Life  
Negative Case by Alisa Stringer



This case focuses on the belief that all life is valuable. If killing some people now has the potential to save many others later, that does not make the initial murder ethical. It is the Negative’s job to remind judges that ethical decisions are rarely a matter of numbers. Some things are right, and some things are wrong. When we make exceptions, we are violating our own moral code, no matter how enticing the reasoning may seem.

In this resolution, negative debaters should emphatically oppose the idea of consequentialism. The ends do not justify any means, and to kill because we may be hurt in the future is to turn away from our morals out of fear. However, in opposing consequentialist ideals, negative will need to make sure they still ground their arguments in practicality. Judges are rarely interested in listening to cases that don’t address the complexities of the real world.

The applications for this case involve the war in Iraq and the tension between the US and North Korea. These examples are obvious, and there is a good chance your judge will be familiar with them. That is intentional. If debaters have to reach for obscure applications to get through to their judges, then there is a good chance they are avoiding the point of the debate. We are not here to debate semantics. This case looks to speak to judges where they are and with examples that they are familiar with, so that the case is both practical and addresses the issues the judges care about.

When opposing this case, Affirmatives may want to consider how the Negative’s stance on the uncertainty of preventive warfare is a double-edged argument. It may be true that using preventive warfare involves a certain level of uncertainty, but the same is true for not using preventive warfare. If a nation chooses not to strike first, and then they are struck, the lives that are lost could have been prevented. Nations are rolling the dice and playing the odds, no matter which side of the resolution the judge chooses.

No matter which side of the resolution a debater is on, we can all agree that life is valuable. The question we are left with revolves around how we can best protect people. This case attempts to answer that question by examining practical examples and taking the stance that the sanctity of life ought to be honored, even if doing so makes a nation uncomfortable with international power dynamics.

Life

When one child strikes a weaker child to prove and ensure that he is still the strongest, we call the first child’s actions ‘bullying.’ When one nation strikes a weaker nation to prove and ensure that he is still the strongest, we call the first nation’s actions, ‘preventive warfare.’ No matter what political lingo we use to wrap preventive warfare, the fact of the matter is that preventive warfare is born of fear, paranoia, and the insatiable need to be the strongest child on the playground.

Those who use preventive war kill people who have done them no harm. In an attempt to protect lives, they ensure that lives are lost. To say that fear of the future justifies aggressive action is a dangerous model for a nation to adopt. To borrow from William Burke,

“It is leaving no Medium between Safety and Conquest. It is never to suppose yourself safe, whilst your Neighbor enjoys any Security.”[[1]](#footnote-1)

We cannot allow our judgement to be clouded by passion, prejudice, or paranoia. Preventive warfare is not an ethical option.

# Framework

## Definitions

The Oxford English Dictionary defines warfare as,

“the action of carrying on, or engaging in, war.”[[2]](#footnote-2)

They go on to describe a preventive war as,

“a war initiated by one state, faction, etc., in anticipation of (suspected) hostile intentions on the part of another.”[[3]](#footnote-3)

Furthermore, Oxford describes an action as ethical when the action,

“conforms to moral principles or ethics.”[[4]](#footnote-4)

# Value: Life

Life is always valuable, but its inherent value is most obvious in war, where lives are constantly threatened. It is essential that we remember that all lives are valuable, both the lives of our own citizens, and the lives of those that we are fighting.

# Contention 1: Preventive Warfare is Ineffective

The principles behind preventive warfare are generally repulsive. Preventive warfare involves striking when you have not been struck, taking lives of people who have harmed you, and violating the sanctity of life. The only possible defense of preventive warfare is to claim that it is effective at stopping worse evils in the future. The problem with this argument is that preventive war increases possible harm in the future, rather than mitigating it. Preventive warfare provides a false promise of security. We are not more safe when we strike first, we become aggressors who will either irreparably harm ourselves or eventually be struck in retaliation.

## Application: War in Iraq

The War in Iraq can be an uncomfortable topic for many Americans, but there are few clearer examples of preventive warfare in modern history. As Dr. John Arquilla explained in his Foreign Policy article,

“While the Bush administration called it "preemptive war," this was a misnomer given the absence of any imminent threat. The war was really preventive, the idea being that the overthrow of Saddam Hussein would keep him from developing nuclear weapons and would somehow create a less permissive environment for the future growth and sustenance of terrorist networks. There is little need to detail the costly failure of this preventive campaign, beyond noting that today the U.S. military is out of Iraq, al Qaeda is back, and that tortured land has become a hothouse environment for the growth of violent extremism.”[[5]](#footnote-5)

Preventive warfare does not protect a nation, but it breeds destruction, extremism, and hatred. It is neither a practical nor an ethical method of conducting war.

