### 2AC – T – Restrict = Prohibit

#### We meet:

#### Requiring congressional approval restricts

Zeidenstein ’78, HARVEY G. ZEIDENSTEIN is professor of political science at Illinois State University. He is the¶ author of Direct Election of the President and articles on the presidency, nominations, and elections. Political Science Quarterly Volume 93 Number 3 Fall 1978, The Reassertiono f Congressional¶ Power: New Curbs on the President, Lexis, jj

Through a variety of measures, Congress has increased its ability to restrict¶ presidential actions and to hold the president and the executive branch more¶ accountable to itself by allowing for formal congressional disapproval in some instances, requiring to be provided with critical information in others, and¶ mandating that certain presidential initiatives cease automatically in other cases¶ in the absence of congressional action to affirmatively approve those initiatives.

#### And, it’s a prohibition

Center for Constitutional Rights 2009, not credence, Restore. Protect. Expand. Amend the War Powers Resolution, <http://ccrjustice.org/files/CCR_White_WarPowers.pdf>, jj

The War Powers Resolution should explicitly prohibit executive acts of war without previous ¶ Congressional authorization. The only exception should be the executive’s power in an emergency ¶ to use short-term force to repel sudden attacks on US territories, troops or citizens.

#### Counter-interp:

#### Restriction means a limit and includes conditions on action

CAA 8,COURT OF APPEALS OF ARIZONA, DIVISION ONE, DEPARTMENT A, STATE OF ARIZONA, Appellee, v. JEREMY RAY WAGNER, Appellant., 2008 Ariz. App. Unpub. LEXIS 613

P10 The term "restriction" is not defined by the Legislature for the purposes of the DUI statutes. See generally A.R.S. § 28-1301 (2004) (providing the "[d]efinitions" section of the DUI statutes). In the absence of a statutory definition of a term, we look to ordinary dictionary definitions and do not construe the word as being a term of art. Lee v. State, 215 Ariz. 540, 544, ¶ 15, 161 P.3d 583, 587 (App. 2007) ("When a statutory term is not explicitly defined, we assume, unless otherwise stated, that the Legislature intended to accord the word its natural and obvious meaning, which may be discerned from its dictionary definition.").

P11 The dictionary definition of "restriction" is "[a] limitation or qualification." Black's Law Dictionary 1341 (8th ed. 1999). In fact, "limited" and "restricted" are considered synonyms. See Webster's II New Collegiate Dictionary 946 (2001). Under these commonly accepted definitions, Wagner's driving privileges were "restrict[ed]" when they were "limited" by the ignition interlock requirement. Wagner was not only [\*7] statutorily required to install an ignition interlock device on all of the vehicles he operated, A.R.S. § 28-1461(A)(1)(b), but he was also prohibited from driving any vehicle that was not equipped with such a device, regardless whether he owned the vehicle or was under the influence of intoxicants, A.R.S. § 28-1464(H). These limitations constituted a restriction on Wagner's privilege to drive, for he was unable to drive in circumstances which were otherwise available to the general driving population. Thus, the rules of statutory construction dictate that the term "restriction" includes the ignition interlock device limitation.

### 2AC A2: Statutory Restrictions Fail

#### External checks are effective

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

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

### A2: cred wong

#### Cred is real

**Tang 5** – Shiping Tang, associate research fellow and deputy director of the Center for Regional Security Studies at the Chinese Academy of Social Sciences in Beijing, January-March 2005, “Reputation, Cult of Reputation, and International Conflict,” Security Studies, Vol. 14, No. 1, p. 34-62

The problem, of course, is that **politicians** usually **do not have such nuanced understandings of credibility**, reputation, **resolve, and capability**24 Too often, they fight for behavioral reputation for resolve and hope to improve their bargaining reputation (thus credibility) in the future. By doing so, they confuse themselves, mislead their domestic audiences, and squander their countries' blood and treasure for the wrong commodity. In fact, **most strategists and politicians** have either lumped the two kinds of reputation together or **believed that behavioral reputation can easily be converted into bargaining reputation** (that is, they have believed that commitments are interdependent or that reputation is fungible). Because developing and maintaining a behavioral reputation for being resolute is desirable, **many politicians and strategists undertake certain tasks ex ante to develop** such a **reputation**, without ever questioning whether having a behavioral reputation is possible at all. This practice, as discussed below, informs one central belief behind the cult of reputation. Perhaps because behavioral reputation is something that may count in the future, moreover, it is the type of reputation about which decisionmakers are most concerned.25 In fact, **decisionmakers** actually may **bargain hard largely because they care more about their future behavioral reputation**. This article thus focuses on behavioral reputation for resolve (which hereafter will be referred to as "reputation" unless specified otherwise).

### 2AC A2: Congress Doesn’t Care / Won’t Enforce

#### Disregard ev from before Obama’s Syria decision --- Congress is willing to play this role

Walter Rubel is managing editor of the Sun-News, 08/31/2013, Las Cruces Sun-News, Congress should share in war decision regarding Syria, <http://www.lcsun-news.com/las_cruces-opinion/ci_23991104/congress-should-share-war-decision-regarding-syria>, jj

