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### Plan

#### The United States Federal Government should remove by statute the President's authority under Title 50 for targeted killing by drones.

### Adv 1

#### Advantage 1: Terrorism

#### Congress blocked Obama’s transfer of drones to the military --- ensures widespread backlash

Auner, 14 [1/21/14, Eric, senior analyst at Guardian Six Consulting, “Congress Resists Pentagon Drone Oversight as U.S. and Partners Continue Targeted Killing”, <http://www.worldpoliticsreview.com/trend-lines/13513/congress-resists-pentagon-drone-oversight-as-u-s-and-partners-continue-targeted-killings>]

As U.S. forces draw down in Afghanistan, the United States continues to carry out targeted killings against suspected terrorist leaders in several theaters—including through the use of armed drones—and to enhance the ability of partner nations to carry out lethal operations. But U.S. drone strikes can kill innocent civilians along with their intended targets, generating **backlash abroad and concerns domestically**. According to reporting last week by the Washington Post, one such strike moved Congress to insert language into the $1.1 trillion spending bill that blocks Obama admini stration attempts to transfer the U.S. drone program from the CIA tothe Pentagon. Currently, both the CIA and the Department of Defense operate their own drone programs under different legal authorities, with the CIA drone program governed by covert operations statutes. In December, a strike carried out by the military hit a convoy in Yemen, which Yemeni tribal leaders told news organizations was part of a wedding party. In addition to several al-Qaida targets, approximately half a dozen civilians were killed, and the incident raised concerns over the targeting capabilities of the military. Micah Zenko of the Council on Foreign Relations, who has argued that lead authority for drone strikes should be consolidated under the Defense Department, explains that placing the program under Pentagon control “would allow the program to be defended publicly,” which is not the case for the covert drone program controlled by the CIA. He adds that the move would not necessarily have operational implications for how the program is carried out. But in general, he suggests, there is little appetite among lawmakers on either side of the aisle to enact major reforms to U.S. targeted killing programs or to significantly increase oversight. Although the Senate Intelligence Committee approved a plan to improve government oversight of U.S. drone strikes in November, the current partisan configuration may make it less likely that Congress will oppose drone strikes and other methods of targeted killing. Democrats hesitate to oppose their own party’s president, and many conservatives cheer a vigorous prosecution of the fight against terrorism. But a lack of interest in major reform may also reflect a level of basic agreement in Washington on the efficacy of targeted strikes as a counterterrorism tool. According to Clint Watts of the Homeland Security Policy Institute at George Washington University, although the frequency of their use has gone down over the past two years, targeted killings via drone are still “the best available option of interdicting terrorists that produces the fewest civilian casualties.” He says that media accounts frequently exaggerate the extent of collateral damage from drone strikes and usually **fail to consider the consequences of alternative strategies** for going after terrorists. Other approaches, such as “clear, hold and build” counterinsurgency operations and funding local militias, can also cause collateral damage and generate instability in sensitive areas, Watts explains. Moreover, with the domestic controversy over detaining suspected terrorists, the military feels more constrained in its ability to capture suspected terrorists alive. The United States has pursued a range of different types of cooperation with several partner countries in terms of drone strikes, which have taken place in Afghanistan and Pakistan, as well as Yemen, where 450 militants were killed in strikes in 2012 and 119 in 2013, according to the New America Foundation. But Zenko has also cataloged other instances of the U.S. assisting allies in carrying out lethal operations, including assisting the French in Mali and the Ugandan government in its fight against the Lord’s Resistance Army.

#### CIA targeted killing undermines program sustainability – conflicting legal regimes

Burt and Wagner, 12 [Blurred Lines: An Argument for a More Robust Legal Framework Governing the CIA Drone Program Andrew Burt† & Alex Wagner Yale Law School, J.D. expected 2014. ‡ Special Advisor for Rule of Law and Detainee Policy, Office of the Secretary of Defense, and Adjunct Professor of Law, Georgetown University Law Center. All views expressed herein are solely those of the authors and not those of the United States, the Office of the Secretary of Defense, or the Department of Defens The Yale Journal of International Law Online]

The principle of “distinction” between civilians and combatants forms the basis for one of the core concepts of international humanitarian law. During armed conflict, civilians are presumptively assumed not to be taking a direct role in the conduct of hostilities, must not be attacked, and are entitled to various degrees of protection under the Fourth Geneva Convention. Civilians lose these protections under the law of war when they cease operating in a civilian capacity and instead take a direct role in the conduct of hostilities. According to the Interpretive Guidance of the ICRC, civilian “direct participation in hostilities” (DPH) refers to “specific acts carried out by individuals as part of the conduct of hostilities between parties to an armed conflict,” and civilians become targetable while performing those acts.48 For those unprivileged belligerents who assume a larger, consistent role in hostilities (know as a “continuous combat function”), such conduct alters their status, enabling them to be targeted as belligerents, rather than only for the time they commit a specific hostile act. Without the legal status of combatant, and thus the privileges described above, CIA civilians who operate drones that hunt and shoot Hellfire missiles at al Qaeda militants arguably lose both the protection due to civilians and the immunity reserved for lawful combatants, rendering them both lawful targets of attack and criminally liable (for war crimes under international law or for murder under domestic law where the hostilities occur). Two principal problems arise from this uncomfortable similarity in legal status between CIA civilians and the terrorists they combat. The first is one of misalignment: it is less than ideal for the United States to be waging a military, diplomatic, and public relations campaign against a global network of terrorists whose members arguably share the same legal status as a segment of the Americans targeting them, especially when the legal status of the terrorists as unlawful belligerents is part of the justification for pursuing them. Second, U.S. domestic law itself (the Military Commissions Act of 2009) treats the conduct of unprivileged belligerents as inconsistent with the laws of war.49 A legal regime justifying the United States’ global fight against al Qaeda jeopardizes its sustainability, but most importantly, its credibility, with this type of contradiction at its core. Indeed, the undeniable success of the drone strikes in pushing al Qaeda to the brink of strategic defeatmakes it **imperative** that critics cannot assert a legal—or perhaps even moral—equivalency between the CIA and al Qaeda. The drone program’s continued viability necessitates a stronger grounding in both international and domestic law.

#### The plan makes targeted killing sustainable and effective—fosters legal clarity and perception of oversight

Waxman, 13 [3/20, Matthew, law professor at Columbia Law School, co-chair, Roger Hertog Program on Law and National Security, Adjunct Senior Fellow for Law and Foreign Policy at the Council on Foreign Relations, member of the Hoover Institution Task Force on National Security and Law, “Going Clear,” Foreign Policy, http://www.foreignpolicy.com/articles/2013/03/20/going\_clear?wp\_login\_redirect=0]

According to Daniel Klaidman at the Daily Beast, "[T]he White House is poised to sign off on a plan to shift the CIA's lethal targeting program to the Defense Department." Many critics of the government's targeted-killing policy have been calling for such a move, hoping that it would (in Klaidman's words) "toughen the criteria for drone strikes, strengthen the program's accountability, and increase transparency." That may be. But if what those critics really want is to end the practice of killing suspected al Qaeda fighters with unmanned aircraft far from active combat zones, they should be careful what they wish for. Although technically "covert" and carried out under statutory and presidential authorities designed to preserve "plausible deniability," it's an open secret that the CIA has been conducting counterterrorism strikes in places like Pakistan and Yemen. The U.S. military conducts similar strikes, usually through Joint Special Operations Command, including in Yemen and Somalia. Many argue that these strikes are illegal or counterproductive -- regardless of who conducts them -- because they deny targeted suspects legal process, violate national sovereignty, cause collateral damage, and fuel radicalism. Others believe, however, that these problems are compounded when the CIA is in charge because of the secrecy and impunity with which it operates. In truth, critics often underestimate oversight of CIA activities and overestimate the openness of military operations. Even if the Pentagon conducts all U.S. drone strikes, the operational details will still be shrouded in secrecy, the CIA will still provide targeting information, and much of the congressional oversight will still be conducted behind closed doors (though it will shift from the intelligence committees to the armed services committees). The CIA is also subject to some statutory congressional reporting requirements that the Defense Department is not. That said, moving all strikes under Defense Department control and eliminating their officially covert status will probably allow executive branch officials and members of Congress to speak more **clearly and openly** about general policy in this area. With regard to the legal rules that govern targeting, it may be that shifting operations to the Defense Department will promotestricter compliance. In a 2012 speech, the CIA general counsel stated that the agency conducts its operations "in a manner consistent with the...basic principles in the law of armed conflict" -- not that the CIA is legally required to comply with the rules -- which led many to wonder whether the agency was operating outside their bounds. The military is also much better practiced than the CIA in applying the law of armed conflict and assessing collateral damage. Even if the CIA has in reality been fully compliant, it is in the U.S. interest to promote these international legal rules by communicating unambiguously and demonstrating its own normative commitment to them. Those are things that the military is much better able to do, on account of **tradition, institutional culture, and legal requirements**. So, moving operations to the Pentagon may modestly improve transparency and compliance with the law but -- ironically for drone critics -- it may also entrench targeted-killing policy for the long term. For one thing, the U.S. government will now be better able to defend publicly its practices at home and abroad. The CIA is institutionally oriented toward extreme secrecy rather than public relations, and the covert status of CIA strikes makes it difficult for officials to explain and justify them. The more secretive the U.S. government is about its targeting policies, the less effectively it can **participate in** the **broader debates** about the law, ethics, and strategy of counterterrorism. Many of the criticisms of drones and targeting are fundamentally about whether it's appropriate to treat the fight against al Qaeda and its allies as a war -- with all the legal authorities that flow from that, like the powers to detain and kill. The U.S. government can better defend its position without having to maintain plausible deniability of its most controversial program and without the negative image (whether justified or not) that many audiences associate with the CIA. Under a military-only policy, the United States would also be better positioned to correct lingering misperceptions about targeted killings and to take remedial action when it makes a mistake. Moreover, clearer legal limits and the perception of stricter oversight will make drone policy more legitimate in the public's eyes. Polling shows that Americans support military drone strikes more strongly than CIA ones, so this move will likely strengthen political backing for continued strikes. Consider the case of Guantanamo: The shuttering of black sites, as well as the Supreme Court's decisions that detainees there can challenge their detention in federal court and that all detainees are protected by the Geneva Convention, have muted criticism of the underlying practice of detention without trial. Here, too, the proposed reforms would put the remaining policy on stronger footing. It's difficult to assess fully the pros and cons of getting the CIA out of the lethal targeting business because the government has not explained why it has been using the CIA for some operations and not others. As to efficacy -- how the advantages of targeted strikes match up against the costs -- strategy should dictate which agency should be responsible, not the other way around. That said, the result of shifting control to the Pentagon will likely be a more sustainable, if perhaps more restrained and formalized, long-term policy of targeted killing.

#### JSOC key to combat terrorism --- the plan’s mode of selective disclosure assuages public fears, while maintaining JSOC’s core competence

Sahadi, 13 [By: Michael J. Sahadi, Jr., J.D. Ave Maria School of Law Class of 2013KEEPING JSOC A SECRET: The Exposure of Special Warfare and its Adverse Effects on National Security and Defense to the United States, p. internet]

It is no secret that the United States uses drones as a military tool. Transparency has extended to the drone program as well. Guiora said, “everyone knows what we are doing,” and people want “transparency with drones” as well.90 The best way to handle this situation is be upfront about it. The government should tell the people, “this is what we do, these ourare guidelines, policy is policy” and “drone policy is the future of combat, and there is a lack of transparency” in this area.91 Transparency is good for certain things the government does, however, the drone program is complicated. Although not confirmed, some “drones likely fall under JSOC.”92 If there are drones that JSOC utilizes, that should be one area that remains non-transparent. By contrast, if the government uses drones in a search and rescue situation during a natural disaster, that is a scenario where the drone usage could be transparent. Drones are highly effective tools, and they appear to be an integral part of military operations moving forward, therefore it would be adverse to share such sensitive information. Drones were likely used leading up to Operation Neptune Spear to catch bin Laden, whereby “Obama in turn drafted a memo to Panetta in June, 2009 directing the CIA to create a “detailed operation plan” for finding the AQ leader and to ‘ensure that we have expended every effort’ to track bin Laden down, as well as to intensify the CIA’s classified drone program.”93 Furthermore, “Predator drones have reportedly been used “at least hundreds of times to fire on targets in Afghanistan, Pakistan, Yemen, Iraq, and elsewhere.”94 Drone warfare has increased over the last few years, because “President Obama has authorized nearly four times the number of drone strikes for targeted killing in Pakistan in his first two years in office as President Bush did in his eight years.”95 It appears that “Africa may end up becoming the next front in Obama’s drone war, and he may have bipartisan support.”96 Both drone warfare and transparency will be hotly contested issues in the coming years, especially during campaign seasons. The people want transparency, the politicians will promise it, and all will conflict with national security. Certain drones could be disclosed to the public, but others must remain hidden. Any drone associated with JSOC should never be disclosed to the public. The operators in JSOC risk their lives on every mission, if there are drones that can help reduce that risk, there is no reason to disclose them, as there is no public benefit. Conclusion This paper has demonstrated why it is so important to keep JSOC a secret organization, exposure does nothing more than counteract all that JSOC is trying to accomplish. Exposing JSOC and its units only makes the command ineffective as a fighting force. JSOC was largely unknown before Operation Neptune Spear took place. Post-Neptune Spear, the entire world was privy to highly sensitive information. The leaking of this information was not for historical value, merely personal gain, which makes it utterly wrong. Operation Red Dawn was handled properly, whereby the world was made known of Saddam Hussein’s capture, and then moved on. Operation Neptune Spear was handled with much less care and wisdom, thereby jeopardizing the lives of the operators and possible success in future missions. The world needed to know Osama bin Laden was neutralized. The world did not need to know who did it, why it was done the way it was, how it was planned and executed, where it took place, and when each stage occurred. Had the administration not leaked this highly sensitive information, the floodgates would never have been opened whereby countless news articles, television shows, books, and now movies advertise in great detail what our operators are capable of. JSOC operates successfully when left deep in the dark shadows. Shining blinding lights into places that ought not be illuminated with media only threat(en)s the success of the command. From the beginning JSOC was designed in secret, and was to operate in secret, that was its ethos. The cloak of secrecy has been more than pierced, it has been completely ripped away by the onslaught of media outlets, journalists, and do-gooders out to set the record straight. The rationale by these groups is that Neptune Spear will forever be studied in the history books. That is highly unlikely as bin Laden’s death did not bring with it the collapse of al-Qaeda and all its terror cells in the same way Hitler’s death brought down Nazi Germany. If Neptune Spear makes in the history books of time, it will be nothing more than a small section buried in a chapter. This paper is not stating Operation Neptune Spear or the death of Osama bin Laden are irrelevant or of no great importance, this paper argued that how that operation was conducted needed to be kept a secret, as all of JSOC’s countless missions should be. Classified or Top Secret information does not mean that it is only reserved for those with the necessary security clearances to divulge to the world, it means it should not be divulged at all. JSOC was designed in secret, JSOC operates in secret, and therefore JSOC should remain a secret. Any exposure is too much exposure.

