together account for 95 percent of the population of the developing world. To do this, we take the most recent household survey data for each country, and generate poverty estimates for the years 2005 to 2015 using historical and forecast estimates of per capita consumption growth, making the simplifying assumption that the income distribution in each country remains unchanged. Global poverty figures are then calculated by adding together the number of poor from each country. (See the Appendix for a full account of our methodology.) Our results indicate that the world has seen a dramatic decrease in global poverty over the past six years, and that this trend is set to continue in the four years ahead. We estimate that between 2005 and 2010, the total number of poor people around the world fell by nearly half a billion people, from over 1.3 billion in 2005 to under 900 million in 2010. Looking ahead to 2015, extreme poverty could fall to under 600 million people—less than half the number regularly cited in describing the number of poor people in the world today. Poverty reduction of this magnitude is unparalleled in history: never before have so many people been lifted out of poverty over such a brief period of time. When measured as a share of population, progress remains impressive, but is more in line with past trends. In the early 1980s, more than half of all people in developing countries lived in extreme poverty. By 2005, this was down to a quarter. According to our estimates, as of 2010 less than 16 percent remained in poverty, and fewer than 10 percent will likely be poor by 2015. The first Millennium Development Goal defines a target (MDG1a) of halving the rate of global poverty by 2015 from its 1990 level. In an official report prepared for the U.N. MDG conference this past September, the World Bank stated that we are 80 percent of the way toward this target and are on track to meet it by 2015, though the Bank warned that “the economic crisis adds new risks to prospects for reaching the goal.” Our assessment is considerably more upbeat. We believe that the MDG1a target has already been met—approximately three years ago. Furthermore, by 2015, we will not only have halved the global poverty rate, as per MDG1a, but will have halved it again. Over the past half century, the developing world, including many of the world’s poorest countries, have seen dramatic improvements in virtually all non-income measures of well-beingfff: since 1960, global infant mortality has dropped by more than 50 percent, for example, and the share of the world’s children enrolled in primary school increased from less than half to nearly 90 percent between 1950 and today.5 Likewise there have been impressive gains in gender equality, access to justice and civil and political rights. Yet, through most of this period, the incomes of rich and poor countries diverged, and income poverty has proven a more persistent challenge than other measures of wellbeing. The rapid decline in global poverty now underway—and the early achievement of the MDG1a target—marks a break from these trends, and could come to be seen as a turning point in the history of global development. Unlike previous decades, like the ’80s (when the poverty rate increased in Africa) and the ’90s (when it increased in Latin America and the former Soviet Union), poverty reduction is currently taking place in all regions of the world. The sharpest fall in poverty is occurring in Asia. South Asia alone is expected to see a reduction in the number of its poor of more than 430 million over the 10-year period we study, representing a fall in its poverty rate of over 30 percentage points. East Asia already recorded a vast drop in poverty between 1980 and 2005, and this trend is continuing: a further 250 million people in the region are expected to escape poverty by 2015, two-thirds of whom have likely already done so. For the first time, Sub-Saharan Africa’s poverty rate has fallen below 50 percent. The total number of poor people in the region is falling too, albeit slowly. Better still, by 2015, the poverty rate is expected to fall below 40 percent—a rate China did not achieve until the mid-90s.

#### Their view guarantees annihilation – securitizing against even potential enemies is key to prevent extinction.

Harris ‘4(Essayist for Policy Review, Lee, Civilization and its Enemies, http://www.freerepublic.com/focus/f-news/1260214/posts)

This is why all utopian projects are set either on a distant island or in a hidden valley: they must exist in isolation from the rest of the world, to keep even the thought of the enemy at bay. Otherwise, they would have to deal with the problem of how to survive without abandoning their lofty ideals. This is the problem that confronts us today. The ideals that our intellectuals have been instilling in us are utopian ideals, designed for men and women who know no enemy and who do not need to take precautions against him. They are the values appropriate for a world in which everyone plays by the same rules, and accepts the same standards, of rational cooperation; they are fatally unrealistic in a world in which the enemy acknowledges no rule except that of ruthlessness. To insist on maintaining utopian values when your society is facing an enemy who wishes only to annihilate you is to invite annihilation. And that is unacceptable. The only solution is for us to go back and unforget some of what we have forgotten, for our very forgetfulness is an obstacle to understanding the lessons of the past, so long as we insist on interpreting the past in ways which give comfort to our pet illusions. We want to believe that civilization came about because men decided one fine morning to begin living sensible, peaceful, rational lives; we refuse to acknowledge what it sot to achieve even the first step in this direction. Unless we can understand this first step, none of the rest will make any sense to us, and we will fail to see what is looming right in front of us. The Greek way of expressing past and future differed from ours. We say that the past is behind us and the future is in front of us. To the Greeks, however, the past was before them, because they could plainly see its finished form standing in front of them: it was territory they had passed through and whose terrain they had charted. It was the future that was behind them, sneaking up like a thief in the night, full of dim imaginings and vast uncertainties. Nothing could penetrate the blackness of this unknown future except the rare flash of foresight that the Greeks called sophos, or wisdom. Yet even these flashes of wisdom depended entirely upon the capacity to remember that which is eternal and unchanging-which is precisely what we have almost forgotten. The past tells that there can be no end of history, no realm of perpetual peace, and that those who are convinced by this illusion are risking all that they hold dear. The past tells us that there will always be an enemy as long as men care enough about anything to stake a claim to it, and thus enmity is built into the very nature of things. The past tells us that the next stage of history will be a tragic conflict between two different ways of life, which both have much that is worthy of admiration in them but which cannot coexist in the same world. But the past does not, and cannot, tell us how it will end this time.