I agree with Steve Pearce on this one. And so, it was announced Saturday, does President Barack Obama.¶ On Thursday, Pearce reported that he had added his signature to a growing list of House members who have signed a letter urging Obama not to take military action in Syria without the consent of Congress.¶ "If you deem that military action in Syria is necessary, Congress can reconvene at your request," the letter states. "We stand ready to come back into session, consider the facts before us, and share the burden of decisions made regarding U.S. involvement in the quickly escalating Syrian conflicts.'¶ The letter was signed by more than 100 House members, most Republicans. One might reasonably ask why they are requesting the president to call them back into session, and not their own speaker. It's also fair to ask if Pearce would be as ready to buck the president had it been a member of his own party.¶ But those questions are about politics. What's at stake here is more important.¶ Pearce announced his decision to sign the letter the same day the British Parliament voted 285-272, after a spirited eight-hour debate, to reject a call by Prime Minister David Cameron to authorize the use of force against Syria.¶ "The well of public opinion has been well and truly poisoned by the Iraq episode," Cameron explained.¶ Our well has been just as poisoned, if not more. But our legislative body has not typically had that spirited debate in the past before the president marches us off to war, often with unfortunate consequences.¶ Obama has argued that if Syrian President Bashar al-Assad is allowed to use chemical weapons with impunity, it will send a dangerous message to despots all over the world. While that is true, the larger question is by what means should the United States and the world community respond, and what will the long-term implications for that response be.¶ That truly is a burden worth sharing.¶ The letter criticizes Obama for previously taking action in Libya without getting authorization. Responding to the memo from the administration's Office of legal Counsel justifying military force against Libya, House members now write, "We view the precedent this opinion sets, where 'national interest' is enough to engage in hostilities without congressional authorization, as unconstitutional."¶ In fact, Obama's action in Libya was anything but precedent-setting. It was, rather, a continuation of a decades-long trend: Harry Truman in Korea, Jimmy Carter in Lebanon, Ronald Reagan in Lebanon and Grenada, Bill Clinton in Kosovo and George W. Bush in Haiti.¶ The last formal declaration of war by Congress was in 1942.¶ Congress attempted to regain some control with the War Powers Act of 1973. But there have always been questions as to its constitutionality, and presidents have felt free to ignore it.¶ Now with Obama in office, Congress suddenly wants to exert its authority. While I question their motives, I welcome the results.¶ There are lots of bad options in Syria, and may be no good ones. The possibilities for blowback and unintended consequences are endless. Anything we do carries the strong possibility of turning out badly. The same is true if we do nothing.¶ They had an intelligent, impassioned debate on the issue last week in England, at the end of which the prime minister had been given a clear direction.¶ We need to do the same thing here.

### 2ac – armed forces – CIR

#### Won’t pass, tons of thumpers and losers loss is inevitable

PETER NICHOLAS, CAROL E LEE, “OBAMA'S AGENDA FACES ROCKY ROAD”, WSJ, October 18, 2013, Lexis

By most measures, President Barack Obama came out on top in the showdown with congressional Republicans. He beat back efforts to dismantle his health-care overhaul and hit upon a strategy that confounded Republicans: refusing to negotiate with lawmakers who wanted to roll back the 2010 law as the price for reopening the government. Yet it is far from certain Mr. Obama can exploit these tactical gains in coming months. In his remarks Thursday from the State Dining Room, he said he wanted to pass an immigration overhaul, a farm bill and reach a budget agreement that cuts the deficit and spurs economic growth. Not on the list were the more ambitious plans he laid out in his State of the Union speech in February: raising the minimum wage, expanding access to pre-school education and launching a sweeping program to upgrade the nation’s roads and bridges. Those efforts require bipartisan consensus that may be even more elusive amid the ill will carried over from the budget fight. Even Republicans who voted with the president believe Mr. Obama struck a hard-line posture that makes future collaboration difficult. “A lot of us are resentful that he didn’t negotiate as hard as we think he could have or should have,” said Sen. John McCain (R., Ariz.) in an interview. “Let me put it this way: He didn’t do himself any good.” Refusing to negotiate with GOP adversaries proved a winning strategy in this instance, and Republicans who saw Mr. Obama hold firm may have gotten the message that he won’t cave when it is time to raise the debt ceiling again in February. Rep. Peter King (R., N.Y.), who opposed GOP efforts to strip funding from the health law, said Republicans need to reduce their expectations of what can be achieved in a time of divided government. Shutting down the government and other “D-Day-type victories” shouldn’t be the goal so much as revising the nation’s tax code and reducing the debt, Mr. King said. Some Democrats, meanwhile, believe Mr. Obama must be a more active player in looming fights. Sen. Dianne Feinstein (D., Calif.) said in an interview Mr. Obama “stepped back” in part because he felt “burned” by the grinding budget fights that have played out over the past three years. “I hope that changes, because you do need presidential leadership on these” issues, she said. In “three or four months, we could be back in the same place, and we can’t let ourselves be back in the same place,” she said. Mr. Obama suggested Thursday he was willing to negotiate on a range of issues, consistent with his message during the budget fight that he was prepared to bargain with lawmakers once the government was reopened and the debt ceiling raised. Mr. Obama may find some consolation in the House vote Wednesday. In the end, 87 House Republicans voted the president’s way on the debt bill. More than 17% of them hailed from districts Mr. Obama carried in 2012, suggesting a potential way forward for a president eager to assemble a centrist coalition. Yet as much as he wants to shift the focus to immigration and the farm bill, Mr. Obama will have trouble pulling it off. His administration is under pressure to fix the operational problems that have bedeviled the new health-care exchanges. The next set of fiscal deadlines, and worries about the next round of the across-the-board spending cuts, scheduled to take effect in mid-January, are likely to overshadow other efforts. That leaves lawmakers with only a narrow window of time to tackle any remotely complex legislation before the 2014 midterm dynamics overtake Washington. Messy internal GOP politics over the farm bill could also complicate lawmakers’ efforts to reconcile the different measures passed by the House and Senate. As for immigration, House Republicans have said they plan to consider piecemeal immigration bills, but so far not one has reached the House floor. Rep. Raul Labrador (R., Idaho), a conservative who has urged Republicans to tackle immigration changes, said Wednesday the budget fight would make it harder for GOP leaders to negotiate with the president on immigration.

#### War power debates coming now

WASHINGTON INTERNET DAILY, “Shutdown Delayed But Didn't Disrupt Tech Agenda, Say Advocates, Lobbyists”, October 21st 2013, Lexis

Those interviewed were split over the prospects for surveillance legislation. All said they expected more legislation to be introduced by members of the Intelligence and Judiciary committees. Sloan, Herrera-Flanigan, Harris and others said the differences between privacy and security could be too difficult to reconcile very quickly. People want a broader debate on all of those topics, Sloan said, and finding consensus could take time. Intelligence committee members want to codify certain data collection measures, while Judiciary committee members want to ban them, Harris said. The time is ripe for the legislation, but it could be too difficult, she said. But West and Szoka grouped it with patent reform as an area that might have enough bipartisan consensus to pass, if Congress could find the political will to work together. "We know there's a lot of public concern about this, and there continue to be a lot of new disclosures in that area," West said. "It's definitely high on the public agenda."