#### Program backlash inhibits effective use, even if it doesn’t end it—the aff is key middle ground

Zenko, 13 [Micah Zenko is the Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning, Council Special Report No. 65, January 2013, “U.S. Drone Strike Policies”, i.cfr.org/content/publications/attachments/Drones\_CSR65.pdf‎]

In his Nobel Peace Prize acceptance speech, President Obama declared: “Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. Even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war.”63 Under President Obama drone strikes have expanded and intensified, and they will remain a central component of U.S. counterterrorism operations for at least another decade, according to U.S. officials.64 But much as the Bush administration was compelled to reform its controversial counterterrorism practices, it is likely that the United States will ultimately be forced by domestic and international pressure to scale back its drone strike policies. The Obama administration can preempt this pressure by clearly articulating that the rules that govern its drone strikes, like all uses of military force, are based in the laws of armed conflict and international humanitarian law; by engaging with emerging drone powers; and, most important, by matching practice with its stated policy by limiting drone strikes to those individuals it claims are being targeted (which would reduce the likelihood of civilian casualties since the total number of strikes would significantly decrease). The choice the United States faces is not between unfettered drone use and sacrificing freedom of action, but between drone policy reforms by design or drone policy reforms **by default**. Recent history demonstrates that domestic political pressure could severely limit drone strikes in ways that the CIA or JSOC have not anticipated. In support of its counterterrorism strategy, the Bush administration engaged in the extraordinary rendition of terrorist suspects to third countries, the use of enhanced interrogation techniques, and warrantless wiretapping. Although the Bush administration defended its policies as critical to protecting the U.S. homeland against terrorist attacks, unprecedented domestic political pressure led to significant reforms or termination. Compared to Bush-era counterterrorism policies, drone strikes are vulnerable to similar—albeit still largely untapped—moral outrage, and they are even more susceptible to political constraints because they occur in plain sight. Indeed, a negative trend in U.S. public opinion on drones is already apparent. Between February and June 2012, U.S. support for drone strikes against suspected terrorists fell from 83 percent to 62 percent—which represents less U.S. support than enhanced interrogation techniques maintained in the mid-2000s.65 Finally, U.S. drone strikes are also widely opposed by the citizens of important allies, emerging powers, and the local populations in states where strikes occur.66 States polled reveal overwhelming opposition to U.S. drone strikes: Greece (90 percent), Egypt (89 percent), Turkey (81 percent), Spain (76 percent), Brazil (76 percent), Japan (75 percent), and Pakistan (83 percent).67 This is significant because the United States cannot conduct drone strikes in the most critical corners of the world by itself. Drone strikes require the tacit or overt support of host states or neighbors. If such states decided not to cooperate—or to actively resist—U.S. drone strikes, their effectiveness would be immediately and sharply reduced, and the likelihood of civilian casualties would increase. This danger is not hypothetical. In 2007, the Ethiopian government terminated its U.S. military presence after public revelations that U.S. AC-130 gunships were launching attacks from Ethiopia into Somalia. Similarly, in late 2011, Pakistan evicted all U.S. military and intelligence drones, forcing the United States to completely rely on Afghanistan to serve as a staging ground for drone strikes in Pakistan. The United States could attempt to lessen the need for tacit host-state support by making significant investments in armed drones that can be flown off U.S. Navy ships, conducting electronic warfare or missile attacks on air defenses, allowing downed drones to not be recovered and potentially transferred to China or Russia, and losing access to the human intelligence networks on the ground that are critical for identifying targets. According to U.S. diplomats and military officials, active resistance— such as the Pakistani army shooting down U.S. armed drones— is a legitimate concern. In this case, the United States would need to either end drone sorties or escalate U.S. military involvement by attacking Pakistani radar and antiaircraft sites, thus increasing the likelihood of civilian casualties.68 Beyond where drone strikes currently take place, political pressure could severely limit options for new U.S. drone bases. For example, the Obama administration is debating deploying armed drones to attack al-Qaeda in the Islamic Maghreb (AQIM) in North Africa, which would likely require access to a new airbase in the region. To some extent, anger at U.S. sovereignty violations is an inevitable and necessary trade-off when conducting drone strikes. Nevertheless, in each of these cases, domestic anger would partially or fully abate if the United States modified its drone policy in the ways suggested below.

#### Legal backlash concerns create a chilling effect

Goldsmith, 12 [Jack Goldsmith, Harvard Law School Professor, focus on national security law, presidential power, cybersecurity, and conflict of laws, Former Assistant Attorney General, Office of Legal Counsel, and Special Counsel to the Department of Defense, Hoover Institution Task Force on National Security and Law, March 2012, Power and Constraint, P. 199-201]

For the GTMO Bar and its cousin NGOs and activists, however, the al-Aulaqi lawsuit, like other lawsuits on different issues, was merely an early battle in a long war over the legitimacy of U.S. targeting practices—a war that will take place not just in the United States, but in other countries as well. When the CCR failed to achieve what it viewed as adequate accountability for Bush administration officials in the United States in connection with interrogation and detention practices, it started pursuing, and continues to pursue, lawsuits and prosecutions against U.S. officials in Spain, Germany, and other European countries. "You look for every niche you can when you can take on the issues that you think are important," said Michael Ratner, explaining the CCR's strategy for pursuing lawsuits in Europe. Clive Stafford Smith, a former CCR attorney who was instrumental in its early GTMO victories and who now leads the British advocacy organization Reprieve, is using this strategy in the targeted killing context. "There are endless ways in which the courts in Britain, the courts in America, the international Pakistani courts can get involved" in scrutinizing U.S. targeting killing practices, he argues. "It's going to be the next 'Guantanamo Bay' issue."' Working in a global network of NGO activists, Stafford Smith has begun a process in Pakistan to seek the arrest of former CIA lawyer John Rizzo in connection with drone strikes in Pakistan, and he is planning more lawsuits in the United States and elsewhere against drone operators." "The crucial court here is the court of public opinion," he said, explaining why the lawsuits are important even if he loses. His efforts are backed by a growing web of proclamations in the United Nations, foreign capitals, the press, and the academy that U.S. drone practices are unlawful. What American University law professor Ken Anderson has described as the "international legal-media-academic-NGO-international organization-global opinion complex" is hard at work to stigmatize drones and those who support and operate them." This strategy is having an impact. The slew of lawsuits in the United States and threatened prosecutions in Europe against Bush administration officials imposes reputational, emotional, and financial costs on them that help to promote the human rights groups' ideological goals, even if courts never actually rule against the officials. By design, these suits also give pause to current officials who are considering controversial actions for fear that the same thing might later happen to them. This effect is starting to be felt with drones. Several Obama administration officials have told me that they worry targeted killings will be seen in the future (as Stafford Smith predicts) as their administration's GTMO. The attempted judicial action against Rizzo, the earlier lawsuits against top CIA officials in Pakistan and elsewhere, and the louder and louder proclamations of illegality around the world all of which have gained momentum after al-Aulaqi's killing—are also having an impact. These actions are rallying cries for protest and political pushback in the countries where the drone strikes take place. And they lead CIA operators to worry about legal exposure before becoming involved in the Agency's drone program." We don't know yet whether these forces have affected actual targeting practices and related tactics. But they induce the officials involved to take more caution. And it is only a matter of time, if it has not happened already, before they lead the U.S. government to forgo lawful targeted killing actions otherwise deemed to be in the interest of U.S. national security.

#### Drone use prevents planning and executing terrorist attacks

Johnston 12 (Patrick B. Johnston is an associate political scientist at the RAND Corporation, a nonprofit, nonpartisan research institution. He is the author of "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," published in International Security (Spring 2012)., 8/22/2012, "Drone Strikes Keep Pressure on al-Qaida", www.rand.org/blog/2012/08/drone-strikes-keep-pressure-on-al-qaida.html)

Should the U.S. continue to strike at al-Qaida's leadership with drone attacks? A recent poll shows that while most Americans approve of drone strikes, in 17 out of 20 countries, more than half of those surveyed disapprove of them. My study of leadership decapitation in 90 counter-insurgencies since the 1970s shows that when militant leaders are captured or killed militant attacks decrease, terrorist campaigns end sooner, and their outcomes tend to favor the government or third-party country, not the militants. Those opposed to drone strikes often cite the June 2009 one that targeted Pakistani Taliban leader Baitullah Mehsud at a funeral in the Tribal Areas. That strike reportedly killed 60 civilians attending the funeral, but not Mehsud. He was killed later by another drone strike in August 2009. His successor, Hakimullah Mehsud, developed a relationship with the foiled Times Square bomber Faisal Shahzad, who cited drone strikes as a key motivation for his May 2010 attempted attack. Compared to manned aircraft, drones have some advantages as counter-insurgency tools, such as lower costs, longer endurance and the lack of a pilot to place in harm's way and risk of capture. These characteristics can enable a more deliberative targeting process that serves to minimize unintentional casualties. But the weapons employed by drones are usually identical to those used via manned aircraft and can still kill civilians—creating enmity that breeds more terrorists. Yet many insurgents and terrorists have been taken off the battlefield by U.S. drones and special-operations forces. Besides Mehsud, the list includes Anwar al-Awlaki of al-Qaida in the Arabian Peninsula; al-Qaida deputy leader Abu Yahya al-Li-bi; and, of course, al-Qaida leader Osama bin Laden. Given that list, it is possible that the drone program has prevented numerous attacks by their potential followers, like Shazad. What does the removal of al-Qaida leadership mean for U.S. national security? Though many in al-Qaida's senior leadership cadre remain, the historical record suggests that "decapitation" will likely weaken the organization and could cripple its ability to conduct major attacks on the U.S. homeland. Killing terrorist leaders is not necessarily a knockout blow, but can make it harder for terrorists to attack the U.S. Members of al-Qaida's central leadership, once safely amassed in northwestern Pakistan while America shifted its focus to Iraq, have been killed, captured, forced underground or scattered to various locations with little ability to communicate or move securely. Recently declassified correspondence seized in the bin Laden raid shows that the relentless pressure from the drone campaign on al-Qaida in Pakistan led bin Laden to advise al-Qaida operatives to leave Pakistan's Tribal Areas as no longer safe. Bin Laden's letters show that U.S. counterterrorism actions, which had forced him into self-imposed exile, had made running the organization not only more risky, but also more difficult. As al-Qaida members trickle out of Pakistan and seek sanctuary elsewhere, the U.S. military is ramping up its counterterrorism operations in Somalia and Yemen, while continuing its drone campaign in Pakistan. Despite its controversial nature, the U.S. counter-terrorism strategy has demonstrated a degree of effectiveness. The Obama administration is committed to reducing the size of the U.S. military's footprint overseas by relying on drones, special operations forces, and other intelligence capabilities. These methods have made it more difficult for al-Qaida remnants to reconstitute a new safe haven, as Osama bin Laden did in Afghanistan in 1996, after his ouster from Sudan.