# Contention 2: Preventive Warfare Risks Unnecessary Consequences

The first shot in any war is incredibly important. Before the first shot, it is relatively easy for nations to avoid conflict, even when tensions are high. Once blood has been shed, people demand reparations, and war becomes nigh impossible to avoid. Preventive warfare leads to a downward spiral in military conflicts. One preventive strike sets off a chain reaction of violence.

## Application: Threats of War with North Korea

North Korea spent a lot of time in the United States news during the past few years. International tensions have risen dramatically, with the United States and North Korea sitting in the eye of the brewing storm. Thankfully, the two nations have been able to avoid all-out war, although that has not always been a guarantee. American officials have definitely considered preventive warfare, but using such methods would likely have led to a major loss of life. As Michael O’Hanlon and James Kirchick of Brookings Institute explained,

“If Kim did decide to retaliate, an action-reaction spiral could ensue that might lead to nuclear attacks against South Korea or Japan, whether or not that was Kim’s initial intent. Wars, once started, tend to escalate.”[[6]](#footnote-6)

Because America has avoided preventive warfare, this domino effect has not come to fruition. When preventive warfare is avoided, many battles that may seem inevitable never have to be fought.

# Conclusion

Preventive warfare may seem appealing, but its effects are devastating. As Dr. Scott Silverstone of West Point Academy wrote,

“Preventive war is not a silver bullet for solving the enduring problems of security in an anarchic system. Preventive war can backfire strategically, even in the glow of battlefield victory. Each generation of strategic leaders must be prepared to contemplate these challenges whenever preventive war temptation spikes.”[[7]](#footnote-7)

Opposition Brief: Life

# War in Iraq

# Problem Was Not Preventive Warfare

Diamond, Larry. “What Went Wrong in Iraq.” Foreign Affairs, vol. 83, no. 5, 2004, pp. 34–56. JSTOR, [www.jstor.org/stable/20034066](http://www.jstor.org/stable/20034066). Accessed 7 July 2019.

Many of the original miscalculations made by the Bush administration are well known. But the early blunders have had diffuse, profound, and lasting consequences-some of which are only now becoming clear. The first and foremost of these errors concerned security: the Bush administration was never willing to commit anything like the forces necessary to ensure order in postwar Iraq. From the beginning, military experts warned Washington that the task would require, as Army Chief of Staff Eric Shinseki told Congress in February 2003, "hundreds of thousands" of troops. For the United States to deploy forces in Iraq at the same ratio to population as NATO had in Bosnia would have required half a million troops. Yet the coalition force level never reached even a third of that figure. Secretary of Defense Donald Rumsfeld and his senior civilian deputies rejected every call for a much larger commitment and made it very clear, despite their disingenuous promises to give the military "everything" it asked for, that such requests would not be welcome. No officer missed the lesson of General Shinseki, whom the Pentagon rewarded for his public candor by announcing his replacement a year early, making him a lame-duck leader long before his term expired. Officers and soldiers in Iraq were forced to keep their complaints about insufficient manpower and equipment private, even as top political officials in the Coalition Provisional Authority (CPA) insisted publicly that greater military action was necessary to secure the country. In truth, around 300,000 troops might have been enough to make Iraq largely secure after the war. But doing so would also have required different kinds of troops, with different rules of engagement. The coalition should have deployed vastly more military police and other troops trained for urban patrols, crowd control, civil reconstruction, and peace maintenance and enforcement. Tens of thousands of soldiers with sophisticated monitoring equipment should have been posted along the borders with Syria and Iran to intercept the flows of foreign terrorists, Iranian intelligence agents, money, and weapons.

# Right Idea, Subject to Poor Application

*Daalder, Ivo H., and James B. Steinberg. "Preventive War, a Useful Tool." Brookings Institute, 4 Dec. 2005, www.brookings.edu/opinions/preventive-war-a-useful-tool/. Accessed 8 July 2019.*

Preventive military force has a role in managing today’s security challenges. Understanding that role is step one; establishing agreed standards for its use is step two; and implanting these standards in an effective institution is the third step. The Bush administration got the first step right, and the logic of its arguments builds toward the second. But it has gotten step three wrong. Unilateralism is not the only alternative to the Security Council. Regional organizations and a new coalition of democratic states offer ways to legitimize the use of force when the council fails to meet its responsibilities.