#### Their alt fails— critique is worthless without a method of implementation

**Jones 99** (Richard, professor of International Politics at the University of Wales, Security, Strategy, and Critical Theory, CIAO Net AM)

Because emancipatory political practice is central to the claims of critical theory, one might expect that proponents of a critical approach to the study of international relations would be reflexive about the relationship between theory and practice. Yet their thinking on this issue thus far does not seem to have progressed much beyond grandiose statements of intent. There have been no systematic considerations of how critical international theory can help generate, support, or sustain emancipatory politics beyond the seminar room or conference hotel. Robert Cox, for example, has described the task of critical theorists as providing “a guide to strategic action for bringing about an alternative order” (R. Cox 1981: 130). Although he has also gone on to identify possible agents for change and has outlined the nature and structure of some feasible alternative orders, he has not explicitly indicated whom he regards as the addressee of critical theory (i.e., who is being guided) and thus how the theory can hope to become a part of the political process (see R. Cox 1981, 1983, 1996). Similarly, Andrew Linklater has argued that “a critical theory of international relations must regard the practical project of extending community beyond the nation–state as its most important problem” (Linklater 1990b: 171). However, he has little to say about the role of theory in the realization of this “practical project.” Indeed, his main point is to suggest that the role of critical theory “is not to offer instructions on how to act but to reveal the existence of unrealised possibilities” (Linklater 1990b: 172). But the question still remains, reveal to whom? Is the audience enlightened politicians? Particular social classes? Particular social movements? Or particular (and presumably particularized) communities? In light of Linklater’s primary concern with emancipation, one might expect more guidance as to whom he believes might do the emancipating and how critical theory can impinge upon the emancipatory process. There is, likewise, little enlightenment to be gleaned from Mark Hoffman’s otherwise important contribution. He argues that critical international theory seeks not simply to reproduce society via description, but to understand society and change it. It is both descriptive and constructive in its theoretical intent: it is both an intellectual and a social act. It is not merely an expression of the concrete realities of the historical situation, but also a force for change within those conditions. (M. Hoffman 1987: 233) Despite this very ambitious declaration, once again, Hoffman gives no suggestion as to how this “force for change” should be operationalized and what concrete role critical theorizing might play in changing society. Thus, although the critical international theorists’ critique of the role that more conventional approaches to the study of world politics play in reproducing the contemporary world order may be persuasive, their account of the relationship between their own work and emancipatory political practice is unconvincing. Given the centrality of practice to the claims of critical theory, this is a very significant weakness. Without some plausible account of the **mechanisms** by which they hope to aid in the achievement of their emancipatory goals, proponents of critical international theory are hardly in a position to justify the assertion that “it represents the next stage in the development of International Relations theory” (M. Hoffman 1987: 244). Indeed, without a more convincing conceptualization of the theory–practice nexus, one can argue that critical international theory, by its own terms, has no way of redeeming some of its central epistemological and methodological claims and thus that it is a **fatally flawed** enterprise.

#### Not root cause – war causes their impacts

**Goldstein** **‘1**—Professor of International Relations at American University, 2001 (Joshua S., War and Gender: How Gender Shapes the War System and Vice Versa, pp.411-412)

First, peace activists face a dilemma in thinking about causes of war and working for peace. Many peace scholars and activists support the approach, “if you want peace, work for justice”. Then if one believes that sexism contributes to war, one can work for gender justice specifically (perhaps among others) in order to pursue peace. This approach brings strategic allies to the peace movement (women, labor, minorities), but rests on the assumption that injustices cause war. The evidence in this book suggests that causality runs at least as strongly the other way. War is not a product of capitalism, imperialism, gender, innate aggression, or any other single cause, although all of these influences wars’ outbreaks and outcomes. Rather, war has in part fueled and sustained these and other injustices.  So, “if you want peace, work for peace.” Indeed, if you want justice (gener and others), work for peace. Causality does not run just upward through the levels of analysis from types of individuals, societies, and governments up to war. It runs downward too. Enloe suggests that changes in attitudes toward war and the military may be the most important way to “reverse women’s oppression/” The dilemma is that peace work focused on justice brings to the peace movement energy, allies and moral grounding, yet, in light of this book’s evidence, the emphasis on injustice as the main cause of war seems to be empirically inadequate.

#### Alt doesn’t solve detention- engagement is key

Jenks and Talbot-Jensen 11 (INDEFINITE DETENTION UNDER THE LAWS OF WAR Chris Jenks\* & Eric Talbot Jensen\*\* Lieutenant Colonel, U.S. Army Judge Advocate General's Corps. Presently serving as the Chief of the International Law Branch, Office of The Judge Advocate General, Washington D.C. The views expressed in this Article are those of the author and not The Judge Advocate General's Corps, the U.S. Army, or the Department of Defense. \*\* Visiting Assistant Professor, Fordham Law School. The authors wish to thank Sue Ann Johnson for her exceptional research and editing skills, and the organizers and attendees at both the 3rd Annual National Security Law Jtinior Faculty Workshop at the University of Texas School of Law, where we first discussed the ideas for this article, and the Stanford Law and Policy Review National Defense Symposium, where we first presented the finished product. STANFORD LAW & POLICY REVIEW [Vol. 22:1] Page Lexis)