#### Extinction

Hellman 8 (Martin E. Hellman, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, <http://www.nuclearrisk.org/paper.pdf>)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engi- neering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

#### Causes US-Russia miscalc—extinction

Barrett et al. 13—PhD in Engineering and Public Policy from Carnegie Mellon University, Fellow in the RAND Stanton Nuclear Security Fellows Program, and Director of Research at Global Catastrophic Risk Institute—AND Seth Baum, PhD in Geography from Pennsylvania State University, Research Scientist at the Blue Marble Space Institute of Science, and Executive Director of Global Catastrophic Risk Institute—AND Kelly Hostetler, BS in Political Science from Columbia and Research Assistant at Global Catastrophic Risk Institute (Anthony, 24 June 2013, “Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia,” Science & Global Security: The Technical Basis for Arms Control, Disarmament, and Nonproliferation Initiatives, Volume 21, Issue 2, Taylor & Francis)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, could have globally catastrophic effects such as severely reducing food production for years, 1 potentially leading to collapse of modern civilization worldwide, and even the extinction of humanity. 2 Nuclear war between the United States and Russia could occur by various routes, including accidental or unauthorized launch; deliberate first attack by one nation; and inadvertent attack. In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack. 3 (Brinkmanship strategies incorporate elements of all of the above, in that they involve intentional manipulation of risks from otherwise accidental or inadvertent launches. 4 ) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, and numerous measures also were taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides’ development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. 5 Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. 6 However, it also has been argued that inadvertent nuclear war between the United States and Russia has continued to present a substantial risk. 7 While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack. 8 False indicators of nuclear attack could be caused in several ways. First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. 9 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb, 10 especially if such an event occurs during a crisis between the United States and Russia. 11 A variety of nuclear terrorism scenarios are possible. 12 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. 13 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. 14 It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.–Russian crisis conditions, 15 with the Cuban Missile Crisis being a prime historical example. It is possible that U.S.–Russian relations will significantly deteriorate in the future, increasing nuclear tensions. There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks. 16

### Adv 2

#### Advantage 2: Norms

#### A Subpoint --- CIA Fails

#### Drone jurisdiction shapes global norms—CIA control sets a precedent that collapses accountability and influence

Alston, 11 [Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, “The CIA and Targeted Killings beyond Borders,” Philip Alston, John Norton Pomeroy Professor of Law, New York University School of Law, p. lexis]

3. Self-interest: Setting Prudent Precedents for Others Because the United States inevitably **contributes disproportionately** to the shaping of global regime rules, and because it is making more extensive overt use of targeted killings than other states, its approach will heavily influence emerging global norms. This is of particular relevance in relation to the use of drones. There are strong reasons to believe that a permissive policy on drone-fired targeted killings will come back to haunt the United States in a wide range of potential situations in the not too distant future. In 2011, a senior official noted that while for the past two decades the United States and its allies had enjoyed “relatively exclusive access to sophisticated precision-strike technologies,” that monopoly will soon come to an end.605 In fact, in the case of drones, some 40 countries already possess the basic technology. Many of them, including Israel, Russia, Turkey, China, India, Iran, the United Kingdom, and France either have or are seeking drones that also have the capability to shoot laser-guided missiles. Overall, the United States accounts for less than one-third of worldwide investment in UAVs.606 On “Defense Industry Day,” August 22, 2010, the Iranian President unveiled a new drone with a range of 1,000 kilometers (620 miles) and capable of carrying four cruise missiles.607 He referred to the drones as a “messenger of honor and human generosity and a saviour of mankind,” but warned ominously that it can also be “a messenger of death for enemies of mankind.”608 To date, the United States has opted to maintain a relatively flexible and open-ended legal regime in relation to drones, in large part to avoid setting precedents and restricting its own freedom of action.609 But this policy seems to assume that other states will not acquire lethal drone technology, will not use it, or will not be able to rely upon the justifications invoked by the United States. These assumptions seem questionable. American commentators favoring a permissive approach to targeted killings abroad are generally very careful to add that such killings would under no circumstances be permitted within the United States.610 Thus when the United States argues that targeted killings are legitimate when used in response to a transnational campaign of terror directed at it, it needs to bear in mind that other states can also claim to be so afflicted, even if the breadth of the respective terrorist threats is not comparable. Take Russia, for example, in relation to terrorists from the Caucasus. It has characterized its military operations in Chechnya since 1999 as a counter-terrorism operation and has deployed “seek and destroy” groups of army commandoes to “hunt down groups of insurgents.”611 It has been argued that the targeted killings that have resulted are justified because they are necessary to Russia’s fight against terrorism.612 Althoughallowing the use of military and special forces outside the country’s borders against external threats.”618 China is another case in point. It has consistently characterized unrest among its Uighur population as being driven by terrorist separatists. But Uighur activists living outside China are not so classified by other states. That means that China could invoke American policies on targeted killing to carry out a lethal attack against a Uighur activist living in Europe or the United States. The Chinese Foreign Ministry welcomed the killing of Osama bin Laden as “a milestone and a positive development for the international anti-terrorism efforts,” adding ominously in reference to the Uighur situation that, “China has also been a victim of terrorism.”619 When a journalist asked how American practice in Pakistan compared to possible Chinese external action against a Uighur to a senior United States counterterrorism official, the latter distinguished the situations from one another on the unconvincing grounds of Pakistan’s special relationship with the United States.620 A more realistic note was struck by Anne-Marie Slaughter after bin Laden’s killing when she observed that “having a list of leaders that you are going to take out is very troubling morally, legally and in terms of precedent. If other countries decide to apply that principle to us, we’re in trouble.”621 The conclusion to be drawn is that the United States might, in the not too distant future, need to rely on **international legal norms** to delegitimize the behavior of other states using lethal drone strikes. For that reason alone, it would seem prudent today to be contributing to the construction of a regime that strictly limits the circumstances in which one state can seek to kill an individual in another state without the latter’s consent and without complying with the applicable rules of international law. To the extent that the United States genuinely believes it is currently acting within the scope of those rules it needs to provide the evidence. IX. Conclusion This Article has not sought to spell out the options open to the United States in order to bring its conduct within the law. The bottom line is that intelligence agencies—particularly those that are effectively unaccountable—should not be conducting lethal operations abroad. Beyond that proposition, there is a great deal that the CIA could do if it so wished, including making public its commitment to comply with both IHL and IHRL, disclosing the legal basis on which it is operating in different situations involving potential killings, providing information on when, where, and against whom drone strikes can be authorized, and publishing its estimates on the number and rate of civilian casualties. Full transparency is neither sought nor expected, but basic compliance with the standards applied by the U.S. military, and both consistently and insistently demanded of other countries by the United States, is indispensable. Examining the CIA’s transparency and accountability in relation to targeted killings also sheds light on a range of other issues that international human rights law needs to tackle in a more systematic and convincing manner. They include the approach adopted by international law to the activities of intelligence agencies, the (in)effectiveness of existing monitoring mechanisms in relation to killings governed by a mixed IHL/IHRL regime, and the techniques needed to monitor effectively human rights violations associated with new technologies such as unmanned drones and robotics. International human rights institutions need to respond more robustly to the growing chorus of proposals that targeted killings be liberated from the hard-fought legal restraints that apply to them. There is a great deal at stake and these crucial issues have been avoided for too long. The principal focus of this Article has been on the question of CIA accountability for targeted killings, under both U.S. law and international law. As the CIA, often in conjunction with DOD Special Operations Forces, becomes ever more deeply involved in carrying out extraterritorial targeted killings both through kill/capture missions and drone-based missile strikes in a range of countries, the question of its compliance with the relevant legal standards becomes even more urgent. Assertions by Obama administration officials, as well as by many scholars, that these operations comply with international standards are undermined by the total absence of any forms of credible transparency or verifiable accountability. The CIA’s internal control mechanisms, including its Inspector General, have had no discernible impact; executive control mechanisms have either not been activated at all or have ignored the issue; congressional oversight has given a “free pass” to the CIA in this area; judicial review has been effectively precluded; and external oversight has been reduced to media coverage which is all too often dependent on information leaked by the CIA itself. As a result, there is no meaningful domestic accountability for a burgeoning program of international killing. This in turn means that the United States cannot possibly satisfy its obligations under international law to ensure accountability for its use of lethal force, either under IHRL or IHL. The result is the steady undermining of the international rule of law, and the setting of legal precedents which will inevitably come back to haunt the United States before long when invoked by other states with highly problematic agendas.

#### That signal matters—reserving the act for military members demonstrates US compliance

Nauman 12 [Joshua, JD, LLM, Commander, Judge Advocate General’s Corps, U.S. Navy, “Civilians on the Battlefield: By Using U.S. Civilians in the War on Terror, Is the Pot Calling the Kettle Black?” 91 Neb. L. Rev., google scholar]

Similarly, the prosecution of enemy belligerents by military commission for, among other things, using lethal force against an enemy uniformed combatant, runs the risk of creating a mixed message. Specifically, the United States asserts it is per se unlawful for an enemy civilian to take up arms against a lawful combatant, but it is not unlawful for a U.S. civilian to take up arms against an enemy belligerent. 258 There remains a very important moral distinction: the United States deliberately targets those who, either through current action, or through membership in al-Qaeda, pose a direct threat to the United States, whereas the enemy deliberately targets innocent civilians. Nonetheless, we are a nation bound by the rule of law, and therefore legal distinctions matter. So long as we are able to successfully defend ourselves, we should do all that is within our power to preserve the rule of law and maintain a consistent position or message with regard to who may, or may not, properly engage in warfare. The United States should draw and maintain clear distinctions between its service member combatants and its civilian support personnel. Using the broad definitions of DPH as discussed supra, the United States should honor those definitions by ensuring that its civilian employees and contractors do not, themselves, directly participate in hostilities. While instances of DPH on the part of civilians by the United States are not per se LOAC violations, they nonetheless weaken the necessary LOAC wall between civilian and combatant and provide critics with support for the argument that the United States exhibits a limited respect for international law. The use of CIA operatives in the War on Terror is not likely to abate. As numerous U.S. government officials have stated, we are “at war” with terrorists and the United States will continue to use every means at its disposal in the prosecution of this war.259 In this author’s view, however, there is a better path. The United States can still bring to bear all of the vast resources of the U.S. Government, including the CIA, but can insist that only military members apply the ultimate application of lethal force.260 DPH is clearly more broad than simply “pulling the trigger,” so this proposal does not necessarily obviate the risk that other activities engaged in by the CIA or other civilians are, themselves, also DPH. However, reserving the distinct act of applying lethal force to uniformed members of the military will serve the important purpose of showing that the United States reserves the most extreme, overt form of direct participation to those in uniform. **Some may say this is form over substance, but appearance matters**, particularly when the United States is often setting the tone in the conduct of modern warfare, and the world is watching. One of the defining and most beneficial aspects of modern democracies is their state monopoly on the use of lethal force. Generally speaking, the United States, like other industrialized democracies, limits the official, sanctioned use of deadly force to the judicial system, law enforcement, and the military. This state monopoly on the use of lethal force does not eliminate murder, but murder is investigated and punished and there does not exist widespread use of vigilante justice or extra-judicial killings. The United States does not rely on tribal justice or gang warfare to mete out justice or control the population. Because of this feature of our democracy, we can employ lethal force in ways and at times of our choosing, all according to the rule of law. Accordingly, to more fully and perfectly respect the LOAC built up over the past 150 years, the United States should insist that in the “war” on terror, where the use of deadly force is concerned, uniformed service members should apply the force. While some may label this as overly idealistic, idealism is precisely the point. The rule of law, and in particular, the LOAC, is all about ideals. These ideals, and especially the ideal of distinguishing between combatants and civilians, have dramatically reduced the suffering and carnage imposed on civilian populations over the last 150 years. War is still horrific and inevitably leads to death, but limiting the application of this force by and against combatants helps to minimize the carnage and make war arguably more humane. We now return to the opening hypothetical . . . Applying Professor Corn’s functional discretion test, the UAV technician would not exercise discretion that implicates LOAC principles, nor would the MWR employee. However, the intelligence analyst that provides targeting advice to the commander, even if through a military member, may in fact be making decisions that directly implicate the LOAC principles of distinction and proportionality. Therefore, the intelligence analyst is taking a DPH. Similarly, if the drone strike is a CIA operation, the CIA officers would certainly be exercising discretionary functions that directly implicate the LOAC. Additionally, if the enemy were to apply a MCA-type legal regime to U.S. civilian actions, then the CIA officers, the UAV technical support contractor, and the intelligence analyst would likely all be guilty of taking a direct part in the killing of either a protected person or a privileged combatant, all while acting as an unprivileged belligerent. By changing how it employs civilians in the War on Terror, the United States can continue to comply with and remain a leading champion of the LOAC, while at the same time maintain a more consistent approach to civilian participation in war, regardless of whose side they are on. As a world leader, we owe nothing less.

#### B Subpoint --- Convergence

#### Bifurcated drone authority causes functional convergence

Alston, 11 [Harvard National Security Journal, 2 Harv. Nat'l Sec. J. 283, “The CIA and Targeted Killings beyond Borders,” Philip Alston, John Norton Pomeroy Professor of Law, New York University School of Law, p. lexis]

B. Transparency as to Legal Authority and Operational Responsibility: The Old “Double-Hatting” Trick

A degree of transparency in relation to operational responsibility is essential both in terms of facilitating public or political accountability and establishing whether operations are being conducted with the necessary legal authority under domestic law. If one does not know which agency is responsible, it is impossible to know to whom questions should be directed. The division of labor between the DOD and the CIA, both in relation to drone killings and night-raid killings, is thus central to the present inquiry. In the earlier section examining “who is doing what” in relation to night raids, we saw that there is now extensive fluidity between the JSOC (DOD) special forces and their CIA counterparts, to the point where it is virtually impossible for anyone outside the two agencies to know who is in fact responsible in a given context.232 Many terms have been used to describe the resulting situation—leveraging, comingling, fungibility, doublehatting— but there has been almost no sustained analysis of the legal implications of this intentional blurring of what were once generally considered to be legally mandated hard and fast distinctions.

