# 1NC

## off

Restrictions on production must mandate a decrease in the quantity produced

Anell 89

Chairman, WTO panel

"To examine, in the light of the relevant GATT provisions, the matter referred to the

CONTRACTING PARTIES by the United States in document L/6445 and to make such findings as will assist the CONTRACTING PARTIES in making the recommendations or in giving the rulings provided for in Article XXIII:2." 3. On 3 April 1989, the Council was informed that agreement had been reached on the following composition of the Panel (C/164): Composition Chairman: Mr. Lars E.R. Anell Members: Mr. Hugh W. Bartlett Mrs. Carmen Luz Guarda CANADA - IMPORT RESTRICTIONS ON ICE CREAM AND YOGHURT Report of the Panel adopted at the Forty-fifth Session of the CONTRACTING PARTIES on 5 December 1989 (L/6568 - 36S/68)

http://www.wto.org/english/tratop\_e/dispu\_e/88icecrm.pdf

The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so. 27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production. Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

The aff removes a regulation not a restriction

Pursley and Wiseman 11 1AC Author (Garrick, Assistant Professor of Law, University of Toledo College of Law, and Hannah, Assistant Professor of Law, University of Tulsa College of Law, “Local Energy”, Emory Law Journal, 60 Emory L.J. 877)

Our suggestion, then, is that the federal government should first establish some minimum standard - most likely a simple **prohibition on state** and local **regulations** that impede renewables siting - for fostering the adoption of distributed renewable energy technologies and should allocate primary [\*935] authority for implementation and regulation, with substantial discretion, to local governments. 311 Since land-energy regulations enabling the use of distributed renewable energy **may raise business costs** in the short term and may at least appear capable of **deterring** industrial siting, we contend that a federal minimum standard is necessary to prevent local governments from engaging in races to the bottom. 312 A federal minimum requirement for implementing policies designed to promote the adoption of distributed renewables also should offset the local-level public choice problems that we have mentioned 313 and thereby help to avoid "negative experiments" in which cities empowered with land-energy rule-making authority respond disproportionately to anti-renewables interests and stifle the adoption of distributed renewables. 314

This conflation ruins the topic:

1. Including regulations is a limits disaster

Doub 76

Energy Regulation: A Quagmire for Energy Policy

Annual Review of Energy

Vol. 1: 715-725 (Volume publication date November 1976)

DOI: 10.1146/annurev.eg.01.110176.003435LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW, Washington, DC 20036

http://0-www.annualreviews.org.library.lausys.georgetown.edu/doi/pdf/10.1146/annurev.eg.01.110176.003435

Mr. Doub is a principal in the law firm of Doub and Muntzing, which he formed in 1977. Previously he was a partner in the law firm of LeBoeuf, Lamb, Leiby and MacRae. He was a member of the U.S. Atomic Energy Commission in 1971 - 1974. He served as a member of the Executive Advisory Committee to the Federal Power Commission in 1968 - 1971 and was appointed by the President of the United States to the President's Air Quality Advisory Board in 1970. He is a member of the American Bar Association, Maryland State Bar Association, and Federal Bar Association. He is immediate past Chairman of the U.S. National Committee of the World Energy Conference and a member of the Atomic Industrial Forum. He currently serves as a member of the nuclear export policy committees of both the Atomic Industrial Forum and the American Nuclear Energy Council. Mr. Doub graduated from Washington and Jefferson College (B.A., 1953) and the University of Maryland School of Law in 1956. He is married, has two children, and resides in Potomac, Md. He was born September 3, 1931, in Cumberland, Md.

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy selfsufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. More than 40 agencies were found to be involved with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could significantly affect the availability and/or cost of energy. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

2. Precision: Only direct prohibition is a restriction – key to predictability

Sinha 6

<http://www.indiankanoon.org/doc/437310/>

Supreme Court of India Union Of India & Ors vs M/S. Asian Food Industries on 7 November, 2006 Author: S.B. Sinha Bench: S Sinha, Mark, E Katju CASE NO.: Writ Petition (civil) 4695 of 2006 PETITIONER: Union of India & Ors. RESPONDENT: M/s. Asian Food Industries DATE OF JUDGMENT: 07/11/2006 BENCH: S.B. Sinha & Markandey Katju JUDGMENT: J U D G M E N T [Arising out of S.L.P. (Civil) No. 17008 of 2006] WITH CIVIL APPEAL NO. 4696 OF 2006 [Arising out of S.L.P. (Civil) No. 17558 of 2006] S.B. SINHA, J :

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus:

"It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

2. It promotes multidirectionality, destroying topic coherence

McKie 84

Professor James W. McKie, distinguished member of the economics department at The University of Texas at Austin for many years

McKie, J W

Annual Review of Environment and Resource , Volume 9 (1)

Annual Reviews – Nov 1, 1984

THE MULTIPLE PURPOSES OF ENERGY REGULATION AND PROMOTION Federal energy policy since World War II has developed into a vast and multidirectional program of controls, incentives, restraints, and promotions. This development accelerated greatly during the critical decade after 1973, and has become a pervasive and sometimes controlling influence in the energy economy. Its purposes, responding to a multitude of interests and aims in the economy, have frequently been inconsistent, if not obscure, and the results have often been confusing or disappointing.

## off

#### Democracy is a terrible starting point – the signifier’s already been overdetermined

Little, Associate Professor and Reader, Political Theory – University of Melbourne, ‘10 (Adrian, “Democratic Melancholy: On the Sacrosanct Place of Democracy in Radical Democratic Theory,” Political Studies 58:5, p. 971 – 987)

In recent years radical critiques of democracy have become increasingly commonplace in political theory, focusing on understandings of the contingent nature of the polity and principles articulated within it (Laclau and Mouffe, 1985; Smith, 1998; Trend, 2006; Tønder and Thomassen, 2006). Although few theorists identify themselves explicitly as radical democrats, radical democracy can be defined as an amorphous body of thought that involves approaches such as agonism, Foucauldian genealogy and Derridean deconstruction to found a politics focused on the exclusions and inequalities that characterise liberal democratic regimes.

While the primary target in this trend has been political liberalism and, in particular, deliberative formations of democracy, it also challenges the unsophisticated discourses of democracy that permeate popular political argument (Žižek, 2004). Most notable here are the arguments that have juxtaposed democracy with terrorism in the aftermath of the 2001 attacks on the World Trade Center (Badiou, 2005a, ch. 8; Honderich, 2006). These arguments rely upon a number of tropes and presuppositions about democracy that are largely unsustainable, such as a clear dichotomy between democratic regimes and those that use violence. The logic underpinning uncritical representations of democracy neglects the complexity of democratic forms and the kinds of contingency that radical democrats draw attention to. Nonetheless, it is a potent logic in contemporary liberal democracies and it contributes to the almost sacrosanct status of democracy in contemporary political theory (Mann, 2006).

While democracy may be defended in terms of ideas such as popular sovereignty, the rule of law, political participation or representation, the precise form that these concepts take in different democratic societies varies enormously. What this demonstrates is that democracy is not ‘a regime or political ethos capable of generating its own binding force and aim, capable of animating and gathering itself as a regime’ (Brown, 1998, p. 426). This article contends that this absence entails that democracy should be understood as a vessel that can contain a wide range of practices and institutions. As such, democracy and the concepts that underpin it require critical evaluation. Ironically, though, as we shall see, it is precisely this kind of analysis that many associated with radical democracy have shied away from. Perhaps then, the strength of contemporary liberal democracy has been not only in articulating a simple message and understanding of democracy, but also its capacity to quieten theorists who might be regarded as those most likely to engage in a radical democratic critique.

For post-structuralist theorists such as Ernesto Laclau, there is a void at the heart of democracy that enables it to operate as a ‘floating signifier’. On this understanding, ‘hegemony is understood as the process of fixing the meaning of a floating signifier ... around a particular nodal point’ (Norval, 2004, p. 158; see also Laclau, 1996). This contingency in the meaning of democracy is significant because, in the ‘absence of a set of ideas that form,cohere,stabilize,and direct a social body’(Brown,1998,p.426),neo-liberals and neo-conservatives in particular have established hegemony over the dominant interpretations of democracy. This begs the question that Wendy Brown hinted at in the late 1990s: is democracy worth retaining? If so, why and how can radical democrats reclaim it from the dominant hegemonic forces? The risk of contemporary democracy – if not the inherent paradox – is that at the same time as it opens up opportunities for a more radical politics, it closes down these possibilities through excessive proceduralism and policing of the political order (Mouffe, 2000). For Brown, a radical democratic politics means ‘culturing attachments that enable freedom, equality, and cultural inclusion’ ( Brown, 1998, p. 427) but this is precisely the territory on which the hegemonic hold of neo-liberals and neo- conservatives has been forged (albeit inadequately and improbably, as Brown points out). This necessitates a political strategy that unsettles and disrupts these concepts at the heart of the neo-liberal/neo-conservative hegemony, a politics that recognises the unattainable nature of democratic ideals and, thus, the ‘constitutive failure’ at the heart of democracy’s foundations and its continuation.

#### You can’t reform democracy – the aff trades off with a sustained criticism of the concept of democracy itself – that’s the root cause of their impacts

Little, Associate Professor and Reader, Political Theory – University of Melbourne, ‘10 (Adrian, “Democratic Melancholy: On the Sacrosanct Place of Democracy in Radical Democratic Theory,” Political Studies 58:5, p. 971 – 987)

The main focus in radical democratic theory has been liberalism and the liberal aspect of liberal democracy in particular (see, for example, Brown, 2006a on tolerance; Brown, 2004 on human rights). To this extent, William Connolly argues that his theory challenges ‘the retreat in the academy toward a conservative brand of liberalism that welcomes most heartily a narrow band of perspectives on the cultural economy and the economic culture’ (Connolly, 1999, p. 48). As significant as this critique of liberalism is, it provides a partial account of the limitations of liberal democracy in so far as it fails to note any problems that may emanate from the democratic part of the liberal democratic equation. Thus, although some post-foundational thinkers have been prepared to articulate a critique of democracy (Agamben, 2005; Badiou, 2005b), this approach has been less forthcoming from the major theorists often associated with radical democracy. What is clear, then, is that radical democracy is founded on a belief in the normative superiority of democracy rather than a critical engagement with that foundational principle.

This lack of critique of democracy has been noticeable in the work of Brown, Butler and Connolly in North America. These theorists are often cited in radical democratic critiques of liberalism and their work has been highly influential, particularly in demonstrating the limits of liberalism when it comes to grappling with the multiplicity of demands emanating from the politics of identity and difference (Brown, 1995; Butler, 1998; Connolly, 1991; Little and Lloyd, 2009). It is notable then that these eminent critics of liberal democracy have focused intensively on the failings of liberalism and have said relatively little about the problems of democracy. The distinct possibility is that the hegemonic force of discourses of democracy closes spaces of criticism and ensures that potential critics have censored themselves. This problem emanates from an intellectual culture in liberal democracies (the United States in the case of the authors under analysis) that limits ‘what we can hear’ (Butler,2002) and repels criticism of democracy by placing such commentary on the wrong side of the ‘distribution of the sensible’ (Rancière, 2004; 2006).

The inability of radical commentators to express their arguments in terms of the problems of democracy contributes to the continued hegemony of liberal democracy. The violence attached to the rule of law, the exclusion of minority perspectives in forging popular sovereignty, the marginalisation of various cultural and socio-economic inequalities in the name of pursuing political equality and so forth are safeguarded from sufficient critical scrutiny. In the absence of this kind of critical, radical democratic analysis, liberal democ- racies perpetrate various activities that hardly bear scrutiny from a democratic perspective (Ross, 2004; Žižek, 2008). For example, while eulogising the democratic forms that have been established in Western societies, the Coalition of the Willing was prepared to argue that the ends justify the means in preserving democracy from the non-democratic threat posed by the ubiquitous spectre of ‘terrorism’ through processes such as extraordinary rendition (Donohue, 2008; Mertus and Sajjad, 2008; Siddiqui, 2008). This enterprise has devalued and compromised the currency of democracy and impeded debate about the nature of sover- eignty and the rule of law.

#### Alternative: reject democracy as a starting point for political change.

#### Reliance on democracy makes violence inevitable – only the alt can ground radical political change

Little, Associate Professor and Reader, Political Theory – University of Melbourne, ‘10 (Adrian, “Democratic Melancholy: On the Sacrosanct Place of Democracy in Radical Democratic Theory,” Political Studies 58:5, p. 971 – 987)

The hegemonic position of contemporary liberal democracy has meant that most recent debates in political theory have been focused on ways to improve existing systems by, for example, making them more deliberative or participatory (Dryzek, 2000; Mutz, 2006; Parkinson, 2006).While these debates have merit in their own terms, several theorists have alluded to the problematic nature of many of the assumptions within democratic theory that do not feature in the prevailing literature. Jean-Luc Nancy, for example, points to the way in which once the belief is established that democracy ‘is the only kind of political regime that is acceptable to an adult, emancipated population ... then the very idea of democracy fades and becomes blurred and confusing’ (Nancy, 2006, p. 1). It is vital then that critical theorists of democracy explain and analyse the prevailing features of modern democracy that can generate problems such as those emanating from broad conceptions of sovereignty and the democratic subject through to the implications of the operation of key democratic concepts such as representation, participation, political equality and the rule of law.

The issue at stake is whether it is sufficient for radical democratic theorists to concentrate on the problems of liberal democracy or whether there is something inherent in democratic politics that should also be the subject of critical scrutiny. This is not just a matter of challenging contemporary democratic practice because many political theorists criticise the operation of liberal democracies for, among other things, narrow proceduralism, exclusion- ary practices and violent behaviour. For example, Iris Marion Young draws attention to the way in which institutional and procedural democratic models privilege certain types of behaviour and forms of communication over others (Young, 1990). Anne McNevin points to the exclusionary nature of the framing of asylum policies and the general political closure in many states today that facilitates restrictive interpretations of the democratic subject (McNevin, 2007). And Ted Honderich has pointed to the way in which democratic politics has historically been infused with elements of violence and notes the ways in which democracy and violence continue to intersect with each other in the post-9/11 global environment (Honderich, 2006).

There has also been a renewed tendency in recent literature to highlight the trend of emaciated democracy that characterises much of the world today. Taking the United States as a primary example, Sheldon Wolin (2008) argues that elite-driven politics is perverting democracy and generating new forms of totalitarianism. Not dissimilarly, Larry Bartels (2008) highlights the impact of social and economic inequality on the quality of democratic politics in America. For this article the key issue at stake in these examples is not so much that they outline problems of liberal democracy but that these criticisms could be directed at alternative forms of democracy too. The implication that this article explores is the possibility that it is democracy itself that requires critical analysis rather than its specifically liberal manifestation (problematic as that may be). The key argument emerging from that discussion revolves around the extent to which radical democratic politics needs to engage more specifically with limitations related to the key assumptions of democratic politics.

Among the wealth of literature on contemporary democracy,certain key themes are evident as the mainstay of democratic politics including political equality and popular sovereignty as well as the familiar mechanisms of democracy such as representation and elections (Rosanvallon, 2006). As already noted, however, the degree to which the sovereign body is genuinely popular is a matter of some contestation (Wolin, 2008) and thus the underpinning logic of equality is a distant prospect for most democratic polities in the world today. Instead, democratic politics is characterised by an increased closure and a ghostly aspect whereby popular participation is increasingly marginal to the exercise of power (Keenan, 2003). While political actors still require electoral support and the de facto authority of the representative machinery for democratic legitimacy, the notion of an open democratic politics is increasingly distant within the narrow institutional architecture that dominates debates about democracy today. For commentators like Jacques Rancière, what masquer- ades as political engagement in modern liberal democracy is actually symbolic of ‘hatred of democracy’ in so far as the parameters of acceptable political debate are structured in advance (Rancière, 2006) and there is little capacity for criticism of the underpinning political structures.