Those who would deconstruct the law of war as applied to detention stemming from armed conflict with non state actors may achieve victory, but in an academic, and, practically speaking, pyrrhic sense. Arguing that the Geneva Conventions for Prisoners and Civilians do not, on their face, apply to members of al-Qaeda or the Taliban may be correct, and in more than one way. But in so arguing, the deconstructionist approach removes a large portion of intemationally recognized and accepted provisions for regulating detention associated with armed conflict—^the Geneva Conventions—^while leaving the underlying question of how to govern detention unanswered. At some point, even the deconstmctionist must shift to positivism and propose an altemative, an altemative we submit would inevitably resemble that which is already extant in the law of war. Moreover, while there has been discussion about the strained application of the Geneva Conventions and Additional Protocols to states combating transnational terrorism, attempts at a new convention have gained little traction. Our approach is more an attempt at pragmatism than radicalism—there are individuals currently detained, purportedly indefinitely and under the law of war. Yet despite years of such detention, two administrations have provided little if any information on what exactly such detention means, how and by what it is govemed, and if and how it ends. Conflating aspects of intemationally recognized law of war conventions allows for a transparent process that could be promulgated now. Whether for the up to fifty or so individuals currently detained at Guantanamo or for those who may be detained in the future, we posit that the law of war provides a legitimate model for indefinite detention. And, as the Walsh Report recognized,^' the longer detainees are held, the more concern for their individual situations must be given. We therefore analyze the complete protections provided by the law of war and advocate that all of them, over time and to varying degrees, be applied to the detainees in Guantanamo. In this way, detention under the laws of war can provide a humane system of indefinite detention that strikes the right balance between the security of the nation and the rights of individuals

#### Judicial abstention props up military adventurism and illegal arms sales those cause nuclear war.

Scales and Spitz 12 (Ann Scales, prof at U Denver law school. Laura Spitz, prof at U Colorado Law School. The Jurisprudence of the Military-Industrial ComplexSeattle Journal for Social Justice Volume 1 | Issue 3 Article 51 10-11-2012)

First, our nation’s history and legitimacy rest upon a separation of military power from democratic governance. For that reason, the armed forces are subject to constitutional constraint. Second, however, as an aspect of separation of powers, courts try not to interfere in areas of foreign policy and military affairs. Often this is referred to as the “political question” doctrine, a determination that a matter is beyond the capabilities of judges. The strongest argument for this deference is that the political branches—or the military itself—have superior expertise in military matters. That may be true in some situations. I am not sure, for example, the Supreme Court would have been the best crowd to organize the invasion of Normandy. But what we now have is an increasingly irrational deference.7 Consider three cases: a. In Korematsu v. United States,8 the Supreme Court said the internment of Japanese-Americans at the beginning of 1942 was constitutional, based upon a military assessment of the possibility of espionage in preparation for a Japanese invasion of the United States. It turns out that the information provided by the military to the Supreme Court was falsified.9 But note two things: (1) the nation was in the midst of a declared world war, and (2) in subsequent less urgent circumstances, Korematsu would seem to argue strongly for military justifications to have to be based upon better, more reliable information than was offered there. b. In the 1981 case of Rostker v. Goldberg,10 the Supreme Court decided that it was constitutional for Congress to exclude women from the peacetime registration of potential draftees, even though both the Department of Defense and the Army Chief of Staff had testified that including women would increase military readiness. But Congress got the benefit of the military deference doctrine as a cover for what I think was a sinister political purpose—to protect the manliness of war—and the Supreme Court felt perfectly free to ignore what those with the real expertise had to say. c. Most recently, in Hamdi v. Rumsfeld,11 the Fourth Circuit held that a U.S. citizen who had been designated an “enemy combatant”12 could be detained indefinitely without access to counsel. In this case, however, not only is there no declared war,13 but also, the only evidence regarding Mr. Hamdi was a two-page affidavit by a Defense Department underling, Mr. Mobbs. Mobbs stated that Mr. Hamdi was captured in Afghanistan, and had been affiliated with a Taliban military unit. The government would not disclose the criteria for the “enemy combatant” designation, the statements of Mr. Hamdi that allegedly satisfied those criteria, nor any other bases for the conclusion of Taliban “affiliation.”14 And that is as good as the evidence for life imprisonment without trial has to be. Deference to the military has become abdication. In other words, what we presently have is not civilian government under military control, but something potentially worse, a civilian government ignoring military advice,15 but using the legal doctrine of military deference for its own imperialist ends. Third, the gigantic military establishment and permanent arms industry are now in the business of justifying their continued existences. This justification is done primarily, as you know, by retooling for post-Cold War enemies—the so-called “rogue states”—while at the same time creating new ones, for example by arming corrupt regimes in Southeast Asia.16 I was reminded of this recently when we went to see comedian Kate Clinton. She thought Secretary Powell had taken too much trouble in his presentation attempting to convince the Security Council that Iraq had weapons of mass destruction.17 Why not, she asked, “just show them the receipts?” Fourth, we have seen the exercise of extraordinary influence by arms makers on both domestic and foreign policy. For domestic pork barrel and campaign finance reasons, obsolete or unproven weapons systems continue to be funded even when the military does not want them!18 And, just when we thought we had survived the nuclear arms race nightmare, the United States has undertaken to design new kinds of nuclear weapons,19 even when those designs have little military value.20 Overseas, limitations on arms sales are being repealed, and arms markets that should not exist are being constantly expanded21 for the sake of dumping inventory, even if those weapons are eventually used for “rogue” purposes by rogue states. This system skews security considerations, and militarizes foreign policy. Force has to be the preferred option because other conduits of policy are not sufficiently well-funded. Plus, those stockpiled weapons have got to be used or sold so that we can build more. Fifth, enlarging upon this in a document entitled The National Security Policy of the United States, we were treated last September to “the Bush doctrine,” which for the first time in U.S. history declares a preemptive strike policy. This document states, “America will act against emerging threats before they are fully formed.”22 If they are only emerging and not fully formed, you may wonder, how will we know they are “threats”? Because someone in Washington has that perception, and when the hunch hits, it is the official policy of this country to deploy the military.23 All options—including the use of nuclear weapons—are always on the table.