#### Healthcare website problems drain Obama’s capital

Todd 10/21 [Chuck Todd, Mark Murray, Domenico Montanaro, and Jessica Taylor, NBC News, First Thoughts: Admitting there's a problem, <http://firstread.nbcnews.com/_news/2013/10/21/21063152-first-thoughts-admitting-theres-a-problem>, jj]

\*\*\* But still not knowing exactly what the problem is: The only question is how long it takes to fix the problem. Two weeks? Not a major long-term problem. Two months, that’s a political five-alarm fire. And this HHS blog post, which says it’s making improvements to the website, might suggest this isn’t a two-week fix. “Our team is bringing in some of the best and brightest from both inside and outside government to scrub in with the team and help improve HealthCare.gov.” To us, that means while they’ve admitted they have a problem, they STILL don’t know what that problem is. We can picture how in the world of government bureaucracy and in this climate of fear of ever taking the blame personally, that these deficiencies could have been kept from the White House and even senior leaders at HHS. But that shouldn’t be the excuse. Somebody either failed to tell the truth to someone up the chain of command, or the White House and HHS knowingly misled reporters about the viability of this web site. The president earned some political capital after the shutdown but instead of using it for immigration or getting a better budget agreement, he may have to use it on health care.

#### Won’t pass and thumpers

Jones, 10/24/13 (Allie, “The Slim Chance for Immigration Reform,” http://www.theatlanticwire.com/politics/2013/10/slim-chance-immigration-reform/70892/, bgm)

Most pundits would tell you that immigration reform won't get done this year or next year. The House GOP is still obsessed with Obamacare; Boehner was tweeting about the health care law during Obama's speech. Beyond that, Congress needs to reach a budget agreement sooner than it needs to pass immigration reform. As Republican Rep. Aaron Schock said last week, "I know the president has said, well, gee, now this is the time to talk about immigration reform. He ain't gonna get a willing partner in the House until he actually gets serious about ... his plan to deal with the debt." At issue is a "path to citizenship," or what some conservatives call amnesty for illegal immigrants. Social conservatives in the House do not support a path to citizenship, but it is one of the key parts of Obama's plan. Heritage Action, the activist group that bankrolls many Tea Partiers, made it clear during Obama's speech that path to citizenship is a contentious issue.

**Issues compartmentalized**

**Edwards 2k** [Distinguished Professor of Political Science, director of the Center for Presidential Studies, Texas A&M University (George C. III, March. “Building Coalitions.” Presidential Studies Quarterly, Vol. 30, Iss. 1.)]

Besides not considering the full range of available views, members of Congress are **not** generally **in a position to make trade-offs** between policies. Because of its **decentralization**, Congress usually considers policies **serially**, that is, **without reference to other policies**. Without an integrating mechanism, members have few means by which to set and enforce priorities and to emphasize the policies

#### The plan pits moderate republicans against conservative republicans

Denver Post ’11, 6-20, Libya has exposed GOP divide over U.S. role in world, <http://www.denverpost.com/ci_18312620>, jj

WASHINGTON — Republicans are facing a widening fissure over the U.S. role on the world stage as party leaders decide whether to confront President Barack Obama this week over U.S. policy toward Libya.¶ House Speaker John Boehner, R-Ohio, and other congressional Republican leaders have said that U.S. involvement in NATO's bombing campaign, which hit the 90-day mark Sunday, violates the War Powers Act. The House could seek to cut off money for the war as it takes up the annual Pentagon spending bill late this week.¶ Meantime, several of the party's potential presidential candidates have called for the U.S. to quit the fight in Libya and questioned the depth of U.S. involvement in Afghanistan.¶ Other Republican¶ figures have begun pushing back, criticizing what they see as a growing "isolationist" agenda within the party. The result is that ¶ Republicans, once relatively unified on foreign policy issues, now have a division that parallels the long-standing split in Democratic ranks.¶ Divide out in open¶ The debate was on public display Sunday as two of the GOP's leading figures on defense and foreign policy, Sens. John McCain of Arizona and Lindsey Graham of South Carolina, sharply criticized Republican presidential hopefuls and congressional figures who question the country's military intervention around the world.¶ "There has always been an isolationist strain in the Republican Party," McCain said on ABC's "This Week," "but now it seems to have moved more center stage. . . . That is not the Republican Party that has been willing to stand up for freedom for people all over the world."¶ Graham said on NBC's "Meet the Press" that any debate over cutting money for the Libya war would encourage resistance by Libyan leader Moammar Khadafy.¶ "Congress should sort of shut up," he said.¶ McCain and Graham also criticized the apparent front- runner for the party's presidential nomination, former Massachusetts Gov. Mitt Romney, for referring to the fighting in Afghanistan as a "war for independence" that the U.S. should leave to others.¶ "I wish that candidate Romney and all the others would sit down" with U.S. commanders "and understand how this counterinsurgency is working and succeeding," McCain said.¶ Timing sharpens rift¶ The rift among Republicans has been developing for some time but is coming into sharper relief as the wars become increasingly unpopular and as the election year nears. The arguments became louder last week after the White House released its rationale for not asking Congress to authorize the Libya conflict.¶ Boehner, who is trying to balance the conflicting positions within the Republican caucus, gave a carefully worded answer on the subject late last week, hinting at a possible move to cut off money.¶ The Republican skeptics about Libya and Afghanistan tend to frame their arguments in fiscal rather than foreign policy terms. The $700 million cost of the Libya operation has fueled their opposition to what Sen. Rand Paul, R-Ky., called "an overreaching and sometimes unnecessary foreign policy."¶ At the same time, the GOP has a strong interventionist faction that has long opposed most efforts to restrain presidential power. Many prominent Republicans have argued for years, for example, that the War Powers Act is unconstitutional, a position Graham repeated Sunday.

