# Round 4—Neg vs Emory AB

## 1NC

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#### Their human centered apocalyptic rhetoric reaffirms an anthropocentric value system that is founded upon violence on the non-human

**Collard 13**—Geography Department at the University of British Columbia [modified for ableist language, modifications denoted by brackets]

(Rosemary-Claire, “Apocalypse Meow”, Capitalism Nature Socialism, 24:1, 35-41, dml)

It is an easy point to make, that apocalypse is defined in almost totally human terms. Although environmental apocalypticism is tied to statistics about species loss and habitat destruction, it is only really an apocalypse once human beings (and capitalist production for that matter) are under threat. Occasionally nonhuman species deemed extraordinary in some manner (usually in the degree to which either they are most ‘‘like us’’ or useful to us) may enter into the apocalyptic calculus\* dolphins that can recognize themselves in the mirror, chimpanzees that use tools. This is further evidence of apocalypticism’s anthropocentrism. Leftist critiques of apocalyptic narratives, while not necessarily incompatible with the previous point, have focused instead on these narratives’ depoliticizing tendencies. Swyngedouw (and obscures how the human hubris creates the conditions for these scenarios 2010a; 2011) locates apocalypse within a general trend toward environmental populism and ‘‘post-politics,’’ a political formation that forecloses the political, preventing the politicization of particulars (Swyngedouw 2010b). He argues that populism never assigns proper names to things, signifying (following Rancie`re) an erosion of politics and ‘‘genuine democracy . . .[which] is a space where the unnamed, the uncounted, and, consequently, un-symbolized become named and counted’’ (Swyngedouw 2011, 80). Whereas class struggle was about naming the proletariat, and feminist struggles were named through ‘‘woman’’ as a political category, a defining feature of post-politics is an ambiguous and unnamed enemy or target of concern. As Swyngedouw (2010b; 2011) contends, the postpolitical condition invokes a common predicament and the need for common humanity-wide action, with ‘‘human’’ and ‘‘humanity’’ vacant signifiers and homogenizing subjects in this politics. I return to this idea soon. Over a decade earlier, Katz (1995) also argues that ‘‘apocalypticism is politically ~~disabling’’~~ [debilitating] (277). She writes: ‘‘contemporary problems are so serious that rendering them apocalyptic obscures their political ecology\*their sources, their political, economic and social dimensions’’ (278). Loathe to implicate ‘‘human nature’’ as one of these sources, Katz instead targets global capitalism, which is ‘‘premised on a series of socially-constructed differences that, in apocalyptic visions, take a universal character: man/woman; culture/nature; first world/third world; bourgeoisie/working class’’ (279). Towards the end of her short chapter, she remarks that ‘‘human beings are simultaneously different from and of a piece with bees’’ (280), calling subsequently for ‘‘a usable environmental politics [that] takes seriously the political responsibility implied by the difference between people and bees’’ (280). There is so much to agree with here. But Katz misses a big binary in her list: human/animal. On the other hand, she clearly if implicitly recognizes not only the productiveness of this binary and its role in environmental politics (the humans and the bees), but also the attention it deserves. The question then remains: Although according to Katz, apocalyptic politics underplays if not entirely ignores the production process, is this inherent to apocalypticism, or is there potential to train apocalypticism onto production, particularly of the human and the human/animal binary? Neither a natural order, nor a pre-given subject position, nor a category that exists beyond politics, the human is rather an intensely political category whose ongoing production is rife with violence, contestation, and hierarchy. The central mode of this production is the human/animal binary that Haraway (2008, 18) says ‘‘flourishes, lethally, in the entrails of humanism.’’ This binary is continually re-made and re-authorized politically, legally, scientifically, religiously, and so on. It is the product of particular epistemologies, ontologies, and power relations, and it also produces these same structures. The spatial, material and discursive inclusion and exclusion of animals construct the human/animal binary. Materially, animals are included in the ‘‘human’’ project as laborers, food, clothing, and so on, but are excluded from life itself should their dead bodies be of economic value. Animals work for us, for free, and are largely ‘‘disposable workers’’ in a manner similar to and different from the ‘‘disposable women’’ Wright (2006) observes are fundamental to the workings of capital and labor in Mexican maquiladoras. The similarity lies in how both animal laborers and these women factory workers are devalued as laborers, and this devaluing of their labor actually contributes to the formation of value in the commodities and capital of the production network. They are different in that of course the women are still paid\*albeit marginally\*and their labor is recognized as labor. Animals do not just labor for free. They also die for profit and power. The most obvious example of industrial meat production aside, capitalism and the liberal state derive significant profits from the ability to kill\*often in mass numbers\*wild animals. Killing wolves, bears, cougars, and other animals has been a predominant colonial project, with bounty often the first laws passed in the colonies. Not only domesticated but also wild animals have played and continue to play a central role, materially and symbolically, in capitalism and the formation of the nation state, as symbols, commodities, and spectacle. Discursively animals found the human subject by virtue of their exclusion: the human is what is not animal. This is a juridicopolitical, ethical exclusion that is always at the same time an inclusion. The human thus appears to be a neurological or biophysiological product rather than a result of specific histories, geographies, and social relations, between humans and also humans and animals. Certainly particular socio-natural properties do become essential to a thing’s power and geopolitical centrality (think opposable thumbs, cerebral cortexes, bipedalism, and so on). But as Huber (2011, 34, emphasis added) argues in the context of oil, ‘‘biophysical capacities are only realizable through particular uneven social relations of culture, history, and power.’’ Specific conditions and relations produce the human, which is entirely different than saying that humans are the same as each other or as other animals. Their differences should not be disregarded for a host of reasons, not the least of which is the political struggle various groups have made to claim both difference and not being animals. It is not my aim to ignore, then, the particularities of the human species, although I would emphasize that these particularities are not universal and are increasingly being shown to be far less particular than we imagined.

#### And these types of apocalyptic representations numb action – expanding our scope of value to the nonhuman allows more effective solutions

**Estok 13**—Sungkyunkwan University (Simon, “Ecocriticism in an Age of Terror”, CLCWeb: Comparative Literature and Culture 15.1 (2013), dml)

Understanding the "constructions of terror and terrorist bodies" (Puar xxiv) is key to resisting participation, no less than twenty-five years ago unlearning sexism involved catching myself (still does) every time I participated — using the word "girl," for instance, to describe a woman. This unlearning is activism. Sucked into a patriotic vortex (even if we are not US-American) of nationalist, heterosexist, White, ableist, ageist, classist, ecophobic, US-American exceptionalism, we are complicit in the making of the terrorist assemblage — and it is a vast one, certainly not confined to descriptions of people who fly planes into buildings. Increasingly, humanity imagines itself under siege and vulnerable. Perhaps it is a sign of our maturity as a species that we see and try to understand the threats to our survival: colony collapse disorder, new and devastating diseases, global warming, 9/11 and terrorism, increasing food, water, and resource shortages, and so on. Perhaps it is a sign of our intelligence and wisdom that we narrativize our visions of apocalypse and that we entertain ourselves with stories of our own vulnerability before forces which we perceive as profoundly — indeed, lethally — violent toward our very existence. Perhaps our perceptions and almost fetishistic representations of ourselves as being under siege signals changes in our ethics toward other people and toward the natural environment. Yet, to borrow the words of political theorist Jane Bennett, "we continue to produce and consume in the same violently reckless ways" as if we do not take our own violence (or the violent reactions to it) at all seriously (113) — at least not on a level that would cause us to change our behaviors. Part of this violence has to do with the very basic issue of how we see the world.

For some time now we have seen the world in high resolution through images which travel with inconceivable speed and with incredible accessibility in many parts of the world. The sheer surfeit of information produces its own effects. For a long time now, it has been the case that the "kicks just keep getting harder to find" (to cite from the Paul Revere and the Raiders). We need more the more we get, but there is a numbing effect to all of this apocalyptic narrative — whether it is news, film, music, print, or other media — with which we increasingly entertain ourselves. Disastrous (as well as terrorist) events "have a visceral, eye-catching and page turning power," a power that materializes the present and dematerializes more longue durée emergencies (Nixon 3). Rob Nixon wonders "how can we convert into image and narrative the disasters that are slow moving and long in the making, disasters that are anonymous and star nobody, disasters that are attritional and of indifferent interest to the sensation-driven technologies of our image world" (3). Nixon's concern is with bringing those things which do not seem immediate into public consciousness, those things which are not Katrina or 9/11, those slow moving and more predictable things. Perhaps one of the reasons these are difficult to bring into public consciousness is the very fact that they are more predictable than the sudden surprises which kill thousands. One of the reasons terror has such purchase in the twenty-first century is that it remains one of the few things that still evokes our sense of tragedy and that can still stimulate us into action. Representations of disaster and environmental adversity, meanwhile, often take the same shape and effect of representations of terror, and we might just as easily use a description from Nichols of terrorism to designate a weather event such as Katrina as "an evil that lurks beyond the pale of diplomacy, international relations, or the rule of law" (136). The fact that sensational news does stimulate us into action, combined with the fact of overlaps in our thinking about terror and environment, on the one hand, and the fact that tragic narratives have extended their rather narrow focus from the fall of individuals to the fall of our entire species, on the other, puts ecocriticism in a good position. Ecocriticism in an age of terror is well situated to challenge how we see and represent the world and to do so specifically by unveiling the dishonesty and violence that populate our narratives and our imagination about the natural world.

Tragedy is no longer the sole domain of humanity: "Rather than limiting tragedy to an artistic genre — written by a playwright and performed on stage — it is helpful to loosen up these criteria, giving it much broader scope. For tragedy does not always hinge on human authors and human victims" (Dimock 68). The collapse and derogation of the natural environment is a tragedy in itself: our being dislodged and our troubled individuality are surely tragic too, but the fall of that bigger body of which we are a part — the fall of nature — is a tragic one. The question is not whether nature will survive: it will, but diminished. The question — if we may borrow a line from Robert Frost — "is what to make of a diminished thing" (118). Theorizing tragedy for the modern world is necessary. Theorizing tragedy to address the diminishing of nature (a diminishing that is itself a direct result of ecophobia) is more than an act of political engagement: it is activist in the sense that it changes how we see and behave. Along with the evolution of humanist notions of rights extending beyond the human, tragic theory too must evolve to address what it is that patterns the perception and representation of ecological disasters as both terrorism and tragedy: "The moments of crisis in a community's understanding of itself" (Poole 36) that tragedy stages are moments in the narrative of ecophobia.

Notwithstanding sometimes hostile responses to the theorizing of ecophobia (perhaps from people who think that humanity is motivated only by altruism and benevolence), it is necessary to continue theorizing this sometimes contentious topic. No point in preaching to the choir. Marc Bekoff, one of the 2011 ASLE plenary speakers, made precisely this point and argued that for him, it is important "to appeal to people who don't agree with me, rather than to preach to the converted, because this is where change occurs" (11). This is at least one place where activism is to be found. In times like ours relocating the limits of activist and academic coexistence means taking to heart the importance of the work that we do, the budging of the mindset that is unsustainable, the constant hammering away at the problems — not with a shot-in-the-dark ("it might hit something") or trickle-down ("it might grow") goal, but with trust in the fact that the arguments and connections we are making are right, and every single person we teach or reach is one more person behind us. In times like ours when the natural environment increasingly intrudes into the affairs of humanityin ways increasingly understood in terms of terror, expanding the definitional range of tragedy to accommodate nonhuman agency will allow us to see the world more accurately. In times like ours, however much we may rail against elitism and hierarchy and class disparities, it remains a fact that all of us professors and students here right now reading this work and study in an elite venue, not a park setting where admission is free to all and sundry or a public square where we are likely to rile revolutionary masses, but a university or college, an institution at which most of our neighbors do not work. In times like ours, however activist we may want to be, our practices are unsustainable. In times like ours, when bombs go off in Boston and men fly airplanes into buildings; when hurricanes wipe out cities and other severe weather events randomly and unpredictably erase things humanity has tried hard to establish; in times like these when it is hard not to hear ecocritics grasping, struggling, and committed to having an effect but terribly troubled about how theory distances us from intervening in real world problems, it is necessary to theorize about ecophobia, terror, and tragedy.

#### The 1AC’s quick-fix solution glosses over the ontological questioning of the human subject. The drive to prevent our inevitable extinction is an example of the same human hubris which has caused the 1AC’s scenarios in the first place.

**Scranton 13**—department of English at Princeton (Roy, November 10th, “Learning How to Die in the Anthropocene”, <http://opinionator.blogs.nytimes.com/2013/11/10/learning-how-to-die-in-the-anthropocene/?_r=1&>,)

The challenge the Anthropocene poses is a challenge not just to national security, to food and energy markets, or to our “way of life” — though these challenges are all real, profound, and inescapable. The greatest challenge the Anthropocene poses may be to our sense of what it means to be human. Within 100 years — within three to five generations — we will face average temperatures 7 degrees Fahrenheit higher than today, rising seas at least three to 10 feet higher, and worldwide shifts in crop belts, growing seasons and population centers. Within a thousand years, unless we stop emitting greenhouse gases wholesale right now, humans will be living in a climate the Earth hasn’t seen since the Pliocene, three million years ago, when oceans were 75 feet higher than they are today. We face the imminent collapse of the agricultural, shipping and energy networks upon which the global economy depends, a large-scale die-off in the biosphere that’s already well on its way, and our own possible extinction. If homo sapiens (or some genetically modified variant) survives the next millenniums, it will be survival in a world unrecognizably different from the one we have inhabited.

Geological time scales, civilizational collapse and species extinction give rise to profound problems that humanities scholars and academic philosophers, with their taste for fine-grained analysis, esoteric debates and archival marginalia, might seem remarkably ill suited to address. After all, how will thinking about Kant help us trap carbon dioxide? Can arguments between object-oriented ontology and historical materialism protect honeybees from colony collapse disorder? Are ancient Greek philosophers, medieval theologians, and contemporary metaphysicians going to keep Bangladesh from being inundated by rising oceans?

Of course not. But the biggest problems the Anthropocene poses are precisely those that have always been at the root of humanistic and philosophical questioning: “What does it mean to be human?” and “What does it mean to live?” In the epoch of the Anthropocene, the question of individual mortality — “What does my life mean in the face of death?” — is universalized and framed in scales that boggle the imagination. What does human existence mean against 100,000 years of climate change? What does one life mean in the face of species death or the collapse of global civilization? How do we make meaningful choices in the shadow of our inevitable end?

These questions have no logical or empirical answers. They are philosophical problems par excellence. Many thinkers, including Cicero, Montaigne, Karl Jaspers, and The Stone’s own Simon Critchley, have argued that studying philosophy is learning how to die. If that’s true, then we have entered humanity’s most philosophical age — for this is precisely the problem of the Anthropocene. The rub is that now we have to learn how to die not as individuals, but as a civilization.

III.

Learning how to die isn’t easy. In Iraq, at the beginning, I was terrified by the idea. Baghdad seemed incredibly dangerous, even though statistically I was pretty safe. We got shot at and mortared, and I.E.D.’s laced every highway, but I had good armor, we had a great medic, and we were part of the most powerful military the world had ever seen. The odds were good I would come home. Maybe wounded, but probably alive. Every day I went out on mission, though, I looked down the barrel of the future and saw a dark, empty hole.