#### The convergence trend wrecks accountability by sowing ambiguity about what constraints actually apply to targeted killing

Chesney, 12 [Charles I. Francis Professor in Law at the University of Texas School of Law (Robert Chesney, “Military-Intelligence Convergence and the Law of the Title 10/Title 50 Debate,” http://jnslp.com/wp-content/uploads/2012/01/Military-Intelligence-Convergence-and-the-Law-of-the-Title-10Title-50-Debate.pdf]

Leon Panetta appeared on PBS Newshour not long after the raid that killed Osama bin Laden.1 He was the Director of the Central Intelligence Agency at that time, and during the course of the interview he took up the question of the CIA’s role in the attack. It had been “a ‘title 50’ operation,” he explained, invoking the section of the U.S. Code that authorizes theactivities of the CIA.2 As a result, Panetta added, he had exercised overall “command.”3 This surely confused at least some observers. The mission had been executed by U.S. Navy SEALs from Joint Special Operations Command (JSOC) after all, and both operational and tactical command seemed to have resided at all times with JSOC personnel.4 But for those who had been following the evolution of the CIA and JSOC during the post-9/11 period, Panetta’s account would not have been surprising. The bin Laden raid was, from this perspective, merely the latest example of an ongoing process of convergence among military and intelligence activities, institutions, and authorities. The convergence trend is not a post-9/11 novelty. It has much deeper roots than that. The trend has accelerated considerably over the past decade, however, thanks to an array of policy, budgetary, institutional, and technological developments. And as the trend accelerates, it is becoming increasingly clear that it has **profoundly important implications** for the domestic law architecture governing military and intelligence activities. That architecture is a complex affair, including what might be described as “framework” statutes and executive branch directives generated in fits and starts over the past forty years. Ideally, it serves to mediate the tension between the desire for flexibility, speed, and secrecy in pursuit of national defense and foreign policy aims, on one hand, and the desire to preserve a meaningful degree of democratic accountability and adherence to the rule of law, on the other. Of course, the legal architecture has never been perfect on this score, or even particularly close to perfection. But the convergence trend has made the current architecture considerably less suited towards these ends. First, it reduces the capacity of the existing rules to promote Accountability. The existing rules attempt to promote accountability in two ways. They promote it within the executive branch by requiring explicit presidential authorization for certain activities, and they promote accountability between the executive branch and Congress by requiring notification to the legislature in a broader set of circumstances Convergence undermines these rules by exposing (and exacerbating) the incoherence of key categorical distinctions upon which the rules depend, including the notion that there are crisp delineations separating intelligence collection, covert action, and military activity. As a result, it is possible, if not probable, that a growing set of exceptionally sensitive operations – up to and including the use of lethal force on an unacknowledged basis on the territory of an unwitting and non-consenting state – may be beyond the reach of these rules. Second, the convergence trend undermines the existing legal architecture along the rule-of-law dimension by exposing latent confusion and disagreement regarding which substantive constraints apply to military and intelligence operations. Is international law equally applicable to all such operations? Is an agency operating under color of “Title 50” at liberty to act in locations or circumstances in which the armed forces ordinarily cannot? These questions are not in fact new, but thanks to convergence they are increasingly pressing. Government lawyers are well aware of these issues, and in fact have been grappling with them for much of the past decade, if not longer.5 For many years, however, public reference to them was quite limited. The most important early post-9/11 example came in 2003, when The Washington Times reported that the Senate Select Committee on Intelligence was quietly attempting to expand its oversight authority in order to encompass certain clandestine military operations in response to concern about the expanding role of special operations units in the war on terrorism.6 That effort failed in the face of fierce pushback from the Pentagon and the Senate and House Armed Services Committees,7 but not before drawing at least some attention to the disruptive impact convergence even then was having on the accountability system.8 In more recent years, the media has begun to pay more sustained attention, frequently noting that the complications associated with convergence impact question of substantive authority as well as accountability. In 2010, for example, The Washington Post reported that a fierce interagency debate was underway in connection with “which agency should be responsible for carrying out attacks” online, with the CIA categorizing certain attacks as covert actions which are “traditionally its turf” and the military taking the position that such operations are “part of its mission to counter terrorism, especially when, as one official put it, ‘al- Qaeda is everywhere.’”9 And the same Washington Post story indicated that the Justice Department’s Office of Legal Counsel had produced a draft opinion in spring 2010 “that avoided a conclusive determination on whether computer network attacks outside battle zones were covert or not,” but that nonetheless concluded that “[o]perations outside a war zone would require the permission of countries whose servers or networks might be implicated.”10 Subsequent stories about the use of lethal force in Yemen have also raised the issue of host-state permission, suggesting that JSOC but not the CIA would be obliged to act only with such permission, and that as a result JSOC units might at times prefer to operate under color of the CIA’s authority11 (as happened in Pakistan with Osama bin Laden, and again in Yemen with Anwar al-Awlaki).12 These accounts give a sense of the range of legal questions that convergence generates, as well as the debates that surround them within the government. And that in turn is enough to frame the investigation that follows. I proceed in two parts, beginning in Part I with a descriptive account of the convergence trend itself. Part I opens with a focus on events in the 1980s and 1990s that presaged the accelerated convergence of the post-9/11 period. Attempts by the military to develop within the special forces community capacities quite similar to those of the CIA are described in Part I.A, and CIA flirtations with the use of deadly force against terrorists are described in Part I.B. Against that backdrop, Part I.C. then explores how convergence has manifested over the past decade, with an emphasis on the CIA’s kinetic turn, JSOC’s parallel expansion, the development of hybrid CIA-JSOC operations, and the emergence of cyberspace as an operational domain. Readers already familiar with the convergence phenomenon may wish to skip ahead to Part II, which examines the impact of convergence on the domestic legal architecture relevant to such activities.13 Part II.A. clarifies what I have in mind when I refer to a domestic legal architecture, as it traces the emergence and growth of standing rules relating to (i) the internal executive branch decisionmaking process, (ii) information-sharing between the executive branch and Congress, and (iii) substantive authorizations and prohibitions relating to certain types of activity. The remainder of Part II analyzes the impact of convergence on each of these rules, demonstrating the manner in which convergence creates new problems for (and exacerbates existing problems in) the existing legal architecture. The **key issues** include: the increasingly large and significant set of military operations that are not subject to either presidential authorization or legislative notification; lingering suspicion with respect to **what law if any** restrains the CIA’s use of lethal force; confusion with respect to whether and why the CIA might be at greater liberty than JSOC to conduct operations without host-state consent; and the difficulty of mapping the existing architecture onto operations conducted in cyberspace. I embed my recommendations for reform within the analysis at each step along the way.

#### Spills over internationally

Mustin and Rishikof, 11 [BS, JD, MBA, MA in International Affairs AND BA, MA, JD, Chair of the ABA Standing Committee on Law and National Security, Professor of law and chair of the Department of National Security Strategy at the National War College, Jeff Mustin and Harvey Rishikof, Summer 2011, “Projecting Force in the 21st Century – Legitimacy and the Rule of Law,” 63 Rutgers L. Rev. Iss. 4]

V. POLICY IMPLICATIONS If these definitions are accepted as true, the result is that it has become legally easier for the executive branch to order covert action than to order conventional armed conflict. To commit military troops for a traditional military action, a president must have a casus belli and subsequently seek jus ad bellum justification and (typically) international support. This would usually involve the political and diplomatic gyrations involved in garnering both domestic legal support from Congress and international legal support from the United Nations Security Council. Alternatively, to authorize a covert action, a president may forgo these diplomatic and political gyrations and merely issue a classified finding to conduct a covert action. While the president must report this action to Congress,34 the president may restrict disclosure to the ―Gang of Eight‖ when ―it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States . . . .‖35 Thus, while covert action is not without legal accountability, it is a much more direct way for the president to commit forces. Additionally, forces conducting covert action operate by stealth. By their nature, they will have much lower visibility in the public eye. This provides the executive a lawful option to commit force while theoretically lessening the media accountability for those actions. As a result, covert action also vests an immense amount of authority in the executive and the "Gang of Eight" to conduct operations without the accountability to their constituents typically found in a democratic society.36 Covert action also enables unilateral action. The stealthy nature of covert action means that an executive would be discouraged from seeking international cooperation. Any international support would likely be limited to notifying host nations of the presence of troops, and those notifications, as a tactical matter, would likely be last minute and very directive in nature.37 This type of unilateral action contrasts the cooperative intent for international law,38 and, in the words of one legal scholar, ―[u]nilateral action- covert or overt - generates particularly high emotions, because many view it as a litmus test for one‘s commitment to international law.‖39 Excessive use of covert action might be deemed by some nations as a rebuke of international law or evidence of a hubristic foreign policy. The continued and constant use of this instrument when lethality is the goal raises issues of international legitimacy. Despite these reservations, covert action can be a useful policy tool. It is much more flexible and rapid than a traditional military activity, meaning it is much more suited to countering an adaptive enemy.40 Covert operations are generally more acute in their scope and objectives, which provides policymakers a scalpel to apply instead of the massive hammer of the U.S. military. Also, there are times when foreign policy maneuvers require stealth. One might imagine the need to retrieve unsecured nuclear material as a mission requiring immediacy and discreetness inappropriate for a large military unit. A textbook case of covert action as a useful policy tool was the May 2011 raid on the compound of Osama bin Laden. The direct action strike was a Title 50 action conducted by DoD special operations assets.41 The likely legal scenario for this operation was that President Obama issued his finding, which authorized the CIA to ―own‖ the operation and, under subsequent Title 50 authorities, allowed Joint Special Operations Command to conduct the raid because the President determined ―that another agency is more likely to achieve a particular objective . . . .‖42 The need for stealth, even from the host nation, was obvious, and the covert action provided the acute desired result. While the bin Laden raid demonstrates a positive result and the operation shows a clear need to maintain an ability to conduct covert action, it is important to emphasize that covert action is not without policy hazards. The danger in **blurring the line** between covert action and traditional military activities is that policymakers will choose to authorize what might normally be characterized as a traditional military activity under the guise of a covert action in order to circumvent the need for accountability or international support. Applying traditional military force without transparency is not the raison d’etre for a covert capability.

#### It’s reverse causal—JSOC operations retain strategic advantages while satisfying oversight demands—uniquely boosts our influence on drone norms

Zenko, 13 [POLI CY INNOVATION MEMORANDUM NO. 31 Date: April 16, 2013 From: Micah Zenko Re: Transferring CIA Drone Strikes to the PentagonMicah Zenko is the Douglas Dillon fellow in the Center for Preventive Action at the Council on Foreign Relations]