#### That’s key to the agenda

Dickerson 1/18/13 (John, Chief Political Correspondent at the Slate, Political Director of CBS News, Covered Politics for Time Magazine for 12 Years, Previous White House Correspondent, Go for the Throat!, http://tinyurl.com/b7zvv4d)

On Monday, President Obama will preside over the grand reopening of his administration. It would be altogether fitting if he stepped to the microphone, looked down the mall, and let out a sigh: so many people expecting so much from a government that appears capable of so little. A second inaugural suggests new beginnings, but this one is being bookended by dead-end debates. Gridlock over the fiscal cliff preceded it and gridlock over the debt limit, sequester, and budget will follow. After the election, the same people are in power in all the branches of government and they don't get along. There's no indication that the president's clashes with House Republicans will end soon. Inaugural speeches are supposed to be huge and stirring. Presidents haul our heroes onstage, from George Washington to Martin Luther King Jr. George W. Bush brought the Liberty Bell. They use history to make greatness and achievements seem like something you can just take down from the shelf. Americans are not stuck in the rut of the day. But this might be too much for Obama’s second inaugural address: After the last four years, how do you call the nation and its elected representatives to common action while standing on the steps of a building where collective action goes to die? That **bipartisan** bag of tricks has been tried and it didn’t work. People don’t believe it. Congress' approval rating is 14 percent, the lowest in history. In a December Gallup poll, 77 percent of those asked said the way Washington works is doing “serious harm” to the country. The challenge for President Obama’s speech is the challenge of his second term: how to be great when the **environment stinks**. Enhancing the president’s legacy requires something more than simply the clever application of predictable stratagems. Washington’s **partisan rancor**, the size of the problems facing government, and the limited amount of **time** before Obama is a lame duck all point to a single conclusion: The president who came into office speaking in lofty terms about **bipartisanship** and cooperation can only cement his legacy if he **destroys the GOP**. If he wants to transform American politics, he must **go for the throat**. President Obama could, of course, resign himself to tending to the achievements of his first term. He'd make sure health care reform is implemented, nurse the economy back to health, and put the military on a new footing after two wars. But he's more ambitious than that. He ran for president as a one-term senator with no executive experience. In his first term, he pushed for the biggest overhaul of health care possible because, as he told his aides, he wanted to make history. He may already have made it. There's no question that he is already a president of consequence. But there's no sign he's content to ride out the second half of the game in the Barcalounger. He is approaching gun control, climate change, and immigration with wide and excited eyes. He's not going for caretaker. How should the president proceed then, if he wants to be bold? The Barack Obama of the first administration might have approached the task by finding some Republicans to deal with and then start agreeing to some of their demands in hope that he would win some of their votes. It's the traditional approach. Perhaps he could add a good deal more schmoozing with lawmakers, too. That's the old way. **He has abandoned that**. He doesn't think it will work and he doesn't have the time. As Obama explained in his last press conference, he thinks the Republicans are dead set on opposing him. They cannot be unchained by schmoozing. Even if Obama were wrong about Republican intransigence, other constraints will limit the chance for cooperation. Republican lawmakers worried about primary challenges in 2014 are not going to be willing partners. He probably has at most 18 months before people start dropping the lame-duck label in close proximity to his name. Obama’s **only remaining option is to pulverize**. Whether he succeeds in passing legislation or not, given his ambitions, his goal should be to delegitimize his opponents. Through a series of **clarifying fights over controversial issues**, he can force Republicans to either side with their coalition's most extreme elements or cause a rift in the party that will leave it, at least temporarily, in disarray. This theory of political transformation rests on the weaponization (and slight bastardization) of the work by Yale political scientist Stephen Skowronek. Skowronek has written extensively about what distinguishes transformational presidents from caretaker presidents. In order for a president to be transformational, the old order has to fall as the orthodoxies that kept it in power exhaust themselves. Obama's gambit in 2009 was to build a new post-partisan consensus. That didn't work, but by exploiting the weaknesses of today’s Republican Party, Obama has an opportunity to hasten the demise of the old order by increasing the political cost of having the GOP coalition defined by Second Amendment absolutists, climate science deniers, supporters of “self-deportation” and the pure no-tax wing.

#### No impact – Obama will executive order reform if Congress doesn’t act

Stephanie Condon August 15, 2013, “With or without Congress, immigration reform moves along,” CBS News, <http://www.cbsnews.com/8301-250_162-57598583/with-or-without-congress-immigration-reform-moves-along/>, KEL

The debate over comprehensive immigration reform, however, doesn't appear to be over in Congress, based on remarks from Republicans this month. And one of the biggest GOP proponents of immigration reform suggested this week that if Congress doesn't act, Mr. Obama could make more immigration policy decisions on his own. "I believe that this president tempted, will be tempted, if nothing happens in Congress, to issue an executive order as he did for the Dream Act kids a year ago, where he basically legalizes 11 million people by the sign of a pen," Rubio said in an interview Tuesday on WFLA radio's "The Morning Show with Preston Scott." Immigration reform advocates have, in fact, called on Mr. Obama to halt his aggressive deportation policies while Washington hashes out a bill.

#### The plan is popular

Gelb & Slaughter, 05 (Leslie H. Gelb, is a former correspondent for [The New York Times](http://en.wikipedia.org/wiki/The_New_York_Times) and is currently President Emeritus of the [Council on Foreign Relations](http://en.wikipedia.org/wiki/Council_on_Foreign_Relations). ¶ & Anne-Marie Slaughter, contributing editor at the Atlantic, the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University. Beginning in September 2013, she will assume the presidency of the New America Foundation, , and will become a professor emerita at Princeton. From 2009–2011 she served as Director of Policy Planning for the United States Department of State, Prior to her government service, Dr. Slaughter was the Dean of Princeton's Woodrow Wilson School of Public and International Affairs from 2002–2009 and the J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard Law School from 1994-2002.¶ November 07, 2005, American Foreisng Policy: “It’s Time to Stop slipping into armed conflict,” http://www.theatlantic.com/doc/200511/declare-war)

Passing this legislation might not be easy. But the time is right. Liberals and conservatives alike have become increasingly concerned about the carelessness and costs of wars over the past forty years. A law that established a clear and solemn process for taking the nation to war, while acknowledging the joint responsibility of Congress and the president, could command broad support—especially if it were framed as a return to our constitutional roots. Moderates and liberals would presumably go along. The bill would satisfy their concerns about how easily the United States has gone to war, with subsequent regrets about either the war itself or how it was fought. But in the wake of the Iraq War such a law might also appeal to many conservatives and neo-conservatives—particularly those who have come to feel that the United States is not getting the foreign-policy results it should, despite its awesome military power. Since the Vietnam War, hawks have felt that we tend to lose wars not on the battlefield but at home. The public, they correctly argue, becomes disenchanted with combat as casualties and costs mount, particularly if no steady progress toward victory can be seen. Demands to bring the troops home begin. The enemy becomes emboldened, and we begin to lose—first psychologically and then literally.