“For the soldier death is the future, the future his profession assigns him,” wrote Simone Weil in her remarkable meditation on war, “The Iliad or the Poem of Force.” “Yet the idea of man’s having death for a future is abhorrent to nature. Once the experience of war makes visible the possibility of death that lies locked up in each moment, our thoughts cannot travel from one day to the next without meeting death’s face.” That was the face I saw in the mirror, and its gaze nearly paralyzed me.

I found my way forward through an 18th-century Samurai manual, Yamamoto Tsunetomo’s “Hagakure,” which commanded: “Meditation on inevitable death should be performed daily.” Instead of fearing my end, I owned it. Every morning, after doing maintenance on my Humvee, I’d imagine getting blown up by an I.E.D., shot by a sniper, burned to death, run over by a tank, torn apart by dogs, captured and beheaded, and succumbing to dysentery. Then, before we rolled out through the gate, I’d tell myself that I didn’t need to worry, because I was already dead. The only thing that mattered was that I did my best to make sure everyone else came back alive. “If by setting one’s heart right every morning and evening, one is able to live as though his body were already dead,” wrote Tsunetomo, “he gains freedom in the Way.”

I got through my tour in Iraq one day at a time, meditating each morning on my inevitable end. When I left Iraq and came back stateside, I thought I’d left that future behind. Then I saw it come home in the chaos that was unleashed after Katrina hit New Orleans. And then I saw it again when Sandy battered New York and New Jersey: Government agencies failed to move quickly enough, and volunteer groups like Team Rubicon had to step in to manage disaster relief.

Now, when I look into our future — into the Anthropocene — I see water rising up to wash out lower Manhattan. I see food riots, hurricanes, and climate refugees. I see 82nd Airborne soldiers shooting looters. I see grid failure, wrecked harbors, Fukushima waste, and plagues. I see Baghdad. I see the Rockaways. I see a strange, precarious world.

Our new home.

The human psyche naturally rebels against the idea of its end. Likewise, civilizations have throughout history marched blindly toward disaster, because humans are wired to believe that tomorrow will be much like today — it is unnatural for us to think that this way of life, this present moment, this order of things is not stable and permanent. Across the world today, our actions testify to our belief that we can go on like this forever, burning oil, poisoning the seas, killing off other species, pumping carbon into the air, ignoring the ominous silence of our coal mine canaries in favor of the unending robotic tweets of our new digital imaginarium. Yet the reality of global climate change is going to keep intruding on our fantasies of perpetual growth, permanent innovation and endless energy, just as the reality of mortality shocks our casual faith in permanence.

The biggest problem climate change poses isn’t how the Department of Defense should plan for resource wars, or how we should put up sea walls to protect Alphabet City, or when we should evacuate Hoboken. It won’t be addressed by buying a Prius, signing a treaty, or turning off the air-conditioning. The biggest problem we face is a philosophical one: understanding that this civilization is already dead. The sooner we confront this problem, and the sooner we realize there’s nothing we can do to save ourselves, the sooner we can get down to the hard work of adapting, with mortal humility, to our new reality.

The choice is a clear one. We can continue acting as if tomorrow will be just like yesterday, growing less and less prepared for each new disaster as it comes, and more and more desperately invested in a life we can’t sustain. Or we can learn to see each day as the death of what came before, freeing ourselves to deal with whatever problems the present offers without attachment or fear.

#### And the hierarchy between the human and nonhuman leads to billions of deaths per year and categorically outweighs. Unabated anthropocentrism is the only thing which can guarantee planetary extinction

Best 7 – Associate Professor at the University of Texas in the Department of Humanities and Philosophy (Steven, “Eternal Treblinka: Our Treatment of Animals and the Holocaust, by Charles Patterson” *Journal for Critical Animal Studies*, <http://www.criticalanimalstudies.org/JCAS/Journal_Articles_download/Issue_7/bestpatterson.pdf>)

Too manypeople with pretences to ethics, compassion, decency, justice, love, and other stellar values of humanity at its finestresist the profound analogies between animal and human slavery and animal and human holocausts, in order to devalue or trivialize animal suffering and avoid the responsibility of the weighty moral issues confronting them. The moral myopia of humanism is blatantly evident when people who have been victimized by violence and oppression decry the fact that they “were treated like animals” – as if it is acceptable to brutalize animal, but not humans**.** If there is a salient disanalogy or discontinuity between the tyrannical pogroms launched against animals and humans, it lies not in the fallacious assumption that animals do not suffer physical and mental pain similar to humans, but rather that animals suffer more than humans, both quantitatively (the intensity of their torture, such as they endure in fur farms, factory farms, and experimental laboratories) and qualitatively (the number of those who suffer and die). And while few oppressed human groups lack moral backing, sometimes on an international scale, one finds not mass solidarity with animals but rather mass consumption of them. As another Nobel Prize writer in Literature, South African novelist writer J. M. Coetzee, forcefully stated: “Let me say it openly: we are surrounded by an enterprise of degradation, cruelty, and killing which rivals anything the Third Reich was capable of, indeed dwarfs it, in that ours is an enterprise without end, self-regenerating, bringing rabbits, rats, poultry, livestock ceaselessly into the world for the purpose of killing them.”37 Every year, throughout the world, over 45 billion farmed animals currently are killed for food consumption.38 This staggering number is nearly eight times the present human population. In the US alone, over 10 billion animals are killed each year for food consumption – 27 million each day, nearly 19,000 per minute. Of the 10 billion land animals killed each year in the US, over 9 billion are chickens; every day in the US, 23 million chickens are killed for human consumption, 269 per second. In addition to the billions of land animals consumed, humans also kill and consume 85 billion marine animals (17 billion in the US).39 Billions more animals die in the name of science, entertainment, sport, or fashion (i.e., the leather, fur, and wool industries), or on highways as victims of cars and trucks. Moreover, ever more animal species vanish from the earth as we enter the sixth great extinction crisis in the planet’s history, this one caused by human not natural events, the last one occurring 65 million years ago with the demise of the dinosaurs and 90% of all species on the planet. It is thus appropriate to recall the saying by English clergyman and writer, William Ralph Inge, to the effect that: "We have enslaved the rest of the animal creation, and have treated our distant cousins in fur and feathers so badly that beyond doubt, if they were able to formulate a religion, they would depict the Devil in human form."

The construction of industrial stockyards, the total objectification of nonhuman animals, and the mechanized murder of innocent beings should have sounded a loud warning to humanity that such a process might one day be applied to them, as it was in Nazi Germany. If humans had not exploited animals, moreover, they might not have exploited humans, or, at the very least, they would not have had handy conceptual models and technologies for enforcing domination over others. “A better understanding of these connections,” Patterson states, “should help make our planet a more humane and livable place for all of us – people and animals alike, A new awareness is essential for the survival of our endangered planet.”40

#### The alternative is an imagining of the global suicide of humanity – we must abandon our stranglehold over the domination of life in order to envision a more ethical future

Kochi and Ordan 8 – Lecturer in Law and International Security at the U of Sussex, and \*Research in Translation Studies at Bar Ilan U, (Tarik and Noam, “An argument for the global suicide of humanity” borderlands”, http://findarticles.com/p/articles/mi\_6981/is\_3\_7/ai\_n31524968/

How might such a standpoint of dialectical, utopian anti-humanism reconfigure a notion of action which does not simply repeat in another way the modern humanist infliction of violence, as exemplified by the plan of Hawking, or fall prey to institutional and systemic complicity in speciesist violence? While this question goes beyond what it is possible to outline in this paper, **we contend that** **the thought experiment of global suicide helps to locate this question--the question of modern action itself--as residing at the heart of the** modern environmental **problem**. In a sense perhaps the only way to understand what is at stake in ethical action which responds to the natural environment is to come to terms with the logical consequences of ethical action itself. **The point operates then not as the end, but as the starting point of a standpoint which attempts to reconfigure our notions of action, life-value, and harm**.

For some, guided by the pressure of moral conscience or by a practice of harm minimisation, the appropriate response to historical and contemporary environmental destruction is that of action guided by abstention. For example, one way of reacting to mundane, everyday complicity is the attempt to abstain or opt-out of certain aspects of modern, industrial society: to not eat non-human animals, to invest ethically, to buy organic produce, to not use cars and buses, to live in an environmentally conscious commune. Ranging from small personal decisions to the establishment of parallel economies (think of organic and fair trade products as an attempt to set up a quasi-parallel economy), a typical modern form of action is that of a refusal to be complicit in human practices that are violent and destructive. Again, however, at a practical level, to what extent are such acts of nonparticipation rendered banal by their complicity in other actions? In a grand register of violence and harm the individual who abstains from eating non-human animals but still uses the bus or an airplane or electricity has only opted out of some harm causing practices and remains fully complicit with others. **One response, however, which bypasses** the problem of **complicity** and the banality **of action is to take the non-participation solution to its** most **extreme** level. In this instance, the only way to truly be non-complicit in the violence of the human heritage would be to opt-out altogether. Here, then, the modern discourse of reflection, responsibility and action runs to its logical conclusion--the **global suicide of humanity**--as a free-willed and 'final solution'.

While we are not interested in the discussion of the 'method' of the global suicide of humanity per se, one method that would be the least violent is that of humans choosing to no longer reproduce. [10] The case at point here is that the global suicide of humanity would be a moral act; it would take humanity out of the equation of life on this earth and remake the calculation for the benefit of everything nonhuman. While suicide in certain forms of religious thinking is normally condemned as something which is selfish and inflicts harm upon loved ones, the global suicide of humanity would be the highest act of altruism. That is, global suicide would involve the taking of responsibility for the destructive actions of the human species. By eradicating ourselves we end the long process of inflicting harm upon other species and offer a human-free world. If there is a form of divine intelligence then surely the human act of global suicide will be seen for what it is: a profound moral gesture aimed at redeeming humanity. Such an act is an offer of sacrifice to pay for past wrongs that would usher in a new future. Through the death of our species we will give the gift of life to others.

It should be noted nonetheless that our proposal for the global suicide of humanity is based upon the notion that such a radical action needs to be voluntary and not forced. In this sense, and given the likelihood of such an action not being agreed upon, it operates as a thought experiment which may help humans to radically rethink what it means to participate in modern, moral life within the natural world. In other words, whether or not the act of global suicide takes place might well be irrelevant. What is more important is the form of critical reflection that an individual needs to go through before coming to the conclusion that the global suicide of humanity is an action that would be worthwhile. The point then of a thought experiment that considers the argument for the global suicide of humanity is the attempt to outline an anti-humanist, or non-human-centric ethics. Such an ethics attempts to take into account both sides of the human heritage: the capacity to carry out violence and inflict harm and the capacity to use moral reflection and creative social organisation to minimise violence and harm. Through the idea of global suicide such an ethics reintroduces a central question to the heart of moral reflection: To what extent is the value of the continuation of human life worth the total harm inflicted upon the life of all others? Regardless of whether an individual finds the idea of global suicide abhorrent or ridiculous, this question remains valid and relevant and will not go away, no matter how hard we try to forget, suppress or repress it.

#### And any complicity in the system is destructive – individual reflection is critical

Kochi and Ordan 8 – Lecturer in Law and International Security at the U of Sussex, and \*Research in Translation Studies at Bar Ilan U, (Tarik and Noam, “An argument for the global suicide of humanity” borderlands”, http://findarticles.com/p/articles/mi\_6981/is\_3\_7/ai\_n31524968/

In one sense, the human individual’s modern complicity in environmental violence represents something of a bizarre symmetry to Hannah Arendt’s notion of the ‘banality of evil’ (Arendt, 1994). For Arendt, the Nazi regime was an emblem of modernity, being a collection of official institutions (scientific, educational, military etc.) in which **citizens** and soldiers alike **served as clerks in a bureaucratic mechanism** run by the state. These individuals committed evil, but they did so in a very banal manner: fitting into the state mechanism, following orders, filling in paperwork, working in factories, driving trucks and generally respecting the rule of law. In this way perhaps all individuals within the modern industrial world carry out a banal evil against the environment simply by going to work, sitting in their offices and living in homes attached to a power grid. Conversely, those individuals who are driven by a moral intention to not do evil and act so as to save the environment, are drawn back into a banality of the good. By their ability to effect change in only very small aspects of their daily life, or in political-social life more generally, modern individuals are forced to participate in the active destruction of the environment even if they are the voices of contrary intention. What is ‘banal’ in this sense is not the lack of a definite moral intention but, rather, the way in which the individual’s or institution’s participation in everyday modern life, and the unintentional contribution to environmental destruction therein, contradicts and counteracts the smaller acts of good intention.

### 1nc

#### The state of exception is the new norm. The juridico-political system is founded upon the use of law in order to justify lawlessness and violent biopolitics. The affirmative’s call to reign in executive power through law fails to recognize that the problem is the appeal to law itself. The status quo guarantees a violent norm which ensures global civil war.

Agamben 05. Giorgio Agamben, famous philosopher, The State of Exception, pg. 85

\*anomie – state or condition characterized by a breakdown or absence of norms (lawlessness)

It is perhaps possible at this point to look back upon the path trav- eled thus far and draw some provisional conclusions from our investi- gation of the state of exception. The juridical system of the West appears as a double structure, formed by two heterogeneous yet coordinated el- ements: one that is normative and juridical in the strict sense (which we can for convenience inscribe under the rubric potestas) and one that is anomic and metajuridical (which we can call by the name auctoritas).

The normative element needs the anomic element in order to be ap- plied, but, on the other hand, auctoritas can assert itself only in the val- idation or suspension of potestas. Because it results from the dialectic between these two somewhat antagonistic yet functionnally connected elements, the ancient dwelling of law is fragile and, in straining to main- tain its own order, is always already in the process of ruin and decay. The state of exception is the device that must ultimately articulate and hold together the two aspects of the juridico-political machine by instituting a threshold of undecidability between anomie and nomos, between life and law, between auctoritas and potestas. It is founded on the essential fiction according to which anomie (in the form of auctoritas, living law, or the force of law) is still related to the juridical order and the power to suspend the norm has an immediate hold on life. As long as the two el- ements remain correlated yet conceptually, temporally, and subjectively distinct (as in republican Rome’s contrast between the Senate and the people, or in medieval Europe’s contrast between spiritual and temporal powers) their dialectic—though founded on a fiction—can nevertheless function in some way. But when they tend to coincide in a single per- son, when the state of exception, in which they are bound and blurred together, becomes the rule, then **the juridico-political system transforms itself into a killing machine.**

6.10 The aim of this investigation—in the urgency of the state of ex- ception “in which we live”—was to bring to light the fiction that governs this arcanum imperii [secret of power] par excellence of our time. What the “ark” of power contains at its center is the state of exception—but this is essentially an empty space, in which a human action with no re- lation to law stands before a norm with no relation to life.