### Congress CP

#### CP doesn’t solve and links to the net-benefit- Congressional statues would be reviewed by the Supreme Court, but wouldn’t be effective and would take years to solidify

Eviatar 10 (Daphne- Senior Associate in Human Rights First’s Law and Security Program, June 10, “Judges to Congress: Don't Legislate Indefinite Detention”, http://www.huffingtonpost.com/daphne-eviatar/judges-to-congress-dont-l\_b\_607801.html)

For months now, certain commentators and legislators have been arguing that Congress needs to pass a new law authorizing the indefinite detention without charge or trial of suspected terrorists and their supporters. On its face, that would seem to violate some basic tenets of the U.S. Constitution. But the U.S. government is already detaining hundreds of suspects captured abroad at Guantanamo Bay and elsewhere. The question is whether Congress should expand that authority and define it in more detail. Writers such as Benjamin Wittes of the Brookings Institution and lawmakers such as Senator Lindsey Graham of South Carolina argue that even though hundreds of people have been detained over the last eight years at Guantanamo Bay, the law that justifies their detention or mandates their release isn't clear, and Congress needs to step in and make new rules. In fact, as a new report issued today by 16 former federal judges makes clear, that's nonsense. The people in the best position to decide when military detention is legal are already doing just that. The new report, published by Human Rights First and the Constitution Project, explains exactly how that process is working -- and demonstrates that it's actually working very well. Responding to a series of habeas corpus petitions, where Guantanamo detainees have asked the federal court to review the legality of their detentions, federal district court judges in Washington, D.C., have already issued written opinions concerning 50 different detainees that set out the legal standard for indefinite wartime detention, and which cases do and do not meet it. The claim by Wittes and Graham that judges are somehow overstepping their bounds and usurping the role of Congress reflects a fundamental misunderstanding of how the federal courts and judges work. In fact, the courts are doing just what they're supposed to do: interpret the law. The reason judges are so well-situated to explain the contours of U.S. detention authority is because, according to judicial rulings, the right to detain arises out of existing laws, including the Authorization for Use of Military Force against Terrorists, or AUMF, passed by Congress in 2001; the traditional law of war; and the U.S. Constitution. Traditionally, a government at war can detain fighting members of the enemy's forces, under humane conditions, until the war is over. Although that authority is less clear when the government is fighting a loose coalition of insurgent forces around the world rather than another country, the Supreme Court has said that at least in some circumstances, pursuant to the AUMF, the United States can detain enemy fighters seized on the battlefield. It's the Supreme Court's rulings on the subject, combined with the law of war and the mandates of the U.S. Constitution, that highly experienced federal judges have been applying to the habeas corpus cases that have come before them. Applying those rulings, they've developed a clear and consistent body of law that explains what kind of evidence the government needs to have amassed against a suspected insurgent to justify his military detention. Under the D.C. District Court's rulings, for example, Fouad Al Rabiah, a 43-year-old, 240-pound, Kuwaiti Airways executive with a long history of volunteering for Islamic charities who'd been discharged from compulsory military service in Kuwait due to a knee injury, and who suffered from high blood pressure and chronic back pain, did not meet the requirement of being "part of" or having "substantially supported" al Qaeda, the Taliban or associated forces. Although seized while attempting to leave Afghanistan in 2001, by the time of Al Rabiah's hearing, even the government had decided the witnesses who claimed he'd helped al Qaeda weren't credible. The government's own interrogators didn't believe his "confessions," which the court determined had been coerced and were "entirely incredible." On the other hand, Fawzi Al Odah, also Kuwaiti, did meet the law's detention standards. The same judge found that he'd attended a Taliban training camp, learned to use an AK-47, traveled with other armed fighters on a route common to jihadists, and took directions from Taliban leaders - all making it more likely than not that he was a member of Taliban fighting forces. Still, despite the courts' careful analysis in these cases, Congress could step in and write its own new law on indefinite detention. But how can any one statute possibly address all the vastly different factual scenarios, many spanning several countries and decades, that constitute the government's claims that any particular individual is detainable? What's more, any new law will still have to meet the requirements of the U.S. Constitution, and the Supreme Court gets the ultimate say on that. Any new statute passed by Congress, then, would likely be challenged as soon as it's applied, causing more confusion about what the law really is until the U.S. Supreme Court weighs in on that new statute several years later. The federal judges of the D.C. District Court and Court of Appeals are already way ahead of that game. In addition to the trial court opinions, the appellate court recently issued its own opinion setting out the law of detention and the government's constitutional authority. That decision may be appealed to the Supreme Court, whose opinion would set out the binding standard that every judge and future U.S. administration will have to follow. The upshot of all this is that if Congress legislates some new detention standard now, it will actually take a lot longer to get a clearly-defined and binding law that guides the government than it would if Congress just let the courts continue to play the role they're supposed to: deciding the legality of government detention. Wittes, Graham and others may secretly be hoping that Congress will legislate in this area anyway and try to expand the government's indefinite detention autuhority beyond Guantanamo Bay to reach even suspects arrested on U.S. soil. But that would create a whole new constitutional firestorm, resulting in exactly the opposite of what they say they're after: a clear and reliable statement of the law.