The main obstacle to acknowledging the scope, legality, and oversight of U.S. targeted killings beyond traditional or “hot” battlefields is the division of lead executive authority between the Joint Special Operations Command (JSOC)—a subunit of the Department of Defense (DOD) Special Operations Command—and the Central Intelligence Agency (CIA). In particular, the U.S. government cannot legally acknowledge covert actions undertaken by the CIA. The failure to answer the growing demands for transparency increases the risk that U.S. drone strikes will be curtailed or eliminated due to mounting domestic or international pressure. To take a meaningful first step toward greater transparency, President Barack Obama should sign a directive that consolidates lead executive authority for planning and conducting nonbattlefield targeted killings under DOD. ONE MISSION, TWO PROGRAMS U.S. targeted killings are needlessly made complex and opaque by their division between two separate entities: JSOC and the CIA. Although drone strikes carried out by the two organizations presumably target the same people, the organizations have different authorities, policies, accountability mechanisms, and oversight. Splitting the drone program between the JSOC and CIA is apparently intended to allow the plausible deniability of CIA strikes. Strikes by the CIA are classified as Title 50 covert actions, defined as “activities of the United States Government . . . where it is intended that the role . . . will not be apparent or acknowledged publicly, but does not include traditional . . . military activities.” As covert operations, the government **cannot legally provide** any information about how the CIA conducts targeted killings, while JSOC operations are guided by Title 10 “armed forces” operations and a publicly available military doctrine. Joint Publication 3-60, Joint Targeting, details steps in the joint targeting cycle, including the processes, responsibilities, and collateral damage estimations intended to reduce the likelihood of civilian casualties. Unlike strikes carried out by the CIA, JSOC operations can be (and are) acknowledged by the U.S. government. 2 The different reporting requirements of JSOC and the CIA mean that congressional oversight of U.S. targeted killings is similarly murky. Sometimes oversight is duplicated among the committees; at other times, there is confusion over who is mandated to oversee which operations. CIA drone strikes are reported to the intelligence committees. Senator Dianne Feinstein (D-CA), chair of the Senate Select Committee on Intelligence (SSCI), has confirmed that the SSCI receives poststrike notifications, reviews video footage, and holds monthly meetings to “question every aspect of the program.” Representative Mike Rogers (R-MI), chair of the House Permanent Select Committee on Intelligence (HPSCI), has said that he reviews both CIA and JSOC counterterrorism airstrikes. JSOC does not report to the HPSCI. As of March 2012, all JSOC counterterrorism operations are reported quarterly to the armed services committees. Meanwhile, the foreign relations committees—tasked with overseeing all U.S. foreign policy and counterterrorism strategies—have formally requested briefings on drone strikes that have been repeatedly denied by the White House. However, oversight should not be limited to ensuring compliance with the law and preventing abuses, but rather expanded to ensure that policies are consistent with strategic objectives and aligned with other ongoing military and diplomatic activities. This can only be accomplished by DOD operations because the foreign relations committees cannot hold hearings on covert CIA drone strikes. CONSOLIDATING EXECUTIVE AUTHORITY In 2004, the 9/11 Commission recommended that the “lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department” to avoid the “creation of redundant, overlapping capabilities and authorities in such sensitive work.” The recommendation was never seriously considered because the CIA wanted to retain its covert action authorities and, more important, it was generally believed such operations would remain a rarity. (At the time, there had been only one nonbattlefield targeted killing.) Nearly a decade later, there is increasing bipartisan consensus that consolidating lead executive authority for drone strikes would pave the way for broader strategic reforms, including declassifying the relevant legal memoranda, explicitly stating which international legal principles apply, and providing information to the public on existing procedures that prevent harm to civilians. During his February 2013 nomination hearing, CIA director John O. Brennan welcomed the transfer of targeted killings to the DOD: “The CIA should not be doing traditional military activities and operations.” The main objection to consolidating lead executive authority in DOD is that it would eliminate the possibility of deniability for U.S. covert operations. However, any diplomatic or public relations advantages from deniability that once existed are minimal or even nonexistent given the widely reported targeted killings in Pakistan and Yemen. For instance, because CIA drone strikes cannot be acknowledged, the United States has **effectively ceded its strategic communications** efforts to the Pakistani army and intelligence service, nongovernmental organizations, and the Taliban. Moreover, Pakistani and Yemeni militaries have often taken advantage of this communications vacuum by shifting the blame of civilian casualties **caused by their own** airstrikes (or others, like those reportedly conducted by Saudi Arabia in Yemen) to the U.S. government. This perpetuates and exacerbates animosity in civilian populations toward the United States. If the United States acknowledged its drone strikes and collateral damage—only possible under DOD Title 10 authorities—then it would not be held responsible for airstrikes conducted by other countries. The CIA should, however, retain the ability it has had since 9/11 to conduct lethal covert actions in extremely **rare circumstances**, such as against immediate threats to the U.S. homeland or diplomatic outposts. Each would require a separate presidential finding, and should be fully and currently informed to the intelligence committees. Of the roughly 420 nonbattlefield targeted killings that the United States has conducted, very few would have met this criteria. The president should direct that U.S. drone strikes be conducted as DOD Title 10 operations. That decision would enhance U.S. national security in the following ways: 3  Improve the transparency and legitimacy of targeted killings, including what methods are used to prevent civilian harm.  Focus the finite resources of the CIA on its original core missions of intelligence collection, analysis, and early warning. (There is no reason for the CIA to maintain a redundant fleet of armed drones, or to conduct military operations that are inherently better suited to JSOC, the premier specialized military organization. As “traditional military activities” under U.S. law, these belong under Title 10 operations.)  Place all drone strikes under a single international legal framework, which would be clearly delineated for military operations and can therefore be articulated publicly.  Unify congressional oversight of specific operations under the armed services committee, which would end the current situation whereby there is confusion over who has oversight responsibility.  Allow U.S. government officials to counter myths and misinformation about targeted killings at home and abroad by acknowledging responsibility for its own strikes.  Increase pressure on other states to be more transparent in their own conduct of military and paramilitary operations in nonbattlefield settings by establishing the precedent that the Obama administration claims can have a normative influence on how others use drones. A FIRST STEP FORWARD In an interview, President Obama revealed, “I think creating a legal structure, processes, with oversight checks on how we use unmanned weapons is going to be a challenge for me and for my successors for some time to come—partly because technology may evolve fairly rapidly for other countries as well.” The Obama administration has two central objectives for its targeted killing reforms: preventing constraints on its ability to conduct lethal operations and setting precedents for the use of armed drones by other states. By law, institutional culture, and customary practice, drone strikes conducted by the CIA cannot reach the minimum thresholds of transparency and accountability required to achieve either objective. JSOC is also a highly secretive organization, but the United States could provide a much clearer and more detailed explanation of the outstanding issues regarding targeted killing **without compromising** the military’s **sources and methods**—should the president prioritize such change. Moreover, according to a February 2013 poll, U.S. public support for military drone strikes (75 percent) was higher than for those conducted by the CIA (65 percent). Without ending CIA targeted killings, the Obama administration cannot undertake any of the reforms that it has stated are necessary both to ensure drone strikes do not go the way of third-country renditions and enhanced interrogation techniques, but also to establish the precedents of greater openness in how such operations are conducted by others.

#### C Subpoint ---- Oversight

#### Congress key to accountability – solves inflated assertions in a legal vacuum

Schiff, 3/12/14 [Op-Ed Contributor Let the Military Run Drone Warfare By ADAM B. SCHIFF March 12, 2014, Adam B. Schiff, Democrat of California, is a member of the House Permanent Select Committee on Intelligence.’]

It has been widely reported that the C.I.A. has been responsible for unmanned drone attacks. Last May, President Obama spoke at the National Defense University to articulate the legal and policy basis of the government’s drone program, promising transparency and reform. But the single biggest reform — ensuring that only the Department of Defense carries out lethal strikes — remains stalled by Congressional opposition and bureaucratic inertia. Those roadblocks must no longer stand in the way of reforms to increase the transparency, accountability and legitimacy of our drone program. First, Congress needs to get out of the way and allow the president to move the drone program to the Joint Special Operations Command (J.S.O.C.) at the Pentagon. **Though it may appear that we’d just be shuffling the chairs**, this change would have two benefits: It would allow our other agencies to focus on their core mission of intelligence gathering, rather than paramilitary activities, and it would enable us to be more public about the successes and failures of the drone program, since such operations would no longer be covert. Some Republicans and Democrats on both the House and Senate intelligence committees argue that the J.S.O.C. lacks expertise in targeting and may cause more collateral damage. But these claims are more anecdotal than evidentiary, and the intelligence committees have yet to be presented with the facts to back them up. They also ignore the joint role that Defense Department and intelligence agency personnel play in identifying and locating targets. These combined efforts would continue, even if the agency pulling the trigger changed. Second, we must hold **ourselves** accountable by being more open about the effect of our drone strikes. While there may still be a need for covert drone operations in some parts of the world, greater disclosure would be in our interest. In the absence of official accounts, inflated and often wildly inaccurate assertions of the number of civilian casualties — generally advanced by our enemies — fill the informational vacuum. I’ve proposed legislation, along with my fellow California Democrat Senator Dianne Feinstein, to require an annual report of the number of civilian and combatant casualties caused by drone strikes, including an explanation of how we define those terms. Finally, with regard to the uniquely difficult situation of an American citizen who has taken up arms against his own nation and who cannot feasibly be arrested, the Obama administration must go further to explain what protections are in place to ensure due process for any American who may be targeted. A 2011 strike targeted and killed Anwar al-Awlaki, an American-born cleric and top operative of Al Qaeda’s branch in Yemen, and other Americans may be targeted in the future. I’ve put forward a proposal to require an independent review of any decision to target an American with lethal force. These reports should be declassified after 10 years. Knowing that they’ll be made public will help ensure that the task is approached with the appropriate rigor. The United States is the only country with a significant armed drone capability, but that distinction will not last forever. As other nations develop and deploy these technologies, we will be better positioned to urge their responsible and transparent use if we have set an example ourselves. We must hold ourselves to a high standard and do it in public, not behind closed doors. That is the commitment the president has made, and it’s a promise worth keeping.

#### Congressional action builds confidence—key to global dialogue and norm development

Kreps and Zenko, 14 [“The Next Drone Wars Preparing for Proliferation”, SARAH KREPS is Stanton Nuclear Security Fellow at the Council on Foreign Relations and Assistant Professor of Government at Cornell University. MICAH ZENKO is Douglas Dillon Fellow in the Center for Preventive Action at the Council on Foreign Relations, Foreign Affairs, http://www.foreignaffairs.com/articles/140746/sarah-kreps-and-micah-zenko/the-next-drone-wars]

As the only country to have used drones extensively, the United States must take the lead in regulating their use and export. So far, the United States has kept its exports of armed drones to a minimum (much to the chagrin of the defense industry), sending them only to the United Kingdom. Washington should maintain such restraint. It should also revisit its own targeted-killing policies, lest other countries follow the United States’ example. The U.S. government has articulated its drone policy to the public only in an ad hoc manner. Behind closed doors, the White House reportedly oversees targeting decisions in a regular review process that includes the Pentagon, the State Department, and other agencies, but it ignores bigger strategic questions about the impact that **unilateral measures** on the part of the United States to restrain its own drone use could have on other states. A separate, independent review panel should be formed to answer these questions, and an unclassified version of the findings should be made available to the public. It could be modeled on the Guantanamo Review Task Force, which was charged with determining which detainees could be released or prosecuted and brought together the Departments of Justice, Defense, State, and Homeland Security; the director of national intelligence; and the Joint Chiefs of Staff. Or it could be modeled on the panel set up by the White House last summer to review the National Security Agency’s surveillance operations. Those two panels are good precedents for how to deal with the U.S. drone program since they brought together both outside experts and experts from across various government agencies to review sensitive U.S. national security policies -- and they recommended meaningful reforms. Congress, which has deferred to the executive branch on drone policy, should take a more active role by holding extensive hearings on drones’ unique use in counterterrorism and other strikes. These hearings should continue to scrutinize the Authorization for the Use of Military Force, which the Obama administration has cited as its legal justification for drone strikes on suspected terrorists, including the U.S. citizen Anwar al-Awlaki in Yemen. But they should also focus on how drones are used in disputed areas and across borders and against publicly undefined targets, such as militants and criminals -- the most common and the most dangerous scenarios. The United States should also come clean about how it has used armed drones, which could prompt Israel and the United Kingdom to do the same. The United States and the United Kingdom have released some overall strike data, but little regarding civilian casualties, with the British military claiming it cannot collect such data “because of the immense difficulty and risks that would be involved.” Last summer, the Obama administration responded to a Freedom of Information Act request by declaring that there is “no information that can be provided at the unclassified level.” Israel has been even more reticent, refusing to acknowledge that it has conducted any drone strikes. More transparency could correct some misconceptions about drones, such as that the United States violates sovereign airspace and does not take precautions to mitigate civilian harm. Greater openness would generate public confidence in the legitimacy of drone use and could shape how other states conducted and justified their own lethal missions. REINING IN THE ROBOTS The United States, however, cannot go it alone; if the regulation of the proliferation and use of armed drones is going to work, it must be a multilateral effort. Some drone exports are currently covered by the Missile Technology Control Regime (MTCR), created in 1987 to regulate nuclear-capable missiles and related technologies. The voluntary arrangement does cover armed drones but mentions them only as an afterthought. The regime’s guidelines lump them in with cruise missiles. And they deal only with armed and unarmed unmanned systems with ranges of at least 300 kilometers and payloads of over 500 kilograms. Those limits are arbitrary and outdated; the defense contractor General Atomics has developed a version of the Predator for export designed precisely to get around them. The MTCR also has enforcement and membership problems. Its 34 participating states are free to interpret and implement its provisions at their own discretion. But more important, China, India, Iran, Israel, and Pakistan, which either have or aspire to develop drones, are not even members. Some nonmember states, such as Israel, which is nominally a “unilateral adherent” to the regime, act as they please and are dominating the drone export market. According to the consulting firm Frost & Sullivan, between 2005 and 2012, Israel exported $4.6 billion worth of drone systems to countries in Asia, Europe, and Latin America. Washington should take the lead in creating better and more appropriate international regulations, building on proven initiatives. A new and enhanced drone regime would be drone-specific, covering all exports and uses of armed-capable drones, including those that fall outside the purview of the MTCR. Moreover, its membership would go beyond that of the MTCR, which is largely limited to industrialized countries, and include all states that have or could soon acquire armed drones. Although surveillance drones make strikes by other weapons platforms more likely, given their wide availability on the commercial market, it is unrealistic to try to further limit their spread by including them in this new drone regime. To win international support to either update the MTCR or create such a new regime, Washington will have to be more forthcoming about its own use of drones. It could offer more transparency in order to garner the consensus vote that is required to modify the MTCR or to guarantee broad, credible participation in a new control regime. This kind of bargaining strategy might mirror the way nuclear-armed states have compelled nonnuclear weapons states to agree to nonproliferation. Commitments by the United States and Russia to make aggressive progress on their own disarmament after the fall of the Soviet Union convinced nonnuclear weapons states to agree in 1995 to an indefinite extension of the Nuclear Nonproliferation Treaty. Of course, even if the United States revealed some elements of its own closely guarded drone program, including that it uses drones in such places as Yemen, countries such as China might not agree to join a new regime. But given that the Obama administration has shown little inclination to stop using drones in areas in which the United States is not engaged in traditional combat, greater disclosure is the only concession it could realistically offer.