## off

#### Obama will solve fiscal cliff in the lame duck

Marcus, staff writer for the Washington Post, 10/27/2012

(Ruth, “How will fiscal cliff get fixed? It depends on who wins,” http://azstarnet.com/news/opinion/how-will-fiscal-cliff-get-fixed-it-depends-on-who/article\_32ad6002-981e-52fd-abbb-597f60771dec.html)

Betting on Congress to do something - anything - is, as Samuel Johnson said of second marriages, the triumph of hope over experience. Betting on a lame-duck Congress to do anything of consequence is even more foolhardy.

Yet the Congress that limped back to town after the 2010 election was surprisingly fruitful. It extended expiring tax cuts, lifted the ban on gays in the military, and ratified a nuclear arms treaty.

**Could the 2012 lame duck be similarly productive?** **I'm uncharacteristically optimistic** - especially if President Obama is re-elected.

This is not a partisan assessment. Congress' primary post-election task will be to screech to a halt **before plunging off the fiscal cliff** of expiring tax cuts and looming budgetary sequester.

If Mitt Romney is elected, the well-honed instinct of Congress will be to do what it does best: punt. Romney has already said he would not want to see the lame-duck session try to craft some kind of grand bargain on taxes and spending.

Rather, he would prefer a reprieve of some months - extending the tax cuts, postponing the sequester - to come up with his own plan. Would an exiting Obama really veto an extension? Would he have the remaining juice to force a bargain? It's hard to see either happening.

Can-kicking in the event of a Romney victory is the safest bet, and in some ways the fairest outcome. The voters will have spoken. Let the new president and the new Congress deal with the problem.

**The calculus is different if Obama is re-elected**. The composition of Congress probably won't change much; if anything, Republicans are apt to have a narrower House majority, providing **an incentive for cooperation** while the GOP retains greater leverage.

There are four pieces of evidence to support this admittedly rosy scenario:

First, a bipartisan group of senators has been working intensively to craft a deal along the lines suggested by the Simpson-Bowles debt commission, a stew of revenue increases, tax reform, spending cuts and entitlement changes.

Second, **the administration has been working on a parallel track**, **with a debt-reduction plan to be unveiled soon after Election Day**. **Obama almost made it to the mountaintop once before** with Speaker John Boehner. Whatever the reasons that deal unraveled - did Obama chicken out? did Boehner balk? - both men see a budget deal as a legacy moment.

#### Plan kills Obama

Petroleum Intelligence Weekly, 1/9/12, Obama Plays Safe on Energy Policy, Lexis

With less than a year to go **until he faces re-election**, US President Barack **Obama is trying to avoid controversial energy policy decisions**, postponing the finalization of restrictions on oil refinery and power plant emissions and delaying the approval of a major crude pipeline project. The president’s caution will prolong the status quo on issues where the industry both opposes and supports the administration’s plans, and also illustrates what's at stake for energy policy depending on whether or not Obama is given another four years in office. Most of Obama's original campaign **pledges on promoting alternatives to fossil fuels** and tackling climate change **have not passed muster with Congress**, most notably an ambitious plan for national carbon controls, a subsequent toned-down clean energy standard floated after the carbon legislation failed, and repeated efforts to repeal $30 billion-$40 billion worth of oil industry tax deductions over 10 years ( PIW May9'11 ). The one exception has been the passage of $90 billion in clean energy funding as part of an economic stimulus bill passed early in Obama's term, but **the White House has been unable to repeat** this **success in other energy policy areas** ( PIW Feb.23'09 ).

#### Successful Obama honeymoon is make or break for the economy

Newman, chief business correspondent for U.S. News & World Report, 10/26/2012

(Rick, “The Fiscal Cliff Masks an Improving Economy,” http://www.usnews.com/news/blogs/rick-newman/2012/10/26/the-fiscal-cliff-masks-an-improving-economy)

If President Barack Obama wins a second term, he may **enjoy the kind of honeymoon he didn't get the first time around**. And if Republican challenger Mitt Romney wins, he may wonder why Obama got all that gray hair.

At the moment, economists, politicos and pundits are obsessed with the looming election, to be followed by a tense lame-duck session in which Congress and the president must figure out what to do about the "fiscal cliff." If all of the tax hikes and spending cuts set to go into effect at the end of the year actually do, **it could torpedo economic growth and cause another recession**. Congress could also delay those big decisions or dicker indefinitely, **with the economy shackled to political ineptitude**.

But if Congress does its job, and legislates some kind of compromise, the prospects for the economy could brighten considerably in 2013. "Assuming the fiscal cliff is resolved in a relatively benign manner, a post-resolution rebound is likely," Bank of America Merrill Lynch advised in a recent report. There are several reasons for optimism:

Housing seems to have turned around for good. After a six-year housing bust, prices seemed to have stopped falling in most markets, and mortgage rates remain near record lows. A variety of indicators show that real estate agents, home builders and even buyers are increasingly bullish. That could turn housing from a drag on the economy into a driver of growth. "The odds are strong that housing will resume its long-absent role as a key contributor to GDP growth," says Bernard Baumohl, chief global economist of the Economic Outlook Group.

Consumers are surprisingly upbeat. Confidence surveys show an unusual divergence between business leaders, who have been getting gloomier, and ordinary people, who have been feeling better. The gap might exist because business leaders get paid to worry about problems like the fiscal cliff and the European debt crisis, while regular people may be tuning out such worries. If the economy manages to bypass the cliff, rising consumer confidence could generate a kind of self-sustaining lift.

Car sales are robust. Auto sales have become one of the stronger segments of the economy, despite higher gas prices and a weak job market. That suggests a few important things: Credit is loosening up, including subprime lending; many consumers feel confident enough to make big purchases; and the Federal Reserve's low-interest-rate policy may actually be working, at least in the car market.

Business spending is poised to pick up. CEOs have increasingly voiced their concern over political gridlock in Washington, deferring plans to invest or hire. That's probably slowing the economy today, which partly explains anemic growth of just 2 percent. But that might also indicate pent-up demand. "Corporations have accumulated profits and increased cash, suggesting they are primed for greater investment," according to Merrill Lynch. And with nearly $2 trillion of cash on hand, corporations have the means to administer quite a jolt to the economy, if their leaders choose to.

#### Extinction

Kemp 10

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, The East Moves West: India, China, and Asia’s Growing Presence in the Middle East, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The danger of war between India and Pakistan increases significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapse of the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected, with dire consequences for two-thirds of the planet’s population.

## off

#### The plan upsets ohio coal miners

Peterson, 10/4

(Political Columnist-NPR Louisville Branch, “Climate Change, But Not Energy, Absent From First Presidential Debate,” http://wfpl.org/post/climate-change-not-energy-absent-first-presidential-debate)

Coal and renewable energy weren't absent from the presidential debate last night, but environmental groups are bemoaning the fact that climate change wasn't brought up. The Hill's E2 Wire notes that a petition was delivered to debate moderator Jim Lehrer with more than 160,000 signatures, asking the PBS host to ask the candidates about climate change. But he didn’t. And while Obama and Romney traded punches on energy policy, neither mentioned climate change or carbon emissions. “Millions of Americans felt the impacts from climate change this year, so it's disappointing it wasn't discussed. Sadly, warming is a global issue too, so hopefully it will come up in the next debate focused on international policy,” said Jamie Henn, co-founder of the climate advocacy group 350.org. Both candidates voluntarily waded into a discussion about renewable energy and fossil fuels during discussions about increasing American energy independence and reducing the federal deficit. But while President Obama and Mitt Romney have both proclaimed their love of coal (the direct quote from Romney last night was "I like coal."), analysts have noted that both have good reasons to stay away from climate change. David Baker of the San Francisco Chronicle looked at the issue this morning. He notes that Romney is worried about alienating the GOP's base, which has increasingly rejected climate change over the past few years. A poll conducted last month by Bloomberg found that only 26 percent of Republicans believe human activity is warming the planet. Contrast that with 78 percent of Democrats and 56 percent of independents. "The GOP is as stony a ground for that issue as you can find today," said Jerry Taylor, a senior fellow at the Cato Institute libertarian think tank and a frequent critic of federal environmental policy. Obama, on the other hand, is **worried about alienating independents.** And he's hoping to win coal mining battleground states like Pennsylvania and Ohio, where Cato fellow Jerry Taylor adds: "**Amongst those voters, swing voters in swing states, there's very little appetite for doing anything** on climate change."

#### Obama will win the election by holding Ohio—coal voters are Romney’s only route to victory

Cohn, 10/25

(Election Expert-The New Republic, “The Road to Victory in Ohio,” http://www.tnr.com/blog/electionate/109150/the-road-victory-in-ohio)

For the second time in eight years, the Buckeye State is poised to **offer the decisive electoral votes** to reelect an incumbent president. The polls show Obama with a lead of around 2 or 3 points, **enough to make him a favorite but not enough to assure victory**, especially since he remains beneath 49 percent of the vote. At first glance, Obama’s resilience in the Buckeye State seems to defy partisan history and demographics. It’s about the only state where Obama is doing so well where his chances depend on maintaining gains among white working-class voters who voted for Bush in 2004. But Obama’s success among African Americans and postgraduates has shifted the state toward Democrats, forcing Romney to compensate with white working class Kerry voters. And although there are clear opportunities for Romney to make gains in southern and southeastern Ohio, the Obama campaign’s strategy is **perfectly suited to deny him the gains he needs.** But Obama’s road to victory in Ohio starts with a strong showing among the African American voters that provided Bush with reelection eight years ago. It’s often overlooked just how much Obama gains over Kerry’s performance just by winning an outsized share of African Americans. According to the 2004 exit polls, Bush’s concerted efforts to appeal to African American voters—mainly on cultural issues—held Kerry to just 84 percent of the black vote. African American voters predictably swung decisively toward Obama, offering him 97 percent of the vote on Election Day with an additional point of black turnout. In 2004, Bush won Ohio by 118,000 votes, but Obama’s gains among African American voters are sufficient to erase Kerry’s deficit without any changes in the composition of the electorate. The exit polls show that approximately 550,000 African American voters cast ballots in Ohio and offered Kerry a margin of approximately 380,000 votes. If Kerry had won 97 percent of the black vote, as Obama did, then Kerry would have won black voters by a 530,000 vote margin. Thus, changes in black vote preference alone is sufficient to swing Ohio by 150,000 votes—enough to overcome Bush’s 118,000 vote victory. Obama makes additional gains from increased African American turnout. The 2008 exit polls showed African Americans increasing from 10 percent in 2004 to 11 percent in 2012, increasing his margin among African Americans by an additional 60,000 votes. If Obama can maintain elevated black turnout and support, he would transform Kerry’s 118,000 vote deficit into a 92,000 vote lead without persuading a single white Bush voter. These numbers aren’t exact, but they do show that Obama’s support among African Americans is enough to turn a lean-Republican state like Ohio into a true toss-up that might even tilt-Democratic without commensurate losses among white voters. Obama ultimately won by 262,000 voters in Ohio and many of his additional gains came from rural northwest Ohio and the Columbus metropolitan area. Like many other white, moderate, but traditionally Republican areas in the northwestern part of the country (think Indiana, northeast Wisconsin, North Dakota), Obama’s performance in many parts of rural northwest Ohio was the best by any Democrat since 1964. Obama’s gains in the relatively affluent and well-educated Columbus metropolitan area were similar to his gains in other post-industrial metropolitan areas like Raleigh, Washington, and Denver—Bush won Ohio’s postgraduate voters by 2 points in 2004, but Obama would win them by 10 points. These gains were felt most clearly in Columbus, where Obama netted an additional 65,000 votes over Kerry’s performance. Elsewhere in Ohio, Obama made relatively small gains with white voters and actually did worse than Kerry in the Mahoning and Ohio River valleys of southeastern Ohio. But these losses weren’t nearly enough to overcome Obama’s huge gains in northwest Ohio, Columbus, and among African Americans. Romney’s road to victory starts by undoing Obama’s gains in rural northwest Ohio, where Obama outperformed reasonable Democratic benchmarks by a substantial margin. But Obama seems likely to hold onto many of his gains Franklin County and African Americans, leaving Romney with a deficit in the state. Resurgent Republican enthusiasm can probably make up some ground, but Romney **would still need to persuade plenty of white** Kerry or Obama **voters to overcome persistent Democratic strength in Franklin County** and among African Americans, where Obama is all but assured to outperform Kerry’s total. Where can the Romney campaign make up ground among Kerry voters? **His best chance is the traditionally Democratic stretch of** southern and **southeastern Ohio**, where Democrats long held the allegiance of working class voters **tied to the coal industry**. If you’ve been wondering why Romney likes talking about coal so much, this is why: there are many socially conservative but Democratic-leaning voters in southeastern Ohio who have never especially liked the president and where the so-called ‘**war on coal’ is a pocket book issue**. If one excludes the northern cities of Akron, Canton, Youngstown, and Warren, the coal producing stretch of Ohio holds nearly 700,000 voters or about 12 percent of the Ohio electorate. Obama only won 45 percent of the vote in this traditionally Democratic but socially conservative region, but that still **leaves plenty of room for Romney to make additional gains**. If Romney could reduce Obama’s share of the vote to 40 percent, he would net 75,000 additional votes. Smaller gains across the rest of Ohio, where Obama picked up support over Kerry’s performance, could **plausibly put him over the top**. But coal country is not populous enough for anything short of big gains to flip the state. But Romney isn’t assured of the gains necessary to overcome Obama’s advantage in the big cities. In 2008, Obama performed poorly in the industrial northeastern part of Ohio, but it’s conceivable that he could match or even exceed his ’08 totals in places like Youngstown, where Obama did worse than Kerry and the auto-bailout and shale oil boom have rejuvenated a struggling manufacturing hub. The Obama campaign has attacked Romney for arguing that a Massachusetts coal plant “kills,” undermining Romney’s ability to completely exploit the so-called ‘war on coal.” And Obama’s broader strategy to depict Romney as an out of touch plutocrat bent on outsourcing middle class jobs resonates across eastern and southeastern Ohio. These populist and working class areas were once Democratic for a reason and the Obama campaign’s caricature of Romney helps remind them why. Romney will still do better than McCain in southern and southeast Ohio, but “better” isn’t enough, with Obama starting well above Kerry’s performance among African Americans and postgraduate voters around Columbus. **Absent a strong enough counter-veiling force**, Obama’s improvements among these two groups are sufficient to overcome Ohio’s traditional Republican-lean. To compensate, Romney needs to **run up the score among voters who have traditionally voted for Democrats in** southern and **southeast Ohio**, but the Obama campaign has **developed a messaging strategy** **perfectly suited to blocking his route to victory**. With twelve days to go, the polls show that the Obama campaign’s approach is succeeding.