This does not mean that the machine, with its empty center, is not effective; on the contrary, what we have sought to show is precisely that it has continued to function almost **without interruption from World War One, through fascism and National Socialism, and up to our own time**. Indeed, the state of exception has today reached its maximum worldwide deployment. The normative aspect of law can thus be obliter- ated and contradicted with impunity by a governmental violence that— while ignoring international law externally and producing a permanent state of exception internally—nevertheless **still claims to be applying the law.**

Of course, the task at hand is not to bring the state of exception back within its spatially and temporally defined boundaries in order to then reaffirm the primacy of a norm and of rights that are themselves ulti- mately grounded in it. From the real state of exception in which we live, **it is not possible to return to the state of law** [stato di diritto], for at issue now are the very concepts of “state” and “law.” But if it is possible to attempt to halt the machine, to show its central fiction, this is because between violence and law, between life and norm, there is no substantial articulation. Alongside the movement that seeks to keep them in rela- tion at all costs, there is a countermovement that, working in an inverse direction in law and in life, **always seeks to loosen what has been artifi- cially and violently linked**. That is to say, in the field of tension of our culture, two opposite forces act, one that institutes and makes, and one that deactivates and deposes. The state of exception is both the point of their maximum tension and—as it coincides with the rule—that which threatens today to render them indiscernible. To live in the state of ex- ception means to experience both of these possibilities and yet, by always separating the two forces, ceaselessly to try to interrupt the working of the machine that is leading the West toward global civil war.

#### And the aff’s legal approach only serves to normalize the state of exception – by creating a legal framework for the deployment of offensive cyberoperations, the affirmative legitimizes their ‘legal’ military use

Gregory 11. Derek Gregory, professor of geography at the University of British Columbia, “The Everywhere War,” he Geographical Journal, Vol. 177, No. 3, September 2011, pg. 246

The question is a good one, but it needs to be directed outwards as well as inwards. For the United States is also developing an offensive capacity in cyberspace, and the mission of CYBERCOM includes the requirement ‘to prepare to, and when directed conduct, full-spectrum military cyberspace opera- tions in order to enable actions in all domains’. This is a programmatic statement, and there are difficult con- ceptual, technical and operational issues to be resolved. The concept of the ‘cyber kill-chain’ has already made its appearance: software engineers at Lockheed Martin have identified seven phases or ‘border-crossings’ in cyberspace through which all advanced persistent intrusions must pass so that, con- versely, blocking an attack at any one of them (dislo- cating any link in the kill-chain) makes it possible ‘to turn asymmetric battle to the defender’s advantage’ (Croom 2011; Holcomb and Shrewsbury 2011). The issues involved are also ethical and legal. Debate has been joined about what constitutes an armed attack in cyberspace and how this might be legally codified (Dipert 2010; Nakashima 2010), and most of all about how to incorporate the protection of civilians into the conduct of cyber warfare. In the ‘borderless realm of cyberspace’ Hughes (2010, 536) notes that the boundary between military and civilian assets – and hence military and civilian targets – becomes blurred, which places still more pressure on the already stressed laws of armed conflict that impose a vital distinction between the two (Kelsey 2008). Pre- paring for offensive operations includes developing a pre-emptive precision-strike capacity, and this is – precisely – why Stuxnet is so suggestive and why Shakarian (2011) sees it as inaugurating ‘a revolution in military affairs in the virtual realm’. Far from ‘carpet bombing’ cyberspace, Gross (2011) describes Stuxnet as a ‘self-directed stealth drone’ that, like the Predator and the Reaper, is ‘the new face of twenty- first century warfare’. Cyber wars will be secret affairs, he predicts, waged by technicians ‘none of whom would ever have to look an enemy in the eye. For people whose lives are connected to the targets, the results could be as catastrophic as a bombing raid but would be even more disorienting. People would suffer, but [they] would never be certain whom to blame.’

Contrapuntal geographies

I have argued elsewhere that the American way of war has changed since 9/11, though not uniquely because of it (Gregory 2010), and there are crucial continuities as well as differences between the Bush and Obama administrations: ‘The man who many considered the peace candidate in the last election was transformed into the war president’ (Carter 2011, 4). This requires a careful telling, and I do not mean to reduce the three studies I have sketched here to a single interpretative narrative. Yet there are connections between them as well as contradictions, and I have indicated some of these en route. Others have noted them too. Pakistan’s President has remarked that the war in Afghanistan has grave consequences for his country ‘just as the Mexican drug war on US borders makes a difference to American society’, and one scholar has suggested that the United States draws legal authority to conduct military operations across the border from Afghanistan (including the killing of bin Laden, codenamed ‘Geronimo’) from its history of extra-territorial opera- tions against non-state actors in Mexico in the 1870s and 1880s (including the capture of the real Geronimo) (Margolies 2011). Whatever one makes of this, one of the most persistent threads connecting all three cases is the question of legality, which runs like a red ribbon throughout the prosecution of late modern war. On one side, commentators claim that new wars in the global South are ‘non-political’, intrinsically predatory criminal enterprises, that cartels are morphing into insurgencies, and that the origins of cyber warfare lie in the dark networks of cyber crime; on the other side, the United States places a premium on the rule and role of law in its new counterinsurgency doctrine, accentuates the involvement of legal advisers in targeting decisions by the USAF and the CIA, and even as it refuses to confirm its UAV strikes in Pakistan provides arguments for their legality.

The invocation of legality works to marginalise ethics and politics by making available a seemingly neutral, objective language: disagreement and debate then become purely technical issues that involve matters of opinion, certainly, but not values. The appeal to legality – and to the quasi-judicial process it invokes – thus helps to authorise a widespread and widening militarisation of our world. While I think it is both premature and excessive to see this as a transformation from governmentality to ‘militariality’ (Marzec 2009), I do believe that Foucault’s (2003) injunction – ‘Society must be defended’ – has been transformed into an unconditional imperative since 9/11 and that this involves an intensifying triangulation of the planet by legality, security and war. We might remember that biopolitics, one of the central projects of late modern war, requires a legal armature to authorise its interven- tions, and that necropolitics is not always outside the law. This triangulation has become such a common- place and provides such an established base-line for contemporary politics that I am reminded of an inter- view with Zizek soon after 9/11 – which for him marked the last war of the twentieth century – when he predicted that the ‘new wars’ of the twenty-first century would be distinguished by a radical uncertainty: ‘it will not even be clear whether it is a war or not’ (Deich- mann et al. 2002).

#### Their use of law plays into a rigged game of law which adds more illusory safeguards which can be subverted whenever the government sees fit.

Krasmann 12. Susanne Krasmann, Professor of Sociology at the Institute for Criminological Research, University of Hamburg, “Law's knowledge: On the susceptibility and resistance of legal practices to security matters, “Theoretical Criminology 2012 16: 379 originally published online 4 June 2012, pg. 380

In the face of these developments, a new debate on how to contain governmental interference in the name of security has emerged. What is remarkable about this debate is that, on the one hand, it aims at establishing more civil and human rights and attendant procedural safeguards that allow for systematically calling into question the derogation of laws and the implementation of new laws in the name of security. On the other hand, it recognizes the existence of a new dimension of threats, particularly in the aftermath of the terror attacks of 11 September 2001. As John Ferejohn and Pasquale Pasquino (2004: 228), for instance, contend:

We are faced, nowadays, with serious threats to the public safety that can occur anywhere and that cannot terminate definitively. ... If we think that the capacity to deal effectively with emergencies is a precondition for republican government, then it is necessary to **ask how emergency powers can be controlled in modern circumstances.**

Adequate legal frameworks and institutional designs are required that would enable us to ‘reconcile’ security with (human) rights, as Goold and Lazarus (2007b: 15) propose, and enduring emergency situations with the rule of law.

Traditional problems in the relationship between law and security government within this debate form a point of departure of critical considerations:2 emergency government today, **rather than facing the problem of gross abuses of power,** has to deal with the persistent danger of the exceptional becoming normal (see Poole, 2008: 8). Law gradually adjusts to what is regarded as ‘necessary’.3 Hence, law not only constrains, but at the same time also authorizes governmental interference. Furthermore, mainstream approaches that try to balance security and liberty are rarely able, or willing, to expose fully the trade-offs of their normative presuppositions: ‘[T]he metaphor of balance is used as often to justify and defend changes as to challenge them’ (Zedner, 2005: 510). Finally, political responses to threats never overcome the uncertainty that necessarily accompanies any decision addressing future events. To ignore this uncertainty, in other words, is to ignore the political moment any such decision entails, thus exempting it from the possibility of dissent.

Institutional arrangements that enforce legislative control and enable citizens to claim their rights are certainly the appropriate responses to the concern in question, namely that security gradually seizes political space and transforms the rule of law in an inconspicuous manner. They establish political spaces of dispute and provide sticking points against all too rapidly launched security legislation, and thus may foster a ‘culture of justification’, as David Dyzenhaus (2007) has it: political decisions and the exercise of state power are to be ‘justified by law’, in a fundamental sense of a commitment to ‘the principles of legality and respect for human rights’ (2007: 137). Nonetheless, most of these accounts, in a way, simply add more of the same legal principles and institutional arrangements that are well known to us. To frame security as a public good and ensure that it is a subject of democratic debate, as Ian Loader and Neil Walker (2007) for example demand, is a promising alternative to denying its social relevance. The call for security to be ‘civilized’, though, once again echoes the truly modern project of dealing with its inherent discontents. The limits of such a commitment to legality and a political ‘culture of justification’ (so termed for brevity) will be illustrated in the following section. Those normative endeavours will be challenged subsequently by a Foucauldian account of law as practice. Contrary to the idea that law can be addressed as an isolated, ideal body and thus treated like an instrument according to normative aspirations, the present account renders law’s reliance on forms of knowledge more discernable. Law is susceptible, in particular to security matters. As a practice, it constantly transforms itself and, notably, articulates its normative claims depending upon the forms of knowledge brought into play. Contrary to the prevailing debate on emergency government, this perspective enables us, on the one hand, to capture how certain forms of knowledge become inscribed into the law in a way that goes largely unnoticed**.** This point will be discussed on the example of automated surveillance technologies, which facilitate a particular rationality of pre-emptive action. The conception of law as a practice, on the other hand, may also be understood as a tool of critique and dissent. The recent torture debate is an extreme example of this, whereby torture can be regarded as a touchstone of law’s resistance to its own abrogation.

#### The alternative is a refusal of sovereign power through an ethos of hacking. In the terrain of cyberspace, hacking allows a modern form of civil disobedience which allows us to clog the sovereign machine

Cox and Knahl 11. Geoff Cox Researcher in Digital Aesthetics as part of the Digital Urban Living Research Center, Aarhus University (DK). He is also an occasional artist, and Associate Curator of Online Projects, Arnolfini, Bristol (UK), adjunct faculty, Transart Institute, Berlin/New York (DE/US), Associate Professor (Reader), University of Plymouth (UK), where he is part ofKURATOR/Art and Social Technologies Research group, and Martin Knahl, Lecturer at the University of Plymouth. He is a Research Fellow at the Centre for Information Security and Network Research, “NeMe: Critique of Software Violence,” <http://www.neme.org/1300/critique-of-software-security>, May 2011

When no other choice is possible, software violence might be the answer – replacing the strike in the form of software that Deleuze anticipated when he claimed: ‘Computer piracy and viruses, for example, will replace strikes and what the nineteenth century called “sabotage” (“clogging” the machinery).’ (1990) There are many examples of artists and activists working in this way through direct action and hacking. Hackers, crackers,[13](http://www.neme.org/1300/critique-of-software-security" \l "fn13) or system intruders are generally understood as those who attempt to penetrate security systems on remote computers, but this is a pejorative use of the term. In general it simply refers to a person who was capable of creating hacks, or demonstrating technical virtuosity (Levy 1984). The ethical principles of hacking reflect these concerns:

Access to computers – and anything that might teach you something about the way the world really works – should be unlimited and total.  
Always yield to the Hands-On Imperative!

All information should be free.

Mistrust authority – promote decentralization.

Hackers should be judged by their acting, not bogus criteria such as degrees, age, race, or position.

You can create art and beauty on a computer.

Computers can change your life for the better.

Don’t litter other people’s data.

Make public data available, protect private data.[14](http://www.neme.org/1300/critique-of-software-security#fn14)

In keeping with these principles, it should be stated that most hackers condemn attacks against communication systems. In 1999, the Chaos Computer Club joined an international coalition of hacker groups (including the Cult of the Dead Cow)[15](http://www.neme.org/1300/critique-of-software-security" \l "fn15) to condemn the use of networks as battlegrounds in their declaration for ‘info peace’: ‘DO NOT support any acts of “Cyberwar”. Keep the networks of communication alive. They are the nervous system for human progress.’[16](http://www.neme.org/1300/critique-of-software-security#fn16)

An excellent example of non-violent direct action is the FloodNet tactical software developed in 1998 by the Electronic Disturbance Theater.[17](http://www.neme.org/1300/critique-of-software-security#fn17) The FloodNet implementation is based on Java applets that assists in the execution of virtual sit-ins or online civil acts of disobedience, and offered as a tool to enable protestors to effectively shut down web servers of target institutions, by flooding them with requests. The requests are automatically reloaded at high frequencies to cause an excessive amount of traffic on the server so that other users are not able to access the website. It further enables users to post statements to a targeted site by transmitting them to the server’s log files:

‘By the selection of phases for use in building the “bad” urls , for example using “human\_rights” to form the url “http://www.xxx.gb.mx/human\_rights”, the FloodNet is able to upload messages to server error logs by intentionally asking for a non-existent url. This causes the server to return messages like “human\_ rights not found on this server.” This works because of the way many http servers process requests for web pages that do not exist. FloodNet’s Java applet asks the targeted server for a directory called, in this example, “human\_rights”, but since that directory doesn’t exist, the server returns the familiar “File not Found” or “Error 404” message, recording the bad request. This is a unique way to leave a message on that server.’ (Stalbaum)[18](http://www.neme.org/1300/critique-of-software-security" \l "fn18)

The tactic follows the hacker sensibility in opening up existing security vulnerabilities in the system. As ever, power continues to produce its own vulnerability but the question of violence is more unsettling and paradoxical. For some hackers, the ethical practices of free software represent a move away from the use of violence.[19](http://www.neme.org/1300/critique-of-software-security#fn19) However what this essay has tried to establish is how violence is simply unavoidable and is inherent to the socio-technical structures of networks. In addition, insecurity is promoted by a burgeoning security industry that creates both awareness and fear regarding perceived insecurity,[20](http://www.neme.org/1300/critique-of-software-security#fn20) intensifying the dependency of users on its software and at the same time engendering a growing ambivalence even amongst security professionals who recognise that ‘security causes its own type of harm’.[21](http://www.neme.org/1300/critique-of-software-security#fn21)

The actions of software dissidents can be seen to extend network forms of antagonism and the justification of certain means that constitute violence – further evoking Benjamin’s essay. Moreover, software is necessarily violent even when it appears nonviolent.