#### The impact is Asian conflict

Brimley, et al 13 [\*vice president \*\*AND director of the Technology and National Security Program \*\*\*AND deputy director of the Asia Program at the Center for a New American Security (Shawn Brimley, Ben Fitzgerald, and Ely Ratner, 17 September 2013, “The Drone War Comes to Asia,” <http://www.foreignpolicy.com/articles/2013/09/17/the_drone_war_comes_to_asia?page=0,1>]

It's now been a year since Japan's previously ruling liberal government purchased three of the Senkaku Islands to prevent a nationalist and provocative Tokyo mayor from doing so himself. The move was designed to dodge a potential crisis with China, which claims "indisputable sovereignty" over the islands it calls the Diaoyus. Disregarding the Japanese government's intent, Beijing has reacted to the "nationalization" of the islands by flooding the surrounding waters and airspace with Chinese vessels in an effort to undermine Japan's de facto administration, which has persisted since the reversion of Okinawa from American control in 1971. Chinese incursions have become so frequent that the Japanese Air Self-Defense Forces (JASDF) are now scrambling jet fighters on a near-daily basis in response. In the midst of this heightened tension, you could be forgiven for overlooking the news early in September that Japanese F-15s had again taken flight after Beijing graciously commemorated the one-year anniversary of Tokyo's purchase by sending an unmanned aerial vehicle (UAV) toward the islands. But this wasn't just another day at the office in the contested East China Sea: this was the first known case of a Chinese drone approaching the Senkakus. Without a doubt, China's drone adventure 100-miles north of the Senkakus was significant because it aggravated already abysmal relations between Tokyo and Beijing. Japanese officials responded to the incident by suggesting that Japan might have to place government personnel on the islands, a red line for Beijing that would have been unthinkable prior to the past few years of Chinese assertiveness. But there's a much bigger and more pernicious cycle in motion. The introduction of indigenous drones into Asia's strategic environment -- now made official by China's maiden unmanned provocation -- will bring with it additional sources of instability and escalation to the fiercely contested South and East China Seas. Even though no government in the region wants to participate in major power war, there is widespread and growing concern that military conflict could result from a minor incident that spirals out of control. Unmanned systems could be just this trigger. They are less costly to produce and operate than their manned counterparts, meaning that we're likely to see more crowded skies and seas in the years ahead. UAVs also tend to encourage greater risk-taking, given that a pilot's life is not at risk. But being unmanned has its dangers: any number of software or communications failures could lead a mission awry. Combine all that with inexperienced operators and you have a perfect recipe for a mistake or miscalculation in an already tense strategic environment. The underlying problem is not just the drones themselves. Asia is in the midst of transitioning to a new warfighting regime with serious escalatory potential. China's military modernization is designed to deny adversaries freedom of maneuver over, on, and under the East and South China Seas. Although China argues that its strategy is primarily defensive, the capabilities it is choosing to acquire to create a "defensive" perimeter -- long-range ballistic and cruise missiles, aircraft carriers, submarines -- are acutely offensive in nature. During a serious crisis when tensions are high, China would have powerful incentives to use these capabilities, particularly missiles, before they were targeted by the United States or another adversary. The problem is that U.S. military plans and posture have the potential to be equally escalatory, as they would reportedly aim to "blind" an adversary -- disrupting or destroying command and control nodes at the beginning of a conflict. At the same time, the increasingly unstable balance of military power in the Pacific is exacerbated by the (re)emergence of other regional actors with their own advanced military capabilities. Countries that have the ability and resources to embark on rapid modernization campaigns (e.g., Japan, South Korea, Indonesia) are well on the way. This means that in addition to two great powers vying for military advantage, the region features an increasingly complex set of overlapping military-technical competitions that are accelerating tensions, adding to uncertainty and undermining stability. This dangerous military dynamic will only get worse as more disruptive military technologies appear, including the rapid diffusion of unmanned and increasingly autonomous aerial and submersible vehicles coupled with increasingly effective offensive cyberspace capabilities. Of particular concern is not only the novelty of these new technologies, but the lack of well-established norms for their use in conflict. Thankfully, the first interaction between a Chinese UAV and manned Japanese fighters passed without major incident. But it did raise serious questions that neither nation has likely considered in detail. What will constrain China's UAV incursions from becoming increasingly assertive and provocative? How will either nation respond in a scenario where an adversary downs a UAV? And what happens politically when a drone invariably falls out of the sky or "drifts off course" with both sides pointing fingers at one another? Of most concern, how would these matters be addressed during a crisis, with no precedents, in the context of a regional military regime in which actors have powerful incentives to strike first? These are not just theoretical questions: Japan's Defense Ministry is reportedly looking into options for shooting down any unmanned drones that enter its territorial airspace. Resolving these issues in a fraught strategic environment between two potential adversaries is difficult enough; the United States and China remain at loggerheads about U.S. Sensitive Reconnaissance Operations along China's periphery. But the problem is multiplying rapidly. The Chinese are running one of the most significant UAV programs in the world, a program that includes Reaper- style UAVs and Unmanned Combat Aerial Vehicles (UCAVs); Japan is seeking to acquire Global Hawks; the Republic of Korea is acquiring Global Hawks while also building their own indigenous UAV capabilities; Taiwan is choosing to develop indigenous UAVs instead of importing from abroad; Indonesia is seeking to build a UAV squadron; and Vietnam is planning to build an entire UAV factory. One could take solace in Asia's ability to manage these gnarly sources of insecurity if the region had demonstrated similar competencies elsewhere. But nothing could be further from the case. It has now been more than a decade since the Association of Southeast Asian Nations (ASEAN) and China signed a declaration "to promote a peaceful, friendly and harmonious environment in the South China Sea," which was meant to be a precursor to a code of conduct for managing potential incidents, accidents, and crises at sea. But the parties are as far apart as ever, and that's on well-trodden issues of maritime security with decades of legal and operational precedent to build upon. It's hard to be optimistic that the region will do better in an unmanned domain in which governments and militaries have little experience and where there remains a dearth of international norms, rules, and institutions from which to draw. The rapid diffusion of advanced military technology is not a future trend. These capabilities are being fielded -- right now -- in perhaps the most geopolitically dangerous area in the world, over (and soon under) the contested seas of East and Southeast Asia. These risks will only increase with time as more disruptive capabilities emerge. In the absence of political leadership, these technologies could very well lead the region into war.

#### Incidents escalate—drone crisis triggers US battle plans

Walker, 14 [1/9/14, Richard, Former NY News Producer, “U.S. Interventionism in Asia Could Spark War With China”, <https://americanfreepress.net/?p=14557>]

A war with China is a real possibility. All it might take is the kind of near collision between United States and Chinese naval vessels that happened recently in the East China Sea or a dog fight between Japanese and Chinese fighter planes in the skies over the disputed Senkaku Islands in the East China Sea. It could also start with a confrontation between Philippine and Chinese vessels in energy-rich parts of the South China Sea now claimed by Beijing. There have been many close calls lately as China begins to assert itself around the world, and most experts admit that once the genie is out of the bottle it will be impossible to put it back in. This may have already occurred. In December 2012, Japan scrambled fighters after Chinese surveillance planes were spotted over the Senkaku Islands, territory China has since declared a Chinese air defense zone. Japan has been concerned by China’s use of drones close to its airspace and has vowed to retaliate by deploying U.S. made drones like the Global Kitty Hawk it hopes to buy from Washington. China has been developing its own drones, most likely with stolen U.S. technology. Some experts have forecast there will be a drone war in the region before long. Since his inauguration, President Barack Obama, like his predecessor, George W. Bush, has paid little heed to China’s growing naval ambitions. He has ignored repeated warnings from allies like India, Japan, Australia, Vietnam, the Philippines and South Korea that the Chinese have been building a formidable military that has been shaped specifically to dominate the Western Pacific. Hard Assets Alliance Neocons, who want America to continue to meddle around the world, issued warnings as far back as 2005 when Robert D. Kaplan wrote in The Atlantic Monthly that if China moved into the Pacific it would encounter a “U.S. Navy and Air Force unwilling to budge from the coastal shelf of the Asian mainland,” resulting in a “replay of the decades-long Cold War, with a center of gravity not in the heart of Europe but among Pacific atolls.” In AMERICAN FREE PRESS in 2007, this reporter wrote that China was not many years away from challenging U.S. dominance in Asia. At the time, a Council on Foreign Relations (CFR) task force had recommended the U.S. needed to “defeat China swiftly and decisively in any military conflict.” The CFR recommended expanding U.S. forces into Asia and shifting the balance of its naval and maritime power from the Atlantic to the Pacific. Globalists also wanted the U.S. to “invest heavily in new technologies appropriate for a naval and air battle with the Chinese.” Since 2007, with an eye to defeating the U.S. in a war in the region, China has greatly expanded its short-and medium-range ballistic missile arsenal, giving it the capability to target all U.S. bases in Japan, Taiwan, South Korea and the Philippines. It has also new anti-ship missiles capable of destroying U.S. aircraft carriers. By using an overwhelming number of short-and medium-range missiles, the Chinese could destroy U.S. bases and make resupply difficult in a future conflict. As the National Air Space Intelligence Center has pointed out, “China has the most active and diverse ballistic missile development program in the world.” A sign of how the U.S. might react in the opening exchanges of a conflict was contained in a Pentagon document leaked to The Washington Post in 2012. It talked of a plan that envisioned the U.S. destroying China’s surveillance and missile targeting capabilities “deep inside the country.” The plan talked of a “blinding campaign” followed by a massive naval and air assault—the same “shock and awe” tactic used against Iraq, which resulted in scores of dead civilians. The assumption here is that China would not go nuclear once the missiles started flying. The bottom line is this could be the defining war of the 20th century if Washington refuses to bring U.S. troops and ships home and let Asia sort out its own troubles.

#### Goes nuclear

**Goldstein, 13** – Avery, David M. Knott Professor of Global Politics and International Relations, Director of the Center for the Study of Contemporary China, and Associate Director of the Christopher H. Browne Center for International Politics at the University of Pennsylvania (“First Things First: The Pressing Danger of Crisis Instability in U.S.-China Relations,” International Security, vol. 37, no. 4, Spring 2013, Muse //Red)

Two concerns have driven much of the debate about international security in the post-Cold War era. The first is the potentially deadly mix of nuclear proliferation, rogue states, and international terrorists, a worry that became dominant after the terrorist attacks against the United States on September 11, 2001.1 The second concern, one whose prominence has waxed and waned since the mid-1990s, is the potentially disruptive impact that China will have if it emerges as a peer competitor of the United States, challenging an international order established during the era of U.S. preponderance.2 Reflecting this second concern, some analysts have expressed reservations about the dominant post-September 11 security agenda, arguing that China could challenge U.S. global interests in ways that terrorists and rogue states cannot. In this article, I raise a more pressing issue, one to which not enough attention has been paid. For at least the next decade, while China remains relatively weak, the gravest danger in Sino-American relations is the possibility the two countries will find themselves in **a crisis** that **could escalate to open military conflict.** In contrast to the long-term prospect of a new great power rivalry between the United States and China, which ultimately rests on debatable claims about the intentions of the two countries and uncertain forecasts about big shifts in their national capabilities, the danger of instability in a crisis involving these two nuclear-armed states is a tangible, near-term concern.3 Even if the probability of such a war-threatening crisis and its escalation to the use of significant military force is low, the **potentially catastrophic consequences** of this scenario provide good reason for analysts to better understand its dynamics and for policymakers to fully consider its implications. Moreover, events since 2010—especially those relevant to disputes in the East and South China Seas—suggest that **the danger of a military confrontation** in the Western Pacific **that could lead to a U.S.-China standoff may be on the rise.** In what follows, I identify not just pressures to use force preemptively that pose the most serious risk should a Sino-American confrontation unfold, but also related, if slightly less dramatic, incentives to initiate the limited use of force to gain bargaining leverage—a second trigger for potentially devastating instability during a crisis.4 My discussion proceeds in three sections. The first section explains why, during the next decade or two, a serious U.S.-China crisis may be more likely than is currently recognized. The second section examines the features of plausible Sino-American crises that may make them so dangerous. The third section considers general features of crisis stability in asymmetric dyads such as the one in which a U.S. superpower would confront an increasingly capable but still thoroughly overmatched China—the asymmetry that will prevail for at least the next decade. This more stylized discussion clarifies the inadequacy of focusing one-sidedly on conventional forces, as has much of the current commentary about the modernization of China's military and the implications this has for potential conflicts with the United States in the Western Pacific,5 or of focusing one-sidedly on China's nuclear forces, as a smaller slice of the commentary has.6 An assessment considering the interaction of conventional and nuclear forces indicates why **escalation resulting from crisis instability remains a devastating possibility.** Before proceeding, however, I would like to clarify my use of the terms "crisis" and "instability." For the purposes of this article, I define a crisis as a confrontation between states involving a serious threat to vital national interests for both sides, in which there is the expectation of a short time for resolution, and in which there is understood to be a sharply increased risk of war.7 This definition distinguishes crises from many situations to which the label is sometimes applied, such as more protracted confrontations; sharp disagreements over important matters that are not vital interests and in which military force seems irrelevant; and political disputes involving vital interests, even those with military components, that present little immediate risk of war.8 I define instability as the temptation to resort to force in a crisis.9 Crisis stability is greatest when both sides strongly prefer to continue bargaining; instability is greatest when they are strongly tempted to resort to the use of military force. Stability, then, describes a spectrum—from one extreme in which neither side sees much advantage to using force, through a range of situations in which the balance of costs and benefits of using force varies for each side, to the other extreme in which the benefits of using force so greatly exceed the costs that striking first looks nearly irresistible to both sides. Although the incentives to initiate the use of force may not reach this extreme level in a U.S. China crisis, the capabilities that the two countries possess raise concerns that escalation pressures will exist and that they may be highest **early in a crisis**, compressing the time frame for diplomacy to avert military conflict.