#### Romney win causes China-bashing – causes a trade war

Gerstein 11

(Josh, writer @ Politico, “The GOP's China syndrome”, 11/22/12, http://www.politico.com/news/stories/1111/68952.html)

Mitt Romney says America is at war with China — a “trade war” over its undervalued currency. “They’re stealing our jobs. And we’re gonna stand up to China,” the former Massachusetts governor declared in a recent Republican presidential debate, arguing that the United States should threaten to impose tariffs on Chinese imports. When Romney steps on stage tonight for another debate, this one devoted to foreign policy, that kind of China-bashing is likely to be a favorite theme. With a moribund economy and relatively little traction for other international issues, the threat posed by cheap Chinese imports and Chinese purchases of U.S. debt is an irresistible target. The problem, China experts are quick to point out, is that those attacks often fly in the face of the business interests Republicans have traditionally represented, not to mention the record many of the candidates have either supporting trade with China — or actively soliciting it. Just last year, for example, Romney slammed President Barack Obama for growth-killing protectionism after he put a 35 percent tariff on Chinese tires because of a surge of cheap imports. And, Romney wrote in his book, “No Apology: The Case for American Greatness,” “Protectionism stifles productivity.” And though Texas Gov. Rick Perry predicted at a debate this month that “the Chinese government will end up on the ash heap of history if they do not change their virtues,” a picture posted on the Internet shows a smiling Perry on a trade mission to Shanghai and Beijing posing with Chinese Foreign Minister Yang Jiechi after presenting him with a pair of cowboy boots. Nor has Perry been shy about encouraging Chinese investments in Texas: In October 2010, he appeared at the announcement of a new U.S. headquarters for Huawei Technologies to be located in Plano, Texas, despite lingering concerns among U.S. security officials that Huawei-made telecommunications equipment is designed to allow unauthorized access by the Chinese government. “There’s a certain pandering going on,” said Nicholas Lardy of the Peterson Institute for International Economics, who adds that the GOP rhetoric is squarely at odds with the views of the U.S. establishment, which believes a showdown with China over the trade issue “will make things worse, not better.” Not all of the 2012 GOP presidential hopefuls have taken to publicly pummeling Beijing. The only bona fide China expert in the group, former Ambassador to China Jon Huntsman, has criticized Romney for being cavalier and simplistic in his talk of tariffs. “You can give applause lines, and you can kind of pander here and there. You start a trade war if you start slapping tariffs randomly on Chinese products based on currency manipulation,” Huntsman said at a recent debate. “That doesn’t work.” Former Sen. Rick Santorum also rejected the idea of slapping tariffs on Beijing if it won’t buckle on the currency issue. “That just taxes you. I don’t want to tax you,” Santorum said. Newt Gingrich says he wants to bring a world of hurt down on Beijing for alleged Chinese cyberattacks on the U.S. and theft of intellectual property, though he’s vague about how. “We’re going to have to find ways to dramatically raise the pain level for the Chinese cheating,” the former house speaker declares. And Herman Cain talks of a threat from China, but says the answer is to promote growth in the U.S. “China’s economic dominance would represent a national security threat to the USA, and possibly to the rest of the world,” Cain wrote in May in the Daily Caller. “We can outgrow China because the USA is not a loser nation. We just need a winner in the White House.” Romney’s rhetoric has been **particularly harsh**. “It’s predatory pricing, it’s killing jobs in America,” he declared at the CNBC debate earlier this month, promising to make a formal complaint to the World Trade Organization about China’s currency manipulation. “I would apply, if necessary, tariffs to make sure that they understand we are willing to play at a level playing field.” The Romney campaign insists those tariffs are entirely distinguishable from the tire duties Obama imposed in 2009. “The distinction between Obama’s tire action and what Gov. Romney is proposing is simple,” said a Romney aide who did not want to be named. “President Obama is not getting tough with China or pushing them unilaterally, he is handing out political favors to union allies. [Romney’s] policy focuses on fostering competition by keeping markets open and the playing field level.” Romney, who helped set up investment bank Bain Capital, has long been a favorite of Wall Street, so his stridency on the China trade issue has taken some traditional conservatives — for whom free trade is a fundamental tenet — by surprise. National Review said Romney’s move “risk[ed] a trade war with China” **and was “a remarkably bad idea.”** In fact, many business leaders give Obama good marks for his China policy. “What the Obama administration has done in not labeling China as a ‘currency manipulator’ is correct,” said one U.S. business lobbyist who closely follows U.S.-China trade issues and asked not to be named. “We’re very leery of a tit-for-tat situation,” he added, while acknowledging that the anti-China rhetoric is “good politics.”

#### That goes nuclear

Taaffe 5

(Peter Taaffe, “China, A New Superpower?,” Socialist Alternative.org, Nov 1, 2005, pg. <http://www.socialistalternative.org/news/article11.php?id=30>)

While this conflict is unresolved, the shadow of a trade war looms. Some commentators, like Henry C.K. Liu in the Asia Times, go further and warn that "trade wars can lead to shooting wars." China is not the Japan of the 21st century. Japan in the 1980s relied on the U.S. military and particularly its nuclear umbrella against China, and was therefore subject to the pressure and blackmail of the U.S. ruling class. The fear of the U.S., and the capitalists of the "first world" as a whole, is that China may in time "out-compete" the advanced nations for hi-tech jobs while holding on to the stranglehold it now seems to have in labor-intensive industries. As the OECD commented recently: "In the five-year period to 2003, the number of students joining higher education courses has risen by three and a half times, with a strong emphasis on technical subjects." The number of patents and engineers produced by China has also significantly grown. At the same time, an increasingly capitalist China - most wealth is now produced in the private sector but the majority of the urban labor force is still in state industries - and the urgency for greater energy resources in particular to maintain its spectacular growth rate has brought it into collision on a world scale with other imperialist powers, particularly the U.S. In a new worldwide version of the "Great Game" - the clash for control of central Asia's resources in the nineteenth century - the U.S. and China have increasingly come up against and buffeted one another. Up to now, the U.S. has held sway worldwide due to its economic dominance buttressed by a colossal war machine accounting for 47% of total world arms spending. But Iraq has dramatically shown the limits of this: "A country that cannot control Iraq can hardly remake the globe on its own." (Financial Times) But no privileged group disappears from the scene of history without a struggle. Donald Rumsfeld, U.S. defense secretary, has stated: "Since no nation threatens China, one must wonder: why this growing [arms] investment? Why these continuing large and expanding arms purchases?" China could ask the same question of the U.S. In order to maintain its position, the U.S. keeps six nuclear battle fleets permanently at sea, supported by an unparalleled network of bases. As Will Hutton in The Observer has commented, this is not because of "irrational chauvinism or the needs of the military-industrial complex, but because of the pressure they place on upstart countries like China." In turn, the Chinese elite has responded in kind. For instance, in the continuing clash over Taiwan, a major-general in the People's Liberation Army baldly stated that if China was attacked "by Washington during a confrontation over Taiwan... I think we would have to respond with nuclear weapons." He added: "We Chinese will prepare ourselves for the destruction of all of the cities east of Xian. Of course, the Americans would have to be prepared that hundreds... of cities would be destroyed by the Chinese." This bellicose nuclear arms rattling shows the contempt of the so-called great powers for the ordinary working-class and peasant peoples of China and the people of the U.S. when their interests are at stake.

## off

#### The fifty states should remove state restrictions on local solar siting.

#### State action is better than the fed

Pursley and Wiseman 11 (Garrick, Assistant Professor of Law, University of Toledo College of Law, and Hannah, Assistant Professor of Law, University of Tulsa College of Law, “Local Energy”, Emory Law Journal, 60 Emory L.J. 877)

The familiar idea that empowering subnational governments allows for a greater influence of state or local preferences in policy and enhances the democratic responsiveness of the federal system is also relevant here. 325 In federalism scholarship, it is commonly claimed that **state governments are "closer"** - that is, more accessible and accountable - to citizens than the federal government. 326 The characteristics of state governments that support this claim - their smaller electorates, greater transparency and access to elected officials, and greater opportunities for citizen participation in governance - suggest that local governments are closest to the people. 327 Local "elected officials tend to be more responsive to voter demands because it is easier ... to monitor politicians and it is easier for new politicians to challenge unpopular incumbents[,] ... smaller political units allow for more deliberation and consensus building among members," and "politics on a small scale ... enables less affluent grassroots organizations to promote their interests through marches, speeches, and creative forms of activism that would not work on a national or regional scale." 328 In the distributed renewables area, this means that yet another argument **against primarily federal-level action** is that people in different locations may have different ideas about how much and what kind of renewable energy they want, and, as far as our broad energy [\*939] transition goals and the need to encourage citizens to do their part will allow, we should do what we can to honor those preferences. 329

## centralization

#### Solar’s too expensive even if we give away the panels

Zehner 12

Green illusions,

Ozzie Zehner is the author of Green Illusions and a visiting scholar at the University of California, Berkeley. His recent publications include public science pieces in Christian Science Monitor, The American Scholar, Bulletin of the Atomic Scientists, The Humanist, The Futurist, and Women’s Studies Quarterly. He has appeared on PBS, BBC, CNN, MSNBC, and regularly guest lectures at universities. Zehner’s research and projects have been covered by The Sunday Times, USA Today, WIRED, The Washington Post, Business Week and numerous other media outlets. He also serves on the editorial board of Critical Environmentalism.

Zehner primarily researches the social, political and economic conditions influencing energy policy priorities and project outcomes. His work also incorporates symbolic roles that energy technologies play within political and environmental movements. His other research interests include consumerism, urban policy, environmental governance, international human rights, and forgeries.

Zehner attended Kettering University (BS -Engineering) and The University of Amsterdam (MS/Drs – Science and Technology Studies). His research was awarded with honors at both institutions. He lives in San Francisco.

Free Panels, Anyone? Among the ceos and chief scientists in the solar industry, there is surprisingly little argument that solar systems are expensive.46 Even an extreme drop in the price of polysilicon, the most expensive technical component, would do little to make solar cells more competitive. Peter Nieh, managing director of Lightspeed Venture Partners, a multibillion-dollar venture capital firm in Silicon Valley, contends that cheaper polysilicon won't reduce the overall cost of solar arrays much, even if the price of the expensive material dropped to zero.47 Why? Because the cost of other materials such as copper, glass, plastics, and aluminum, as well as the costs for fabrication and installation, represent the bulk of a solar system's overall price tag. The technical polysilicon represents only about a fifth of the total. Furthermore, Keith Barnham, an avid solar proponent and senior researcher at Imperial College London, admits that unless efficiency levels are high, "even a zero cell cost is not competitive."48 In other words, even if someone were to offer you solar cells for free, you might be better off turning the offer down than paying to install, connect, clean, insure, maintain, and eventually dispose of the modules—especially if you live outside the remote, dry, sunny patches of the planet such as the desert extending from southeast California to western Arizona. In fact, the unanticipated costs, performance variables, and maintenance obligations for photovoltaics, too often ignored by giddy proponents of the technology, can swell to unsustainable magnitudes. Occasionally buyers decommission their arrays within the first decade, leaving behind graveyards of toxic panels teetering above their roofs as epitaphs to a fallen dream. Premature decommissioning may help explain why American photovoltaic electrical generation dropped during the last economic crisis even as purported solar capacity expanded.49 Curiously, while numerous journalists reported on solar infrastructure expansion during this period, I was unable to locate a single article covering the contemporaneous drop in the nation's solar electrical output, which the Department of Energy quietly slid into its annual statistics without a peep.

#### Non-state regulations

Walsh 11

Bryan, Energy: The Obstacles to Scaling Up Solar Power, senior writer for TIME and TIME.com, focuses on environmental issues, general interest and national stories

<http://science.time.com/2011/01/31/energy-the-obstacles-to-scaling-up-solar-power/>

President Obama laid down a bold challenge to America in his State of the Union speech last week: get to 80% clean energy by 2035. Clean energy is a deliberately vague goal, since it will likely include nuclear, natural gas and (not really existing) clean coal in the mix. But traditional renewable energy like wind and solar will need to be a big part of the American clean energy transition Obama is planning. In a speech at NDN today (which used to stand for New Democrat Network but now stands for…nothing, as far as I can tell), Democratic Senator Jeff Bingaman of New Mexico reiterated his support for Obama’s energy goals, and raised hopes that a bill with a clean energy standard might be resurrected in this Congress. (Bingaman last year pushed a bill focused on a national renewable energy standard, but with much of the legislative focus placed on a carbon cap bill, Bingaman’s work never earned much momentum.) But he warned that it won’t be easy. “Perhaps no topic garnered more scrutiny during the 2009 markup in our committee than the renewable electricity standard,” he said. But there’s a lot more holding back renewable power in the U.S. than gridlock in Congress. One of the biggest obstacles to scaling up solar power in particular is regulation—not just from the federal government, but at the state, city and even community level. Rules on installing solar systems differ from town to town, and the work of researching and filling out permits adds to the cost of solar power across the country. According to a study by the solar installer SunRun, struggles over permits adds an average of $2,500 to the costs of each solar installation—while an effort to streamline regulations could provide a $1 billion stimulus to the residential and commercial solar markets over the next five years. “The costs to the solar market are really staggering,” says Ed Fenster, CEO of SunRun. SunRun compared U.S. regulations to those in more friendly markets for solar, like Germany and Japan. They found that Germany—which has more streamlined regulations for solar installation, as well as more generous government subsidies—keeps solar installation costs 40% lower than those in the U.S. Not coincidentally, one million new homes have gone solar in Germany over the past two years, while only about 80,000 homes in total have solar in the U.S. “Regulation is a major issue that’s holding us back,” says Lyndon Rive, the CEO of SolarCity, a major California-based solar installer. SolarCity’s experience is constructive. The company—which coves solar installation from design to financing to monitoring—has grown at a healthy clip, employing over 1,000 people and expanding from its base in California to Maryland and Washington, DC. But Rive says that the variety of regulations for solar installation are a major bottleneck on growth. It takes SolarCity a few days at most to actually install a solar system, but it often takes two to three months, if not longer, to get the permits and other preparations ready. If you’re trying to make solar a significant part of the American energy supply—currently it makes up far less than 1% of total U.S. power—red tape isn’t helping. “The wait incurred is annoying and it adds to costs overall,” says Rive. SunRun has shared the report with the Department of Energy and the White House, and the company is urging the federal government to create incentives that would push towns and cities to adopt common codes and fees for solar installation—something countries like Germany and Japan already do. The report argues that such permit standardization could make solar cost competitive for half the homes in the nation within two years. “At some level this is all about local and state governments, but the federal government can nudge things,” says Fenster. “This could drive an economy of scale.” Still, good intentions on the national level don’t always translate to the community, where parochial concerns sometimes win out. (Witness the fight over smart meters in California, which some libertarians on the right and some ultra-greens on the left have opposed over liberty and health fears.) And as important as smoother regulations are, a broad national energy policy is needed to really jump-start solar and other renewables—but climate still remains a divisive political subject. (Just look at Republican Senator John Barrasso’s new bill, which would block greenhouse gas regulations under the Clean Air Act, the Clean Water Act, the National Environmental Policy Act and the Endangered Species Act.) The least we can do now is pull the red tape off our solar panels.