**( ) No link - The disad is not an opportunity cost – Congress could do the plan and pass CIR**

***PC theory is wrong***

**Hirsh, 2-7** – National Journal chief correspondent, citing various political scientists

[Michael, former Newsweek senior correspondent, "There’s No Such Thing as Political Capital," National Journal, 2-9-13, www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207]

**There’s No Such Thing as Political Capital**

The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get itwrong. On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much “political capital” Obama possesses to push his program through. Most of **this** talk **will have no bearing on what actually happens** over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.” As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The **political tectonics** have **shift**ed **dramatically in very little time**. Whole new possibilities exist now that didn’t a few weeks ago. Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all. The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of **political capital**—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital** is a concept that **misleads** far more than it enlightens. **It is** **distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it ***discounts the way unforeseen events can suddenly change everything***. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don’t know what you can do until you try. Or as Ornstein himself once wrote years ago, “**Winning wins.”** In theory, and in practice, depending on Obama’s handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some **political scientists** **who study** the elusive calculus of **how to pass legislation** and run successful presidencies **say** that **political capital is**, at best, **an empty concept**, and that **almost nothing in** the **academic literature** successfully quantifies or even defines it. “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning** on one issue often **changes the** **calculation** for the next issue; there is never any known amount of capital. “The idea here is, if an issue comes up where **the conventional wisdom is that president is not going to get what he wants**, and [they]he gets it, then each time that happens, it changes the calculus of the **other actors**” Ornstein says. “If they think he’s going to win, they may **change positions to get on the winning side**. **It’s a bandwagon effect**.” ALL THE WAY WITH LBJ Sometimes, a clever practitioner of power can get more done just **because [they’re]*he’s*** aggressive and knows the hallways of Congress well. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?” Johnson didn’t worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. “Momentum is not a mysterious mistress,” LBJ said. “It is a controllable fact of political life.” Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

[Matt note: gender paraphrased]

***No ag labor shortage***

**Eisenbrey ’08** (Ross Eisenbrey, vice president, Economic Policy Institute, congressional testimony, April 16, 2008, “Reforming the H-2B Non-immigrant Visa Program”, jj)

Establishing the existence of a shortage is therefore of fundamental importance. **True shortages are rare and should be temporary because markets are self-correcting. If not impeded, the market will provide a willing worker once** the price (**the wage) is high enough**. **The so-called ‘shortages’ that have justified increasing numbers of H-2B workers, on the other hand, persist for years and years and the market never self-corrects. A basic principle of economics is that in market economies, shortages signal adjustments that need to take place to move the economy from one equilibrium to another**. Thus, **if workers in a particular region or occupation are in short supply, compensation will rise as employers need to attract workers.** This will entice new workers to move to that region or enter that occupation, and encourage existing workers to transfer from sectors that are stagnant or contracting. **To jam market signals by resorting to a visa program for special types of workers has the potential to prevent the optimal allocation of labor, leading to market distortions. One such distortion is the dampening of wage gains** that should accompany a growing economy. EPI researchers Jin Dai and Jared Bernstein examined key labor market indicators for seven jobs that constitute more than 60% of H-2B employment.2 The **data show no evidence of a labor shortage**: **unemployment for these occupational groups is actually higher than average and rising, and real wages have been flat**. Economic theory is quite clear on this point**: if labor supply were truly scarce for these jobs, unemployment would be lower than average and falling, and real wage rates would be rising.**  Using data from the nationally representative Current Population Survey, we compared these indicators for the relevant occupations for 2000/01 and 2006/07 (we combine two years of data to get adequate sample sizes). Unemployment in these occupations was 6.9% in 2000/01 and 7.4% in 2006/07, compared to the national rates of 4.4% and 4.6% over those years. **Average real wages in these occupations increased only slightly over these years, by six-tenths of one percent , compared to the economy-wide real average wage increase of 4%. This finding belies any claim that labor demand is outpacing labor supply in these occupations. In short, national data provide no support for expanding the number of H-2B visas.**

#### No food wars

Eland ’11 – Ivan Eland, American defense analyst and author. He is currently a Senior Fellow and Director of the Center on Peace and Liberty at the Independent Institute. Global Warming, Environmental Threats, and U.S. Security: Recycling the Domino Theory, Climate Coup: Global Warming’s Invasion of Our Government and Our Lives, edited by Patrick J. Michaels, pg. 110, jj

Food scarcity, like water shortages, is a dubious cause of conflict.¶ The blithe assertion that environmentally induced famine will cause¶ increased conflict over scarce food supplies overlooks the aforementioned fact that widespread hunger reduces the capacity of nations¶ or groups to make war effectively.39

### 2ac – OLC CP – NEW!

#### Unambiguous congressional re-definition key --- otherwise executive circumvents

Hemesath ‘2k, Paul A. Hemesath \*, \* J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996, Georgetown Law Journal¶ August, 2000¶ 88 Geo. L.J. 2473, NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era, Lexis, jj

Second, based on this consensus, the Congress must enact a new War Powers Act, perhaps of the style suggested by Professor Ely, with the goal of drafting a law that is unambiguous and not subject to subtle points of misinterpretation. Such a law would grant the Congress an unequivocal basis for opposing unilateral presidential military action that would not be vulnerable to definitional objections or timing ambiguities. n199 Explicit exceptions should be made, however, as was the intention of the Framers, for situations that require the Executive to repel sudden attacks. n200

#### Libya proves the OLC can’t restrain the president

Posner – the OLC doesn’t work – Libya proves – Obama asked for a legal opinion on Libya and he didn’t like their answer so he went to the state department instead

Posner, 2012 (Eric A., Kirkland & Ellis Professor, University of Chicago Law School, Harvard Journal of Law & Public Policy, Vol 35., No.1, “DEFERENCE TO THE EXECUTIVE IN THE UNITED¶ STATES AFTER SEPTEMBER 11:CONGRESS,THE¶ COURTS, AND THE OFFICE OF LEGAL COUNSEL,” http://www.harvard-jlpp.com/wp-content/uploads/2012/01/PosnerFinal.pdf)

The narrow definition of “hostilities” echoed the narrow definition of “torture” used by the Bush‐era OLC. The reliance on UN¶ Security Council authorization echoed President Truman’s reliance on Security Council authorization for the U.S. military intervention in Korea (also not authorized by Congress).90 Press reports later revealed that the OLC refused to issue an opinion advising the President that the use of military force in Libya was consistent with the War Powers Act, and that the¶ President instead relied on the advice of the State Department legal adviser and the White House Counsel.91