### 1nc

#### The United States federal government should

#### establish a declaratory policy that clearly defines cyberspace weapons, reserves the right to use anticipatory self-defense against cyberspace attacks, and clearly define a cyberspace attack and rejects the application of treaties and statutes that defined “armed conflict” to cyberspace weapons or cyberspace attacks

#### establish a process for imposing targeted financial sanctions on state and non-state actors that engage in pernicious cyberactivity.

specifically, the president should

#### issue an Executive Order establishing a presumptive legal framework for offensive cyber operations based on the covert action statute

#### , should announce a policy for the use of mitigative counterstrikes in response to cyberattacks and clarify that this retaliation would not be limited to a response on cyber assets

#### The counterplan clarifies the definition of ‘offensive cyber operation’ without constraining the president from attacking at a moment’s notice or establishing airtight legal norms – this is crucial to establish deterrence and solves the case

**Todd 9** [2009, Air Force Law Review, 64 A.F. L. Rev. 65, “CYBERLAW EDITION: ARMED ATTACK IN CYBERSPACE: DETERRING ASYMMETRIC WARFARE WITH AN ASYMMETRIC DEFINITION”, Major Graham H. Todd (B.S., U.S. Air Force Academy (1993); M.A., University of Kansas (1994); J.D., Florida State University (2001)) is currently the Chief of Operations Law at Eighth Air Force, Barksdale Air Force Base, Louisiana. He is a member of the Florida Bar]

[\*66] I. INTRODUCTION Change has come and gone. While academics have been discussing methods to define the use of force in cyberspace, governments and policy makers may have missed an opportunity to shape the law of war. Just like a child "pinching" a peppermint from the candy store while the owner was not looking, someone may have successfully launched two cyberspace attacks, and no one called either one an unlawful use of force or armed attack. Did a state actor set a precedent that could become part of customary international law? Every day there are new stories and developments about the increasing connectivity of people around the world spurred by the continued fast pace of technological developments in the computer and communications industries. Military applications of cyberspace are also rapidly evolving, moving the domain of cyberspace to the front lines of conflicts. But, the legal frameworks that regulate war or armed conflict are lagging far behind the technological changes that have already occurred. Today, cyberspace is seamless and transcends international boundaries at the speed of light. Unfortunately, law, especially international law, failed to keep pace with the new applications of existing technologies. n3 On the criminal front, law enforcement agencies are swamped with allegations ranging from identity theft to theft of corporate data, while armed with only a marginally effective process to investigate, extradite, and prosecute international cyberspace criminals. However, the conduct of military operations in and through cyberspace, with potentially greater global implications, is bypassing the currently inadequate mire of international law. What if international law could provide a framework capable of enabling deterrence in cyberspace? [\*67] Scholars have written many articles regarding cyberspace attacks in the international regime and what constitutes a use of force or act of war in cyberspace. n4 Yet, there is no consensus regarding how to define attacks in cyberspace under international law. The unique qualities of operations in cyberspace will make this the most difficult domain in which to resolve international disputes and conflict. In this article, I intend to offer a new methodology for determining armed attacks in cyberspace by using existing criminal law legal tools. Specifically, this methodology will borrow from the criminal law's definitions of cyberspace crimes, in order to craft a definition of a cyberspace weapon. More importantly, by defining cyberspace weapon, this methodology will enable the international community to define what constitutes a cyberspace attack. Providing the legal framework for a definition of cyberspace attack, such as the new methodology outlined in this article, will serve to reduce the potential for conflict in cyberspace.

#### The plan’s imposition of restrictions on anticipatory self-defense collapses deterrence and creates policy ambiguity that turns the aff’s signal – rapid response is key

**Todd 9** [2009, Air Force Law Review, 64 A.F. L. Rev. 65, “CYBERLAW EDITION: ARMED ATTACK IN CYBERSPACE: DETERRING ASYMMETRIC WARFARE WITH AN ASYMMETRIC DEFINITION”, Major Graham H. Todd (B.S., U.S. Air Force Academy (1993); M.A., University of Kansas (1994); J.D., Florida State University (2001)) is currently the Chief of Operations Law at Eighth Air Force, Barksdale Air Force Base, Louisiana. He is a member of the Florida Bar]

IV. APPLYING THE DEFINITIONS AND EXERCISING SELF-DEFENSE IN CYBERSPACE In order to further understand how option three's (issuing an ultimatum that the state could respond in self-defense to cyberspace attacks) use of the proposed definitions will promote peace and reduce the improper use of cyberspace, it is helpful to explore how states could act in response to a cyberspace attack. The doctrine of self-defense relies on two principles: necessity and proportionality. Necessity involves whether effective peaceful means of resolution exist; the nature of the aggression, each party's objectives, and the likelihood of effective intervention by the international community. n69 Proportionality requires limiting the magnitude, scope, and duration of the force used in response to that which is reasonably necessary to counter the threat or attack. n70 The timing of a self-defense action is closely related to the factor of necessity and is a debated issue. A delayed response weakens a state's claim of necessity to defend itself. While an early response in anticipation of attack also draws questions as to the certainty of need for the self-defense action. Looking at necessity and the timing of self-defense actions in cyberspace, the unique qualities of cyberspace again highlight the importance of moving toward a deterrence model. Once a state suffers what it believes to be an armed attack in or through cyberspace, it can arguably satisfy the above requirements of necessity to defend itself. Unfortunately, in cyberspace, there will likely not be sufficient time to consider peaceful resolution of the matter, fully understand the nature of the attack or the intended results, or to mobilize international peacekeeping forces. Thus, the more difficult question related to necessity is how appropriate is anticipatory self-defense in cyberspace? Anticipatory self-defense "justifies use of force in anticipation of an 'imminent' armed attack." n71 Basically, a state need not wait to receive the aggressor's attack and can instead act in self-defense to "repel" the attack. n72 The doctrine "finds it roots in the 1837 Caroline case and subsequent correspondence between then-U.S. Secretary of [\*99] State Daniel Webster and his British Foreign Office counterpart Lord Ashburton." n73 Secretary Webster informed Lord Ashburton that a state can act in self-defense when the circumstances are "instantaneous, overwhelming, and leaving no choice of means and no moment for deliberation." n74 The attributes of cyberspace, especially speed and lethality, seem quite similar to Secretary Webster's factors. Essentially, if a state is fortunate enough to develop information about a developing or planned cyberspace attack against it, the attributes of cyberspace may compel a state to act in its best interest and exercise anticipatory self-defense. The follow-on question involves what a state can do in self-defense, i.e. how is the principle of proportional response applied in and through cyberspace? In cyberspace, there may be a number of ways to technically counter an attack. A state could disconnect itself from cyberspace. However, such a response seems disproportionately burdensome on the victim state and could cause other forms of harm internally. The victim state could quickly counter with anti-virus measures, although such efforts are always a game of "catch-up." The victim state could respond by disconnecting all cyberspace connections with the aggressor state. However, this will only work as long as the aggressor state chooses not to attack through another state. Moreover, such actions require attribution. Because a state needs to know against which state to exercise self-defense, developing reliable attribution represents another difficulty with applying age-old laws and methods to cyberspace. Given that a cyberspace attack comes from another country and could involve communications "hopping" through several other countries, it is nearly impossible for a state to develop attribution without first violating the cyberspace infrastructure and jurisdiction of other states. Currently, to avoid violating another state's cyberspace, states send requests for assistance to cooperating states. The victim state requests help in developing information about the IP address in question and also requests monitoring of that IP address, allowing the state to "hop back" to the next IP address, and then request more help. This "hopping back" process can be painful and long, leaving the victim state vulnerable. However, the traditional police doctrine of hot pursuit is expanding in international law. Under customary international law, ships and planes can follow offending vessels in hot pursuit up to another state's territorial sea or airspace. n75 However, the European Union has adopted the Schengen Agreement that permits law enforcement officials to cross state borders when pursuing a criminal suspected of certain serious [\*100] offenses n76 The agreement provides that the pursuing officers will cease their pursuit upon request of the other state, however, the pursuing officers can request that the other state arrest the suspect. n77 Extending the principles of the Schengen Agreement to the domain of cyberspace seems logical, because attacks in cyberspace are analogous to serious criminal offenses. Permitting hot pursuit is consistent with the proposed definition's efforts to deter states from knowingly acquiescing to cyberspace attacks. Witting host states will find it much harder to hide in the shadow of attribution. Providing victim states with a legal "hot pursuit" capability, including proper coordination mechanisms, will be invaluable to promoting cooperation, reducing crime, and deterring attacks in and through cyberspace. With the ability to more quickly attribute attacks, a state would then have other options to consider under the principle of proportionate response. The victim state could consider firing back in self-defense with a cyberspace weapon at the actual computer(s) used to attack it. This can be reasonably effective if a limited number of computers are involved. n78 However, a victim state will likely remain concerned, due to its limited ability to determine whether more attacks or attacks of increasing severity will follow the initial round of attacks. This challenge may lead a state to consider more serious measures, such as responding with a self-defense attack that involves disrupting a substantial portion of the witting host state's cyberspace. However, the collateral damage from such a self-defense action could be substantial. The questions of necessity and anticipatory self-defense also affect the proportionality decision. Moreover, nothing prohibits states from defending against a cyberspace attack by using kinetic weapons, such as striking a key communication node with a cruise missile or damaging a state's communication satellite(s). The hypotheticals and the potential for conflict abound. Thus, the unique nature of cyberspace and the inability to clearly apply current international laws, norms, and practices make resolution of conflict extremely difficult, and should inspire states to seek a framework of cooperation and deterrence, such as the one I advocate in this article.

#### Targeted financial sanctions solve both state and non-state actors – empirical success of sanctions prove

**Goldman 13** – Executive director of the Center for Law and Security at New York University School of Law (Zachary, April 8th, “Washington's Secret Weapon Against Chinese Hackers” <http://www.foreignaffairs.com/articles/139139/zachary-k-goldman/washingtons-secret-weapon-against-chinese-hackers>) Jacome

If recent announcements are any indication, the Obama administration has heightened its focus on cybersecurity threats. In February, the White House published an executive order directed at improving the cybersecurity of the country’s critical infrastructure. That same month, it also unveiled a new strategy for preventing the theft of U.S. trade secrets. One potentially crucial tool, however, has been largely absent from the discussion of how the United States should address cyberthreats: targeted financial sanctions. Given the success of targeted financial sanctions in other contexts -- namely, counterterrorism and efforts to stem nuclear proliferation -- the Obama administration should establish a process for imposing them on individuals and entities that engage in pernicious cyberactivity.

For a number of reasons, targeted sanctions are particularly well suited to address the threats posed by cyberattacks and cybertheft, and they could form an important part of a larger strategy to mitigate the problem. First, for attacks undertaken by states or their proxies, sanctions could serve as a deterrent against future illicit behavior. This is because states, concerned for their reputations, have an interest in preventing their unlawful activity from being exposed publicly. Late last year, for example, both Beijing and the Chinese company Huawei Technologies strongly objected to a report published by the U.S. House Permanent Select Committee on Intelligence that accused Huawei and another Chinese company of posing a significant cyberthreat to U.S. national security interests. Huawei went so far as to label the report "an exercise in China-bashing.”

Targeted financial sanctions are also well suited to address illicit cyberactivities perpetrated by nonstate actors. For such actors, public sanctions would not only serve as a deterrent; they would limit their access to the U.S. financial system. The Obama administration has imposed targeted financial sanctions against similar nonstate criminal groups in the past -- such as the Yakuza in Japan, Los Zetas in Mexico, and the Camorra in Italy -- as part of its strategy to combat transnational organized crime. Targeted financial sanctions have also played a major role in weakening al Qaeda over the last several years.

#### Now the CP solves the case – the third plank solidifies a clear legal framework to respond to cyberattacks and ensures Congressional info sharing

**Brecher 2012** – JD 2013, University of Michigan Law School (December, Aaron P., Michigan Law Review, “NOTE: Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations”, 111 Mich. L. Rev. 423, Lexis)

III. Enacting the Covert Action Regime as Presumptive via Executive Order

Cyberattacks present a challenge for U.S. policymakers: they are difficult to locate within a clear legal category and there is a significant risk of uncontrollable consequences associated with their use. As a result, policymakers must choose a paradigm to govern their use that will ensure that the executive branch is held accountable and shares information with legislators.

This Part argues that the federal government should adopt the presumption that cyberattacks will be carried out under the covert action statute, and that the best way forward is for the president to issue an executive order making the covert action regime the presumptive framework for cyberattacks. It includes a brief discussion of why a president might willingly constrain her discretion by issuing the proposed executive order. It also shows that while the internal executive processes associated with both military and intelligence legal frameworks help mitigate the risk of cyberattacks' misuse by the executive, only the covert action regime provides an adequate role for Congress. Finally, this Part argues that the executive order option is preferable to one alternative proposed by scholars - enacting legislation - because of the practical difficulties of passing new legislation.

The covert action regime is the best approach for committing cyberattacks under the current law, as it would facilitate cooperation among executive agencies. The debate over which agency and set of legal authorities govern cyberattacks has caused no small amount of confusion. n145 Apparently, an Office of Legal Counsel ("OLC") memorandum declined to decide which legal regime should govern the use of cyberattacks, and the uncertainty has led to interagency squabbles, as well as confusion over how cyberattacks are to be regulated. n146 Establishing a presumptive answer would go far toward resolving this dispute.

Most importantly, adopting the covert action framework as the presumptive legal regime would be a principled way to help ensure constitutional legitimacy when the president orders a cyberattack. n147 There is also reason to believe that presidential power is intimately bound up in credibility, which in turn is largely dependent on the perception of presidential compliance with applicable domestic law. n148 A practice of complying with the covert action [\*448] regime for cyberattacks, both when they do not constitute a use of force and when it is unclear whether they do, is most likely to be in compliance with the law. Compliance with the covert action regime would also encourage covert action procedures in close cases without unduly restricting the executive's choice to use military authorities in appropriate circumstances.

The executive might also issue the proposed order, even though it would limit her freedom in some ways, because of the possible benefits of constraining future administrations or preempting legislative intervention. n149 For example, in this context, an administration may choose to follow the finding and reporting requirements in order to convince Congress that legislative intervention is unnecessary for proper oversight. This is acceptable if the covert action regime is in fact adequate on its own. Moreover, if greater statutory control over cyberattacks is needed, the information shared with Congress may give Congress the tools and knowledge of the issue necessary to craft related legislation. n150 Additionally, while executive orders are hardly binding, the inertia following adoption of an order may help constrain future administrations, which may be more or less trustworthy than the current one. Creating a presumption through an executive order also establishes a stable legal framework for cyberattacks that allows law to follow policy in this new field, and permits decisionmakers to learn more about the nature of cyberoperations before passing detailed statutes that may result in unintended consequences.