#### Only SCOTUS action revitalizes the rule of law

Pearlstein 3 (Deborah N.- Deputy Director of the U.S. Law and Security Program at the Lawyers Committee for Human Rights, and a Visiting Fellow at the Stanford University Center for Democracy, Development and the Rule of Law, , “The Role of the Courts in Protecting Civil Liberties and Human Rights for the Post-9/11 United States”, 2nd Pugwash Workshop on Terrorism: External and Domestic Consequences of the War on Terrorism, <http://www.pugwash.org/reports/nw/terrorism2003-pearlstein.htm>)

In each of the historical examples just given, the judiciary ultimately played a critical role in evaluating the legality of executive action. In the Civil War case, Lambdin Milligan, who had led armed uprisings against Union forces in Indiana, appealed his military tribunal prosecution to the U.S. Supreme Court. In Ex Parte Milligan (1865), the U.S. Supreme Court held Milligan's military prosecution unconstitutional, holding that as long as the civilian "courts are open and their process unobstructed, . . . they can never be applied to civilians in states which have upheld the authority of the government." In Ex Parte Quirin (1942), the Supreme Court reviewed the military prosecution of the German army spies for violations of the laws of war and concluded that it was within the executive's power. Unlike the civilian subject to military justice in Ex Parte Milligan, the Quirin defendants were members of the army of a nation with which the United States was in declared war. And critically, Congress had expressly authorized military commission trials for the offenses for which they were accused. The Supreme Court likewise upheld the exclusion of Japanese-Americans from their homes in Korematsu v. United States (1944), explaining: "Korematsu was not excluded from the military area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, and finally, because Congress, reposing its confidence in this time of war in our military leaders - as inevitably it must - determined that they should have the power to do just this." As these examples demonstrate, the U.S. Supreme Court has not always acted to enforce positive legal protections in favor of the individual against the government's exercise of 'wartime' power. Nonetheless, the Court's structural involvement conveyed a critical political message that executive power remained subject to the rule of law. In addition, the Court's published majority opinions clarified the nature of the executive action taken in response to perceived wartime threats, providing a basis for comparative analysis of subsequent executive conduct. In vigorous and public dissenting opinions accompanying each decision, minority justices gave expression to the strong opposing arguments on the resolution of the legal questions presented. Perhaps most important, the judicial decisions provided Congress, legal scholars, and the American public a means for understanding and, in the relative calm of post-war decision-making, for reevaluating the political wisdom of the challenged actions. Thus, for example, a federal court eventually granted a writ of coram nobis in Mr. Korematsu's case as a result of executive misrepresentations. (Korematsu v. United States (N.D. Cal. 1984)). In 1971, to rein in what was by then broadly recognized as executive excesses, Congress passed 18 U.S.C. § 4001(a), providing: "No citizen shall be . . . detained by the United States except pursuant to an Act of Congress." And in 1988, Congress awarded reparations to the remaining survivors and descendants of those interned during World War II as a result of the military exclusion order.

#### Strong rule of law prevents war- judicial restoration is key

Ken Kersch ‘6(8/8/2006 The Supreme Court And International Relations Theory, Kersch\* Assistant Professor of Politics, Princeton University)

Liberal theories of international relations hold that international peace and prosperity are advanced to the degree that the world’s sovereign states converge on the model of government anchored in the twin commitment to democracy and the rule of law.52 Liberal “democratic peace” theorists hold that liberal democratic states anchored in rule of law commitments are less aggressive and more transparent than other types of states.53 When compared with nonliberal states, they are thus **much better at cooperating** with one another in the international arena.54 Because they share a marketoriented economic model, moreover, international relations liberals believe that liberal states hewing to the rule of law will become increasingly interdependent economically.55 As they do so, they will come to share a common set of interests and ideas, which also **enhances the likelihood of cooperation**.56 Many foreign policy liberals—sometimes referred to as “liberal internationalists”— emphasize the role that effective multilateral institutions, designed by a club or community of liberal-democratic states, play in facilitating that cooperation and in anchoring a peaceful and prosperous liberal world order.57 The liberal foreign policy outlook is moralized, evolutionary, and progressive. Unlike realists, who make no real distinctions between democratic and non-democratic states in their analysis of international affairs, liberals take a clear normative position in favor of democracy and the rule of law.58 Liberals envisage the spread of liberal democracy around the world, and they seek to advance the world down that path.59 Part of advancing the cause of liberal peace and prosperity involves encouraging the spread of liberal democratic institutions within nations where they are currently absent or weak.60 Furthermore, although not all liberals are institutionalists, most liberals believe that effective multilateral institutions play an important role in encouraging those developments.61 To be sure, problems of inequities in power between stronger and weaker states will exist, inevitably, within a liberal framework.62 “But international institutions can nonetheless help coordinate outcomes that are in the long-term mutual interest of both the hegemon and the weaker states.”63 Many foreign policy liberals have emphasized the **importance of the judiciary** in helping to bring about an **increasingly** **liberal world order**. To be sure, the importance of an independent judiciary to the establishment of the rule of law within sovereign states has long been at the core of liberal theory.64 Foreign policy liberalism, however, commonly emphasizes the role that judicial globalization can play in promoting democratic rule of law values throughout the world.65 Post-communist and post-colonial developing states commonly have weak commitments to and little experience with liberal democracy, and with living according to the rule of law, as enforced by a (relatively) apolitical, independent judiciary.66 In these emerging liberal democracies, judges are often subjected to intense political pressures.67 International and transnational support can be a life-line for these judges**.** It can encourage their professionalization, enhance their prestige and reputations, and draw unfavorable attention to efforts to challenge their independence.68 In some cases, support from foreign and international sources may represent the most important hope that these judges can maintain any sort of institutional power—a power essential to the establishment within the developing sovereign state of a liberal democratic regime, the establishment of which liberal theorists assume to be in the best interests of both that state and the wider world community.69 Looked at from this liberal international relations perspective, judicial globalization seems an unalloyed good. To many, it will appear to be an imperative.70 When judges from well-established, advanced western democracies enter into conversations with their counterparts in emerging liberal democracies, they help enhance the status and prestige of judges from these countries. This is not, from the perspective of either side, an affront to the sovereignty of the developing nation, or to the independence of its judiciary. It is a win-win situation which actually strengthens the authority of the judiciary in the developing state.71 In doing so, it works to strengthen the authority of the liberal constitutional state itself. Viewed in this way, judicial globalization is a way of strengthening national sovereignty, not limiting it: it is part of a state-building initiative in a broader, liberal international order A liberal foreign policy outlook will look favorably on travel by domestic judges to conferences abroad (and here in the United States) where judges from around the world can meet and talk.73 It will not view these conferences as “junkets” or pointless “hobnobbing.” These meetings may very well encourage judges from around the world to increasingly cite foreign precedent in arriving at their decisions. **Judges in emerging democracies will use these foreign precedents to help shore up their domestic status and independence**. They will also avail themselves of these precedents to lend authority to basic, liberal rule-of-law values for which, given their relative youth, there is little useful history to appeal to within their domestic constitutional systems. Judges in established democracies, on the other hand, can do their part to enhance the status and authority of independent judiciaries in these emerging liberal democratic states by showing, in their own rulings, that they read and respect the rulings of these fledgling foreign judges and their courts (even if they do not follow those rulings as binding precedent).74 They can do so by according these judges and courts some form of co-equal status in transnational “court to court” conversations.75 It is worth noting that mainstream liberal international relations scholars are increasingly referring to the liberal democratic international order (both as it is moving today, and indeed, as read backward to the post-War order embodied in the international institutions and arrangements of NATO, Bretton Woods, the International Monetary Fund, the World Bank, and others) as a “constitutional order,” and, in some cases, as a “world constitution.”76 No less a figure than Justice Breyer—in a classic articulation of a liberal foreign policy vision—has suggested that one of the primary questions for American judges in the future will involve precisely the question of how to integrate the domestic constitutional order with the emerging international one.77