### Angels in the outfield

#### Back to terrorism: It…it could happen

Tobey 14 (William Tobey is a senior fellow at Harvard University's Belfer Center for Science and International Affairs. Major General Pavel Zolotarev is a retired member of the Russian Armed Forces and deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences., 1/13/2014, "The Nuclear Terrorism Threat", belfercenter.ksg.harvard.edu/files/nuclearterrorismthreatthailand2014.pdf)

A joint U.S.-Russian View q  First ever U.S.-Russian joint threat assessment q  Concludes the danger is real, urgent action is needed to reduce it q  Endorsed by broad range of retired military, intelligence experts Could terrorists cause a “security Fukushima”? q  Fukushima caused by inadequate preparation and an extraordinary natural disaster q  Reaffirmed that a nuclear accident can cause extraordinary terror, disruption, and cost q Al Qaeda, Chechens, and other terrorist groups have considered sabotaging nuclear reactors. Nuclear safety and security are closely linked – you can’t be safe without being secure. Cs-137 “dirty bomb” q  Potentially dangerous sources used in hospitals, industry, in almost every country q Al Qaeda, Chechens have repeatedly considered dirty bomb attacks With nuclear material, terrorists may be able to make crude nuclear bombs q With HEU, gun-type bomb – as obliterated Hiroshima – very plausibly within capabilities of sophisticated terrorist group q  Implosion bomb (required for plutonium) more difficult, still conceivable (especially if they got help) –  Doesn’t need to be as complex as Nagasaki bomb Source: NATO Doesn’t take a Manhattan Project -- >90% of the effort was focused on producing nuclear material. And making a crude terrorist bomb is far easier than making a safe, reliable weapon With nuclear material, terrorists may be able to make crude nuclear bombs (II) q Government studies – in the United States and elsewhere – have repeatedly concluded that a sophisticated terrorist group could plausibly make a nuclear bomb. “A small group of people, none of whom have ever had access to the classified literature, could possibly design and build a crude nuclear explosive device... Only modest machine-shop facilities that could be contracted for without arousing suspicion would be required.” -- U.S. Office of Technology Assessment, 1977 q U.S. security rules for some types of material based on preventing adversaries from setting off a nuclear blast while they are still in the building Al Qaeda has actively sought to get nuclear bombs q  Repeated attempts to purchase nuclear material or nuclear weapons q  Repeated attempts to recruit nuclear expertise q  Focused program that reported directly to Zawahiri q  Reached the point of carrying out crude (but sensible) explosive tests for the nuclear program in the Afghan desert Al Qaeda has actively sought to get nuclear bombs (II) q  2001: Bin Laden and Zawahiri meet with 2 senior Pakistani nuclear scientists to discuss nuclear weapons -  Now-sanctioned UTN network was helping with chemical, biological, nuclear efforts – also offered nuclear weapons technology to Libya q  2003: -  bin Laden gets fatwa from radical Saudi cleric authorizing use of nuclear weapons against civilians -  Saudi al Qaeda cell negotiating to buy 3 nuclear devices – if “Pakistani expert” confirms they are real q  2008: Zawahiri reiterates, elaborates arguments of nuclear fatwa North Caucasus terrorists have pursued nuclear and radiological terrorism q Multiple cases: –  2 cases of teams carrying out reconnaissance at nuclear weapon storage sites – 2 more on nuclear weapon transport trains –  Repeated threats to attack nuclear reactors – terrorists who seized Moscow theater in 2002 considered seizing reactor at the Kurchatov Institute –  Repeated threats to use radiological “dirty bombs” – buried Cs-137 source in Moscow park –  Captured documents indicate plan to seize a Russian nuclear submarine (possibly with nuclear weapons on board) Aum Shinrikyo sought nuclear weapons before its nerve gas attacks q Aum’s efforts –  Cult leader Shoko Asahara was obsessed with nuclear weapons –  Repeated shopping trips to former Soviet Union – acquired wide range of conventional weapons, recruited thousands of followers, sought to buy nuclear weapons and materials –  Purchased farm in Australia, stole enrichment documents – idea to mine, enrich its own uranium –  Turned to chemical and biological weapons when nuclear proved too slow –  No intelligence agency was aware of their nuclear, biological, or chemical work until after nerve gas attacks Has the threat disappeared? q  Bin Laden dead, core al Qaeda profoundly disrupted, key North Caucasus terrorist leaders killed q Nuclear security is substantially improved at many sites – many sites have no weapons-usable material left q  But: —  al Qaeda has proved resilient – could resurge —  “Emirate Kavkaz” terrorists in North Caucasus strengthening –  Other groups have pursued nuclear weapons as well – with 2-3 groups having gone the nuclear path in last 15 years, cannot expect they will be the last –  Intent is enduring; capability may increase as technology spreads; strong nuclear security needed to remove opportunity –  The problem of nuclear terrorism and the need for nuclear security will be with us for decades – no room for complacency The scale of the catastrophe q  Tens of thousands killed; tens of thousands more burned, injured, irradiated –  Radioactive fallout would require large-scale evacuation q  Terrorists may claim they had more bombs hidden in cities, threaten to detonate them unless their demands were met –  Potential for widespread panic, flight from major cities, resulting economic and social chaos q Huge pressure on leaders of attacked state to take any action necessary to prevent further attacks – and to retaliate –  Effects on international affairs likely far larger than 9/11 Notions of sovereignty and civil liberties may be radically altered – every state’s behavior affects every other Nuclear terrorism anywhere would be a global catastrophe q Not just a risk to the United States q  Economic, political, military consequences would reverberate worldwide –  Likely shut-down of much of world trade, for a period “Were such an attack to occur, it would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty…. [A]ny nuclear terrorist attack would have a second death toll throughout the developing world.” – Kofi Annan, “A Global Strategy for Fighting Terrorism,” March 10, 2005 q  Political consequences would doom prospects for large-scale nuclear growth, putting nuclear industry at risk Insecure nuclear material anywhere is a threat to everyone, everywhere.

## 2ac

### AT: Internal Link Chains

#### It is their burden to rejoin our predictions – they are wrong about them and voting for them makes it worse

Fitzsimmons, 7 – Ph.D. in international security policy from the University of Maryland, Adjunct Professor of Public Policy, analyst in the Strategy, Forces, and Resources Division at the Institute for Defense Analyses (Michael, “The Problem of Uncertainty in Strategic Planning”, Survival, Winter 06/07)

In defence of prediction Uncertainty is not a new phenomenon for strategists. Clausewitz knew that ‘many intelligence reports in war are contradictory; even more are false, and most are uncertain’. In coping with uncertainty, he believed that ‘what one can reasonably ask of an officer is that he should possess a standard of judgment, which he can gain only from knowledge of men and affairs and from common sense. He should be guided by the laws of probability.’34 Granted, one can certainly allow for epistemological debates about the best ways of gaining ‘a standard of judgment’ from ‘knowledge of men and affairs and from common sense’. Scientific inquiry into the ‘laws of probability’ for any given strate- gic question may not always be possible or appropriate. Certainly, analysis cannot and should not be presumed to trump the intuition of decision-makers. Nevertheless, Clausewitz’s implication seems to be that the **burden of proof** in any debates about planning should belong to the decision-maker who rejects formal analysis, standards of evidence and probabilistic reasoning. Ultimately, though, the value of prediction in strategic planning does not rest primarily in getting the correct answer, or even in the more feasible objective of bounding the range of correct answers. Rather, prediction requires decision-makers to expose, not only to others but to themselves, the beliefs they hold regarding **why** a given event is likely or unlikely and why it would be important or unimportant. Richard Neustadt and Ernest May highlight this useful property of probabilistic reasoning in their renowned study of the use of history in decision-making, Thinking in Time. In discussing the importance of probing presumptions, they contend: The need is for tests prompting questions, for sharp, straightforward mechanisms the decision makers and their aides might readily recall and use to dig into their own and each others’ presumptions. And they need tests that get at basics somewhat by indirection, not by frontal inquiry: not ‘what is your inferred causation, General?’ Above all, not, ‘what are your values, Mr. Secretary?’ ... If someone says ‘a fair chance’ ... ask, ‘if you were a betting man or woman, what odds would you put on that?’ If others are present, ask the same of each, and of yourself, too. Then probe the differences: why? This is tantamount to seeking and then arguing assumptions underlying different numbers placed on a subjective probability assessment. We know of no better way to force clarification of meanings while exposing hidden differences ... Once differing odds have been quoted, the question ‘why?’ can follow any number of tracks. Argument may pit common sense against common sense or analogy against analogy. What is important is that the expert’s basis for linking ‘if’ with ‘then’ gets exposed to the hearing of other experts before the lay official has to say yes or no.’35 There are at least three critical and related benefits of prediction in strate- gic planning. The first reflects Neustadt and May’s point – prediction enforces a certain level of discipline in making explicit the assumptions, key variables and implied causal relationships that constitute decision-makers’ beliefs and that **might otherwise remain implicit**. Imagine, for example, if Shinseki and Wolfowitz had been made to assign probabilities to their opposing expectations regarding post-war Iraq. Not only would they have had to work harder to justify their views, they might have seen more clearly the substantial chance that they were wrong and had to make greater efforts in their planning to prepare for that contingency. Secondly, the very process of making the relevant factors of a decision explicit provides a firm, or at least transparent, basis for making choices. Alternative courses of action can be compared and assessed in like terms. Third, the transparency and discipline of the process of arriving at the initial strategy should heighten the decision-maker’s sensitivity toward changes in the environment that would suggest the need for adjustments to that strategy. In this way, prediction enhances rather than under-mines **strategic flexibility**. This defence of prediction does not imply that great stakes should be gambled on narrow, singular predictions of the future. On the contrary, the central problem of uncertainty in plan- ning remains that any given prediction may simply be wrong. Preparations for those eventualities must be made. Indeed, in many cases, relatively unlikely outcomes could be enormously consequential, and therefore merit extensive preparation and investment. In order to navigate this complexity, strategists must return to the dis- tinction between uncertainty and risk. While the complexity of the international security environment may make it somewhat resistant to the type of probabilistic thinking associated with risk, **a risk-oriented approach seems to be the only viable model** **for national-security strategic planning**. The alternative approach, which categorically denies prediction, precludes strategy. As Betts argues, Any assumption that some knowledge, whether intuitive or explicitly formalized, provides guidance about what should be done is a presumption that there is reason to believe the choice will produce a satisfactory outcome – that is, it is a prediction, however rough it may be. If there is no hope of discerning and manipulating causes to produce intended effects, analysts as well as politicians and generals should all quit and go fishing.36 Unless they are willing to quit and go fishing, then, strategists must sharpen their tools of risk assessment. Risk assessment comes in many varieties, but identification of two key parameters is common to all of them: the consequences of a harmful event or condition; and the likelihood of that harmful event or condition occurring. With no perspective on likelihood, a strategist can have no firm perspective on risk. With no firm perspective on risk, strategists cannot purposefully discriminate among alternative choices. Without purposeful choice, there is no strategy. One of the most widely read books in recent years on the complicated relation- ship between strategy and uncertainty is Peter Schwartz’s work on scenario-based planning, The Art of the Long View. Schwartz warns against the hazards faced by leaders who have deterministic habits of mind, or who deny the difficult implications of uncertainty for strategic planning. To overcome such tenden- cies, he advocates the use of alternative future scenarios for the purposes of examining alternative strategies. His view of scenarios is that their goal is not to predict the future, but to sensitise leaders to the highly contingent nature of their decision-making.37 This philosophy has taken root in the strategic-planning processes in the Pentagon and other parts of the US government, and properly so. Examination of alternative futures and the potential effects of surprise on current plans is essential. Appreciation of uncertainty also has a number of organisational impli- cations, many of which the national-security establishment is trying to take to heart, such as encouraging multidisciplinary study and training, enhancing information sharing, rewarding innovation, and placing a premium on speed and versatility. The arguments advanced here seek to take nothing away from these imperatives of planning and operating in an uncertain environment. But appreciation of uncertainty carries hazards of its own. Questioning assumptions is critical, but assumptions must be made in the end. Clausewitz’s ‘standard of judgment’ for discriminating among alternatives must be applied. Creative, unbounded speculation must resolve to choice or else there will be no strategy. Recent history suggests that **unchecked scepticism** regarding the validity of prediction can marginalise analysis, trade significant cost for ambig- uous benefit, empower parochial interests in decision-making, and undermine flexibility. Accordingly, having fully recognised the need to broaden their strategic-planning aperture, national-security policymakers would do well now to reinvigorate their efforts in the messy but indispensable business of predicting the future.

### AT: Endless Repition

#### The 1AC’s Risk Analysis isn’t what they criticize --- evidence-based *possiblistic thinking* is vital to prevent catastrophes without consuming us with fear

Lee Clarke 6, Ph.D., Associate Professor of Sociology at Rutgers University, Worst Cases: Terror and Catastrophe in the Popular Imagination, 2006, p. ix-xi