#### War turns structural violence

Bulloch 8

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But the idea that poverty and peace are directly related presupposes that wealth inequalities are – in and of themselves – unjust, and that the solution to the problem of war is to alleviate the injustice that inspires conflict, namely poverty. However, it also suggests that poverty is a legitimate inspiration for violence, otherwise there would be no reason to alleviate it in the interests of peace. It has become such a commonplace to suggest that poverty and conflict are linked that it rarely suffers any examination. To suggest that war causes poverty is to utter an obvious truth, but to suggest the opposite is – on reflection – quite hard to believe. War is an expensive business in the twenty-first century, even asymmetrically. And just to examine Bangladesh for a moment is enough at least to raise the question concerning the actual connection between peace and poverty. The government of Bangladesh is a threat only to itself, and despite 30 years of the Grameen Bank, Bangladesh remains in a state of incipient civil strife. So although Muhammad Yunus should be applauded for his work in demonstrating the efficacy of micro-credit strategies in a context of development, it is not at all clear that this has anything to do with resolving the social and political crisis in Bangladesh, nor is it clear that this has anything to do with resolving the problem of peace and war in our times. It does speak to the Western liberal mindset – as Geir Lundestad acknowledges – but then perhaps this exposes the extent to which the Peace Prize itself has simply become an award that reflects a degree of Western liberal wish-fulfilment. It is perhaps comforting to believe that poverty causes violence, as it serves to endorse a particular kind of concern for the developing world that in turn regards all problems as fundamentally economic rather than deeply – and potentially radically – political.

#### Their conception of violence is reductive and can’t be solved

Boulding 77

Twelve Friendly Quarrels with Johan Galtung

Author(s): Kenneth E. BouldingReviewed work(s):Source: Journal of Peace Research, Vol. 14, No. 1 (1977), pp. 75-86Published

Kenneth Ewart Boulding (January 18, 1910 – March 18, 1993) was an economist, educator, peace activist, poet, religious mystic, devoted Quaker, systems scientist, and interdisciplinary philosopher.[1][2] He was cofounder of General Systems Theory and founder of numerous ongoing intellectual projects in economics and social science.

He graduated from Oxford University, and was granted United States citizenship in 1948. During the years 1949 to 1967, he was a faculty member of the University of Michigan. In 1967, he joined the faculty of the University of Colorado at Boulder, where he remained until his retirement.

Finally, we come to the great Galtung metaphors of 'structural violence' 'and 'positive peace'. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is 'like' a thug beating up the victim and 'taking his money away from him in the street, or it is 'like' a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modern world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in 'the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galitung's metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a 'threshold' phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some 'threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent 'breaks' in the systenm rather than uniformities. Violence, whether between persons or organizations, occurs when the 'strain' on a system is too great for its 'strength'. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficult to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is Ithe increase in the strength of the system, 'the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these 'things which enable a system to stand lincreasing strain without breaking down into violence. The strains on the system 'are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflicts of interest 'are only part 'of the strain on a system, and not always the most important part. It is very hard for people ito know their interests, and misperceptions of 'interest take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people's behavior, not the 'real' interests, whatever these may be, and the gap between percepti'on and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined 'by one unkind commenltator as anything that Galitung doesn't like) was originally defined as any unnecessarily low expectation of life, on that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all 'the problems of poverty, destitution, deprivation, and misery. These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to 'the structures whi'ch produce violence. This is not rto say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are cultures of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics lof poverty and the success or failure to rise out of it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a service in calling attention to a problem, it may have d'one a disservice in preventing us from finding the answer.

#### Reality outweighs representations

**Wendt, 1999**

Alexander Wendt, Professor of International Security at Ohio State University, 1999, “Social theory of international politics,” gbooks

The effects of holding a relational theory of meaning on theorizing about world politics are apparent in **David Campbell's** provocative study of US foreign policy, which **shows** how the **threats** posed by the Soviets, immigration, drugs, and so on, **were constructed** out of US national security discourse.29 The book clearly shows that material things in the world did not force US decision-makers to have particular representations of them - the picture theory of reference does not hold. In so doing it highlights the discursive aspects of truth and reference, the sense in which objects are relationally "constructed."30 On the other hand, while emphasizing several times that he is not denying the reality of, for example, Soviet actions, he specifically eschews (p. 4) any attempt to assess the extent to which they caused US representations. Thus **he cannot address the extent to which US representations of the Soviet threat were accurate or true** (questions of correspondence). **He can only focus on the nature and consequences of the representations**.31 Of course, there is nothing in the social science rule book which requires an interest in causal questions, and the nature and consequences of representations are important questions. In the terms discussed below he is engaging in a constitutive rather than causal inquiry. However, I suspect **Campbell thinks that any attempt to assess the correspondence of discourse to reality is inherently pointless.** According to the relational theory of reference **we simply have no access to what the Soviet threat "really" was, and as such its truth is established entirely within discourse**, not by the latter's correspondence to an extra-discursive reality 32 **The main problem** with the relational theory of reference **is that it cannot account for the resistance of the world to certain representations, and thus for representational failures or m/'sinterpretations**. Worldly resistance is most obvious in nature: whether our discourse says so or not, pigs can't fly. But examples abound in society too. **In 1519 Montezuma faced the same kind of epistemological problem facing social scientists today: how to refer to people who, in his case, called themselves Spaniards. Many representations were conceivable**, and no doubt the one he chose - that they were **gods - drew on the discursive materials available to him. So why was he killed and his empire destroyed by an army hundreds of times smaller than his own**? The realist answer is that **Montezuma was simply wrong: the Spaniards were not gods, and had come instead to conquer his empire. Had Montezuma adopted this alternative representation of what the Spanish were, he might have prevented this outcome because that representation would have corresponded more to reality. The reality of the conquistadores did not force him to have a true representation**, as the picture theory of reference would claim, **but it did have certain effects - whether his discourse allowed them or not.** The external world to which we ostensibly lack access, in other words. often frustrates or penalizes representations. **Postmodernism gives us no insight into why this is so, and indeed, rejects the question altogether.33** The description theory of reference favored by empiricists focuses on sense-data in the mind while the relational theory of the postmoderns emphasizes relations among words, but they are similar in at least one crucial respect: neither grounds meaning and truth in an external world that regulates their content.34 Both privilege epistemology over ontology. What is needed is a theory of reference that takes account of the contribution of mind and language yet is anchored to external reality. The realist answer is the causal theory of reference. According to the causal theory the meaning of terms is determined by a two-stage process.35 First there is a "baptism/' in which some new referent in the environment (say, a previously unknown animal) is given a name; then this connection of thing-to-term is handed down a chain of speakers to contemporary speakers. Both stages are causal, the first because the referent impressed itself upon someone's senses in such a way that they were induced to give it a name, the second because the handing down of meanings is a causal process of imitation and social learning. Both stages allow discourse to affect meaning, and as such do not preclude a role for "difference" as posited by the relational theory. Theory is underdetermined by reality, and as such the causal theory is not a picture theory of reference. However, conceding these points does not mean that meaning is entirely socially or mentally constructed. In the realist view beliefs are determined by discourse and nature.36 This solves the key problems of the description and relational theories: our ability to refer to the same object even if our descriptions are different or change, and the resistance of the world to certain representations. **Mind and language help determine meaning, but meaning is also regulated by a mind-independent, extra-linguistic world**.

#### Evaluate consequences

Weiss, Prof Poli Sci – CUNY Grad Center, ‘99

(Thomas G, “Principles, Politics, and Humanitarian Action,” *Ethics and International Affairs* 13.1)

Scholars and practitioners frequently employ the term “dilemma” to describe painful decision making but “quandary” would be more apt.27A dilemma involves two or more alternative courses of action with unintended but unavoidable and equally undesirable consequences. If consequences are equally unpalatable, then remaining inactive on the sidelines is an option rather than entering the serum on the field. A quandary, on the other hand, entails tough choices among unattractive options with better or worse possible outcomes. While humanitarians are perplexed, they are not and should not be immobilized. The solution is not indifference or withdrawal but rather appropriate engagement. The key lies in making a good faith effort to analyze the advantages and disadvantages of different alloys of politics and humanitarianism, and then to choose what often amounts to the lesser of evils.

Thoughtful humanitarianism is more appropriate than rigid ideological responses, for four reasons: goals of humanitarian action often conflict, good intentions can have catastrophic consequences; there are alternative ways to achieve ends; and even if none of the choices is ideal, victims still require decisions about outside help. What Myron Wiener has called “instrumental humanitarianism” would resemble just war doctrine because contextual analyses and not formulas are required. Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal.

Many humanitarian decisions in northern Iraq, Somalia, Bosnia, and Rwanda—and especially those involving economic or military sanctions— required selecting least-bad options. Thomas Nagle advises that “given the limitations on human action, it is naive to suppose that there is a solution to every moral problem. “29 Action-oriented institutions and staff are required in order to contextualized their work rather than apply preconceived notions of what is right or wrong. Nonetheless, classicists continue to insist on Pictet’s “indivisible whole” because humanitarian principles “are interlocking, overlapping and mutually supportive. . . . It is hard to accept the logic of one without also accepting the others. “30

The process of making decisions in war zones could be compared to that pursued by “clinical ethical review teams” whose members are on call to make painful decisions about life-and-death matters in hospitals.sl The sanctity of life is complicated by new technologies, but urgent decisions cannot be finessed. It is impermissible to long for another era or to pretend that the bases for decisions are unchanged. However emotionally wrenching, finding solutions is an operational imperative that is challenging but intellectually doable. Humanitarians who cannot stand the heat generated by situational ethics should stay out of the post-Cold War humanitarian kitchen.

Principles in an Unprincipled World

Why are humanitarians in such a state of moral and operational disrepair? In many ways Western liberal values over the last few centuries have been moving toward interpreting moral obligations as going beyond a family and intimate networks, beyond a tribe, and beyond a nation. The impalpable moral ideal is concern about the fate of other people, no matter how far away.szThe evaporation of distance with advances in technology and media coverage, along with a willingness to intervene in a variety of post–Cold War crises, however, has produced situations in which humanitarians are damned if they do and if they don’t. Engagement by outsiders does not necessarily make things better, and it may even create a “moral hazard by altering the payoffs to combatants in such a way as to encourage more intensive fighting.“33

This new terrain requires analysts and practitioners to admit ignorance and question orthodoxies. There is no comfortable theoretical framework or world vision to function as a compass to steer between integration and fragmentation, globalization and insularity. Michael Ignatieff observes, “The world is not becoming more chaotic or violent, although our failure to understand and act makes it seem so. “34Gwyn Prins has pointed to the “scary humility of admitting one’s ignorance” because “the new vogue for ‘complex emergencies’ is too often a means of concealing from oneself that one does not know what is going on. “3sTo make matters more frustrating, never before has there been such a bombardment of data and instant analysis; the challenge of distilling such jumbled and seemingly contradictory information adds to the frustration of trying to do something appropriate fast.

International discourse is not condemned to follow North American fashions and adapt sound bites and slogans. It is essential to struggle with and even embrace the ambiguities that permeate international responses to wars, but without the illusion of a one-size-fits-all solution. The trick is to grapple with complexities, to tease out the general without ignoring the particular, and still to be inspired enough to engage actively in trying to make a difference.

Because more and more staff of aid agencies, their governing boards, and their financial backers have come to value reflection, an earlier policy prescription by Larry Minear and me no longer appears bizarre: “Don’t just do something, stand there! “3sThis advice represented our conviction about the payoffs from thoughtful analyses and our growing distaste for the stereotypical, yet often accurate, image of a bevy of humanitarian actors flitting from one emergency to the next.

#### Util

Harries, 94 – Editor @ The National Interest

(Owen, Power and Civilization, The National Interest, Spring, lexis)

Performance is the test. Asked directly by a Western interviewer, “In principle, do you believe in one standard of human rights and free expression?”, Lee immediately answers, “Look, it is not a matter of principle but of practice.” This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is “the ethic of responsibility” rather than “the ethic of absolute ends” that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

Plan resolves oil dependence

Pursley and Wiseman 11 1AC Author (Garrick, Assistant Professor of Law, University of Toledo College of Law, and Hannah, Assistant Professor of Law, University of Tulsa College of Law, “Local Energy”, Emory Law Journal, 60 Emory L.J. 877)

A final benefit of distributed generation is that it could **quickly reduce America's dependence on fossil fuels**. Small-scale renewable generation systems, individually considered, generate relatively low quantities of electricity, but their contribution could be large in the aggregate. Electrical utilities face a unique challenge due to the characteristics of their product. Electricity cannot yet be effectively and economically stored in large quantities, 116 but it must be instantaneously available when demanded. 117 Many power plants therefore exist only to meet consumer demand for electricity when demand exceeds the normal base load. These plants power up [\*900] during times of "peak" electricity demand 118 such as hot summer days when air conditioners run at maximum capacity. Outside of the peak periods, these "peaker" plants sit idle or operate at low levels as spinning reserves. 119 This is where renewables, including distributed renewables, show one of their greatest strengths. By providing the additional electricity needed during peak times, 120 distributed renewables may have a disproportionately large effect on clean energy production 121 **and could reduce the need for fossil-fuel-burning peaking plants**. 122

Energy independence collapses U.S. security guarantees–causes international realignment

Hulbert 8/19/12

(Matthew, senior fellow at the Clingendael International Energy Programme, The Hague, Senior Fellow at the Center for Security Studies, ETH Zurich, focusing on international energy security and political risk, “America Will Deeply Regret Its Fixation On Energy Independence,” <http://www.forbes.com/sites/matthewhulbert/2012/08/19/why-america-will-deeply-regret-us-energy-independence/2/>)