#### Rule of Law deficits spurred from failed detention policies fuels authoritarian crackdowns in Russia---destroys US-Russia engagement.

Sarah E. Mendelson 9 is director, Human Rights and Security Initiative, CSIS. "U.S.-Russian Relations and the Democracy and Rule of Law Deficit" tcf.org/assets/downloads/tcf-russiarelations.pdf, DOA: 7-23-13, y2k

Since the collapse of the Soviet Union in 1991, every U.S. administration has considered Russia’s political trajectory a national security concern.1 Based on campaign statements and President Barack Obama’s early personnel choices, this perspective likely will affect policy toward Russia in some way for the foreseeable future.2 While the Obama administration plans to cooperate with Moscow on a number of issues, it will find that Russia’s current deficit in the areas of democracy and the rule of law complicate the relationship and may, in some cases, undermine attempts at engagement. The organizers of the Century Foundation Russia Working Group have labeled this policy problem “coping with creeping authoritarianism.” Results from nearly a dozen large, random sample surveys in Russia since 2001 that examine the views and experiences of literally thousands of Russians, combined with other research and newspaper reporting, all suggest the current democracy and rule of law deficit is rather stark.3 The deficit does not diminish the importance of Russia in international affairs, nor is it meant to suggest the situation is unique to Russia. The internal conditions of many states have negative international security implications. As Europeans repeatedly pointed out during the administration of George W. Bush, U.S. departures from the rule of law made the United States increasingly problematic as a global partner, whether through the use of force in Iraq or the manner in which the United States pursued and handled terrorist suspects. In fact, coping with authoritarian trends in Russia (and elsewhere) will involve changes in U.S. policies that have, on the surface, nothing to do with Russia. Bush administration counterterrorism policies that authorized torture, indefinite detention of terrorist suspects, and the rendering of detainees to secret prisons and Guantánamo have had numerous negative unintended consequences for U.S. national security, including serving as a recruitment tool for al Qaeda and insurgents in Iraq.4 Less often recognized, these policies also have undercut whatever leverage the United States had, as well as limited the effectiveness of American decision-makers, to push back on authoritarian policies adopted by, among others, the Putin administration. At its worst, American departures from the rule of law may have enabled abuse inside Russia. These departures certainly left human rights defenders isolated.5 Repairing the damage to U.S. soft power and reversing the departure from human rights norms that characterized the Bush administration’s counterterrorism policies will provide the Obama administration strategic and moral authority and improve the ability of the United States to work with allies. It also can have positive consequences for Obama’s Russia policy. The changes that need to be made in U.S. counterterrorism policies, however politically sensitive, are somewhat more straightforward than the adjustments that must be made to respond to the complex issues concerning Russia. The Obama administration must determine how best to engage Russian leaders and the population on issues of importance to the United States, given Russia’s poor governance structures, the stark drop in oil prices, Russia’s continued aspirations for great power status, and the rather serious resentment by Russians concerning American dominance and prior policies. The policy puzzle, therefore, is how to do all this without, at the same time, sacrificing our values and undercutting (yet again) U.S. soft power.