#### Executive action doesn’t solve --- congressional restrictions key to create binding policy

Friedersdorf 5-28-13, Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. MAY 28 2013, The Atlantic, Does Obama Really Believe He Can Limit the Next President's Power?, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/>

Standards he sets within the executive branch to govern drone strikes won't bind the next person who orders them.¶ Over at Fox News, Chris Wallace and Brit Hume are musing about President Obama's aims on national security. What exactly does he hope to accomplish before leaving office in January 2017? Let's listen in:¶ Chris Wallace: It's been suggested that that's exactly what the president wants to do. He wants to leave a different national-security structure, different rules of the road, different limits, for the next president than what he inherited when he came in.¶ Brit Hume: Not only what he inherited, but what he made generous use of for the purposes of fighting this conflict. There's an odd quality, Chris, to this whole thing. And it its almost like he's saying with regard to the drone policy, 'We need something to stop me before I kill again.' You see that in his support -- on an unrelated matter -- of this shield law for journalists. He's carried out these oversteps in pursuing journalists who are doing their jobs. And now he says, 'We need a shield law,' as if to say, a law to protect them from us. I think it's peculiar. ¶ I admit to being a bit puzzled myself, if for slightly different reasons. It's perfectly understandable to serve in a position, appreciate its power, and believe it should be limited by outside constraints, even when they'd constrain you. George Washington and Thomas Jefferson both felt that way at times. If Obama feels that way about a shield law, good for him. And it isn't as if he personally approves every interaction the Department of Justice has with journalists. ¶ But something puzzles me about his behavior with regard to the War on Terrorism. It does sometimes appear, as Wallace suggests, that he wants to leave a different national-security structure to his predecessor that limits him or her more than Obama himself was limited in 2009.¶ Administration officials have said as much. A disposition matrix! Strict protocol for putting an American citizen on the kill list! That sort of thing. There was talk, before Election 2012, of Team Obama hurriedly developing changes just in case. ¶ So unlike Hume, I don't think it's "stop me before I kill again," so much as, "I trust myself with this power more than anyone. You won't always be so lucky as to have me, but don't worry, I'm leaving instructions."¶ Will anyone follow them? That's what I don't understand. Why does Obama seem to think his successors will constrain themselves within whatever limits he sets? Won't they just set their own limits? Won't those limits be very different? What would Chris Christie do in the White House? I have no idea, but I'm guessing that preserving the decisionmaking framework Obama established isn't what he'd do.¶ Does anyone think Hilary Clinton would preserve it?¶ Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch, if he ever gets around to placing any on it. The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them. His influence in the realm of executive power will be to expand it. By 2016 we'll be four terms deep in major policy decisions being driven by secret memos from the Office of Legal Counsel. The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.¶ Some new John Brennan-like figure, with different values and a different personality, will serve as Moral Rectitude Czar.¶ Even ending torture was done by executive order. The folks guilty of perpetrating it weren't punished. Congress wasn't asked to act. (There was an ambitious domestic agenda to focus on!) So who knows what we'll get next, save for a new president who witnessed all the previously unthinkable things post-9/11 presidents got away with so long as they invoked fighting "terror."¶ The fact that every new president is likely to be a power-seeking egomaniac seems like too obvious a flaw in Obama's plan for a smart guy like him not to see it. So what gives? Is all the talk of limiting the executive branch just talk? But why even talk at this point, if so? He isn't running again. Yet if he really does think his office wields too much power, why is he putting in place safeguards the next president can and probably will undo instead of zealously trying to get Congress to act? Yet he does seem to be concerned. Here's Peter Baker reporting in The New York Times:¶ For nearly four years, the president had waged a relentless war from the skies against Al Qaeda and its allies, and he trusted that he had found what he considered a reasonable balance even if his critics did not see it that way. But now, he told his aides, he wanted to institutionalize what in effect had been an ad hoc war, effectively shaping the parameters for years to come "whether he was re-elected or somebody else became president," as one aide said.¶ Ultimately, he would decide to write a new playbook that would scale back the use of drones, target only those who really threatened the United States, eventually get the C.I.A. out of the targeted killing business and, more generally, begin moving the United States past the "perpetual war" it had waged since Sept. 11, 2001. Whether the policy shifts will actually accomplish that remains to be seen, given vague language and compromises forced by internal debate, but they represent an effort to set the rules even after he leaves office. ¶ "We've got this technology, and we're not going to be the only ones to use it," said a senior White House official who, like others involved, declined to be identified talking about internal deliberations. "We have to set standards so it doesn't get abused in the future."¶ There's that same obvious flaw, but everyone seems oblivious to it. The standards you're setting? The next president can just change them. In secret, even! That's the problem with extreme executive power: It is capricious, prone to abuse, and difficult to meaningfully check. Does Obama think the next man or woman will just behold the wisdom of his approach and embrace it? That error, unthinkable as it seems, would not be without precedent for this president.

#### Links to politics

Ulrich ’08, Marybeth P. Ulrich, European Studies – Wilson Center, June 2008, Strategic Studies Institute of the US Army War College (SSI), National Security Powers: Are the Checks in Balance?, online, jj

Executive orders have mainly been used in three areas: to combat various forms of discrimination¶ against citizens, to increase White House control over the executive branch, and to maintain secrets.21 When Congress perceives that executive orders are taken to bypass Congress on controversial¶ issues, they may elicit great political controversy and be a source of conflict between the two¶ branches. This is why the congressional reaction to President George W. Bush’s series of executive¶ orders authorizing the National Security Agency (NSA) to eavesdrop on the conversations of¶ Americans without warrants as required in the Foreign Intelligence Surveillance Act (FISA) has¶ been uncharacteristically strong. Members of Congress on both sides of the aisle saw the action as a¶ challenge to the Congress’ power vis-à-vis the executive.¶ Even the prospect of an executive order being issued can erupt in major political controversy as¶ was the case with President Bill Clinton’s proposal to lift the ban on gays serving in the military.¶ There was no question that the President had the legitimate authority to issue such an order as¶ President Truman had done to integrate the armed forces in 1948, but the political backlash was so¶ strong in 1993 that President Clinton abandoned the idea in order to salvage his domestic agenda¶ before Congress.22

### 2ac – militarism/sec k

***Prioritize policy relevance over theoretical investigation—key to hold the government accountable***

Ewan E. **Mellor** – European University Institute, Political and Social Sciences, Graduate Student, Paper Prepared for BISA Conference 20**13**, “Why policy relevance is a moral necessity: Just war theory, impact, and UAVs”, online