No one should blame, or bemoan the U.S. for doing this. It’s entirely up to the U.S. whichever path they chose to take. You could even argue it’s exactly what Washington should be doing to create serious foreign policy optionality: pick and choose whatever it does where, when, and how for the rest of the world to fall back on. All fair enough, but the downside risk this presents to Washington has already been captured in the ‘Kuwait Question’: Would the U.S. take assertive action to secure some of the key producer states of the world, or would they now turn the cheek? We all know the U.S. is no longer dependent on Middle East supplies; it hasn’t been for a long time given it sources less than 15% of its oil from the sand. But we also know that the decision to underwrite MENA supplies is nothing to do with U.S. consumption – and everything to do with retaining a dominant global geopolitical role. Ensure that hydrocarbons globally flow to the East and West, and much else follows as the geo-economic and geo-political lynchpin of the world. **Lose it, and you’ll be geopolitically downgraded** quicker than credit analysts can get stuck into Greek debt. That’s before we consider where Gulf States decide to recycle their petrodollars in future. No security, no $? It’s certainly a question for the U.S. to ponder – not only in terms of who they are going to sell their Treasuries to, but what currency oil is priced in. Hence the bottom line for the U.S.; Middle East energy isn’t about oil for America, it’s ultimately about power. If the U.S. wasn’t part of the Gulf energy game, it would hold zero sway with Saudi, no powers of persuasion over Iranian nukes, no say in the Arab Awakening, or how Gulf Monarchies handle critical succession problems in future. Let alone shaping vested interests to promote and extend U.S. influence across the globe. American Credibility Gone? The problem for America is that doubts over U.S. credibility are already creeping in from the energy independence hype. No one expects the US to step back into Iraq to shore up supplies if things take a serious turn for the worse; nobody expects the U.S. to provide any serious state building measures in Sudan. Likewise strategic US interests in Central Asia now have more to do with American concerns over South Asia, rather than hydrocarbon provision. If Russia decided to re-exert its regional dominance over the Caucasus (circa 2008) the U.S. would be highly unlikely to take any assertive measures to the contrary. Such out-posts are seen as ‘nice to have’ assets for US geopolitical standing, not as crucial global oil interests for America to underwrite and secure. Under a ‘business as usual’ scenario, these gaps are only going to get wider from hereon in. Logic therefore dictates that consumers need a U.S. plan B, and fast. The good news is that China already has one. It’s expanding its international energy footprint in the Middle East, Africa, Russia, Central Asia, and Asia-Pacific, reaching as far as the Americas and UK North Sea to secure its energy needs, (and hedge price risk more effectively through equity stakes). As the second largest consumer of oil, and one of the most import dependent states, Beijing is well aware that it has to ensure its own security of supply over the next decade as the US winds down its hydrocarbon presence. China will become the number one geopolitical force in the world over the next twenty years, and will do so for one, very simple reason: securing global hydrocarbon supplies. Europe has been very slow to appreciate this, but is finally cottoning onto the idea that it’s useless merely talking to prospective suppliers adjacent to its borders. It needs to work hand in hand with consumers at the other end of the Eurasian pipeline – namely China – to ensure its own security of supply. As Beijing plays a more prominent energy role, European energy security will depend on its ability to exploit Chinese influence in Central Asia as a mutual ‘Beijing-Brussels’ hedge against Russia, while working towards a consumer driven market to enhance supplies from the Middle East & North Africa. Europe is far better served taking the scraps from China’s energy table rather than wishful thinking that the trans-Atlantic ‘energy relationship’ still holds good. Like it or not, the logical conclusion of U.S. energy independence is fundamental demand side realignment where new players fill new geopolitical gaps. Careful What You Wish For The snag is that while the U.S. is very happy to extol the virtues of energy independence, it hasn’t come close to accepting the downside geopolitical implications that holds. Instead of working out an orderly division of (G2) hydrocarbon labour with China in the Middle East as the key producing region of the world, Washington is doing all it can to contain the rise of China, and doing so in Asia-Pacific. No doubt some of the local markets welcome ongoing US presence (especially around the India Ocean), but ‘hard balancing’ between the U.S. and China in South Asia is a battle that America will only ever lose. Rather than sticking more fingers in the Asia-Pacific dyke, Washington would actually be better served keeping an eye on its own backyard. Argentina, Venezuela, Brazil and most notably Canada are doing all they can to diversify their export mix away from a saturated U.S. market. They all know relying on a single source of supply and single source of demand isn’t smart economics. They’re all looking to load tankers to sell oil and gas onto global markets, and especially in Asia where premium prices rest. If we take forecasts for the Americas seriously, the U.S. will not only lose global sway as the independence bug bites, it might also struggle to retain a dominant role in its own neighbourhood. Brazil could well end up joining OPEC as its production grows, Canada will play hardball with the U.S. over its Arctic assets (not to mention plugging any new tar plays into Asia) and even when Chavez eventually conks out, don’t expect his successor(s) to be any more pro-American than then Kirchner clan in Argentina. New found petro-states will not be traditional U.S. silos. America could very easily slip down the global league of geopolitical energy heavyweights. Some will say humbug. The background pieces are falling into place for a ‘grand bargain’ to be struck between the U.S. and China by trading mutual assets in the East and West. Make things simple and split the world in two, using the mid-Atlantic ridge as a proxy border. Beijing will concede all its assets across the Americas with West Africa put into the mix. In return, the U.S. would cede the Middle East, Caspian, East Africa and Australasia as a pure play Chinese energy concern. Obviously things are never going to be quite that clear cut, but it’s probably a better bet than the current collision course we’re on between the U.S. and China. If the U.S. keeps preaching its energy independence gospel, all while containing the rise of China, the day will eventually come when China presents itself as a geopolitical fait accompli against Washington, not just across Asia-Pacific, but the Middle East as well. Rather than letting things get that far, the US would be far better served by following through on its own energy independence mantra: step back from the geopolitical ‘frontline’, and use its new found resources to let China play a more prominent hydrocarbon role. That’s not just to defuse geopolitical bombs ticking between the U.S. and China, but to make sure China can take up some of the U.S. slack. If those gaps aren’t properly filled, everyone, including the U.S., will suffer. It’s either that, or America knocks the energy independence narrative on the head, assures (and re-assures) other consumers that Washington will not only work to keep energy as a fungible, free flowing commodity, but that it remains the ultimate geopolitical backstop to oil supplies in the most vital producing regions in the world. That would give America ongoing leverage over the international status of the dollar, and indeed geopolitical red lines that emerging markets can and can’t cross. But keep spinning the U.S. energy independence yarn (with associated passive and active political practice), then expect to lose global status as the geopolitical lynchpin of the hydrocarbon world. That would be a crying shame for America, not least because ‘total’ energy independence is a myth, especially in the form U.S. politicians (and over excited analysts) are currently peddling. America will sacrifice its global geopolitical role on a hollow dream; energy independence, far from a dream, will become a living nightmare for America’s role in the world. U.S. politicians should think long and hard about that part of the debate, or spend an eternity regretting their global fall from grace**.**

#### Nuclear war

Frederick Kagan and Michael O’Hanlon 7, Fred’s a resident scholar at AEI, Michael is a senior fellow in foreign policy at Brookings, “The Case for Larger Ground Forces”, April, <http://www.aei.org/files/2007/04/24/20070424_Kagan20070424.pdf>

We live at a time when wars not only rage in nearly every region but threaten to erupt in many places where the current relative calm is tenuous. To view this as a strategic military challenge for the United States is not to espouse a specific theory of America’s role in the world or a certain political philosophy. Such an assessment flows directly from the basic bipartisan view of American foreign policy makers since World War II that overseas threats must be countered before they can directly threaten this country’s shores, that the basic stability of the international system is essential to American peace and prosperity, and that no country besides the United States is in a position to lead the way in countering major challenges to the global order. Let us highlight the threats and their consequences with a few concrete examples, emphasizing those that involve key strategic regions of the world such as the Persian Gulf and East Asia, or key potential threats to American security, such as the spread of nuclear weapons and the strengthening of the global Al Qaeda/jihadist movement. The Iranian government has rejected a series of international demands to halt its efforts at enriching uranium and submit to international inspections. What will happen if the US—or Israeli—government becomes convinced that Tehran is on the verge of fielding a nuclear weapon? North Korea, of course, has already done so, and the ripple effects are beginning to spread. Japan’s recent election to supreme power of a leader who has promised to rewrite that country’s constitution to support increased armed forces—and, possibly, even nuclear weapons— may well alter the delicate balance of fear in Northeast Asia fundamentally and rapidly. Also, in the background, at least for now, SinoTaiwanese tensions continue to flare, as do tensions between India and Pakistan, Pakistan and Afghanistan, Venezuela and the United States, and so on. Meanwhile, the world’s nonintervention in Darfur troubles consciences from Europe to America’s Bible Belt to its bastions of liberalism, yet with no serious international forces on offer, the bloodletting will probably, tragically, continue unabated. And as bad as things are in Iraq today, they could get worse. What would happen if the key Shiite figure, Ali al Sistani, were to die? If another major attack on the scale of the Golden Mosque bombing hit either side (or, perhaps, both sides at the same time)? Such deterioration might convince many Americans that the war there truly was lost—but the costs of reaching such a conclusion would be enormous. Afghanistan is somewhat more stable for the moment, although a major Taliban offensive appears to be in the offing. Sound US grand strategy must proceed from the recognition that, over the next few years and decades, the world is going to be a very unsettled and quite dangerous place, with Al Qaeda and its associated groups as a subset of a much larger set of worries. The only serious response to this international environment is to develop armed forces capable of protecting America’s vital interests throughout this dangerous time. Doing so requires a military capable of a wide range of missions—including not only deterrence of great power conflict in dealing with potential hotspots in Korea, the Taiwan Strait, and the Persian Gulf but also associated with a variety of Special Forces activities and stabilization operations. For today’s US military, which already excels at high technology and is increasingly focused on re-learning the lost art of counterinsurgency, this is first and foremost a question of finding the resources to field a large-enough standing Army and Marine Corps to handle personnel intensive missions such as the ones now under way in Iraq and Afghanistan. Let us hope there will be no such large-scale missions for a while. But preparing for the possibility, while doing whatever we can at this late hour to relieve the pressure on our soldiers and Marines in ongoing operations, is prudent. At worst, the only potential downside to a major program to strengthen the military is the possibility of spending a bit too much money. Recent history shows no link between having a larger military and its overuse; indeed, Ronald Reagan’s time in office was characterized by higher defense budgets and yet much less use of the military, an outcome for which we can hope in the coming years, but hardly guarantee. While the authors disagree between ourselves about proper increases in the size and cost of the military (with O’Hanlon preferring to hold defense to roughly 4 percent of GDP and seeing ground forces increase by a total of perhaps 100,000, and Kagan willing to devote at least 5 percent of GDP to defense as in the Reagan years and increase the Army by at least 250,000), we agree on the need to start expanding ground force capabilities by at least 25,000 a year immediately. Such a measure is not only prudent, it is also badly overdue.

## complexity

#### Prediction and scenario planning are inevitable

Danzig 11

Richard Danzig, Center for a New American Security Board Chairman, Secretary of the Navy under President Bill Clinton, October 2011, Driving in the Dark Ten Propositions About Prediction and National Security, http://www.cnas.org/files/documents/publications/CNAS\_Prediction\_Danzig.pdf

3. The Propensity for Prediction Is Especially Deeply Embedded in the U.S. Department of Defense \

Five factors powerfully contribute to this propensity.

Bureaucratic Managers, and Especially Government Officials, Seek Predict ability as a Means of Maintaining Order

Students of both business and government bureaucracies have observed that managers seek to simplify problems in order to render them more predictable. In the words of Herbert Simon: Administrative man recognizes that the world he perceives is a drastically simplified model of the buzzing, blooming confusion that constitutes the real world. He is content with the gross simplification because he believes that the real world is mostly empty – that most of the facts of the real world have no great relevance to any particular situation he is facing and that most significant chains of causes and consequences are short and simple.36

Henry Kissinger arrived at a similar observation after decades of interacting with U.S. national security bureaucracies. “The essence of bureaucracy,” he writes, “is its quest for safety; its success is calculability… The attempt to conduct policy bureaucratically leads to a quest for calculability which tends to become a prisoner of events.”37 Andrew Krepinevich, a long-time observer of the Pentagon, comments that bureaucrats would prefer “no thinking about the future (which implies things might change and they might have to change along with it). To the extent they ‘tolerate’ such thinking, they attempt to insure that such thinking results in a world that looks very much like the one for which they have planned.”38 Insofar as the future is forecast to differ from the present, it is highly desirable from a bureaucratic perspective for the forecast to at least be presented with certitude. James C. Scott discerns the reasons for this, arguing that for a government bureaucrat,

[t]he … present is the platform for launching plans for a better future… The strategic choice of the future is freighted with consequences. To the degree that the future is known and achievable … the less future benefits are discounted for uncertainty.39 Conceding uncertainty would weaken budgetary claims, power and status. Moreover, bureaucratic actors who question alleged certainties soon learn that they are regarded skeptically. Whose team are they on? What bureaucratic interest is served by emphasizing uncertainty?

Militaries, in Particular, Seek Predictive Power

The military environment compounds managers’ predisposition to prediction, and indeed, most security strategies are designed to reduce risk. Napoleon’s maxim reflects present military attitudes: “To be defeated is pardonable; to be surprised – never!”40 The American military, committed to harnessing technological superiority and overwhelming force, is particularly predisposed to a mind-set in which power and predictive accuracy are exaggerated. William Astor captures the point:

[W]hat disturbs me most is that the [U.S.] military swallowed the Clausewitzian/German notion of war as a dialectical or creative art, one in which well-trained and highly-motivated leaders can impose their will on events… a new vision of the battlefield emerged in which the U.S. military aimed, without the slightest sense of irony, for “total situational awareness” and “full spectrum dominance,” goals that, if attained, promised commanders the almost god-like ability to master the “storm of steel,” to calm the waves, to command the air. In the process, any sense of war as thoroughly unpredictable and enormously wasteful was lost.41

The Modern American Military Traces its Roots to Predictive Failure

The present American military establishment was created in the wake of two wars – World War II and the Korean War – for which it was widely recognized that America was unprepared.42 These led to a mantra of attempting to foresee and plan for risks so as never again to be comparably unprepared.

The McN amara Revolution Enshr ined Pentagon Processes Dependent on Predict ion

A half century ago, Robert McNamara and his “whiz kids” intensified the predictive tendency, but for different reasons than their predecessors. For McNamara and his colleagues, the challenge was to take an internally competitive, substantially disorganized and significantly dysfunctional DOD and make it more manageable and rational. A key step to this end was to adopt the then-modern concepts of strategic planning with which McNamara had been closely associated at Ford Motor Company.43 A related initiative was to establish for DOD a single scenario – a Soviet invasion of Western Europe – against which most investments could be measured.44 This mechanism of resource allocation became a mechanism of program planning in accord with the proposition that “what you measure is what you motivate.”

This result was rationalized with the observation that the Soviet scenario was so stressful that all other contingencies would be lesser included cases; they could be readily handled with the equipment, training and doctrine designed for the most demanding Soviet scenario. Of course, this scenario was never as dominant in practice as it was in theory. Collateral investments were made, for example, in attack submarines. Subordinate combat commands worried about scenarios specific to their regions, such as fighting in Asia or the Persian Gulf. Occasional consideration was also given by the Office of the Secretary of Defense to some alternative opponents.45 It was not that the system prohibited collateral thought about unpredicted outcomes. Rather, it forced overwhelming attention to the predicted scenario and offered few incentives to consider unexpected contingencies.

Owen Brown and Paul Eremenko observe that the McNamara revolution introduced a bias toward design systems with long lives for allegedly predictable environments. Analyzing our space programs, they write:

Decisionmakers respond to increased marginal cost by … increasing lifetime to minimize amortized annual costs. In a perfect world of no uncertainty (or certainty of the uncertainty) this is an appropriate decision. The scars of real world experience illustrate the true problems of this approach. These space systems, which (because of their complexity) take years to design and build, are designed to meet requirements based on today’s threat forecasts. With constantly changing threat environments, requirements change during the design and build phase. The result is redesign, which costs time and money for a large, tightly coupled system. Once launched, there is little hope the capability of a space system can be adapted to a new threat.46

The Monolith ic Soviet Opp onent Was Unusually Predict able

The Cold War led to co-evolution: The mutually engaged American and Soviet military systems responded to each other’s doctrines, processes and military products.47 Because the massive Soviet system became largely ponderous and predictable,48 the American system had unusual opportunities for forecasting.49 Furthermore, the U.S. system was unusually disposed to produce large numbers of standardized systems. The Defense Science Board astutely commented on the result:

Focus was on long, predictable, evolutionary change against a Cold War peer opponent who suffered as much, if not more, than the United States from a rigid and bureaucratic system. There were certainly instances of adaptability during the Cold War period, but the surviving features of that period are now predominated by long compliance-based structures.50

These five strands combine to embed a propensity for prediction deeply within the DNA of the U.S. Department of Defense.