# Iraq War Wasn’t Preventive

*Weigel, George. "The Just War Case for the War." Ethics and Public Policy Center, 31 Mar. 2003, eppc.org/publications/the-just-war-case-for-the-war/. Accessed 15 July 2019.*

When a regime driven by an aggressive fascist ideology has flouted international law for decades, invaded two of its neighbors, and used weapons of mass destruction against its foreign and domestic enemies; when that regime routinely uses grotesque forms of torture to maintain its power, diverts money from feeding children to enlarging its military, and rigorously controls all political activity so that effective internal resistance to the dictator is impossible; when that kind of a regime expands its stores of chemical and biological weapons and works feverishly to obtain nuclear weapons (defying international legal requirements for its disarmament), tries to gain advanced ballistic missile capability (again in defiance of U.N. demands), and has longstanding links to terrorist organizations (to whom it could transfer weapons of mass destruction) – when all of that has gone on, is going on, and shows no signs of abating, then it seems plausible to me to assert that aggression is underway, from a just war point of view. A historical analogy may help. Given the character of the Nazi regime and its extra-legal rearmament, would it not have been plausible to assert that aggression was underway when Germany militarily re-occupied the Rhineland in 1936, in defiance of the Versailles Treaty and the League of Nations? The withdrawal of UNSCOM weapon inspectors from Iraq in 1998 was this generation’s 1936. Another 1938, a new Munich, is morally intolerable: the world cannot be faced with a nuclear-armed Saddam Hussein and an Iraqi regime that had successfully defied all international legal and political attempts to disarm it. Just cause is satisfied by recognizing that the present Iraqi regime, armed as it is and as it seeks to be, is an “aggression underway.” The U.N. recognized that in 1991 when it demanded Iraq’s disarmament. To disarm Iraq now, by using proportionate and discriminate armed force if necessary, is to support the minimum conditions of world order and to defend the ideal of a law-governed international community. Thus military intervention to disarm Iraq is not “pre-emptive war,” nor is it “preventive war,” nor is it aggression. The war has been underway for twelve years.

# Iraq War Was Not About Prevention

*Haass, Richard N., and Bernard Gwertzman. "The Iraq Invasion Ten Years Later: A Wrong War." Council on Foreign Relations, 13 Mar. 2013, www.cfr.org/interview/iraq-invasion-ten-years-later-wrong-war. Accessed 8 July 2019.*

In your book, War of Necessity, War of Choice, you ask the question "How did George W. Bush reach this point?"--that is, to go to war with Iraq in March 2003. Have you since learned anything more on this?

I wouldn’t say I’ve learned in the sense that I’ve discovered some hitherto unknown piece of information. But I’ve thought about it and I’ve read what people have said and written. And my bottom line is that it was still objectively a war of choice; it was not a war that needed to be started at the time. Our interests were less than vital and we had alternatives, but I believe the president decided to go to war not so much because of the belief that the Iraqis possessed weapons of mass destruction, but more for three other reasons. After 9/11, he and others wanted to send a message to the world that the United States was not, to borrow Richard Nixon’s phrase, a pitiful helpless giant. Secondly, he believed that Iraq could be transformed into a democracy, and once that was accomplished, the rest of the region would not be able to resist going down the same path. And thirdly, that this could be done at very little expense. Essentially, the president was persuaded that large things could be accomplished at small costs. And given that calculation, from his point of view it made good sense.

# War With North Korea

# War: Not Necessary in This Instance

*Brunnstrom, David, and Steve Holland. "U.S. envoy raises prospect of compromise in North Korea talks." Reuters, 31 Jan. 2019, www.reuters.com/article/us-usa-northkorea/u-s-envoy-raises-prospect-of-compromise-in-north-korea-talks-idUSKCN1PP2EJ. Accessed 8 July 2019.*