**This section of the paper considers** more generally **the need for** just war **theorists to engage with policy debate about the use of force**, as well as to engage with the more fundamental moral and philosophical principles of the just war tradition. **It draws on John Kelsay’s conception of just war thinking as being a social practice**,35 **as well as on** Michael **Walzer’s understanding of the role of the social critic in society**.36 It argues that **the just war tradition is a form of “practical discourse” which is concerned with questions of “how we should act.**”37¶ Kelsay argues that:¶ [T]he criteria of jus ad bellum and jus in bello provide a framework for structured participation in a public conversation about the use of military force . . . citizens who choose to speak in just war terms express commitments . . . [i]n the process of giving and asking for reasons for going to war, those who argue in just war terms seek to influence policy by persuading others that their analysis provides a way to express and fulfil the desire that military actions be both wise and just.38¶ He also argues that “**good just war thinking involves continuous and complete deliberation**, in the sense that one attends to all the standard criteria at war’s inception, at its end, and throughout the course of the conflict.”39 **This is important as it highlights the need for** just war **scholars to engage with the ongoing operations in war and the specific policies that are involved**. The question of whether a particular war is just or unjust, and the question of whether a particular weapon (like drones) can be used in accordance with the jus in bello criteria, only cover a part of the overall justice of the war. **Without an engagement with the reality of war, in terms of the policies used in waging it, it is impossible to engage with the “moral reality of war,”**40 **in terms of being able to discuss it and judge it in moral terms**.¶ Kelsay’s description of just war thinking as a social practice is similar to Walzer’s more general description of social criticism. **The** just war **theorist, as a social critic, must be involved with his or her own society and its practices**. In the same way that the social critic’s distance from his or her society is measured in inches and not miles,41 **the** just war **theorist must be close to and must understand the language through which war is constituted, interpreted and reinterpreted**.42 **It is only by understanding the values and language that their own society purports to live by that the social critic can hold up a mirror to that society to**¶ **demonstrate its hypocrisy and to show the gap that exists between its practice and its values**.43 **The tradition** itself provides a set of values and principles and, as argued by Cian O’Driscoll, **constitutes a “language of engagement” to spur participation in public and political debate.**44 This language is part of “our common heritage, the product of many centuries of arguing about war.”45 These principles and this language provide the terms through which people understand and come to interpret war, not in a deterministic way but by providing the categories necessary for moral understanding and moral argument about the legitimate and illegitimate uses of force.46 **By spurring and providing the basis for political engagement the just war tradition ensures that the acts that occur within war are considered according to just war criteria and allows policy-makers to be held to account on this basis**.¶ **Engaging with the reality of war requires recognising that war is**, as Clausewitz stated, **a continuation of policy**. **War**, according to Clausewitz, **is subordinate to politics and to political choices and these political choices can, and must, be judged and critiqued**.47 **Engagement and political debate are morally necessary as the alternative is disengagement and moral quietude, which is a sacrifice of the obligations of citizenship**.48 **This engagement must bring** just war **theorists into contact with the policy makers and will require work that is accessible and relevant to policy makers**, **however this does not mean a sacrifice of critical distance or an abdication of truth in the face of power**. By engaging in detail with the policies being pursued and their concordance or otherwise with the principles of the just war tradition **the policy-makers will be forced to account for their decisions and justify them in just war language**. In contrast to the view, suggested by Kenneth Anderson, that “the public cannot be made part of the debate” and that “[w]e are necessarily committed into the hands of our political leadership”,49 **it is incumbent upon** just war **theorists to ensure that the public are informed and are capable of holding their political leaders to account**. To accept the idea that the political leadership are stewards and that accountability will not benefit the public, on whose behalf action is undertaken, but will only benefit al Qaeda,50 is a grotesque act of intellectual irresponsibility. As Walzer has argued, **it is precisely because it is “our country” that we are “especially obligated to criticise its policies**.”51

***Policy analysis should trump discourse – most effective way to challenge power***

**Taft-Kaufman 95** (Jill, Speech prof @ CMU, Southern Comm. Journal, Spring, v. 60, Iss. 3, “Other Ways”)

**The postmodern passwords of "polyvocality," "Otherness," and "difference," unsupported by substantial analysis of the concrete contexts of subjects, creates a solipsistic quagmire**. The political sympathies of the new cultural critics, with their ostensible concern for the lack of power experienced by marginalized people, aligns them with the political left. Yet, **despite their adversarial posture and talk of opposition, their discourses on intertextuality and inter-referentiality isolate them from and ignore the conditions that have produced leftist politics--conflict, racism, poverty, and injustice**. In short, as Clarke (1991) asserts, postmodern emphasis on new subjects conceals the old subjects, those who have limited access to good jobs, food, housing, health care, and transportation, as well as to the media that depict them. Merod (1987) decries **this** situation as one which **leaves no vision, will, or commitment to activism**. He notes that academic lip service to the oppositional is underscored by the absence of focused collective or politically active intellectual communities. Provoked by the academic manifestations of this problem Di Leonardo (1990) echoes Merod and laments: Has there ever been a historical era characterized by as little radical analysis or activism and as much radical-chic writing as ours? **Maundering on about Otherness:** phallocentrism or Eurocentric tropes **has become a lazy academic substitute for actual engagement with the detailed histories and contemporary realities** of Western racial minorities, white women, or any Third World population. (p. 530) Clarke's assessment of the **postmodern elevation of language to the "sine qua non"** of critical discussion **is an even stronger indictment against the trend.** Clarke examines Lyotard's (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the "realm of terror" and society falls apart. To this assertion, Clarke replies**:**  I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. **If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual's conception of terror** (what else do we do but speak?), **but its projection onto the rest of the world would be calamitous....(**pp. 2-27) **The** realm of the **discursive is derived from the requisites for human life,** which are in the physical world**, rather than in a world of ideas or symbols**.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. **Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstances hides the complex task of envisioning and working towards concrete social goals** (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that "**the justice that working people deserve is economic, not just textual"** (p. 571). Lopez (1992) states that "**the starting point for organizing the program content of education or political action must be the** present existential, **concrete situation"** (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. **People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities, because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice.** They do not appreciate being told they are living in a world in which there are no more real subjects. **Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas,** institutions, agencies, and the budgets that fuel them.