#### Relations key to solve extinction- accesses every impact

TAYLOR ‘8 - Atlantic correspondent living in Moscow

(Jeffrey, Medvedev Spoils the Party, http://www.theatlantic.com/doc/200811u/medvedev-obama/2)

Like it or not, the United States cannot solve crucial global problems without Russian participation. Russia commands the largest landmass on earth; possesses vast reserves of oil, natural gas, and other natural resources; owns huge stockpiles of weapons and plutonium; and still wields a potent brain trust. Given its influence in Iran and North Korea, to say nothing of its potential as a spoiler of international equilibrium elsewhere, Russia is one country with which the United States would do well to reestablish a strong working relationship—a strategic partnership, even—regardless of its feelings about the current Kremlin government. The need to do so trumps expanding NATO or pursuing “full-spectrum dominance.” Once the world financial crisis passes, we will find ourselves returning to worries about resource depletion, environmental degradation, and global warming – the greatest challenges facing humanity. No country can confront these problems alone. For the United States, Russia may just prove the “indispensable nation” with which to face a volatile future arm in arm.

## 1AR

#### No extinction – tech has decoupled humanity for the environment

Science Daily ‘10 (Science Daily, reprinted from materials provided by American Institute of Biological Sciences, "Human Well-Being Is Improving Even as Ecosystem Services Decline: Why?", http://www.sciencedaily.com/releases/2010/09/100901072908.htm, September 1, 2010)

Global degradation of ecosystems is widely believed to threaten human welfare, yet accepted measures of well-being show that it is on average improving globally, both in poor countries and rich ones. A team of authors writing in the September issue of BioScience dissects explanations for this "environmentalist's paradox." Noting that understanding the paradox is "critical to guiding future management of ecosystem services," Ciara Raudsepp-Hearne and her colleagues confirm that improvements in aggregate well-being are real, despite convincing evidence of ecosystem decline. Three likely reasons they identify -- past increases in food production, technological innovations that decouple people from ecosystems, and time lags before well-being is affected -- provide few grounds for complacency, however. Raudsepp-Hearne and her coauthors accept the findings of the influential Millennium Ecosystem Assessment that the capacity of ecosystems to produce many services for humans is now low. Yet they uncover no fault with the composite Human Development Index, a widely used metric that incorporates measures of literacy, life expectancy, and income, and has improved markedly since the mid-1970s. Although some measures of personal security buck the upward trend, the overall improvement in well-being seems robust. The researchers resolve the paradox partly by pointing to evidence that food production (which has increased globally over past decades) is more important for human well-being than are other ecosystem services. They also establish support for two other explanations: that technology and innovation have decoupled human well-being from ecosystem degradation, and that there is a time lag after ecosystem service degradation before human well-being will be affected.

#### Their impact evidence is alarmist and false

Kaleita ‘7 (Amy, PhD, Assistant Professor of Agricultural and Biosystems Engineering @ IA State, “Hysteria’s History: Environmental Alarmism in Context,” <http://www.pacificresearch.org/docLib/20070920_Hysteria_History.pdf>, 2007)

Apocalyptic stories about the irreparable, catastrophic damage that humans are doing to the natural environment have been around for a long time. These hysterics often have some basis in reality, but are blown up to illogical and ridiculous proportions. Part of the reason they’re so appealing is that they have the ring of plausibility along with the intrigue of a horror flick. In many cases, the alarmists identify a legitimate issue, take the possible consequences to an extreme, and advocate action on the basis of these extreme projections. In 1972, the editor of the journal Nature pointed out the problem with the typical alarmist approach: “[Alarmists’] most common error is to suppose that the worst will always happen.”82 But of course, if the worst always happened, the human race would have died out long ago. When alarmism has a basis in reality, the challenge becomes to take appropriate action based on that reality, not on the hysteria. The aftermath of Silent Spring offers examples of both sorts of policy reactions: a reasoned response to a legitimate problem and a knee-jerk response to the hysteria. On the positive side, Silent Springbrought an end to the general belief that all synthetic chemicals in use for purposes ranging from insect control to household cleaning were uniformly wonderful, and it ushered in an age of increased caution on their appropriate use. In the second chapter of her famous book, Carson wrote, “It is not my contention that chemical insecticides must never be used. I do contend that… we have allowed these chemicals to be used with little or no advance investigation of their effect on soil, water, wildlife, and man himself.” Indeed, Carson seemed to advocate reasoned response to rigorous scientific investigation, and in fact this did become the modern approach to environmental chemical licensure and monitoring. An hour-long CBS documentary on pesticides was aired during the height of the furor over Silent Spring. In the documentary, Dr. Page Nicholson, a water-pollution expert with the Public Health Service, wasn’t able to answer how long pesticides persist in water once they enter it, or the extent to which pesticides contaminate groundwater supplies. Today, this sort of information is gathered through routine testing of chemicals for use in the environment. 20 V: Lessons from the Apocalypse Ironically, rigorous investigation was not used in the decision to ban DDT, primarily due to the hysteria Silent Spring generated. In this example, the hysteria took on a life of its own, even trumping the author’s original intent. There was, as we have seen, a more sinister and tragic response to the hysteria generated by Silent Spring. Certain developing countries, under significant pressure from the United States, abandoned the use of DDT. This decision resulted in millions of deaths from malaria and other insect-borne diseases. In the absence of pressure to abandon the use of DDT, these lives would have been spared. It would certainly have been possible to design policies requiring caution and safe practices in the use of supplemental chemicals in the environment, without pronouncing a death sentence on millions of people. A major challenge in developing appropriate responses to legitimate problems is that alarmism catches people’s attention and draws them in. Alarmism is given more weight than it deserves, as policy makers attempt to appease their constituency and the media. It polarizes the debaters into groups of “believers” and “skeptics,” so that reasoned, fact-based compromise is difficult to achieve. Neither of these aspects of alarmism is healthy for the development of appropriate policy. Further, alarmist responses to valid problems risk foreclosing potentially useful responses based on ingenuity and progress. There are many examples from the energy sector where, in the presence of economic, efficiency, or societal demands, the marketplace has responded by developing better alternatives. That is not to say that we should blissfully squander our energy resources; on the contrary, we should be careful to utilize them wisely. But energy-resource hysteria should not lead us to circumvent scientific advancement by cherry-picking and favoring one particular replacement technology at the expense of other promising technologies. Environmental alarmism should be taken for what it is—a natural tendency of some portion of the public to latch onto the worst, and most unlikely, potential outcome. Alarmism should not be used as the basis for policy. Where a real problem exists, solutions should be based on reality, not hysteria.