A presumption in favor of the title 50 regime for cyberattacks is also desirable because it comports with the reality of an executive constrained by its own internal processes. Though energy, dispatch, and secrecy are among the key advantages the executive possesses over Congress, n151 the existence of a professional bureaucratic corps, including many lawyers, within the executive branch can foster necessary deliberation about important policy decisions. n152 For issues on which there is disagreement among executive agencies, such as a potential turf war between the military and intelligence communities over control of cyberattacks, advisory and adjudicatory bodies such as the Office of Legal Counsel can play a constructive role. n153 Even on an issue such as the best legal regime to govern cyberattacks, which is essentially [\*449] a policy choice, the friction between different competing agencies itself can serve a checking function. n154

#### Now mitigate counterstrikes solve – first it establishes a policy of mitigative counterstrikes which is advocated by their Kesan and Hayes evidence – it concludes

* “We posit that accurate and consistent use of mitigative counterstrikes could serve to deter cyberattacks against”

#### The final plank also clarifies that the retaliation will not be limited to a response on cyber assets which is a direct advocacy from their Kramer evidence as a way to solidify deterrence

### 1nc case

#### No impact to meltdowns

Strupczewski, Institute of Atomic Energy, 03

[1/28/03, A., Institute of Atomic Energy, Swierk, Poland, Applied Energy, “Accident risks in nuclear-power plants,” vol. 75, ScienceDirect]

\*\*\*NPP = nuclear-power plant

\*\*\*TMI = Three Mile Island

\*\*\*OECD = Organisation for Economic Co-operation and Development

1. Safety goals for nuclear power The general safety objective for nuclear-power plants (NPPs) is to protect the individual, society and the environment by establishing and maintaining in NPPs effective measures against radiological hazards. To reach this objective, safety goals for nuclear power were established from the very beginning of its development, and made more demanding as the technology matured. The initial qualitative targets were that no individual should bear a significant additional risk due to nuclear-power plant operation and the societal risks from power-plant operation should not be a significant addition to other societal risks [1]. They were followed by quantitative requirements, which according to US rules set the design targets so that the calculated plant core-damage frequency (CDF) should be less than 10-4 events per reactor year (R–Y) [2], and the calculated large release frequency (LRF) less than 10-6/R–Y for sequences resulting in a greater than 0.25 Sv whole-body dose over 24 h at one-half mile from the reactor. These requirements for NPP design corresponded to the cancer risk to the people in the critical population group equal to 10-10/R–Y [3]. Presently the safety objectives developed by the US and European utilities for the new generation of NPPs include a maximum permissible CDF equal to 10-5/R–Y [4]. It must also be demonstrated that early containment failure is avoided for all risk-significant scenarios. The cumulative LRF must be less than 10-6/R–Y. In parallel with the development of these targets, the nuclear industry and regulators in the countries leading in nuclear safety have developed the contemporary nuclear safety philosophy, which resulted in reducing risks in NPPs far below those risks typical for other power-industry branches. It places the principle ‘safety first’ as its cornerstone and includes several principles that are today the basis of NPP design and operation in all western countries. 2. Nuclear-power plant safety indicators The progress in the safety level of NPPs is reflected in the probabilistic safety analyses (PSAs), initiated in the US in 1975 by the Rasmussen Study and systematically developed to become standard tools used for safety analysis of every NPP. The importance of PSA in the evaluation of NPP safety is due to the fact that there has been only one severe core damage accident in water-moderated reactors, namely the Three Mile Island accident in the USA in 1978, so there are no historical statistical data as for coal-mine accidents, oil-transport accidents, gas explosions or dam breaks. Minor incidents that do happen in NPPs, although they are eagerly publicized by the media, usually are far below the level at which any hazard to the plant or the public would be involved. Moreover, in view of fast improvements of NPP technology, the analysis of the safety of the plants to be built cannot be based on historical experience with the plants put into operation 20 or even 10 years ago, but must reflect the actual safety features of the upgraded new designs. PSA makes it possible to study the new design features and evaluate which of the safety improvements will bring the required safety upgrading. The main condition for preventing massive releases of radioactivity is to maintain the reactor containment integrity, first of all in the early stage of the accident, then in the later stages when the releases of radioactivity would be less but still significant. In the middle of the 1990s, several mechanisms were considered as possible contributors to an early containment failure. Over the last decade, the intensive research and development of the technical means of coping with severe accidents have resulted in our being able to treat these issues as resolved. The results of several reactor-safety studies performed in Western countries show that the safety of the modern NPPs is very high. For example the German risk-study phase B [5] indicated that the frequency of core melt in Biblis B NPP was 10-4/(R– Y) and that of large radioactive releases 2.6x10-5/(R–Y). After taking into account operator actions preventing the reactor’s pressure-vessel melt-through under high pressure, the frequency of the core melt frequency was reduced to 2.6x10-6/(R–Y). Subsequent analyses performed for KONVOI plants [6] gave similar results, with absolute numbers lower due to improvements in the KONVOI type plants as compared to the Biblis B. Core-damage frequency without bleed and feed in KONVOI plants was 1.4x10-6/R–Y, and after considering the effects of operator actions in those plants, the CDF was reduced to 3.5x10-7/R–Y. These results can be considered as typical for modern PWRs. The project for the European Pressurized-Water Reactor (EPR) assumes that the design will limit the maximum possible releases so that the following safety objectives will be reached: 1. No need for short-term (about 24 h) off-site countermeasures 2. No need for population evacuation beyond 2–3 km 3. For long-term countermeasures, limited restriction of the consumption of agricultural products for a limited period (about 1 year) in a limited area is acceptable [7]. This is the level of safety of NPPs expected as a reference base in the future. Specific designs, which have been already licensed for construction, include reactors with passive safety-features AP 600 or Advanced BWR [8], for which the CDF is below 2x10-7/R–Y. The releases of radioactivity are at least ten times smaller and the health risks are negligible. 3. Radiological effects of nuclear-power plant accidents The level of safety of modern NPPs is surprisingly far from the mass-media picture of consequences of a nuclear accident. Actually, the only accidents with radioactive releases in NPPs were those in TMI and in Chernobyl. In TMI there was a reactor-core melt, but the integrity of the remaining barriers (reactor pressure vessel and containment) was maintained and the releases were so limited that the average effective dose to the public was 0.015 mSv [9]. The corresponding cancer risk was below 10-6 per lifetime, less than the risk due to NORMAL yearly emissions from a coal-fired power plant at that time [10], and no health effects have ever been identified. In Chernobyl, the quantities of released fission products were significant, from 100% of noble gases down to about 4% of solid fission-products. The doses in the early phase after the accident were high. In the rescue team, 28 men died in consequence of exposure to radiation and several more of those who were treated for radiation sickness died from illnesses that may have been associated with their exposure. However, as confirmed in the UNSCEAR report of 2000, there has been no statistically significant increase in the incidence of leukaemia or any other form of cancer among workers or the public (except for child thyroid cancer), nor of deformities of babies born to members of the public [11]. An increase in the incidence of occult thyroid cancer was predicted to occur after 10 years, but actually it was found already in the first year after the accident [11]. This shows that the screening effect can be largely responsible for this observed increase. Generally the occult thyroid cancer is not fatal and can be successfully treated. Although some 2000 cases of thyroid cancer are attributed to the accident, less than 10 fatal cases have been observed. Much greater damage to health has been caused by well meaning but misguided attempts to protect and help people living near Chernobyl at the time of the accident. The evacuation of hundreds of thousands of them is now seen as an over reaction, which in many cases did more harm than good. The first reaction was to move people out. Only later, was it realized that many of them had not needed to be moved. The relocation of people destroyed communities, broke up families, and led to unemployment, depression, hypochondria and stress-related illnesses. Among the relocated populations, there has been a massive increase in stress-related illnesses, such as heart disease and obesity, unrelated to radiation. A major factor causing distress has been uncertainty about risks and in particular belief that all radiation doses can lead to cancer, as stated in the Linear No Threshold hypothesis presently used for the purpose of radiological protection. The recent report of UNPD and UNICEF [12] confirms the above statements and acknowledges that the people living in the contaminated areas receive low doses of radiation, being less than those occurring naturally in many other parts of the world. This is illustrated in Fig. 1 taken from [13] comparing lifetime doses to people around Chernobyl with the doses in European countries including Finland and Sweden, in which the population enjoys very good health and low cancer rates in spite of the high radiation background. According to Russian sources, medical monitoring of the clean-up staff has shown no increase of cancer rate and no relationship between the dose and the mortality. The overall mortality rate among the clean-up staff was statistically lower than the mortality rate of the control group from the public [14]. The UNSCEAR report also confirms that no radiation illnesses (with the exception of child thyroid diseases) have been found in the exposed population [11]. Thus, although it should be acknowledged that the effects of the Chernobyl accident are important, it should be also stressed that most of them are due to excessive fear motivated and politically expedient decisions, not to the radiation doses themselves. The NPPs planned to be built are completely different from RBMKs. The negative temperature reactivity coefficient ensures that, in accident conditions, their power will decrease, not increase as in Chernobyl, the containment (which did not exist in Chernobyl) would remain intact even after severe accidents and the accidentmanagement procedures and safety-upgrading measures implemented in the NPPs would prevent such large releases of radioactivity as was the case in Chernobyl. Thus, the radiological results of Chernobyl cannot be treated as representative of nuclear accidents in NPPs. The estimates of probable releases are made for each NPP separately within PSA studies and generally show that the hazards are much smaller than for other energy sources. 4. Comparison of nuclear-power risks with accident risks due to other energy sources The risks of electricity generation should be evaluated considering the whole cycle, from fuel mining to plant construction, to waste management and site recultivation. While in the case of the nuclear-fuel cycle, the accident risks are mostly connected with the power plant, in other fuel cycles the dominant contribution can be made by other fuel stages. For example, in the case of coal mining, the fatality ratio in the US is about 0.1 death/million tons or 3.5 death/GW(e).a [15]. In very large regions of the world, the situation can be much worse. In China, the average value for the country was about 4.6 deaths per MT in 1997 [16] and the number of mining fatalities per unit of energy produced from coal was 17 deaths/GW(e).a. In addition to that, the accident death rate in coal-fired power plants was about 2 deaths/GW(e).a [17] and in coal transport sector 8.5 deaths/GW(e).a [17]. These numbers add up to the accidental mortality in China coal power system being equal 27.5 deaths/GW(e).a. The number of fatalities due to severe accidents (involving more than 5 fatalities each) for the coal chain in OECD countries is 0.13 per GW(e) [19]. In non-OECD Fig countries, it is much higher. The everyday occupational hazards for the coal chain will be taken as 1.27 fatalities/GW(e).a according to [18], that is for European countries. It is seen, that the small accidents involve more fatalities than the large ones, so both numbers must be taken into account. The differences of the safety of hydropower in OECD and non-OECD countries are most pronounced. While the fatality ratio for OECD countries is only 0.004, it is 2.187 for non-OECD countries [15]. The data on dam safety show that differences in technology and safety practices influence very much the risk of power generation from a given facility. These differences are taken into account while discussing risks of the conventional power industry and nobody discussing the safety of a dam to be erected in the twenty-first century would base its safety indicators on accidents of dams built in say 1920. In a recent ExternE report on hydropower, the authors do not include any risk due to damfailures in the overall health risks due to hydropower [18], because they maintain that the dams built in Norway provide ‘‘negligibly small risk’’. Similarly, the progress in coal-mining safety is taken into account while estimating the number of fatalities per GW(e).a. Of course this is a correct approach. However, if we take into account the progress in dam construction before and after 1930, then the differences in NPP technology existing between RBMK reactors and LWR NPPs should be also considered. Similarly, if introducing strict regulations requiring qualified engineering supervision had a strong effect on dam safety, it is evident that the whole concept of safety culture implemented in Western NPPs has also a significant influence on nuclear-reactor safety. As the differences in design between modern PWRs and the Chernobyl RBMK are much more significant that any differences in dams erected in Norway versus those built in the USA, Italy, France etc., then following the logic accepted by EC ExternE study, the hazards due to Chernobyl should not be considered as the basis for evaluating the safety of future NPPs.

#### Warming doesn’t kill species

**Carter 11–** Robert, PhD, Adjuct Research Fellow, James Cook University, Craig Idso, PhD, Chairman at the Center for the Study of Carbon Dioxide and Global Change, Fred Singer, PhD, President of the Science and Environmental Policy Project, Susan Crockford, evolutionary biologist with a specialty in skeletal taxonomy , paleozoology and vertebrate evolution, Joseph D’Aleo, 30 years of experience in professional meteorology, former college professor of Meteorology at Lyndon State College, Indur Goklany, independent scholar, author, and co-editor of the Electronic Journal of Sustainable Development, Sherwood Idso, President of the Center for the Study of Carbon Dioxide and Global Change, Research Physicist with the US Department of Agriculture, Adjunct Professor in the Departments of Geology, Botany, and Microbiology at Arizona State University, Bachelor of Physics, Master of Science, and Doctor of Philosophy, all from the University of Minnesota, Madhav Khandekar, former research scientist from Environment Canada and is an expert reviewer for the IPCC 2007 Climate Change Panel, Anthony Lupo, Department Chair and Professor of Atmospheric Science at the University of Missouri, Willie Soon, astrophysicist at the Solar and Stellar Physics Division of the Harvard-Smithsonian Center for Astrophysics, Mitch Taylor (Canada) (March 8th, “[Surviving](file:///C:\Users\Marc\Desktop\Surviving) the Unpreceented Climate Change of the IPCC” <http://www.nipccreport.org/articles/2011/mar/8mar2011a5.html>) Jacome

On the other hand, they indicate that some biologists and climatologists have pointed out that "many of the predicted increases in climate have happened before, in terms of both magnitude and rate of change (e.g. Royer, 2008; Zachos *et al*., 2008), and yet biotic communities have remained remarkably resilient (Mayle and Power, 2008) and in some cases thrived (Svenning and Condit, 2008)." But they report that those who mention these things are often "placed in the 'climate-change denier' category," although the purpose for pointing out these facts is simply to present "a sound scientific basis for understanding biotic responses to the magnitudes and rates of climate change predicted for the future through using the vast data resource that we can exploit in fossil records." Going on to do just that, Willis *et al*. focus on "intervals in time in the fossil record when atmospheric CO2 concentrations increased up to 1200 ppm, temperatures in mid- to high-latitudes increased by greater than 4°C within 60 years, and sea levels rose by up to 3 m higher than present," describing studies of past biotic responses that indicate "the scale and impact of the magnitude and rate of such climate changes on biodiversity." And what emerges from those studies, as they describe it, "is evidence for rapid community turnover, migrations, development of novel ecosystems and thresholds from one stable ecosystem state to another." And, most importantly in this regard, they report "there is very little evidence for broad-scale extinctions due to a warming world." In concluding, the Norwegian, Swedish and UK researchers say that "based on such evidence we urge some caution in assuming broad-scale extinctions of species will occur due solely to climate changes of the magnitude and rate predicted for the next century," reiterating that "the fossil record indicates remarkable biotic resilience to wide amplitude fluctuations in climate.

#### Technocratic management of the environment makes extinction inevitable—no aff proposal can solve.

Crist 7 [Eileen Crist, Associate Professor of Science and Technology in Society at Virginia Tech University, 2007, “Beyond the Climate Crisis: A Critique of Climate Change Discourse,” *Telos*, Volume 141, Winter, Available Online to Subscribing Institutions via Telos Press, p. 49-51]

If mainstream environmentalism is catching up with the solution promoted by Teller, and perhaps harbored all along by the Bush administration, it would certainly be ironic. But the irony is deeper than incidental politics. The projected rationality of a geoengineering solution, stoked by apocalyptic fears surrounding climate change, promises consequences (both physical and ideological) that will only quicken the real ending of wild nature: "here we encounter," notes Murray Bookchin, "the ironic perversity of a 'pragmatism' that is no different, in principle, from the problems it hopes to resolve."58 Even if they work exactly as hoped, geoengineering solutions are far more similar to anthropogenic climate change than they are a counterforce to it: their implementation constitutes an experiment with the biosphere underpinned by technological arrogance, unwillingness to question or limit consumer society, and a sense of entitlement to transmogrifying the planet that boggles the mind. It is indeed these elements of techno-arrogance, unwillingness to advocate radical change, and unlimited entitlement, together with the profound erosion of awe toward the planet that evolved life (and birthed us), that constitute the apocalypse underway—if that is the word of choice, though the words humanization, colonization, or occupation of the biosphere are far more descriptively accurate. Once we grasp the ecological crisis as the escalating conversion of the planet into "a shoddy way station,"59 it becomes evident that inducing "global dimming" in order to offset "global warming" is not a corrective action but another chapter in the project of colonizing the Earth, of what critical theorists called world domination.