#### Probabilistic evaluation of hypothetical impacts is the only way to grapple with strategic uncertainty

**Krepinevich 9** (Andrew F. Krepinevich, Jr. is a defense policy analyst, currently executive director of the Center for Strategic and Budgetary Assessments. His influential book, The Army and Vietnam, contends that the United States could have won the Vietnam War had the Army adopted a small-unit pacification strategy in South Vietnam's villages, rather than conducting search and destroy operations in remote jungles. Today, he criticizes the counterinsurgency approaches being employed in the Iraq War. He is a West Point graduate. 1/27/2009, “7 Deadly Scenarios: A Military Futurist Explores War in the 21st Century”, <http://www.amazon.com/reader/0553805398?_encoding=UTF8&query=so%20are%20we%20building#reader_0553805398>)

While the Pentagon would dearly like to know the answers to these questions, it is simply not possible. Too many factors have a hand in shaping the future. Of course. Pentagon planners may blithely assume away all uncertainty and essentially bet that the future they fore-cast is the one that will emerge. In this case the U.S. military will be very well prepared—for the predicted future. But history shows that militaries are often wrong when they put too many eggs in one basket. In the summer of 1914, as World War I was breaking out, Europeans felt that the war would be brief and that the troops might be home "before the leaves fall." In reality the Allied and Central Powers engaged in over four years of horrific bloodletting. In World War II the French Army entered the conflict believing it would experience an advanced version of the trench warfare it had encountered in 1914-1918. Instead, France was defeated by the Germans in a lightning campaign lasting less than two months. Finally, in 2003 the Pentagon predicted that the Second Gulf War would play out [with](http://wir.li) a traditional blitzkrieg. Instead, it turned into an irregular war, a "long, hard slog."20 Militaries seem prone to assuming that the next war will be an "updated" version of the last war rather than something quite different. Consequently, they are often accused of preparing for the last war instead of the next. This is where rigorous, scenario-based planning comes into play. It is designed to take uncertainty explicitly into account by incorporating factors that may change the character of future conflict in significant and perhaps profound ways. By presenting a plausible set of paths into the future, scenarios can help senior Pentagon leaders avoid the "default" picture in which tomorrow looks very much like today. If the future were entirely uncertain, scenario-based planning would be a waste of time. But certain things are predictable or at least highly likely. Scenario planners call these things “predetermined elements.” While not quite “done deals,” they are sufficiently well known that their probability of occurring is quite high. For example, we have a very good idea of how many men of military age (eighteen to thirty-one) there will be in the United States in 2020, since all of those males have already been born, and, barring a catastrophic event, the actuarial data on them is quite refined. We know that China has already tested several types of weapons that can disable or destroy satellites. We know that dramatic advances in solid-state lasers have been made in recent years and that more advances are well within the realm of possibility. These "certainties" should be reflected in all scenarios, while key uncertainties should be reflected in how they play out across the different scenarios.21 If scenario-based planning is done well, and if its insights are acted upon promptly, the changes it stimulates in the military may help deter prospective threats, or dissuade enemies from creating threatening new capabilities in the first place.

#### Energy scenario-planning is good for decisionmaking

Lankshear and Noble 00

<http://www.literacyandtechnology.org/volume1/lankshearknobel.pdf>

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Classic examples of scenario planning successes abound. An early one (from the 1970s) concerns the Shell Oil petroleum company whose scenario planning built in as a possibility a change in the price of oil—this occurred prior to the oil shocks of the mid 70s. At that time an oil price change, whilst possible, was practically unthinkable. Other companies certainly had not factored it into their way of thinking about the future. The company in question improved its business position among oil companies astronomically after oil prices increased. This is not to suggest that scenario planning is good only for business and profiteering activity. We think the kind of work that goes into scenario planning is exactly the kind of work that should be built into learning activities in schools, communities and workplaces. Since it is a form of reading and writing the world, it seems to us to qualify nicely as a new literacy: one which is comparatively new chronologically, and one that would most certainly be new to prevailing mindsets within formal literacy studies.

# 2NC

## No Regulations – 2NC Overview

#### Critical framing issue: can you comply?? You can comply with state regulations on siting to produce solar. You cannot comply with restrictions.

Mohammed 7

Kerala High Court Sri Chithira Aero And Adventure ... vs The Director General Of Civil ... on 24 January, 1997 Equivalent citations: AIR 1997 Ker 121 Author: P Mohammed Bench: P Mohammed

Microlight aircrafts or hang gliders shall not be flown over an assembly of persons or over congested areas or restricted areas including cantonment areas, defence installations etc. unless prior permission in writing is obtained from appropriate authorities. These provisions do not create any restrictions. There is no total prohibition of operation of microlight aircraft or hang gliders. The distinction between 'regulation' and 'restriction' must be clearly perceived. The 'regulation' is a process which aids main function within the legal precinct whereas 'restriction' is a process which prevents the function without legal sanction. Regulation is allowable but restriction is objectionable. What is contained in the impugned clauses is, only regulations and not restrictions, complete or partial. They are issued with authority conferred on the first respondent, under Rule 133A of the Aircraft Rules consistent with the provisions contained in the Aircraft Act 1934 relating to the operation, use etc. of aircrafts flying in India.

## at: we meet

Local governments are already taking some action – proves they are not prohibited

Pursley and Wiseman 11 1AC Author (Garrick, Assistant Professor of Law, University of Toledo College of Law, and Hannah, Assistant Professor of Law, University of Tulsa College of Law, “Local Energy”, Emory Law Journal, 60 Emory L.J. 877)

This Article is only an initial step toward a broader vision of a new energy future. Local governments, **even though not yet fully empowered** to enact local land-energy laws, have already begun to move aggressively **toward this future** - with some even declaring that one-hundred percent of their electricity will come from renewable sources. 415 The production of vast quantities of electricity from clean, distributed renewable generation is currently a fragile vision that is part of an energy future shrouded in uncertainty. This Article has suggested the ideal governmental levels at which sustainable energy, grown from the bottom up, will become more than a vision. From this partial foundation, we hope that much will emerge. Indeed, for a prosperous future, it must.

The barriers are purely financial – none of these preclude siting

Farell 10 1AC Author (John, an ILSR senior researcher specializing in energy policy developments that best expand the benefits of local ownership and dispersed generation of renewable energy, “Community Solar Power”)

Solar power can be developed by people with sunny rooftops or by big utilities or private companies. But should renters be able to invest in solar power? People with shady property or poorly orientated roofs? Should nonprofits and cooperatives be able to organize investors to reduce the cost of solar power? Should they receive the same incentives as commercial developers or utilities? Should the **economic benefits** of federal tax incentives and accelerated depreciation (funded by progressive income taxes) accrue to many, dispersed solar power generators rather than just a few large tax equity financiers?

Under the existing rules and incentives for solar power development, the answer is often ‘no’. **But a few emerging solar projects have overcome these barriers** and in this brief we examine their business models and the potential for the “new rules” of community solar policy to create the opportunity for not only more distributed solar to come online but for more people to be able to participate in that development.

We define community solar as a solar PV project with multiple individual owners living in geographic proximity to the solar project, and sharing the costs and benefits of ownership of the solar project. Figure 1 below provides a basic illustration of a community solar project.1 Local residents create a community solar entity that hires a third party to install the panels. The entity may collect tax incentives and solar renewable energy credits (SRECs). Electricity is sold to the local utility, and the proceeds allocated by providing credits on the residents’ electricity bills.

[Texas’ 1AC Card Ends Here]

In this paper, we explore whether community solar can:

Overcome **existing financial and institutional barriers** to collectively-owned solar. Financial barriers include barriers to accessing federal tax incentives (the 30% tax credit and accelerated depreciation), rules that make it hard to raise capital (e.g. securities laws), and rules that prohibit easy sharing of electricity generation among geographically dispersed owners.

Seven states prove our argument

Farell 10 1AC Author (John, an ILSR senior researcher specializing in energy policy developments that best expand the benefits of local ownership and dispersed generation of renewable energy, “Community Solar Power”)

Under the existing rules for solar power development, it’s a complex process to proceed from a conceptual model of community solar electricity to an actual working system. Fortunately, a few projects have employed a variety of methods to overcome the barriers to community solar. This section profiles nine projects in seven different states (Colorado, Florida, Maryland, North Carolina, Oregon, Utah, and Washington), detailing the effort required to organize and finance a community solar project that creates a viable return on investment for participants. In this section we also evaluate and comment on whether these emerging community solar projects are effective and replicable models for breaking down barriers to solar development, expanding local ownership, and attaining affordability/profitability. We also compare them to the most appropriate non-community solar model: a solar lease or individual solar array ownership.

Independent VI---restrictions need to be in place or they allow hypotheticals

Kay 89

Recueil Des Cours, 1989-III

Herma Hill Kay, Academie De Droit International De La Haye, Academie de Droit International

The Academy is an institution for the study & teaching of public & private international law & related subjects. Its purpose is to encourage a thorough & impartial examination of the problems arising from international relations in the field of law. The courses deal with the theoretical & practical aspects of the subject, including legislation & case law. All courses at the Academy are, in principle, published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law. This volume contains: Cours general de droit international public, par B.CONFORTI, professeur a l'Universite de Naples L'exercice des competences monetaires par les Etats, par G. BURDEAU, professeur a l'Universite de Dijon

Sixth, a restriction may be found in the administrative practice of a member, even in the absence of an express regulation. Conver- sely, if it is established that a restrictive regulation is not effectively applied and that the non-application is public knowledge, there is no restriction.

Restrictions must be a formal prohibition, not an INDUCEMENT

Groves 97

GROVES 97

Sourcebook on Intellectual Property Law

Dr Peter J Groves, LLB, MA, PhD, MITMA, Solicitor

Then I come to the word 'restrict', A person though not prohibited is restricted from using something if he is permitted to use it to a certain extent or subject to certain conditions but otherwise obliged not to use it, but I do not think that a person is properly said to be restricted from using something by a condition the effect of which is to offer him some inducement not to use it, or in some other way to influence his choice. To my mind, the more natural meaning here is restriction of the licensee's right to use the article and I am fortified in that opinion by two considerations. If I am right in thinking that 'require' and 'prohibit' refer to legal obligations to buy or not to use, I see nothing to suggest that 'restrict' is used in quite a different sense which has nothing to do with legal obligation but which relates to financial disadvantage. And, second, to say that the effect will be to restrict seems to me much more appropriate if restriction refers to restriction of the licensee's right to use than it would be if restriction refers to an inducement not to use. The legality of the condition has to be determined at the time when the licence is granted and if the terms of the conditions are such as to restrict the licensee's right to use an article in certain circumstances then it can properly be said that its effect will be to restrict him from using it. But if, as in the present case, all that can be said is that the effect of the condition in some circumstances will be to offer a financial advantage, which may be considerable or may be small, if the licensee uses the licensor's goods, I do not see how it can be said that its effect will be to restrict the licensee from using other goods. The licensee may be influenced by this financial advantage or he may, perhaps for good reason, choose to disregard it; it is impossible to say in advance what the effect will be.

## Limits – Link 2NC

Federal Energy regs are FIVE MILLION RESEARCH HOURS

Tugwell 88

The Energy Crisis and the American Political Economy:

Politics and Markets in the Management of Natural Resources

Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University.

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five mil- lion man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

#### Anell defines ‘restriction on production’—they don’t—key to predictability

Haneman, justice – Superior Court of New Jersey, Appellate Division, 12/4/’59

(J.A.D., “RUSSELL S. BERTRAND, ET AL., PLAINTIFFS-RESPONDENTS, v. DONALD T. JONES, ET AL., DEFENDANTS-APPELLANTS,” 58 N.J. Super. 273; 156 A.2d 161; 1959 N.J. Super. LEXIS 569)

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.

HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

Regulation is how you go about doing the thing, restriction is whether or not you can do it

Schackleford, justice – Supreme Court of Florida, 3/12/’17

(J., “ATLANTIC COAST LINE RAILROAD COMPANY, A CORPORATION, *et al., Plaintiff in Error,* v. THE STATE OF FLORIDA, *Defendant in Error,”* 73 Fla. 609; 74 So. 595; 1917 Fla. LEXIS 487)

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

All energy regulation is too big – it’s torture

Edwards 80

JUDGES: Before EDWARDS, LEAR and WATKINS, JJ. OPINION BY: EDWARDS

AYOU BOUILLON CORPORATION, ET AL. v. ATLANTIC RICHFIELD COMPANY

No. 13229 Court of Appeal of Louisiana, First Circuit 385 So. 2d 834; 1980 La. App. LEXIS 3972; 67 Oil & Gas Rep. 240 May 5, 1980 PRIOR HISTORY: [\*\*1] ON APPEAL FROM THE 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE, HONORABLE EDWARD N. ENGOLIO, JUDGE.

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

## at: reasonability

#### Reasonability is impossible – it’s arbitrary and undermines research and preparation

Resnick, assistant professor of political science – Yeshiva University, ‘1

(Evan, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2)

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

## AT: State Fiat Bad

The States CP is the topic---jurisdictional questions are key to energy production debates

Kay, 12

(Senior Extension Associate with the Community & Regional Development Institute-Cornell Dept. of Sociology, “Energy Federalism: Who Decides?,” http://devsoc.cals.cornell.edu/cals/devsoc/outreach/cardi/programs/loader.cfm?csModule=security/getfile&PageID=1071714)

**Questions about energy production** and consumption are acquiring renewed urgency in the 21st Century. Some **go to the heart of our nation’s system of federalism,** as an underlying but ever-present friction mounts over the way in which decision making power has been divided between central and more locally distributed political units. What is at stake? According to one author, “**the choice of regulatory forum often seems to determine the outcome of the controversy**. That may explain why Americans have traditionally **shed so much** metaphorical and genuine **blood deciding what are essentially jurisdictional disputes between governmental institutions.”**

A number of factors have raised these issues into greater prominence. Energy specific influences include the depletion of low cost oil, advances in energy extraction technology, and increased awareness of the link between climate change and energy consumption and production. Another element is the long standing but increasingly hardened absence of a broad based consensus over energy policy at the federal level, despite calls for such a policy that date back to at least the Nixon administration. These have been superimposed on shifting political trends in other areas, including the expanding national political divide. After the crest of federal adoption of new environmental legislation in the 1960’s and 1970’s, powerful and complex cross currents arose. Mostly “conservative” and anti- (or anti-“big”) government forces mobilized in the devolution, deregulation, privatization, and property rights movements.

In contrast, “progressive” movements evolved in response to increased globalization (of economic and environmental issues) and personalization (eg. of communications/information technology) by promoting global governance in some arenas and relocalization or local empowerment in others. Several energy examples being played out in New York State, as well as in other states and on the national stage, serve as useful and representative illustrations of the fundamental but insufficiently appreciated tensions raised. The first involves the spread of the controversial hydraulic fracturing technology that is used to extract oil and gas from “unconventional” reserves of shale and other rocks. The second and third involve the generation and distribution of electricity: where the authority to site electricity generating stations is vested, and who has the authority to site transmission lines that move electricity from their mostly rural points of extraction or generation to their mostly urban points of consumption. These are but a few among many examples that highlight the extent to which the proliferating threads of debate about energy federalism are being cinched into an increasingly dense tangle.

CP is real world---NGA acts together on energy issues

ENN, 1

(Environmental News Network, 8/17, Governors Want State, Local Input into National Energy Plans, Lexis)

The governors of the 50 states, 3 territories, and 2 commonwealths have adopted a comprehensive national energy policy emphasizing conservation.