Washington is willing to discuss “many actions” to improve ties and entice Pyongyang to give up nuclear weapons, the U.S. special envoy for North Korea said on Thursday, but set out an extensive list of demands for the North, including a full disclosure of its weapons program. In a speech at Stanford University in Palo Alto, California, envoy Stephen Biegun did not elaborate on what concessions the United States might make, but said the “corresponding measures” demanded by North Korea would be the subject of talks next week.Biegun will arrive in Seoul on Sunday for meetings with South Korean officials, before holding talks with North Korean negotiators.“From our side, we are prepared to discuss many actions that could help build trust between our two countries and advance further progress in parallel on the Singapore summit objectives of transforming relations, establishing a permanent peace regime on the peninsula, and complete denuclearization,” he said.Biegun’s comment referred to the unprecedented meeting last June between North Korean leader Kim Jong Un and U.S. President Donald Trump in the wealthy Asian city-state.Trump hailed “tremendous progress” in his dealings with the North Korea and told reporters in the Oval Office on Thursday that the date and location of a second summit with Kim would be announced “early next week” and probably during his State of the Union speech on Tuesday.

**Unstrategic does not mean Unethical**

*Sankey, Evan. "Why a Korean Peace Treaty Is Necessary." The National Interest, 18 Sept. 2018, nationalinterest.org/feature/why-korean-peace-treaty-necessary-31497. Accessed 8 July 2019.*

The United States has a unique role to play in brokering peace because it has greater strategic flexibility than North Korea. America can afford to take things on faith, but the North cannot. If America mistakenly trusts the North at this stage, the potential costs to the United States are small. The White House would suffer an embarrassment no greater than any of its others, and it could easily revert to military containment. South Korea would likely fall in line in the face of clear North Korean treachery. On the other hand, if North Korea mistakenly trusts America it could easily mean the end of their regime. The North’s thin margin of security and America’s record of regime change in Iraq, Libya and elsewhere mean their trust will be extremely difficult to earn. But Washington alone has the strategic flexibility to try to win it—and it should.

# Preventive War: Best of Available Options

*Mauk, John. "Military Options for North Korea: A Case for Preventive War." War Room: United States Army War College, 6 Sept. 2017, warroom.armywarcollege.edu/articles/ denuclearizing-north-korea-catalyst-conflict/. Accessed 15 July 2019.*

A preventive attack is another available option, though scholars may disagree over whether it constitutes the use of force as a last resort. For the sake of argument, a preventive use of force, while controversial, would address an unacceptably dangerous nuclear threat by an unpredictable regime, before its nuclear capability could be used against the U.S. or its territories. Gray’s definition of preventive war is also useful for what he describes as “a war of discretion…[t]he preventor…chooses to wage war, at least to launch military action, because of its fears for the future should it fail to act now.” This definition describes elements of what came to be known as the “Bush Doctrine,” to combat terror and weapons of mass destruction (WMD) threats, based on the 2002 National Security Strategy. This approach caused great debate among foreign policy experts concerned about a clear shift away from the traditional use of force as a last resort. Justifying the invasion of Iraq as a preventive measure (especially given the subsequent U.S. failure to verify its ‘WMD threat’ claims made prior to the war) further fueled criticism of the Bush Doctrine in terms of wars of choice versus those of necessity. However, distaste for preventive policy does not obviate its practicality. There is precedent for preventive action**.** The 1981 Israeli attack on the Iraqi Tammuz nuclear plant effectively destroyed what the Israelis viewed as an imminent threat. In doing so, the Israeli government considered the risk of another Arab-Israeli war and reasoned that the threat of a nuclear Iraq warranted action. One can argue the moral, ethical, and legal concerns from a Just War perspective in this case, but one can also argue that the region was made safer as a result of Israel’s strike. Israel was certainly safer for it. There is broad international recognition of the compelling nature of North Korea’s threat and the U.S. should not dismiss the option of a preventive attack on it outright.Those outside the Administration have the luxury of espousing the moral and ethical high ground on issues such as these, while bearing no responsibility for acting or failing to act on them. Security practitioners are, however, responsible for providing the President with risk-informed approaches, and for having considered the consequences of both action and inaction. The consequences of both are bad in this situation and the clock is ticking, with a relatively small timeframe to act within, before North Korea extends its nuclear threat to U.S. territories and the homeland. As such, it may be argued that the use of force as a last resort has come down to a decision between a reactive policy of preemption and one of resolute preventive action. While conflict is undesirable, a preventive attack, and the horrific conflict it could precipitate, may represent the ‘least bad’ of the available options to ensure U.S. security.