Domination comes at a huge cost for the human spirit, a cost that may or may not include the scale of physical imperilment and suffering that apocalyptic fears conjure. Human beings pay for the domination of the biosphere—a domination they are either bent upon or resigned to—with alienation from the living Earth.60 This alienation manifests, first and [end page 50] foremost, in the invisibility of the biodiversity crisis: the steadfast denial and repression, in the public arena, of the epochal event of mass extinction and accelerating depletion of the Earth's biological treasures. It has taken the threat of climate change (to people and civilization) to allow the tip of the biodepletion iceberg to surface into public discourse, but even that has been woefully inadequate in failing to acknowledge two crucial facts: first, the biodiversity crisis has been occurring independently of climate change, and will hardly be stopped by windmills, nuclear power plants, and carbon sequestering, in any amount or combination thereof; and second, the devastation that species and ecosystems have already experienced is what largely will enable more climate-change-driven damage to occur.

Human alienation from the biosphere further manifests in the recalcitrance of instrumental rationality, which reduces all challenges and problems to variables that can be controlled, fixed, managed, or manipulated by technical means. Instrumental rationality is rarely questioned substantively, except in the flagging of potential "unintended consequences" (for example, of implementing geoengineering technologies). The idea that instrumental rationality (in the form of technological fixes for global warming) might save the day hovers between misrepresentation and delusion: firstly, because instrumental rationality has itself been the planet's nemesis by mediating the biosphere's constitution as resource and by condoning the transformation of Homo sapiens into a user species; and secondly, because instrumental rationality tends to invent, adjust, and tweak technical means to work within given contexts—when it is the given, i.e., human civilization as presently configured economically and culturally, that needs to be changed.

#### Gas is marginal on manufacturing

Brad Plumer (The Washington Post, Former associate editor at The New Republic) May 2012 “ Will cheap shale gas revive U.S. manufacturing? Not so fast” http://www.washingtonpost.com/blogs/ezra-klein/post/will-cheap-natural-gas-revive-us-manufacturing/2012/05/21/gIQAOORZfU\_blog.html

That last claim comes via a recent report from PricewaterhouseCoopers. But over at the Council on Foreign Relations, Michael Levi casts a more skeptical eye on arguments that the age of cheap natural gas from shale will really lead to a dramatic revival of U.S. manufacturing. There are reasons to think the overall impact will be fairly muted. Energy costs are still a small factor for many manufacturers. Levi points to a 2009 paper (pdf) by Joseph Aldy and William Pizer finding that “only one tenth of U.S. manufacturing involved energy costs exceeding five percent of the total value of shipments.” Aldy and Pizer estimated that a carbon tax, which raises energy prices, would affect manufacturing employment slightly — less than 3 percent — in the most energy-intensive industries like aluminum, cement, glass, and steel. The flipside is that lower energy costs, thanks to cheap natural gas, would have a similarly marginal impact.

#### Manufacturing sector is overwhelmingly powerful now – no risk of collapse

Mark Perry (professor of economics at the University of Michigan, Flint, is also a visiting scholar at the American Enterprise Institute) February 25, 2011 “The Truth About U.S. Manufacturing “ http://online.wsj.com/article/SB10001424052748703652104576122353274221570.html.html

Is American manufacturing dead? You might think so reading most of the nation's editorial pages or watching the endless laments in the news that "nothing is made in America anymore," and that our manufacturing jobs have vanished to China, Mexico and South Korea. Yet the empirical evidence tells a different story—of a thriving and growing U.S. manufacturing sector, and a country that remains by far the world's largest manufacturer. This is a particularly sensitive topic in my hometown of Flint, Mich., where auto-plant closings have meant lost jobs and difficult transitions for the displaced. But while it's true that the U.S. has lost more than seven million manufacturing jobs since the late 1970s, our manufacturing output has continued to expand. International data compiled by the United Nations on global output from 1970-2009 show this success story. Excluding recession-related decreases in 2001 and 2008-09, America's manufacturing output has continued to increase since 1970. In every year since 2004, manufacturing output has exceeded $2 trillion (in constant 2005 dollars), twice the output produced in America's factories in the early 1970s. Taken on its own, U.S. manufacturing would rank today as the sixth largest economy in the world, just behind France and ahead of the United Kingdom, Italy and Brazil. In 2009, the most recent full year for which international data are available, our manufacturing output was $2.155 trillion (including mining and utilities). That's more than 45% higher than China's, the country we're supposedly losing ground to. Despite recent gains in China and elsewhere, the U.S. still produced more than 20% of global manufacturing output in 2009. The truth is that America still makes a lot of stuff, and we're making more of it than ever before. We're merely able to do it with a fraction of the workers needed in the past. Consider the incredible, increasing productivity of America's manufacturing workers: The average U.S. factory worker is responsible today for more than $180,000 of annual manufacturing output, triple the $60,000 in 1972. Increases in productivity are a direct result of capital investments in productivity-enhancing technology, such as GM's next generation Ecotec engine. These increases are a direct result of capital investments in productivity-enhancing technology, which last year helped boost output to record levels in industries like computers and semiconductors, medical equipment and supplies, pharmaceuticals and medicine, and oil and natural-gas equipment.

## 2NC

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#### And if we win the thesis of the kritik they have no offense – The system is destroying itself now, making the only appropriate question whether to reform it or let it die—all the system is capable of is the inflicting of death and doing nothing

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1065

In a later work, Agamben generalizes this logic and transforms it into a basic ethical imperative of his work: ‘[There] is often nothing reprehensible about the individual behavior in itself, and it can, indeed, express a liberatory intent. What is disgraceful – both politically and morally – are the apparatuses which have diverted it from their possible use. We must always wrest from the apparatuses – from all apparatuses – the possibility of use that they have captured.’32 As we shall discuss in the following section, this is to be achieved by a subtraction of ourselves from these apparatuses, which leaves them in a jammed, inoperative state. What is crucial at this point is that the apparatuses of nihilism themselves prepare their demise by emptying out all positive content of the forms-of-life they govern and increasingly running on ‘empty’, capable only of (inflict- ing) Death or (doing) Nothing.

On the other hand, this degradation of the apparatuses illuminates the ‘inoperosity’ (worklessness) of the human condition, whose originary status Agamben has affirmed from his earliest works onwards.33 By rendering void all historical forms-of-life, nihi- lism brings to light the absence of work that characterizes human existence, which, as irreducibly potential, logically presupposes the lack of any destiny, vocation, or task that it must be subjected to: ‘Politics is that which corresponds to the essential inoperability of humankind, to the radical being-without-work of human communities. There is pol- itics because human beings are argos-beings that cannot be defined by any proper oper- ation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust.’34

Having been concealed for centuries by religion or ideology, this originary inoperos- ity is fully unveiled in the contemporary crisis, in which it is manifest in the inoperative character of the biopolitical apparatuses themselves, which succeed only in capturing the sheer existence of their subjects without being capable of transforming it into a positive form-of-life:

[T]oday, it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. It was evident start- ing with the end of the First World War that the European nation-states were no longer capa- ble of taking on historical tasks and that peoples themselves were bound to disappear.35

Agamben’s metaphor for this condition is bankruptcy: ‘One of the few things that can be

declared with certainty is that all the peoples of Europe (and, perhaps, all the peoples of the Earth) have gone bankrupt’.36 Thus, the destructive nihilistic drive of the biopolitical machine and the capitalist spectacle has itself done all the work of emptying out positive forms-of-life, identities and vocations, leaving humanity in the state of destitution that Agamben famously terms ‘bare life’. Yet, this bare life, whose essence is entirely con- tained in its existence, is precisely what conditions the emergence of the subject of the coming politics: ‘this biopolitical body that is bare life must itself be transformed into the site for the constitution and installation of a form-of-life that is wholly exhausted in bare life and a bios that is only its own zoe.’37

The ‘happy’ form-of-life, a ‘life that cannot be segregated from its form’, is nothing but bare life that has reappropriated itself as its own form and for this reason is no longer separated between the (degraded) bios of the apparatuses and the (endangered) zoe that functions as their foundation.38 Thus, what the nihilistic self-destruction of the appara- tuses of biopolitics leaves as its residue turns out to be the entire content of a new form-of-life. Bare life, which is, as we recall, ‘nothing reprehensible’ aside from its con- finement within the apparatuses, is reappropriated as a ‘whatever singularity’, a being that is only its manner of being, its own ‘thus’.39 It is the dwelling of humanity in this irreducibly potential ‘whatever being’ that makes possible the emergence of a generic non-exclusive community without presuppositions, in which Agamben finds the possi- bility of a happy life.

[If] instead of continuing to search for a proper identity in the already improper and sense- less form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity, then they would for the first time enter into a community without presuppositions and without subjects.40

Thus, rather than seek to reform the apparatuses, we should simply leave them to their self-destruction and only try to reclaim the bare life that they feed on. This is to be achieved by the practice of subtraction that we address in the following section.

### 2nc deactivation alternative

#### The alternative is to deactivate law. In recognition of the state of exception, we must challenge the sovereign’s interpretation of the law.

McLoughlin 13. Daniel McLoughlin, professor of law at the University of South Wales, “The Fiction of Sovereignty and the Real State of Exception: Giorgio Agamben’s Critique of Carl Schmitt,” Law, Culture and the Humanities 0(0) pg. 17

State of Exception suggests that the studious deactivation of the law is exemplified by Kafka’s characters.86 While his reading of Kafka is only one strand of the politics of inoperativity within his work, it is nonetheless an important one for our purposes, given Agamben’s tendency to illuminate the relationship between messianism, nihil- ism and law through Kafka.87 To conclude, then, I briefly examine the way in which Kafka’s characters seek to “deactivate” the law; how this might relate to the production of a “real state of exception”; and how Agamben conceives the stakes of this politics of “use.”

According to Homo Sacer, Kafka’s parable “Before the Law” represents the “struc- ture of the sovereign ban in an exemplary abbreviation.”88 The story begins with the “man from the country” approaching the door of the law, only to be informed by its gatekeeper that, although the door is open, he cannot enter at the moment. The man asks if permission will be forthcoming: the gatekeeper responds that it is possible, “but not now,”89 and that, although he is welcome to enter the door without permission, he will only encounter door after door, and guardian after guardian, each more fearsome than the last. Taking a seat before the door of the law, the man from the country then waits for days and years, all the while trying to convince the gatekeeper to grant him entry. Still before the law in old age, with little time left to live, he sees a radiance streaming from the gateway to the law. As his life begins to fade, the man from the country asks why in all this time no-one else has attempted to gain entry, to which the doorkeeper responds: “No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it.”**90**

According to Agamben, “Before the Law” is usually read as a tale of “irremediable defeat,”91 a story of the impossibility of surpassing the structure of sovereignty. Agamben, by contrast, argues that the man from the country is engaged in a patient and ultimately successful attempt to deactivate the law’s “being in force without sig- nificance.” At the end of the story, despite the risk to his life entailed by his struggle with the law, the man remains alive and the door to the Law is shut. In his essay “K,” Agamben elaborates on this reading with a subtle yet important shift of emphasis: the lesson of the man from the country is, he argues, that the deactivation of the law does not require the study of law itself, but rather, the “long study of its doorkeepers.”92 While the law is absent in Kafka’s world, what keeps it at work is the fact that the guardians of the law claim to act on its behalf. If one wants to deactivate the law, then the decisive politi- cal struggle is not with law itself, which is already inoperative, but with those who cover over this fact with the claim that they represent the law. In the same essay, Agamben makes a similar point about The Castle: the land surveyor who tries to gain access to the castle does not engage in a struggle “against God or supreme sovereignty ... but against the angels, the messengers and functionaries who appear to represent it ... (it is) a conflict with the fabrications of men (or of angels) regarding the divine.”93

This helps to illuminate the sense in which the real state of exception can simultane- ously be a situation to which we are subject; a situation that has been exposed as such by Benjamin; and also a crucial political task to undertake that will “help in the struggle against Fascism.” In Agamben’s account of Paul, the coming of the messiah has deacti- vated the law and yet the law remains at work; in his analyses of the state of exception the law is suspended yet remains in force; in his reading of Kafka, the Law is absent yet still present. In each instance, then, there is a messianic tension between an “already” existing lawlessness that is “not yet” fully experienced as such, because it is being cov- ered over by authority: the katechon in Paul, the guardians of the law in Kafka, and those trying to control the state in his account of the exception. To produce a real state of exception is to deactivate the law, which requires undermining the claims of the repre- sentatives of the law and the political divisions that they maintain on this basis. While the lawlessness of the real state of exception is at work, it can only come to light in and through a “conflict with the fabrications of men” about the continued existence of law.94

Agamben sees the politics of deactivating the law as the only appropriate (and indeed conceptually viable) response to the state of emergency as rule. As we have observed, Schmitt’s analysis of sovereignty closed down the idea of pure violence and the possi- bility of a radically revolutionary act through the idea of the force-of-law, which placed the power to suspend the law into the hands of the state and those who seek to control it. However, Benjamin’s eighth thesis turns the tables on Schmitt, as the idea of sover- eignty becomes utterly implausible when the state of emergency is the rule. Within the contemporary political horizon, then, it is conceptually impossible to claim legal author- ity and legitimacy: as Agamben asserts in The Church and the Kingdom “nowhere on earth today is a legitimate power to be found.”95 What is conceptually possible, how- ever, is a politics that seeks to deactivate the law by neutralizing the claims to legality made by those who present themselves as its guardians. It is only through such a politics that the lawlessness of the ‘‘real state of exception’’ is experienced as such, as any poli- tics that makes claims to legal authority rests upon the fiction of sovereignty and hence continues to conceal the deactivation of the law.

#### The alternative is not some utopian dream, quite the opposite – we do not need to create a new form of politics, simply re-appropriate the state of exception as a chance to highlight the arbitrariness of law in order to de-activate the sovereign’s power

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1057

The second principle of Agamben’s optimism is best summed up by Ho ̈lderlin’s phrase, made famous by Heidegger: ‘where danger grows, grows saving power also’.20 Accord- ing to Agamben, radical global transformation is actually made possible by nothing other than the unfolding of biopolitical nihilism itself to its extreme point of vacuity. On a number of occasions in different contexts, Agamben has asserted the possibility of a radi- cally different form-of-life on the basis of precisely the same things that he initially set out to criticize. Agamben paints a convincingly gloomy picture of the present state of things only to undertake a majestic reversal at the end, finding hope and conviction in the very despair that engulfs us.21 Our very destitution thereby turns out be the condition for the possibility of a completely different life, whose description is in turn entirely devoid of fantastic mirages. Instead, as Agamben repeatedly emphasizes, in the redeemed world ‘everything will be as is now, just a little different’,22 no momentous transformation will take place aside from a ‘small displacement’ that will nonetheless make all the difference. While we shall deal with this ‘small displacement’ in the follow- ing section, let us now elaborate the logic of redemption through the traversal of ‘danger’ in more detail.