***3. Perm do both --- pure critique essentializes security and cedes the political***

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In fact, **a profound distrust towards security is present in the work of** Michael **Dillon**, **who understands security as** a ‘generative principle of formation’ (1996: 127), a register of meaning that entails **a politics of calculability, closure, exclusion and violence**. Dillon (1996: 130) identifies within Western thought a ‘metaphysical politics of security’ that makes ‘politics a matter of command; membership of a political community a matter of obedience; love synonymous with a policing order; order a function of discipline; and identity a narcissistic paranoia’. Similar concerns are present in the work of Didier Bigo, for whom security is a liberal political register that strives to make the world calculable, ‘makes a fantasy of homogeneity and seeks the end of any resistances or struggles’ (2008: 109). Mark **Neocleous** (2011: 186) **takes these concerns in a more radical direction by linking security to fascism.**

**In the works of these authors, one can identify a tendency to see security as inherently connected to exclusion, totalization and even violence**. The idea of a ‘logic’ of security is now widely present in the critical security studies literature. Claudia Aradau (2008: 72), for example, writes of an ‘exclusionary logic of security’ underpinning and legitimizing ‘forms of domination’. Rens van Munster (2007: 239) assumes a ‘logic of security’, predicated upon a ‘political organization on the exclusionary basis of fear’. Laura Shepherd (2008: 70) also identifies a liberal and highly problematic ‘organizational logic’ in security.

**Although there would probably be disagreement over the degree to which this logic is inescapable, it is symptomatic of an overwhelmingly pessimistic outlook that a great number of critical scholars are now making the case for moving away from security**. The normative preference for desecuritization has been picked up in attempts to contest, resist and ‘unmake’ security (Aradau, 2004; Huysmans, 2006; Bigo, 2007). **For these contributions, security cannot be reconstructed and political transformation can only be brought about when security and its logic are removed from the equation** (Aradau, 2008; Van Munster, 2009; Peoples, 2011).

**This tendency in the literature is problematic for the critique of security in at least three ways. First, it constitutes a blind spot in the effort of politicization**. **The assumption of an exclusionary, totalizing or violent logic of security can be seen as an essentialization and a moment of closure**. **To be faithful to itself, the politicization of security would need to recognize** that there is nothing natural or necessary about security – and **that security as a paradigm of thought or a register of meaning is also a construction that depends upon its reproduction and performance through practice.** **The exclusionary and violent meanings that have been attached to security are themselves the result of social and historical processes, and can thus be changed.**

**Second, the institution of this apolitical realm runs counter to the purposes of critique by foreclosing an engagement with the different ways in which security may be constructed**. As Matt McDonald (2012) has argued, **because security means different things for different people, one must always understand it in context**. **Assuming from the start that security implies the narrowing of choice and the empowerment of an elite forecloses the acknowledgment of security claims that may seek to achieve exactly the opposite: alternative possibilities in an already narrow debate and the contestation of elite power**.5 In connection to this, **the claims to insecurity put forward by individuals and groups run the risk of being neglected if the desire to be more secure is identified with a compulsion towards totalization, and if aspirations to a life with a degree of predictability are identified with violence**.

**Finally, this tendency blunts critical security studies as a resource for practical politics**. **By overlooking the possibility of reconsidering security from within – opting instead for its replacement with other ideals – the critical field weakens its capacity to confront head-on the exceptionalist connotations that security has acquired in policymaking circles**. **Critical scholars run the risk of playing into this agenda when they tie security to exclusionary and violent practices, thereby failing to question security actors as they take those views for granted and act as if they were inevitable**. Overall, **security is just too important – both as a concept and as a political instrument – to be simply abandoned by critical scholars**. As McDonald (2012: 163) has put it,

**If security is politically powerful**, is the foundation of political legitimacy for a range of actors, and involves the articulation of our core values and the means of their protection, **we cannot afford to allow dominant discourses of security to be confused with the essence of security itself.**

In sum, the trajectory that critical security studies has taken in recent years has significant limitations. **The politicization of security** has made extraordinary progress in problematizing predominant security ideas and practices; however, it **has paradoxically resulted in a depoliticization of the meaning of security itself**. **By foreclosing the possibility of alternative notions of security, this imbalanced politicization weakens the analytical capacity of critical security studies, undermines its ability to function as a political resource and runs the risk of being politically counterproductive**. Seeking to address these limitations, the next section revisits emancipatory understandings of security.

***4. The aff breaks down securitization***

**Fisher ’05**, LOUIS FISHER, Specialist with the Law Library, The Library of Congress. Ph.D., New School for Social Research, 1967; B.S., College of William and Mary, 1956, Indiana Law Journal¶ Fall, 2005¶ 81 Ind. L.J. 1199, Lost Constitutional Moorings: Recovering the War Power, LEXIS, jj

**The initiation of U.S. military operations in Iraq flowed from a long list of miscalculations, false claims, and misjudgments, both legal and political. Errors of that magnitude were not necessary or inevitable. Military conflict could have been delayed**, perhaps **permanently, had the responsible political leaders performed their constitutional duties with greater care, reflection, integrity, and commitment to constitutional principles**. Adding to the failures of elected officials were decades of irresponsible and misinformed statements by federal judges, academics, law reviews, and the media.¶ **Although the Iraq War that began in 2003 was orchestrated by the Republican Party and the Bush administration, their miscalculations built upon a half century of violations of constitutional principles over the war power**. **Democratic Presidents led the country to war against North Korea** (President Harry Truman), North **Vietnam** (President Lyndon Johnson), **and Serbia** (President Bill Clinton). **Republican neoconservatives beat the drums for war against Iraq, but Democratic academics did the same for Korea**. **The dominant theme in American foreign policy since World War II has been a bellicose spirit that champions the use of military force, boasts the virtues of "American exceptionalism," stands ready to fight "evil" anywhere** (**whether Soviet Communism or Islamic fundamentalism), and regularly attacks opponents of war as unpatriotic and unmanly**. **That these forces led to torture by U.S. soldiers at Abu Ghraib or CIA "black sites" should come as no surprise. They are the natural results of concentrated power, political arrogance, and ideological fervor.**

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

Plan’s essential to restrain short-term effects of militarism —- sweeping critique of war is too extreme to reach broad acceptance

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

***5. Contingent logic best explains the world. Neg rejoinder burden soars. Also frames judge choice.***

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