# Life

# Preventive War is Necessary in Modern World

*Weiner, Allen S. "The Use of Force and Contemporary Security Threats: Old Medicine for New Ills?" Stanford Law Review. 59.2 (2006): 415-504.* [*http://www.stanfordlawreview.org/wp-content/uploads/sites/3/2010/04/Weiner\_1.pdf*](http://www.stanfordlawreview.org/wp-content/uploads/sites/3/2010/04/Weiner_1.pdf)*. Pp. 449-450*

Terrorist threats also have stimulated calls for changes in prevailing legal norms so as to allow the use of either preemptive or preventive force. The U.S. National Security Strategy asserts that in confronting international terrorism, the United States will exercise its right of self-defense “by acting preemptively” against terrorists “to prevent them from doing harm against our people and our country.” To like effect, the proposed legislative language the Executive Branch provided to Congress following the September 11 attacks would have authorized force not only against those implicated in the events of September 11, but also “to deter and pre-empt any future acts of terrorism or aggression against the United States.” A number of academic commentators have endorsed the view that the traditional temporal character of the “imminence” requirement for anticipatory self-defense is no longer viable in view of the new security threats. Scholars like John Yoo argue that “the concept of imminence must [instead] encompass an analysis that goes beyond the temporal proximity of a threat to include the probability that the threat will occur.” In addition, “the threatened magnitude of harm must be relevant.” If a state was obligated “to wait until the threat were truly imminent in the temporal sense envisioned [under the Caroline standard], there is a substantial danger of missing a limited window of opportunity to prevent widespread harm to civilians.” Abraham Sofaer also argues that in appropriate circumstances, preemption should “properly be regarded as part of the ‘inherent right’ of self-defence.” Similarly, the proposed right to use force to confront the most serious proliferation dangers, a right that is ancillary to Feinstein and Slaughter’s duty to prevent, would also allow force to be used preemptively or preventively in ways that would not be lawful under the existing law of anticipatory self-defense.

# Preventive Warfare Strategically Protects

*Lucas, George R., Jr. "The Case for Preventive War." The Ethics of Preventive War, edited by Deen K. Chatterjee, Cambridge UP, 2013, pp. 46-62. Selection from Alberico Gentili qtd. in “The Case for Preventive War” on page 48.*

I call it a useful defense when we make war through fear that we may ourselves be attacked. No one is more quickly laid low than one who has no fear, and a sense of security is the most common cause of disaster .... we ought not to wait for violence to be offered us, if it is safer to meet it halfway .... One ought not to delay, or wait to avenge at one’s peril an injury which one has received, if one may at once strike at the root of the growing plant and check the attempts of an adversary who is meditating evil .... No one ought to wait to be struck, unless he is a fool. One ought to provide not only against an offense which is being committed, but also against one which may possibly be committed. Force must be repelled and kept aloof by force.

1. Burke, William, and Townshend. *Remarks on the Letter Address'd to Two Great Men: [i.e. the Work by John Douglas, Later Bishop of Salisbury]. in a Letter to the Author of That Piece. [variously Attributed to Charles Townshend and William Burke]*. London: R. & J. Dodsley, 1760. Print. Qtd. from page 13. [↑](#footnote-ref-1)
2. "warfare, n." OED Online, Oxford University Press, June 2019, www.oed.com/view/Entry/225718. Accessed 1 July 2019. [↑](#footnote-ref-2)
3. "preventive, adj. and n." OED Online, Oxford University Press, June 2019, www.oed.com/view/Entry/151085. Accessed 1 July 2019. [↑](#footnote-ref-3)
4. "ethical, adj. and n." OED Online, Oxford University Press, June 2019, www.oed.com/view/Entry/64756. Accessed 1 July 2019. [↑](#footnote-ref-4)
5. Arquilla, John. "Last War Standing: Why Preemption Is the Only Thing That Can Keep America Safe." Foreign Policy, 13 Aug. 2013, foreignpolicy.com/2013/08/13/last-war-standing/. Accessed 3 July 2019. [↑](#footnote-ref-5)
6. O'Hanlon, Michael E., and James Kirchick. "A 'Bloody Nose' Attack in Korea Would Have Lasting Consequences." Brookings Institue, 26 Feb. 2018, www.brookings.edu/blog/order-from-chaos/2018/02/26/a-bloody-nose-attack-in-korea-would-have-lasting-consequences/. Accessed 3 July 2019. [↑](#footnote-ref-6)
7. Silverstone, Scott A. From Hitler's Germany to Saddam's Iraq: The Enduring False Promise of Preventive War, 2019. Print. Qtd. from page 270. [↑](#footnote-ref-7)