It is evident that the danger at issue in Agamben’s work is nihilism in its dual form of the sovereign ban and the capitalist spectacle. If, as we have shown in the previous sec- tion, the reign of nihilism is general and complete, we may be optimistic about the pos- sibility of jamming its entire apparatus since there is nothing in it that offers an alternative to the present ‘double subjection’. Yet, where are we to draw resources for such a global transformation? It would be easy to misread Agamben as an utterly utopian thinker, whose intentions may be good and whose criticism of the present may be valid if exaggerated, but whose solutions are completely implausible if not outright embarras- sing.23 Nonetheless, we must rigorously distinguish Agamben’s approach from utopian- ism. As Foucault has argued, utopias derive their attraction from their discursive structure of a fabula, which makes it possible to describe in great detail a better way of life, precisely because it is manifestly impossible.24 While utopian thought easily pro- vides us with elaborate visions of a better future, it cannot really lead us there, since its site is by definition a non-place. In contrast, Agamben’s works tell us quite little about life in a community of happy life that has done away with the state form, but are remark- ably concrete about the practices that are constitutive of this community, precisely because these practices require nothing that would be extrinsic to the contemporary condition of biopolitical nihilism. Thus, Agamben’s coming politics is manifestly anti-utopian and draws all its resources from the condition of contemporary nihilism.

Moreover, this nihilism is the only possible resource for this politics, which would otherwise be doomed to continuing the work of negation, vainly applying it to nihilism itself. Given the totality of contemporary biopolitical nihilism, any ‘positive’ project of transformation would come down to the negation of negativity itself. Yet, as Agambens demonstrates conclusively in Language and Death, nothing is more nihilistic than a negation of nihilism.25 Any project that remains oblivious to the extent to which its valorized positive forms have already been devalued and their content evacuated would only succeed in plunging us deeper into nihilism. As Heidegger adds in his commentary on Ho ̈lderlin, ‘It may be that any other salvation than that, which comes from where the danger is, is still within non-safety’.26 Moreover, as Roberto Esposito’s work on the par- adox of immunity in biopolitics demonstrates, any attempt to combat danger through ‘negative protection’ (immunization) that seeks to mediate the immediacy of life through extrinsic principles (sovereignty, liberty, property) necessarily introjects within the social realm the very negativity that it claims to battle, so that biopolitics is always at risk of collapsing into thanatopolitics.27 In contrast, Agamben’s coming politics does not attempt to introduce anything new or ‘positive’ into the condition of nihilism but to use this condition itself in order to reappropriate human existence from its biopolitical confinement.28

Thus, while the aporia of the negation of negativity might lead other thinkers to res- ignation about the possibilities of political praxis, it actually enhances Agamben’s opti- mism. Renouncing any project of reconstructing social life on the basis of positive principles, his work illuminates the way the unfolding of biopolitical nihilism itself pro- duces the conditions of possibility for radical transformation. We can now see that the state of total crisis that Agamben has diagnosed must be understood in the strict medical sense. In pre-modern medicine, the crisis of the disease is its kairos, the moment in which the disease truly manifests itself and allows for the doctor’s intervention that might finally defeat it.29 For this reason, the crisis is not something to be feared and avoided but an opportunity that must be seized. Similarly, insofar as the sovereign state of excep- tion and the absolutization of exchange-value completely empty out any content of pos- itive forms-of-life, the contemporary biopolitical apparatus prepares its self-destruction by fully manifesting its own vacuity.

### 2nc framework

#### And the whole kritik is offense for us under this framework – their interpretation IS the call for sole focus on a flawed method of legal pragmatism which is doomed to fail. Focus on top down executive regulation solutions reinforces a notion of sovereignty that is unitary that marginalizes alternative political formations—choose the model of Edward Snowden rather than the congressional representative

Buell 13. John Buell, columnist for The Progressive Populist, adjunct professor at Cochise College, “Nationalism, Tech Giants, and Spy States,” The Contemporary Condition August 10, 2013 <http://contemporarycondition.blogspot.com/2013/08/nationalism-tech-giants-and-spy-states.html> accessed September 4, 2013

That's is one reason it is hard today to remain aloof from politics. But for those who seek to do so the message is just as clear. If the Internet has progressive possibilities, their realization will not be automatic. Today a countersubversive culture nurtures and is nurtured by an evolving alliance of high tech giants, government bureaucrats (whom Smith calls securecrats), the older more established military industrial complex and powerful private corporations that benefit from close ties to the state, including especially the oil  and investment banking community.

If the most repressive outcomes are to be avoided, the best course might be an evolving counter-coalition that would emerge from moral and historical critiques of and alternative to the countersubversive tradition. In Emergency Politics, Honig argues that the very focus on the question of the rules that should govern declarations of emergency and the protections that can be revoked in emergencies reinforce a notion of sovereignty as unitary and top down. Thus they "marginalize forms of popular sovereignty in which action in concert rather than institutional governance is the mark of democratic power and legitimacy." Unitary and decisive sovereignty committed to its own invulnerability is "most likely to perceive crisis where there may only be political conflict and to respond...with antipolitical measures."

The best answer lies not merely in challenging the constitutional status of this surveillance state but in building a political coalition that embodies the forms of popular sovereignty of which Honig speaks. This would include labor, consumer and environmentalist critiques of and alternatives to the role of the state and markets in fostering inequality. It would be attentive to the possibilities and risks of the social media and the limits of its own interventions in these.  The coalition might advance more democratic forms of enterprise and media as well as decentralized and more sustainable forms of energy production and transportation.  And in an era where hyper nationalism erodes so many democratic impulses, cross border initiatives in the interest of widespread access to an open Internet with robust privacy protections would be paramount. (Let's hope that) Edward Snowden's travels (in a world dominated by the state passport and surveillance system) helps to highlight the stake citizens of many lands have in a democratic Internet but a more exploratory and democratic polity.

### 2nc cyber aff

#### Their own solvency author extrapolates this point, the manipulation of the law makes the affirmative useless

**Dycus 10** – Stephen Dycus, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Another potential obstacle to congressional involvement is the reportedly common but statutorily unauthorized practice of informal reporting to an even smaller “Gang of Four” – the leaders of the intelligence committees – generally for sensitive non-covert intelligence activities.38¶ The Defense Department is heavily engaged in preparations for cyber warfare, having recently announced the establishment of a new U.S. Cyber Command.39 But congressional oversight of the work of this command could be hampered by the military’s reported practice of labeling its clandestine activities – those that are intended to be secret, but that can be publicly acknowledged if discovered or inadvertently revealed – as “operational preparation of the environment,” rather than intelligence activities, even though they may pose the same diplomatic and national security risks.40 As thus characterized, these activities might not be reported to the intelligence committees.41 Any ov ersight that occurred would be conducted instead by the House and Senate Armed Services Committees.42 Such a division of responsibilities might create dangerous confusion. ¶ Congressional involvement also might be frustrated by the statutory exclusion of “traditional . . . military activities or routine support to such activities” from the definition of “covert action.”43 If secret military preparations for cyber war are regarded as “traditional military activities,” under the rationale outlined above they might escape both the presidential findings requirement for covert actions and any reporting to the intelligence committees.44

#### If the president doesn’t want to promote the plan, he won’t

**Dycus, their author, 10** – Stephen Dycus, Professor, Vermont Law School, 8/11/10, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>

Congress’s active role in the development and implementation of cyber warfare policy is no guarantee of national security. The policy might be flawed in various ways. There is also a risk that whatever policy is adopted will not be properly executed or that its execution will have unintended results. The policy might be misunderstood or might not provide clear or appropriate guidance in the urgent circumstances facing its interpreter. The person charged with implementing the policy might make a mistake – for example, by interpreting a potential enemy’s electronic espionage as an attack. Available cyber weaponry might not work as planned. Or a purely defensive move by U.S. operators might be construed by another nation as offensive, and provoke an attack. Nor can the clearest policy, statutory or executive, guarantee compliance by an Executive determined to ignore it.71 The rules might be construed by the President in a way that reduces the importance of Congress’s role. Or they might be challenged in court.

#### And current law ensures that the President will manipulate procedures to keep Congress in the dark

**Dycus 10** – Professor at Vermont Law School, (Stephen 8/11/, “Congress’s Role in Cyber Warfare,” <http://jnslp.com/wp-content/uploads/2010/08/11_Dycus.pdf>)

In 1991, in response to the Iran-Contra Affair, Congress adopted a measure directing the President to keep the congressional intelligence committees “fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity.”25 The term “intelligence activity” expressly includes “covert actions,”26 which additionally require a written finding by the President that they are “necessary to support identifiable foreign policy objectives of the United States and [are] important to the national security of the United States.”27 Intelligence activities are also understood to include “all activities that elements of the Intelligence Community are authorized to conduct pursuant to [Executive Order No. 12,333],” the executive charter for such activities.28 The “intelligence community” includes the Office of the Director of National Intelligence, CIA, NSA, other Defense Department intelligence components, and other federal intelligence elements,29 which are authorized to engage in, inter alia, intelligence collection and analysis and “activities to protect against international terrorism . . . and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents.”30 This broad mandate certainly encompasses many U.S. efforts to defend against cyber attack and to employ cyber weapons offensively. By this definition, most preparations for and conduct of cyber warfare should be reported to the intelligence committees as “intelligence activities.” It is significant that the reporting requirement in the 1991 law is not limited to agencies within the intelligence community. ¶

Yet this legislation provides no guarantee that Congress will receive the information it needs to play a meaningful role in the development or execution of cyber warfare policy. It is not known, for example, precisely what it means for the intelligence committees to be “fully and currently” informed, what kinds of intelligence activities are regarded as “significant” enough to report, or who decides.31 Other sections of the 1991 law call on all agencies involved in intelligence activities, not just the President, to keep the intelligence committees informed about those activities, but only “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.”32 The “due regard for” language might be invoked to keep Congress in the dark. ¶ Under the 1991 law, “covert actions,” those with respect to which “it is intended that the role of the United States Government will not be apparent or acknowledged publicly,”33 need only be reported to a small group of legislators known as the “Gang of Eight,”34 and then only in a “timely fashion,” a term not defined by statute.35 Characterization of U.S. planning and execution of electronic warfare as “covert” could enable reporting to the smaller group, making it more difficult for Congress to play a significant role.36 Moreover, any reporting might be delayed indefinitely.37

### cyber retaliation link

#### Cyber security reveals the paradox of the rule of law—how to define what constitutes a cyber-operation that warrants a US counter attack is a fundamental ambiguity in the law that turns the case—the questions of definitions of “law” and “war” precede the plan text

Lawson 12. Sean Lawson, professor of communications at the University of Utah, “Putting the ‘war’ in cyberwar: Metaphor, analogy, and cybersecurity discourse in the United States,” July 2, 2012, First Monday, online peer reviewed publication, 17:7 <http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270>, accessed August 22, 2013

The law of war is codified in the United Nations Charter, international treaties, the body of international case law, and in customary principles of behavior during times of conflict. The law of war covers the issues of jus ad bellum and jus in bello, that is, what constitutes “armed attack,” “use of force,” and when a state can defend itself with military force, as well as how states should conduct themselves once armed conflict has begun. In the case of applying law of war to cyber war, the tendency to focus on a set of new technological instruments instead of the effects of those instruments has sparked a debate about the adequacy of the law of war and even the definition of “war.”

Based in the belief that cyber “weapons” represent an unprecedented development, it is common to hear the argument that technology has run ahead of current ways of thinking about, planning for, and regulating the conduct of warfare. Former NATO Supreme Allied Commander and one–time U.S. presidential candidate, General Wesley Clark, believes that cyber war exemplifies the tendency for technology to be “ahead of the law” (Adhikari, 2009). Most notably, during his April 2010 Congressional confirmation hearing to become the first commander of U.S. Cyber Command, Lt. Gen. Keith Alexander testified that there is a “mismatch between our technical capabilities to conduct operations and the governing laws and policies”[[12](http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270" \l "12)]. Thus, several influential voices in the national security community, including former Director of National Intelligence, Adm. Dennis Blair, and former General Counsel for the National Security Agency, Stewart Baker, have claimed that the law of war is “inadequate” or “irrelevant” in the context of cyber conflict (Nakashima, 2010; Gjelten, 2010).

When the law of war is deemed inadequate, previously resolved questions are reopened for consideration. This includes not only the question of what constitutes “cyber war,” but also the more general question of what constitutes “war” in the Information Age. Daniel Ryan, a professor who teaches law of war at the National Defense University, stated the supposed problem most succinctly: “We don’t know when or if a cyber attack rises to the level of ‘armed attack’” (Gjelten, 2010). Even the leadership of the U.S. Strategic Command, which oversees both the U.S. nuclear arsenal and the newly formed U.S. Cyber Command, are openly wrestling with questions like

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| [D]o cyber attacks require a cyber response, or should the President order a live weapon reply? [...] Does it matter if it’s an attack on the economy, where there’s little physical damage, there’s just disruption? [...] Espionage generally is a crime punishable by jail — but in the cyber world couldn’t intensive spying be an enabler of physical combat? When do ‘normal’ cyber operations conducted in peace–time cross the line — and where is the line? (Perera, 2009) |

Answers to these questions are important because they will determine “what constitutes a cyberattack worthy of a full–throated U.S. military response” including the use of physical force (Markoff and Shanker, 2009b).

In response, some have argued for reform of the law of war. But it is not because cyber war is so revolutionary or unprecedented that the law of war seems inadequate. Indeed, as I will argue below, current definitions of “war” as embodied in the law of war are more than adequate for allowing us to determine “where the lines are.” Rather, the seeming inadequacy of the law of war in the current discourse results from the fact that the move to frame cyber conflict and other malicious cyber acts as “war” involves the conflation of many acts that are clearly not war in the traditional sense (e.g., protest, crime, espionage) (Lewis, 2010, 2011). This conflation of non–war activities that is at the heart of the cyber war metaphor is, in part, a cause of the ongoing confusion and ambiguity about “where the lines are” (Carroll, 2011). Framing cyber conflict as “war” entails attempts to apply the law of war; but the conflation of activities that powers the “war” framing undermines the application of the law of war, creating a “double bind” situation in which it seems that we simultaneously must but cannot apply the law of war to cyber war [[13](http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270#13)].

The most disturbing response to this double bind has been efforts to reconcile cyber war and law of war that have resulted in serious calls to redefine “war” in general to include all of the activities lumped together under the term cyber war. After concluding that the cyber “attacks” against the nation of Georgia in 2008 did not constitute “armed attack” under current definitions of the term in the law of war, a report from the NATO Co–operative Cyber Defence Centre of Excellence (CCDCOE) concluded that “new approaches to traditional LOAC [law of armed conflict] principles need to be developed.” It advocated that the advent of “new bloodless types of warfare” mean that “the definition of an ‘attack’ should not be strictly connected with established meanings of death, injury, damage and destruction” [[14](http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270#14)].