At the closing session of the 93rd Annual Meeting of the National Governors Association last week in Providence, R.I., the governors sent a message to the White House that state and local authorities must have input into the nation's energy plans. "The policy sends a clear message that solving our nation's energy problems demand more conservation, especially utilizing renewable fuels like ethanol," said Iowa Gov. Thomas Vilsack, chairman of the association's Committee on Natural Resources. Ensuring "environmental quality" comes second in the list of 10 principles

## Small-Scale Renewables

States ideally suited to support small-scale renewables

Salkin, 12

(Law Prof-Albany, “The Key to Unlocking the Power of Small Scale Renewable Energy: Local Land Use Regulation,” http://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1564&context=scholarlyworks)

The states have also devised numerous financial incentives for small-scale alternative energy development. For example, in Colorado, independently-owned residential solar electric generation systems that are not used for income production are exempt from property taxes. Another Colorado law authorizes counties to offer property tax or sales tax incentives for residential and commercial property owners who install renewable energy fixtures. The Illinois Renewable Energy Resource Solar and Wind Energy Rebate Program offers a rebate of up to $30,000 for the construction and use of solar and wind energy sources for homeowners, businesses, public agencies, and non-profit entities. Massachusetts has established a Renewable Energy Trust Fund to make grants, loans, equity investments, rebates, and provide other types of financial assistance for the development and increased use of renewable energy resources. The Fund, in operation with the Massachusetts Clean Energy Center, offers numerous financial incentives, such as the Micro Wind Initiative, which has assisted more than seventy projects to date and “provides rebates for the installation of small wind projects with power capacities from 1 kW to 99 kW and located at residential, commercial, industrial, institutional, and public facilities.” The New York State Energy Research and Development Authority (NYSERDA) provide incentives for on-site wind energy systems based on their annual energy output. A previous NYSERDA program, which is now closed, provided incentives of approximately 40% to 45% of the installation costs for residential and commercial solar electric systems. Residents in Oregon are eligible for income tax credits for adding solar energy systems to their homes, as well as for installing solar water heating equipment and solar pool heating equipment.

## Ext-Solves K Aff

States better for individual engagement – national politics are beholden to fossil fuel lobbies and disregard INDIVIDUALS. We’re a better platform for ADVOCACY

Byrne, 8

Byrne, et al., 2008.

In Peter Droege eds. Urban Energy Transition: From Fossil Fuels to Renewable Power.

Oxford, UK: Elsevier Pps.27-53.

Center for Energy and Environmental Policy Established in 1980 at the University of Delaware, the Center is a leading institution for interdisciplinary graduate education, research, and advocacy in energy and environmental policy. CEEP is led by Dr. John Byrne, Distinguished Professor of Energy & Climate Policy at the University. For his contributions to Working Group III of the Intergovernmental Panel on Climate Change (IPCC) since 1992, he shares the 2007 Nobel Peace Prize with the Panel's authors and review editors.

The political momentum built in US cities, states and regions to initiate climate mitigation and related efforts is to be contrasted with inaction by the US national government in addressing the climate challenge. Support for climate protection can be found in polling of Americans which points to 83% support among the country's citizens for greater national leadership in addressing climate change, and even deeper support for state and community action to address climate concerns (Opinion Research Corporation 2006). If the American people appear to support such initiatives, the question becomes why are states, cities and regions leading the way, rather than the national government? US national politics has for decades exhibited a troubling amenability to the interests of fossil fuel and automaker lobbies (Leggett 2001; Public Citizen 2005; NRDC 2001). A recent example of this influence can be found in the history of the National Energy Policy Development Group, which took input 'principally' from actors associated with such interests (US General Accounting Office (GAO) 2003). At the same time, the national administration has been noted for the presence of individuals with backgrounds in the auto, mining, natural gas, electric, and oil industries, in positions at the White House, the Environmental Protection Agency, and the Departments, respectively, of Energy, Commerce, and the Interior (Bogardus, 2004; Drew and Oppel Jr 2004; NRDC, 2001). State-level politics may be able to obviate this influence through their efforts to allow a more direct citizen influence upon decision making. For example, 23 states permit citizens to petition for a direct vote (Initiative and Referendum Institute 2007), a strategy that has helped ensure the advancement of environmentally minded initiatives within states in recent years, such as the State of Washington's enactment by ballot of an RPS proposal in 2006 (Initiative and Referendum Institute 2007).

## at: cp doesn’t solve – moral stance\*\*

#### Our form of cost-benefit analysis makes sense—even prominent deontologists concede this

Finnish, 1980

John Finnis, deontologist, teaches jurisprudence and constitutional Law. He has been Professor of Law & Legal Philosophy since 1989,1980, Natural Law and Natural Rights, pg. 111-2

The sixth requirement has obvious connections with the fifth, but introduces a new range of problems for practical reason, problems which go to the heart of ‘morality’. For this is the requirement that one bring about good in the world (in one’s own life and the lives of others) by actions that are efficient for their (reasonable) purpose (s). One must not waste one’s opportunities by using inefficient methods. One’s actions should be judged by their effectiveness, by their fitness for their purpose, by their utility, their consequences… There is a wide range of contexts in which it is possible and only reasonable to calculate, measure, compare, weigh, and assess the consequences of alternative decisions. Where a choice must be made it is reasonable to prefer human good to the good of animals. Where a choice must be made it is reasonable to prefer basic human goods (such as life) to merely instru­mental goods (such as property). Where damage is inevitable, it is reasonable to prefer stunning to wounding, wounding to maiming, maiming to death: i.e. lesser rather than greater damage to one-and-the-same basic good in one-and-the-same instantiation. Where one way of participating in a human good includes both all the good aspects and effects of its alternative, and more, it is reasonable to prefer that way: a remedy that both relieves pain and heals is to be preferred to the one that merely relieves pain. Where a person or a society has created a personal or social hierarchy of practical norms and orienta­tions, through reasonable choice of commitments, one can in many cases reasonably measure the benefits and disadvantages of alternatives. (Consider a man who ha decided to become a scholar, or a society that has decided to go to war.) Where one ~is considering objects or activities in which there is reasonably a market, the market provides a common de­nominator (currency) and enables a comparison to be made of prices, costs, and profits. Where there are alternative techniques or facilities for achieving definite, objectives, cost— benefit analysis will make possible a certain range of reasonable comparisons between techniques or facilities. Over a wide range of preferences and wants, it is reasonable for an individual or society to seek o maximize the satisfaction of those preferences or wants.

## 2ac dickinson

#### No impact to disposability

**Dickinson**, associate professor of history – UC Davis, **‘4**

(Edward, Central European History, 37.1)

In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. **But that analysis can easily become superficial and misleading**, because it obfuscates the **profoundly different** strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively **quite different from totalitarianism.** Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can —and historically does— create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is **functionally incompatible** with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly **narrow limits on coercive policies**, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.90

Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufé cient numbers of people that I think it becomes useful to conceive of them as productive of a strategic coné guration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, **totalitarianism cannot be the sole orientation point** for our understanding of biopolitics, the only end point of the logic of social engineering.

**This notion is not at all at odds with the core of Foucauldian** (and Peukertian) **theory.** Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very different ways of organizing it. The concept “power” should not be read as a universal stiè ing night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite **radically differing potentials.**91

#### Not big

**O’Kane, 97** (“Modernity, the Holocaust, and politics”, Economy and Society, February, ebsco)

Chosen policies cannot be relegated to the position of immediate condition (Nazis in power) in the explanation of the Holocaust. Modern bureaucracy is not ‘intrinsically capable of genocidal action’ (Bauman 1989: 106). Centralized state coercion has no natural move to terror. In the explanation of modern genocides it is chosen policies which play the greatest part, whether in effecting bureaucratic secrecy, organizing forced labour, implementing a system of terror, harnessing science and technology or introducing extermination policies, as means and as ends. As Nazi Germany and Stalin’s USSR have shown, furthermore, those chosen policies of genocidal government turned away from and not towards modernity. The choosing of policies, however, is not independent of circumstances. An analysis of the history of each case plays an important part in explaining where and how genocidal governments come to power and analysis of political institutions and structures also helps towards an understanding of the factors which act as obstacles to modern genocide. But it is not just political factors which stand in the way of another Holocaust in modern society. Modern societies have not only pluralist democratic political systems but also economic pluralism where workers are free to change jobs and bargain wages and where independent firms, each with their own independent bureaucracies, exist in competition with state-controlled enterprises. In modern societies this economic pluralism both promotes and is served by the open scientific method. By ignoring competition and the capacity for people to move between organizations whether economic, political, scientific or social, Bauman overlooks crucial but also very ‘ordinary and common’ attributes of truly modern societies. It is these very ordinary and common attributes of modernity which stand in the way of modern genocides.

## AT: Environment

**The status quo is structurally improving**

Indur **Goklany 10**, policy analyst for the Department of the Interior – phd from MSU, “Population, Consumption, Carbon Emissions, and Human Well-Being in the Age of Industrialization (Part III — Have Higher US Population, Consumption, and Newer Technologies Reduced Well-Being?)”, April 24, <http://www.masterresource.org/2010/04/population-consumption-carbon-emissions-and-human-well-being-in-the-age-of-industrialization-part-iii-have-higher-us-population-consumption-and-newer-technologies-reduced-well-being/#more-9194>

In my previous post I showed that, notwithstanding the Neo-Malthusian worldview, human well-being has advanced globally since the start of industrialization more than two centuries ago, despite massive increases in population, consumption, affluence, and carbon dioxide emissions. In this post, I will focus on long-term trends in the U.S. for these and other indicators. Figure 1 shows that despite several-fold increases in the use of metals and synthetic organic chemicals, and emissions of CO2 stoked by increasing populations and affluence, life expectancy, the single best measure of human well-being, increased from 1900 to 2006 for the US. Figure 1 reiterates this point with respect to materials use. These figures indicate that since 1900, U.S. population has quadrupled, affluence has septupled, their product (GDP) has increased 30-fold, synthetic organic chemical use has increased 85-fold, metals use 14-fold, material use 25-fold, and CO2 emissions 8-fold. Yet life expectancy advanced from 47 to 78 years. Figure 2 shows that during the same period, 1900–2006, emissions of air pollution, represented by sulfur dioxide, waxed and waned. Food and water got safer, as indicated by the virtual elimination of deaths from gastrointestinal (GI) diseases between 1900 and 1970. Cropland, a measure of habitat converted to human uses — the single most important pressure on species, ecosystems, and biodiversity — was more or less unchanged from 1910 onward despite the increase in food demand. For the most part, life expectancy grew more or less steadily for the U.S., except for a brief plunge at the end of the First World War accentuated by the 1918-20 Spanish flu epidemic. As in the rest of the world, today’s U.S. population not only lives longer, it is also healthier. The disability rate for seniors declined 28 percent between 1982 and 2004/2005 and, despite quantum improvements in diagnostic tools, major diseases (e.g., cancer, and heart and respiratory diseases) now occur 8–11 years later than a century ago. Consistent with this, data for New York City indicate that — despite a population increase from 80,000 in 1800 to 3.4 million in 1900 and 8.0 million in 2000 and any associated increases in economic product, and chemical, fossil fuel and material use that, no doubt, occurred —crude mortality rates have declined more or less steadily since the 1860s (again except for the flu epidemic). Figures 3 and 4 show, once again, that whatever health-related problems accompanied economic development, technological change, material, chemical and fossil fuel consumption, and population growth, they were overwhelmed by the health-related benefits associated with industrialization and modern economic growth. This does not mean that fossil fuel, chemical and material consumption have zero impact, but it means that overall benefits have markedly outweighed costs. The reductions in rates of deaths and diseases since at least 1900 in the US, despite increased population, energy, and material and chemical use, belie the Neo-Malthusian worldview. The improvements in the human condition can be ascribed to broad dissemination (through education, public health systems, trade and commerce) of numerous new and improved technologies in agriculture, health and medicine supplemented through various ingenious advances in communications, information technology and other energy powered technologies (see here for additional details). The continual increase in life expectancy accompanied by the decline in disease during this period (as shown by Figure 2) indicates that the new technologies reduced risks by a greater amount than any risks that they may have created or exacerbated due to pollutants associated with greater consumption of materials, chemicals and energy, And this is one reason why the Neo-Malthusian vision comes up short. It dwells on the increases in risk that new technologies may create or aggravate but overlooks the larger — and usually more certain — risks that they would also eliminate or reduce. In other words, it focuses on the pixels, but misses the larger picture, despite pretensions to a holistic worldview.

**No extinction**

Easterbrook 3(Gregg, senior fellow at the New Republic, “We're All Gonna Die!”, <http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic_set>=)

If we're talking about doomsday - the end of human civilization - many scenarios simply don't measure up. A single nuclear bomb ignited by terrorists, for example, would be awful beyond words, but life would go on. People and machines might converge in ways that you and I would find ghastly, but from the standpoint of the future, they would probably represent an adaptation. Environmental collapse might make parts of the globe unpleasant, but considering that the biosphere has survived ice ages, it wouldn't be the final curtain. Depression, which has become 10 times more prevalent in Western nations in the postwar era, might grow so widespread that vast numbers of people would refuse to get out of bed, a possibility that Petranek suggested in a doomsday talk at the Technology Entertainment Design conference in 2002. But Marcel Proust, as miserable as he was, wrote *Remembrance of Things Past* while lying in bed.

#### Apocalyptic environmental predictions are empirically wrong

Ronald Bailey, adjunct scholar at the Cato Institute, May 2k,http://reason.com/0005/fe.rb.earth.shtml

Earth Day 1970 provoked a torrent of apocalyptic predictions. “We have about five more years at the outside to do something,” ecologist Kenneth Watt declared to a Swarthmore College audience on April 19, 1970. Harvard biologist George Wald estimated that “civilization will end within 15 or 30 years unless immediate action is taken against problems facing mankind.” “We are in an environmental crisis which threatens the survival of this nation, and of the world as a suitable place of human habitation,” wrote Washington University biologist Barry Commoner in the Earth Day issue of the scholarly journal Environment. The day after Earth Day, even the staid New York Times editorial page warned, “Man must stop pollution and conserve his resources, not merely to enhance existence but to save the race from intolerable deterioration and possible extinction.” Very Apocalypse Now. Three decades later, of course, the world hasn’t come to an end; if anything, the planet’s ecological future has never looked so promising. With half a billion people suiting up around the globe for Earth Day 2000, now is a good time to look back on the predictions made at the first Earth Day and see how they’ve held up and what we can learn from them. The short answer: The prophets of doom were not simply wrong, but *spectacularly wrong*. More important, many contemporary environmental alarmists are similarly mistaken when they continue to insist that the Earth’s future remains an eco-tragedy that has already entered its final act. Such doomsters not only fail to appreciate the huge environmental gains made over the past 30 years, they ignore the simple fact that increased wealth, population, and technological innovation don’t degrade and destroy the environment. Rather, such developments preserve and enrich the environment. If it is impossible to predict fully the future, it is nonetheless possible to learn from the past. And the best lesson we can learn from revisiting the discourse surrounding the very first Earth Day is that passionate concern, however sincere, is no substitute for rational analysis.

## 2nc consequences

#### Ethics are inherently situational. We are forced to make hard choices because we have finite resources and political capabilities. Ethics makes us push the blame onto others to maintain the purity of our intentions instead of taking responsibility

Chandler, 1 – Policy Research Institute @ Leeds Metropolitan University

(David, Human Rights Quarterly 23, “The Road to Military Humanitarianism”)

When intervening for ethical ends there is little pressure to account for final policy outcomes. Whatever happens in the targeted states, under international sanctions or military action, it can be alleged to be better than non-intervention. As both Tony Blair and The Guardian argued in response to the ‘collateral’ deaths of ethnic Albanian refugees from the high altitude Nato bombing campaign in Kosovo: ‘Milosevic is determined to wipe a people from the face of this country. Nato is determined to stop him’(The Guardian, 15 May 1999). The House of Commons Foreign Affairs Committee, although dismissing the idea that there was a Serb policy of genocide, still concluded that ‘The issue in Kosovo was ... whether in the absence of Nato intervention, the Serb campaign would have continued over many years, eventually resulting in more deaths and instability in the region than if Nato had not intervened. We believe that it would’ (UKFAC 2000, para.123). The belief that it would have been even worse without international action provides a hypothetical post facto justification that is difficult to disprove. The discourse of ethical foreign policy establishes a framework of western intervention which inevitably encourages a positive view of intervention in the face of exaggerated fears of non-intervention.