#### Use consequences—their morality is complicit in injustice

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(Jeffrey C. “Ends, Means, and Politics,” Dissent Magazine Vol. 49 Issue 2, p32)

Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond moral- ity. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean con- science of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerless- ness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good” may engender impotence, it is often the pursuit of “good” that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one’s goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### Prioritize extinction above all other calculations

Jonas 85 (Hans, Former Alvin Johnson Prof. Phil. – New School for Social Research and Former Eric Voegelin Visiting Prof. – U. Munich, “The Imperative of Responsibility: In Search of an Ethis for the Technological Age”, p. 36-38)

4. Mankind Has No Right to Suicide As the capstone of our argument, let us now add that the sum total of the interests at stake in the "bet" of technological progress has an incomparably wider compass than anything which normally is at stake in human decisions. Even when in the, fateful hour the political -leader hazards the whole existence of his tribe, his city, his nation, he yet knows that even should they be destroyed; mankind and a living world on earth will go on. Only in the framework of this overarching supposition is the single hazard, in certain extreme cases, morally defensible. But not even for saving his nation's life must the statesman use means that can destroy mankind. Now, among the possible works of technology there are some which cumulatively have just that global extent and depth, namely, the possibility to endanger the whole existence or whole being of man in the future. The statesman, in making his fateful decision, can ideally assume the consent of those for whom, as their agent, he is making it. No consent to their nonexistence or dehumanization is obtainable from the humanity of the future, nor can it be assumed; and were it nevertheless imputed to them (an almost insane imputation), it would have to be rejected. For there is (as has yet to be shown) an unconditional duty for mankind to exist, and it must not be confounded with the conditional duty of each and every man to exist. The right of the individual to commit suicide is morally arguable and must at least for particular circumstances be conceded: under no circumstances has mankind that right. 5. The Existence of "Man" Must Never Be Put at Stake Herewith we have at last found a principle that forbids certain technologically feasible "experiments," and of which that rule for decision making—to give the bad prognosis preyedence over the good—was the pragmatic expression stated in advanceirhe ethical axiom which validates the rule is therefore as follows: Never must the existence or the essence of man as a whole be made a stake in the hazards of action./It follows directly that bare possibilities of the designated order are to be regarded as unacceptable risks which no opposing possibilities can render more acceptable. The rule that even imperfect palliatives are to be preferred to a promising radical cure from which the patient may die is valid for the life of mankind though not always for the individual patient. We have here an inversion of Descartes's principle of doubt. In order to ascertain the indubitable truth we should, according to Descartes, equate everything doubtful with the demonstrably false. Here on the contrary we are told to treat, for the purposes of decision, the doubtful but possible as if it were certain, when it is of a certain kind. It is also a subspecies of the Pascalian wager without the selfish-eudaemonistic and ultimately unethical quality thereof. According to Pascal, pure calculation in the wager between the brief and questionable pleasures of this world and the possibility of eternal bliss or damnation in the next, demands that one bank on just this extreme possibility, since a comparison of the chances of profit and loss on both sides reveals that, in choosing the second alternative, even if its object, eternal life, does not exist, one will have lost but a small thing in the temporal life; while if it does exist, something infinite will have been gained and an infinite loss avoided. Contrariwise, the choice in favor of temporal life could at best(i.e., if there is no such thing as eternal life) mean a small gain, but in the opposite case (with eternal damnation) would come out an infinite loss. This "go-for-broke" calculation of risks, objectionable also in other respects, is in error already by the fact that, in proportion to the nothing which is here accepted among the risks, every something (including the things of fleeting temporal existence) is of infinite magnitude; and thus the second alternative (betting all upon a possible eternity while sacrificing the given temporality) also bears the risk of infinite loss. There must be more than mere possibility: a faith must assert that an eternity awaits us—and then the option is no longer purely a bet. Absolute Uncertainty, however, can on principle not count in any computation agaidst the relative certainties of the given. Our ethical principle of the wager is not open to this objection. For it forbids us precisely to incur the risk of nothingness, that is, to allow the presence of its possibility among the chances of our choice. It forbids, in short, any va-banque game in the affairs of humanity. Nor does it pit what is essentially unknowable and even beyond imagination against the knowable or imaginable objects of 4choice, but rather sets the totally unacceptable over against the more or less acceptable within the imaginable finite itself. Above all, it is morally commanding, not just a calculation of advantages presented to self-interest; and it commands on the basis of a primary duty to opt for being and against nothingness. This principle for the treatment of uncertainty is itself not uncertain at all, and it binds us unconditionally—that is;notjust as an advice of moral prudence but as an unqualified command—provided we accept the responsibility for what will be. Under such responsibility, caution, otherwise a peripheral matter of our discretion, becomes the core of moral action. Now, that presupposition for it just named, that we are indeed "responsible," even that there is such a thing at all, was throughout our preceding discourse tacitly assumed, but nowhere proved. The principle of responsibility as such—the starting point of ethics—has not yet been demonstrated. To this task, for which formerly one might well have invoked the aid of heaven which it so direly needs—and more so today when it no longer can benefit from even gazing in that direction—we shall now turn.