There is evidence to suggest that U.S. policy–makers and military leaders are also beginning to adopt this view. As early as 2004, the National Military Strategy of the United States of America identified cyber attacks as a type of “asymmetric” threat that “may rely more on disruptive impact than destructive kinetic effects” [[15](http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270#15)]. The strategy document advocated the preventive use of force against adversaries believed to be undeterred from acquiring such capabilities [[16](http://firstmonday.org/ojs/index.php/fm/article/view/3848/3270#16)]. In May 2009, when asked by members of Congress if the cyber attacks on Estonia in 2007 and Georgia in 2008 could be considered “cyber war,” Lt. Gen. Keith Alexander replied, “On those, you’re starting to get closer to what would be [considered war]” (Harris, 2009, brackets in original). Two months later, U.S. Representative Peter Hoekstra, the ranking Republican on the House Intelligence Committee, called for a military “show of force” against North Korea in response to a series of distributed denial of service (DDoS) attacks against U.S. and South Korean Web sites (Zetter, 2009). It later turned out that the attack had not in fact originated in North Korea (Dunn, 2010). Finally, as recently as June 2011, an unnamed Pentagon official involved with the development of the DoD cyberspace strategy released a month later said, “If you shut down our power grid, maybe we will put a missile down one of your smokestacks” (Gorman and Barnes, 2011).

This expansion of what counts as war is seemingly necessary because, as the CCDCOE report indicated, even the most dramatic cases like the cyber attacks against Georgia in 2008 do not rise to the level of war as traditionally defined. Many observers agree with that assessment and also note that the cyber attacks against Estonia in 2007 were not war (Ottis, 2010; Schneier, 2009; Lewis, 2009a). In fact, some claim that we have yet to see anything close to “armed attack” in the cyber “domain” (Dunn Cavelty, 2011; Dunn Cavelty and Rolofs, 2011; Lewis, 2009a, 2010). As Evgeny Morzov has argued, “there is no evidence yet to link the current generation of cyber–attacks to warfare, at least not in the legal sense of the term. [...] [T]here is a line between causing inconvenience and causing human suffering, and cyber–attacks have not crossed it yet” (Morozov, 2009).

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**Readiness is just fine now—it can only be brought down by more interventions Mearsheimer 14**—R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago

(John, "America Unhinged", <http://nationalinterest.org/print/article/america-unhinged-9639>, dml)

These are not anomalous views. A 2009 survey done by the Pew Research Center for the People and the Press found that 69 percent of the Council on Foreign Relations’ members believed the world was more dangerous than—or at least as dangerous as—it was during the Cold War. In short, the elite consensus is that Egypt and Syria are not the only countries Washington has to worry about, although they are among the most pressing problems at the moment. This grim situation means the United States has a lot of social engineering to carry out, leaving it no choice but to pursue an interventionist foreign policy. In other words, it must pursue a policy of global domination if it hopes to make the world safe for America.

This perspective is influential, widespread—and wrong. Contrary to the conventional wisdom, the United States is a remarkably secure country. No great power in world history comes close to enjoying the security it does today. What’s more, Egypt and Syria are not vital strategic interests. What happens in those countries is of little importance for American security. This is not to say they are irrelevant but rather that Washington’s real interests there are not great enough to justify expending blood and treasure. Nor is there a compelling moral case for intervening in either country.

Equally important, the United States has little ability to rectify the problems in Egypt and Syria. If anything, intervention is likely to make a bad situation worse. Consider America’s dismal record in Afghanistan, Iraq and Libya. Moreover, it does not matter much who is in charge in Cairo or Damascus. The United States has a rich history of working with leaders of all types, including Communists, fascists, military dictators and traditional monarchs. For all the talk about the need to topple Syria’s Bashar al-Assad because he is a ruthless tyrant, Washington was able to live with him—and his equally ruthless father—for more than forty years.

Interfering in countries like Egypt and Syria and turning the world into one big battlefield has significant costs for the United States. The strategic costs are actually not great precisely because the United States is such an extraordinarily secure country. It can pursue foolish policies and still remain the most powerful state on the planet. (This is not to deny that America’s interventionist policies are the main cause of its terrorism problem. Nevertheless, terrorism is a minor threat, which is why Washington is free to continue pursuing the policies that helped cause the problem in the first place.)

The pursuit of global domination, however, has other costs that are far more daunting. The economic costs are huge—especially the wars—and there are significant human costs as well. After all, thousands of Americans have died in Afghanistan and Iraq, and many more have suffered egregious injuries that will haunt them for the rest of their lives. Probably the most serious cost of Washington’s interventionist policies is the growth of a national-security state that threatens to undermine the liberal-democratic values that lie at the heart of the American political system.

Given these significant costs, and given that the United States has no vital interests at stake in Egypt and Syria, let alone the capacity for fixing the problems afflicting those countries, it should adopt a hands-off policy toward them. American leaders would do well to honor the principle of self-determination when dealing with Cairo and Damascus, and with many other countries around the world as well.

THE UNITED STATES is an exceptionally secure great power, contrary to the folderol one frequently hears emanating from America’s national-security community. A good way to illustrate this point is to reflect on isolationism, a grand strategy with a rich but controversial history.

Isolationism rests on the assumption that no region of the world outside of the Western Hemisphere is of vital strategic importance to the United States. Isolationists do not argue that America has no interests in the wider world, just that they are not important enough to justify deploying military force to defend them. They are fully in favor of engaging with the rest of the world economically as well as diplomatically, but they view all foreign wars as unnecessary.

I am not an isolationist, but the logic underpinning this grand strategy is not easy to dismiss. Quite the contrary, as President Franklin Roosevelt discovered in the early 1940s, when he had great difficulty countering the isolationists. It is commonplace today to dismiss those isolationists as fools or even crackpots. But that would be a mistake. They were wrong to think the United States could sit out World War II, but they made a serious case for staying on the sidelines, one that many Americans found compelling. At the heart of the isolationists’ worldview is a simple geographical fact: the American homeland is separated from Asia and Europe by two giant moats. No great power can mount an amphibious operation across the Atlantic or Pacific Oceans, and thus no outside power, whether it was Nazi Germany or Imperial Japan, could directly threaten the survival of the United States.

If the case for isolationism was powerful before Pearl Harbor, it is even more compelling today. For starters, the United States has thousands of nuclear weapons, which are the ultimate deterrent and go a long way toward guaranteeing a state’s survival. No adversary is going to invade America and threaten its survival, because that opponent would almost certainly end up getting vaporized. In essence, two giant oceans and thousands of nuclear weapons today shield the United States. Moreover, it faces no serious threats in its own neighborhood, as it remains a regional hegemon in the Western Hemisphere.

Finally, the United States faces no great-power rival of any real consequence. In fact, most strategists I know believe it has been operating in a unipolar world since the Cold War ended, which is another way of saying America is the only great power on the planet; it has no peers. Others believe China and Russia are legitimate great powers and the world is multipolar. Even so, those two great powers are especially weak when compared to the mighty United States. In addition, they have hardly any power-projection capability, which means they cannot seriously threaten the American homeland.

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#### it’s mutually exclusive

**Taylor 98**

Prue **Taylor**, Senior Lecturer of law and a founding member of the New Zealand Centre for Environmental Law at the University of Auckland,**1998**

[An Ecological Approach to International Law: Responding to the Challenges of Climate Change (Hardcover) p. 39-42, 45-48]

The question 'are ecocentric ethics really necessary?' is frequently asked. Could we not, for example, achieve our environmental goals by more rigorous environmental legislation? Obviously much could be improved as a consequence of tighter controls, but two important limitations would remain. First, the question of 'how clean is clean' would continue to be answered solely by reference to human needs and standards. Thus water quality would he determined by interests such as human welfare, recreation needs and aesthetic values. The interests of nature and the needs of fully functioning ecosystems, which full below a human‑centred threshold, would be left unprtxected. By taking into account a much larger and more complex set of ecocentrically determined interests, tougher environmental standards would he achieved.217 Second, as Bosselmann points out, decision‑makers would not be able to make the important paradigm jump to protecting nature for its own sake. Worse, in cases where decision‑makers felt morally committed to such a jump, they would be forced to find constrained logic to justify their decisions. The variety of ethical approaches to environmental decision‑making has raised the question of moral pluralism. Stone, for example, has suggested that situations can be resolved according to either anthropocentric or ecocentric views depending on the nature of the problem. Thus decision makers are able to switch from one value system to another. Such a process is rejected by commentators such as 3. Baird Callicott who believes that ecocentric ethics are 'not only a question of better rational arguments but the expres­sion of a fundamentally changed attitude to nature. Callicott reminds Stone that anthropocentric attitudes and ecocencric ethics represent quite different paradigms. That in reality **people do not follow anthropocentric attitudes in the morning, only to switch to ecocentric ethics after lunch**. In the context of New Zealand's primary environmental legislation, this debate is currently being worked through in practice. The Resource Management Act 1991 (1RMA') is guided by 'sustainable management', a concept which is defined in both anthropocentric and ecocentric terms, leaving room for tension between the supporters of alternative approaches." 221 To date the RMA has been largely dominated by anthropocenisic interests due to a failure by key authorities, such as the Environment Court and local govern‑ ment, to make the significant changes in attitude required by the Act's ecocentric principles. It has been suggested that this tension, evident in implementation of the RMA, can only be resolved by an interpretation of sustainable management' which is ecological.

#### The alt is cool!

**Collard 13**—Geography Department at the University of British Columbia

(Rosemary-Claire, “Apocalypse Meow”, Capitalism Nature Socialism, 24:1, 35-41, dml)

While what counts as human shifts dramatically in time and space, what remains for the most part constant is **the animal outside that founds this category**. These are not meaningless exclusions, and in the context of environmental politics, of course, they have especially pronounced momentum and significance. The naturalization of a superior, distinct species category **enables systematically and casually inflicted death and suffering** on an inconceivable scale. What is outside the ‘‘human’’ is far more ‘‘killable,’’ like Haraway says, more easily ‘‘noncriminally put to death,’’ says Derrida, more ‘‘precarious’’ for Butler. Although Butler’s extensive work on the politics of the human has been criticized for anthropocentrism, in a recent interview (Antonello and Farneti 2009), she questions what it might mean to **share conditions of vulnerability and precariousness** with animals and the environment, and suggests it undoes **‘‘the very conceit of anthropocentrism**.’’ Such an undoing is precisely what I advocate. While an entrenched and powerful category, **the human is also** changeable **and** fluid. As Derrida (2008, 5) says, ‘‘the list of what is ‘proper’ to man always forms a configuration, from the first moment. For that very reason, it can never be limited to a single trait and is never closed.’’ The human’s contingencies, dependencies and destructive, homogenizing effects should be front and center in environmental politics. To show its strangeness is to show that it could be otherwise. Ultimately, **we might have to reconfigure subjectivity’s contours and topographies**, allow for an apocalypse of the human subject. We might have to get naked in front of our pets. ‘‘A true political space,’’ writes Swyngedouw (2010b, 194), ‘‘is always a space of contestation for those who are not-all, who are uncounted and unnamed.’’ This true political space necessarily includes\*if only by virtue of their exclusion\*animals, the ‘‘constitutive outside’’ of humanity itself. How we respond to this dynamic **ought to be a central question** of critical scholarship and philosophizing. To be a philosopher, says Deleuze in the ‘‘A for Animal’’ entry to the ‘‘abecedary’’ (L’abe´ce´daire de Gilles Deleuze 1989), ‘‘is to write in the place of animals that die.’’ This is still an imperfect way of describing my objective (for one thing, I am also interested in animals that are still alive), but it is an improvement over being a ‘‘spokesperson’’ for animals, which are often characterized as speechless and may be rendered more so having spokespeople appointed to speak on their behalf. To write in the place of animals that die seems a preferable, though still fraught, characterization. This paper is therefore written in the place of those uncounted and unnamed non-subjects of political space, the animals that die, the nonhumans, the hundreds of millions of animals that are ‘‘living out our nightmares’’ (Raffles 2010, 120): injected, tested, prodded, then discarded. **We have** denied**,** disavowed**, and** misunderstood **animals**. They are refused speech, reason, morality, emotion, clothing, shelter, mourning, culture, lying, lying about lying, gifting, laughing, crying\*the list has no limit. But ‘‘who was born first, before the names?’’ Derrida (2008, 18) asks. ‘‘Which one saw the other come to this place, so long ago? Who will have been the first occupant? Who the subject? Who has remained the despot, for so long now?’’ Some see identifying this denial as a side-event, inconsequential, even sort of silly. The belief in human superiority is firmly lodged and dear to people’s hearts and senses of themselves. It also seems a daunting task, not a simple matter of inserting the excluded into the dominant political order, which as Zˇ izˇek (1999) writes, neglects how **these very subversions and exclusions are the order’s condition of being**. But if the political is precisely, as Swyngedouw (2010b) suggests, the expansion of a specific issue into a larger universal demand against ‘‘those in power’’ (an elevation he argues is precluded by the post-political, **which** **reduces an issue to a** particular**,** contained**, and** very specific **demand**), then perhaps the universal demand we need to mobilize in the Left is humanity itself. We need to write in the place of animals that die, in the sense that our politics must undertake not only a re-writing of our histories of oppression, our constitutions, our global agreements (and who and what are included in them), but also, necessarily, **a radical reconfiguring of how subjects are positioned in relation to each other**. The human can in fact serve as the named subject of this political effort, perhaps most aptly in environmental struggles. Like Braidotti (2008, 183) argues, ‘‘sustainability is about decentering anthropocentrism.’’ It is about an ‘‘egalitarianism . . .that displaces both the old-fashioned humanistic assumption that ‘man’ is the measure of all things and the anthropocentric idea that the only bodies that matter are human’’ (183). In tackling the human category, I believe the Left **would not only be more relevant, but also could bring a** transformative sensibility **to an environmental politics** that often seems to want to blame ‘‘humankind’’ but **fails to consider precisely how this material and symbolic category remains untroubled in such misanthropy.**

#### Their sole focus on governmental action is flawed – the world only exists in terms of individual power relations, altering our own practices are a necessary prerequisite

Nayar 99 – Professor in the School of Law at the University of Warwick (Jayan, “Orders of Inhumanity,” Transnational Law & Contemporary Problems, Fall 1999)

The "world," as we perceive it today, did not exist in times past. It does not exist today. There is no such thing as the global "one world." The world can only exist in the locations and experiences revealed through and in human relationships. It is often that we think that to change the world it is necessary to change the way power is exercised in the world; so we go about the business of exposing and denouncing the many power configurations that dominate. Power indeed does lie at the core of human misery, yet we blind ourselves if we regard this power as the power out there. Power, when all the complex networks of its reach are untangled, is personal; power does not exist out there, [\*630] it only exists in relationship. To say the word, power, is to describe relationship, to acknowledge power, is to acknowledge our subservience in that relationship. There can exist no power if the subservient relationship is refused--then power can only achieve its ambitions through its naked form, as violence. Changing the world therefore is a misnomer for in truth it is relationships that are to be changed. And the only relationships that we can change for sure are our own. And the constant in our relationships is ourselves--the "I" of all of us. And so, to change our relationships, we must change the "I" that is each of us. Transformations of "structures" will soon follow. This is, perhaps, the beginning of all emancipations. This is, perhaps, the essential message of Mahatmas.