# 1NR

## complexity

#### The goal of complexity theorists is still risk avoidance via resiliency – the disads are examples of how the plan could go wrong

Ogilvy 11

Facing The Fold: Essays on scenario planning

Jay is a cofounder of GBN and dean and chief academic officer at the Presidio School of Management in San Francisco. His own research and work have focused primarily on the role that human values and changing motivations play in business decision-making and strategy, with a particular focus on health care, education, and sustainability. He has pursued these interests in collaboration with Peter Schwartz since 1979, when he joined SRI International, and from 1988-2008 with GBN, where he led dozens of scenario projects for public and private sector clients in health care and life sciences and led GBN’s scenario training courses. While at SRI, Jay split his time between developing future scenarios for strategic planning and serving as director of research for the Values and Lifestyles (VALS) Program, a consumer segmentation system used in market research. He also authored monographs on social, political, and demographic trends affecting the values of American consumers. Jay's work builds on his background as a philosopher. He taught at the University of Texas, Williams College, and for seven years at Yale, where he received his PhD in 1968. He is the author of Facing The Fold: Essays on Scenario Planning (2011), Creating Better Futures: Scenario Planning as a Tool for a Better Tomorrow (2002), Living Without a Goal (1995), Many Dimensional Man (1977); co-author of China' Futures (2001) and Seven Tomorrows (1980); and editor of Self and World (1971, 1980), and Revisioning Philosophy (1991). He is currently at work on a book on emergent systems, e.g. consciousness, leadership, and wealth.

But what if we measure scenario planning against the standards of a different kind of science? What kind? Consider complexity theory and the ideas of Stuart Kauffman. In his Investigations. Kauffman reflects on the fact that in an evolving universe where new forms of order emerge from complex concatenations of already complex molecules, it is not only impossible to predict the future; we cannot even anticipate the parameters of the configuration space. Not only can we not calculate the measure of the future: we cannot even anticipate the correct measuring rods to use. Kauffman is not shy about drawing appropriately radical conclusions about the nature of science itself. Once again: "Our inability to prestate the configuration space of a biosphere foretells a deepening of science, a search for story and historical contingency, yet a place for natural laws."8 I think Kauffman is right to deduce the need for story from our inability to prestate the configuration space of the biosphere, but there are some premises missing from his deduction. What is it about story that makes it essential to his new kind of science? What is it about narrative that makes it so important to complexity theory? In order to answer this question, we need to look elsewhere. But before we do so. it's worth recalling that scenarios are stories—narrativ es of alternative futures. If stories are essential to Kauffman's new kind of science, and scenarios are stories, then scenario planning might be far more compatible with this new kind of science than with the science of LaPlace and the positiv ists. We seem to be getting closer to an understanding of scenario planning as not just art. but also part of science. But before we get there, we still need to know just what it is about story or narrative that makes it essential to this new kind of science. Despite the rash of recent interest in narrative and the growing fascination with story-telling in organizations,91 find it necessary to go all the way back to Hegel to find an account of narrative sufficiently profound to serve Kauffman's needs. Since Hegel's prose is obscure to the point of being unintelligible to those not steeped in the language of German philosophy, it will be helpful to borrow from one of his modern interpreters. Hayden White, a formulation of his insights more lucid than Hegel's own. White interprets Hegel as saving, "The reality that lends itself to narrative representation is the conflict between desire and the law."10 I think Hayden White and Hegel are on to something very important here, something that completes Stuart Kauffman's argument in ways that not even he may have anticipated. Put Hegel and Kauffman together (with Hayden White's help), and you get a science that not only covers the force of necessity; you get a science that also accommodates the power of desire—not only what must be. but also what we want to be; not only a degree of determinism, but also some room for freedom. We get the kind of science we need for shaping the future as well as we can without falling into the paradox of a scientifically predictable fate defeating the efficacy of good intentions. In short, there is reason for hope.

## at: totalizing science bad

#### Demands for DETERMINIST accuracy misunderstand the point of NORMATIVE SCENARIO PLANNING in debate – SOCIAL SCIENCE can be good without being POSITIVISM

Ogilvy 11

Facing The Fold: Essays on scenario planning

Jay is a cofounder of GBN and dean and chief academic officer at the Presidio School of Management in San Francisco. His own research and work have focused primarily on the role that human values and changing motivations play in business decision-making and strategy, with a particular focus on health care, education, and sustainability. He has pursued these interests in collaboration with Peter Schwartz since 1979, when he joined SRI International, and from 1988-2008 with GBN, where he led dozens of scenario projects for public and private sector clients in health care and life sciences and led GBN’s scenario training courses. While at SRI, Jay split his time between developing future scenarios for strategic planning and serving as director of research for the Values and Lifestyles (VALS) Program, a consumer segmentation system used in market research. He also authored monographs on social, political, and demographic trends affecting the values of American consumers. Jay's work builds on his background as a philosopher. He taught at the University of Texas, Williams College, and for seven years at Yale, where he received his PhD in 1968. He is the author of Facing The Fold: Essays on Scenario Planning (2011), Creating Better Futures: Scenario Planning as a Tool for a Better Tomorrow (2002), Living Without a Goal (1995), Many Dimensional Man (1977); co-author of China' Futures (2001) and Seven Tomorrows (1980); and editor of Self and World (1971, 1980), and Revisioning Philosophy (1991). He is currently at work on a book on emergent systems, e.g. consciousness, leadership, and wealth.

Monological science is not simply wrong; it is a necessary condition for the emergence of subjectivity from the conflict between desire and that law. Rather than staking out a romantic opposition to the force of law; rather than restating New Age complaints about the failure of "Western science" (whatever that might mean); rather than giving in to Feycrabcnd's methodological anarchism, it seems wiser to define as precisely as possible what I've called monological science, grant it its due under laboratory' conditions, but then declare its limitations in applications outside the laboratory, especially where intentional agents hav e their say. The point is to appreciate the tension between the force of law and the force of desire. Wishing something doesn't make it so. But there is reason for hope, even in the face of harsh necessity. Once we grant the force of law, together with its limitations somewhere short of the pre-determined, billiards table universe of the positivists, then there's room for entertaining the role of hope, desire and care without falling into overly wishful thinking or belief in some benign teleology. This is precisely where normative scenarios come into play. As I've argued elsewhere,11 investing our scenarios with our values is not a mistake. It is not an error to recognize one scenario as aspirational. another as an evil to be avoided at all costs. The effort to create scenarios that are simply different without being recognized as good or bad derives from the mistaken belief that pure objectivity is possible. It is not. Of course it is worth even' effort to explore and identify our biases. But it is a mistake to maintain that we can root out all of our biases, all of our predispositions, all of our assumptions and pre-judgments,12 to achieve some sort of context-free objectivity.

## ohio

#### Romney in striking distance despite difficulties in Ohio

Laing, 10/25

(Columnist-The Hill, “Working-class voters could be the key to Romney's chances in Ohio,” http://thehill.com/blogs/ballot-box/presidential-races/264199-working-class-voters-are-key-to-romneys-chances-in-ohio)

Despite all that, Romney remains within striking distance in Ohio. The SurveyUSA poll released Tuesday shows Obama leading the state by just 3 points — within the margin of error — and the president’s lead has eroded significantly this month. Romney has worked diligently to rally Christian conservatives in the western part of the state, and seen his ground-level efforts boosted by Ralph Reed’s Faith and Freedom Coalition, which many credit for delivering Ohio for Bush in 2004. Democrats have battled back with their own “Souls to the Polls” program in African-American churches. The Republican nominee has also aggressively attacked Obama in commercials and on the stump over his handling of China in an attempt to peel away some of the manufacturing workers who are leaning toward the president. Aides to the Romney campaign express confidence that they have enough boots on the ground to counter Obama’s forces. “We’re running the most robust ground game that has ever been run by a Republican in Ohio,” Jennings said, adding that the GOP has already knocked on 21 times as many doors and made three times as many phone calls as the John McCain campaign did in 2008.

#### Turnout is key—it determines the election and isn’t locked in yet

Nate Cohn, New Republic Election Expert, Part-Time Georgetown Coach -- his articles go through a TNR editing process and are available for all on his blog, he has been profiled on New York Magazine and MSNBC, 10/26/12, Why Undecided Voters Matter Less And Turnout Matters More Than Ever Before , www.tnr.com/blog/electionate/109171/why-undecided-voters-matter-less-and-turnout-matters-more-ever

Heading into the final stretch of one of the closest presidential elections in recent history, many are beginning to handicap the potential behavior of undecided voters and Obama’s vaunted ground operation. But while undecided voters could make a difference in the few tightest states, as William Galston argues elsewhere on this website, turnout is the most critical outstanding question. Although undecided voters represent 3 to 6 percent of the electorate in most swing states, they're unlikely to break overwhelmingly toward one candidate. Historically, candidates usually exceed their final share of the vote in the polls and the exits show late deciders breaking roughly evenly, at least in comparison to supposed and unsubstantiated rules about undecided voters breaking entirely for the challenger. In 2004, Bush actually performed better than the final polls, which showed Bush leading Kerry by just 1.5 points in 2004 with less than 49 percent, compared to Bush's eventual 2.4 point victory with 50.7 percent of the vote. And although the exit polls showed Kerry winning late deciders, there is a distinction between “undecided” in a final poll and deciding late in the exits. Many polls push undecided voters to enunciate their preference, and their un-polled counterparts don’t finally “make up their mind” until the final week, even though they knew their decision deep down and would have said so if they had been pushed hard enough. In this election, the number of undecided voters is so small that there are only few states where a clear break would be sufficient to flip the outcome. In Wisconsin and Nevada, Obama already exceeds 49 percent, suggesting that undecided voters could only influence the outcome if Obama supporters turn out at lower rates than the polls anticipate. One state where Romney still retains a narrow path to victory through undecided voters is Ohio, where Obama holds a very slight lead of just 2.1 points in the RealClearPolitics average, 47.9 to 45.8. But if Romney won 55 percent of undecided voters and one percentage point vote for a third party candidate, Obama would still win Ohio by a 1.6-point margin, 50.3 to 48.7. Romney would need nearly 70 percent of undecided voters to carry the state—an exceptional performance. Colorado and Virginia are the two states close enough for undecided voters to more realistically make a difference, but, even there, turnout is a more critical question. According to national polls, Obama is performing four points better among registered voters than likely voters. That’s well above the more typical 1 or 2 point gap and the main culprit appears to be strong Republican enthusiasm combined with low enthusiasm among young, Latino, and Democratic-leaning independent voters. Since Obama’s coalition is unusually dependent on low-frequency voters, Obama has more to gain from a strong turnout operation than previous candidates. Although it’s unclear whether Obama’s vaunted ground operation can rejuvenate turnout among infrequent Obama '08 voters, the difference between a modest and high turnout among young and minority Obama supporters could easily decide the election. And it's not just that turnout is important, it's that Obama's larger advantage among registered voters makes it an open question whether Obama could actually lose if minority and youth turnout rates approach '08 levels, even if undecided voters broke in Romney's direction.

## coal

#### Ohio coal country is fundamentally conservative—a direct Obama push to a liberal energy policy would cost him the election

Wolfford, 10/29

(Columnist-Weekly Standard, Date of Relase-10/24/12, “Romancing Ohio,” http://www.weeklystandard.com/articles/romancing-ohio\_655096.html?page=1)

In the sparsely populated Appalachian region, the predominantly white working-class and social-conservative electorate mostly voted for Bill Clinton, then George W. Bush. In 2004, southeast Ohio favored amending the Ohio constitution to enshrine traditional marriage by over 70 percent, while giving Bush 54 percent of the vote. **It’s the kind of region where voters cling to their** guns and their religion (in the infamous Obama phrase) .  .  . and their **coal.** The **Democrats’ liberal evolution could turn this region​—​and thus Ohio​—​Romney’s way.** “Gay marriage and coal are both winning issues in our area,” says Brian Wilson, Republican chairman of Jefferson County, along the western bank of the upper Ohio. Wilson and coal advocates insist EPA standards have increased electricity rates and shut down power plants and coal mines. In 2008, roughly 36,000 votes were cast here; Obama won the county by a mere 76 ballots over McCain. Statewide, unemployment in mining and logging has risen 2.5 percentage points from last year. It’s why Romney emphasized oil, coal, and gas in the Hofstra debate.

## at: pious

#### Issues matter---campaigns know how to target voters and need issues to get them to the polls

Pilkington, 10/25

(Columnist-The Guardian, “Battle for Ohio: campaigns micro-target their message in state's four corners,”

http://www.guardian.co.uk/world/2012/oct/25/battle-ohio-campaigns-micro-target)

Campaign strategists in the vital battleground of Ohio are pioneering a radical new approach to the ground war in the final days of the presidential election, delivering targeted messaging to different parts of the state in an attempt drive up voter turnout on 6 November. Both Barack Obama's re-election operation, Obama For America, and Mitt Romney's campaign are using micro-targeting techniques, backed by traditional TV and radio advertising, to hone messages to the specific political concerns of different corners of the state. The heavily vaunted "battle for Ohio" is not a single battle at all – in fact it is several distinct political conflicts being waged simultaneously in a bid for the state's rich crop of 18 electoral votes

out of the 270 needed to win. The strategic shift in focus down to the level of regions, counties or in some cases even neighbourhoods is revolutionising the final stages of the race, with both parties vying aggressively for votes right across the state. The localised model of campaigning being developed in Ohio this year is likely to become the template of future US presidential elections as the technology takes hold. As Chris Redburn, who chairs the Ohio Democratic party, puts it: "Four years from now it will be even more targeted as the technology improves and advances are made in how we collect information." As recently as the 2004 presidential election, Ohio was divided for campaigning purposes in half – the Democratic stronghold in the industrialised north, and the more rural and staunchly Republican south. But the advent of targeted messaging has heralded a sea-change in the way the campaigns are being run. In the final two weeks of the presidential contest, Obama will be campaigning as fiercely among the traditionally conservative Appalachian communities in the south-east of Ohio as he is in solidly blue Cleveland. "In the old days – eight years ago – we'd focus on driving up votes in the north of Ohio, then hope we'd outnumbered the conservative turnout in the south-west," Redburn said. "This year we're competing in all Ohio's 88 counties, and we are confident we will find some success in all 88 counties." Scott Jennings, Romney campaign director in Ohio, puts the same point another way: "When our database tells us that there is a household of coal miners in a certain neighbourhood, then volunteers will be calling on them talking about Mitt Romney's plan on energy." The impact of this micro-targeting revolution can be clearly seen in four parcels of Ohio, in each of which a distinct political battle is being fought: the west and south-west of Ohio, with its concentration of military bases and suppliers, where the debate revolves around defence cuts; in the north, where it is wall-to-wall auto industry; in the east and south-east, where an argument rages over coal and the future of energy; and in the central zone around the financial and university hub, Columbus, where there is much talk about Wall Street regulation and education.