People are worried, now, about terror and catastrophe in ways that a short time ago would have seemed merely fantastic. Not to say that horror and fear suffuse the culture, but they are in the ascendant. And for good reason. There are possibilities for accident and attack, disease and disaster that would make September 11 seem like a mosquito bite. I think we have all become more alert to some of those possibilities, and it is wise to face them down. The idea of worst cases isn’t foreign to us. We have not, however, been given enough useful insight or guidance, either from academics or political leaders, regarding how to do that. In this book I look the worst full in the face. What I see is frightening but enlightening. I believe that knowing a thing permits more comfort with that thing. Sometimes the comfort comes from greater control. Sometimes it comes from knowing the enemy, or the scary thing, which proffers a way forward, toward greater safety. There is horror in disaster. But there is much more, for we can use calamity to glean wisdom, to find hope. Tragedy is with us now as never before. But that does not mean we need be consumed with fear and loathing. We can learn a lot about how society works, and fails to work, by looking at the worst. We can learn about the imagination, about politics, and about the wielding of power. We can learn about people’s capacities for despair and callousness, and for optimism and altruism. As we learn, our possibilities for improvement increase. Worst Cases is about the human condition in the modern world. Some say that September 11 changed everything. That’s not true. But it did imprint upon our imaginations scenes of horror that until then had been the province of novels and movies. We now imagine ourselves in those images, and our wide-awake nightmares are worse than they used to be. We must name, analyze, and talk about the beast. That’s our best hope, as a society, to come to terms with the evil, the human failings, the aspects of nature, and just plain chance that put us in harm’s way. Of course, talking about the worst can be a way to scare people into accepting programs that have other ends, and that they might not otherwise accept. The image of a nuclear mushroom cloud, for example, can be used to justify war because the possibility is so frightening that we would do almost anything to prevent it. The dark side of worst case thinking is apparent even at the level of personal relationships. Unleavened by evidence or careful thought it can lead to astonishingly poor policy and dumb decisions. No organizational culture can prevent or guard against it. The only response that will effectively mute such abuses is one that is organized and possessed of courage and vision. So warnings that the worst is at hand should be inspected closely, particularly if they call for actions that would serve ends the speaker cannot or does not freely acknowledge. I acknowledge my ends in this book. For better or worse, I always have. Worst Cases is a book full of stories about disasters. But it is not a disaster book. It is a book about the imagination. We look back and say that 9/11 was the worst terrorist attack ever in the United States, that the Spanish Flu of 1918, the Black Death, or AIDS was the worst epidemic ever, or that the 1906 San Francisco earthquake was the Great Earthquake. Nothing inherent to the events requires that we adorn them with superlatives. People’s imaginations make that happen. Similarly, we construct possible futures of terror and calamity: what happens if the nation’s power grid goes down for six months? what if smallpox sweeps the world? what if nuclear power has a particularly bad day? what if a monster tsunami slams southern California? These too are feats of imagination. There are those who say we shouldn’t worry about things that are unlikely to happen. That’s what your pilot means in saying, after a turbulent cross-country flight, “You’ve just completed the safest part of your trip.” We hear the same thing when officials tell us that the probability of a nuclear power plant melting down is vanishingly small. Or that the likelihood of an asteroid striking the earth is one in a million, billion, or trillion. There is similar advice from academics who complain that people are unreasonable because their fears don’t jibe with statistics. Chance, they reckon, is in our favor. But chance is often against us. My view is that disasters and failures are normal, that, as a colleague of mine puts it, things that have never happened before happen all the time. A fair number of those things end up being events we call worst cases. When they happen we’re given opportunities to learn things about society and human nature that are usually obscured. Worst case thinking hasn’t been given its due, either in academic writings or in social policy. We’re not paying enough attention to the ways we organize society that make us vulnerable to worst cases. We’re not demanding enough responsibility and transparency from leaders and policy makers. I am not an alarmist, but I am alarmed. That’s why I wrote Worst Cases. It is also why my tone and language are not technical. I am a sociologist, but I wrote Worst Cases so that nonsociologists can read it.

#### Debating risk analysis is key to averting lash out

Langford 3 (Ian, Centre for Social and Economic Research on the Global Environment School of Environmental Sciences University of East Anglia and University College London, AN EXISTENTIAL APPROACH TO RISK PERCEPTION)

The above case studies show that other perspectives on risk perception can be gained by examining underlying existential anxieties, and existential analysis can provide a link between widely differing risk issues and across very different methodologies. Existential analysis is, of course, only one of a number of theoretical and practical approaches that can be taken towards risks, but it is potentially capable of transcending the difference between cultures and histories. Whilst the challenges and risks posed by living today in a techno-logically advanced society are very different from those faced a thousand years ago in the same geographical locations, the existential anxieties remain the same, as they are a common property of being human, although coping strategies may change somewhat. ‘Millenium anxiety’ in 1999 was not so different from that displayed in 999 AD. Further, existential analysis can reflect on the societal challenges posed by ‘modern’ risks as well as the individual adaptations required in order to survive in the 21st century. Giddens (1991) links existential anxiety to loss of trust, and Beck (1999) comments on how the World Risk Society brings people together as well as separating them though the operation of the global political economy. There are winners and losers, but all are beginning to play on the same field. Although cross-cultural comparisons are not the focus of this paper, it is worth mentioning that from research conducted in the UK, and also in Greece (Kontogianni et al., 2001), it is possible to see the commonalities between at least these two cultures, as well as the differences. With regard to risks, respondents in the UK generally took a more individualistic ‘personal specialness’ approach, for example, in the research on perceptions of climate change, whilst in Greece respondents still held more belief in the divine order of things. Greek respondents often expressed a belief in θεοπρωνια (theo-pronia), which has no direct English translation, but can be interpreted as meaning that ‘if you do the right thing, God will give you luck’. So, for example, if you fish according to ‘natural laws’, God will make sure the fish don’t run out.……....in general, Greeks favoured the ‘ultimate rescuer’ defense. In terms of the World Risk Society, and individual coping mechanisms, it appears that death anxiety is particularly prevalent when people consider their fears of the unknown and unknowable. The unknown is represented by uncertainties over the future, given the current rate of technological change, and conflicting messages received from the scientists, government and the media about a wide range of risk issues. The unknowable is represented by fear of the complexity of scientific knowledge, and its inaccessibility to lay people, as well as the complex and interwoven nature of many environmental and health risks. With many ‘20th century diseases’, such as allergic and immunocompetence conditions, traditional epidemiological methods of finding a single cause for a single disease fail because the 26 causes are multiple and synergistic, and the conditions ill-defined and variable between individuals. Existential isolation anxiety is characterized by feelings of hopelessness and helplessness in the face of the global political economy, and the striving for ‘community’ or ‘togetherness’ is often founded on making joint protests or opting out of conventional lifestyles and discourses. This can sometimes lead to ‘idealistic tribalism’, which replaces ‘geographical tribalism’ via the sharing and reinforcement of common ideas amongst similar thinking people via the ease of modern day travel and information/communication technologies such as email and the internet. Alienation is often a matter of scale, with individuals feeling powerless in the face of world markets and international agreements. However, modern forms of communication and lifestyles and the social structures they support may themselves be alienating in containing little face-to-face human contact or ‘quality time’. Freedom and responsibility are again often framed in terms of not being subjugated by the global political economy or the discourses it promotes – the modern equivalent of Hiedegger’s impersonal ‘They-Self’. Individuals and groups can choose to opt out, give up, try their best, or carry on regardless – but it is always in opposition to or in collusion with political and economic forces seen as being at a scale beyond the individual’s power to change, and individual action is hence usually framed in terms of personal lifestyle choice to reduce risks, protect the environment or promote social equity. Meaninglessness anxiety seems to be a common response in the World Risk Society. Identity and self-esteem are either maintained by small-scale successes, or reliance on being informed and using common sense, but pessimism, crusad-ism, nihilism and vegetativeness are all common responses to technological and environmental risks. Unfortunately, the great increase in information in techno-logical societies has created more confusion and, in the opinion of many people, devalued all information – leading to more reliance on ‘folklore’, lay epidemiology and ‘common sense’ to evaluate uncertain and ill-defined risks. Rebellion against political and institutional structures has often been reduced to stigmatization of particular organizations (such as the privatized water companies, see Langford et al., 1999a; Georgiou et al., 1998) or products (such as GM foods). This atomization of protest increases the sense of meaningless-ness, where one can only hope to achieve something small – and hence potentially meaningless – or else give up hope of things ever being different and merely find a comfortable way to survive the inevitable. In conclusion, this paper has attempted, via theoretical argument, case studies and discussion, to present a different analysis of risk perception by individuals within social and political systems. Existential issues and anxieties, that are common to being human across space and time, have been explored whilst at the same time examining the relationship between humans and risk in contemporary post-industrial society. One conclusion that can be drawn from this analysis is that the range of individual and social responses to risk are symptomatic of far more global anxieties about the functioning and future of the world in general. Risk issues and conflicts are therefore not merely a product of a risk society, but an integral part of its operation. Only by providing people with a genuine chance to understand, have hope and believe in the possibility of instigating change, can risk managers provide risk communication strategies that actually communicate about risk. This is because of the complex and profound role that risk perception plays in structuring identities, defining discourses and bringing order and sense to the world. Otherwise, fear of the unknown, alienation, helplessness and reactions to these states of mind will always win the day.

#### Even if its low probability it sharpens political science analysis and allows us to test theories

**Mahnken and Junio 13** – (2013, Thomas, PhD, Jerome E. Levy Chair of Economic Geography and National Security at the U.S. Naval War College and a Visiting Scholar at the Philip Merrill Center for Strategic Studies at The Johns Hopkins University’s Paul H. Nitze School of Advanced International Studies, and Timothy, Predoctoral Fellow, Center for International Security and Cooperation, Stanford University, PhD in Political Science expected 2013, “Conceiving of Future War: The Promise of Scenario Analysis for International Relations,” International Studies Review Volume 15, Issue 3, pages 374–395, September 2013)

This article introduces political scientists to scenarios—future counterfactuals—and demonstrates their value in tandem with other methodologies and across a wide range of research questions. The authors describe best practices regarding the scenario method and argue that scenarios contribute to theory building and development, identifying new hypotheses, analyzing data-poor research topics, articulating “world views,” setting new research agendas, avoiding cognitive biases, and **teaching**. The article also establishes the low rate at which scenarios are used in the international relations subfield and situates scenarios in the broader context of political science methods. The conclusion offers two detailed examples of the effective use of scenarios.

In his classic work on scenario analysis, The Art of the Long View, Peter Schwartz commented that “social scientists often have a hard time [building scenarios]; they have been trained to stay away from ‘what if?’ questions and concentrate on ‘what was?’” (Schwartz 1996:31). While Schwartz's comments were impressionistic based on his years of conducting and teaching scenario analysis, his claim withstands empirical scrutiny. Scenarios—counterfactual narratives about the future—are woefully underutilized among political scientists. The method is almost never taught on graduate student syllabi, and a survey of leading international relations (IR) journals indicates that scenarios were used in only 302 of 18,764 sampled articles. The low rate at which political scientists use scenarios—less than 2% of the time—is surprising; the method is popular in fields as disparate as business, demographics, ecology, pharmacology, public health, economics, and epidemiology (Venable, Li, Ginter, and Duncan 1993; Leufkens, Haaijer-Ruskamp, Bakker, and Dukes 1994; Baker, Hulse, Gregory, White, Van Sickle, Berger, Dole, and Schumaker 2004; Sanderson, Scherbov, O'Neill, and Lutz 2004). Scenarios also are a **common tool employed by the policymakers** whom political scientists study.

This article seeks to elevate the status of scenarios in political science by demonstrating their usefulness for **theory building and pedagogy**. Rather than constitute mere speculation regarding an unpredictable future, **as critics might suggest**, scenarios assist scholars with developing testable hypotheses, gathering data, and identifying a theory's upper and lower bounds. Additionally, **scenarios are an effective way to teach students to apply theory to policy**. In the pages below, a “best practices” guide is offered to advise scholars, practitioners, and students, and an argument is developed in favor of the use of scenarios. The article concludes with two examples of how political scientists have invoked the scenario method to improve the specifications of their theories, propose falsifiable hypotheses, and design new empirical research programs.

Scenarios in the Discipline

What do counterfactual narratives about the future look like? Scenarios may range in length from a few sentences to many pages. One of the most common uses of the scenario method, which will be referenced throughout this article, is to study the conditions under which **high-consequence, low-probability** events may occur. Perhaps the best example of this is **nuclear warfare**, a circumstance that has never resulted, but has captivated generations of political scientists. For an introductory illustration, let us consider a very simple scenario regarding how a first use of a nuclear weapon might occur:

During the year 2023, the US military is ordered to launch air and sea patrols of the Taiwan Strait to aid in a crisis. These highly visible patrols disrupt trade off China's coast, and result in skyrocketing insurance rates for shipping companies. Several days into the contingency, which involves over ten thousand US military personnel, an intelligence estimate concludes that a Chinese conventional strike against US air patrols and naval assets is imminent. The United States conducts a preemptive strike against anti-air and anti-sea systems on the Chinese mainland. The US strike is far more successful than Chinese military leaders thought possible; a new source of intelligence to the United States—unknown to Chinese leadership—allowed the US military to severely degrade Chinese targeting and situational awareness capabilities. Many of the weapons that China relied on to dissuade escalatory US military action are now reduced to single-digit-percentage readiness. Estimates for repairs and replenishments are stated in terms of weeks, and China's confidence in readily available, but “dumber,” weapons is low due to the dispersion and mobility of US forces. Word of the successful US strike spreads among the Chinese and Taiwanese publics. The Chinese Government concludes that for the sake of preserving its domestic strength, and to signal resolve to the US and Taiwanese Governments while minimizing further economic disruption, it should escalate dramatically with the use of an extremely small-yield nuclear device against a stationary US military asset in the Pacific region.

This short story reflects a future event that, while unlikely to occur and far too vague to be used for military planning, contains many dimensions of political science theory. These include the following: what leaders perceive as “limited,” “proportional,” or “escalatory” uses of force; the importance of private information about capabilities and commitment; audience costs in international politics; the relationship between military expediency and political objectives during war; and the role of compressed timelines for decision making, among others. The purpose of this article is to explain to scholars how **such stories**, and more rigorously developed narratives that specify variables of interest and draw on extant data, may **improve the study of IR**. An important starting point is to explain how future counterfactuals fit into the methodological canon of the discipline.

### AT: Alt – Affect/Pre REquisite

#### Affective approaches fail to mobilize or change politics

Jeff Pruchnic 8, Wayne State University, "The Invisible Gland: Affect and Political Economy", Volume 50, Number 1, Winter, muse.jhu.edu/journals/criticism/v050/50.1.pruchnic.html

These chapters on affective labor also most explicitly foreground the difficulty of integrating affect into theories of political economy and possibilities for political action. Although contributors ably map how affect creates value in contemporary capitalism, they struggle somewhat with determining the value of affect—or, more precisely, the value of affect theory—in changing our responses to economic and cultural practices. Granted, many of the authors explicitly position their projects as diagnostic rather than prescriptive in nature. Wissinger concludes by suggesting that thinking about “preindividual forces of affectivity and bodily energies” provides a “new angle” on how imagining technologies constitute bodies (255). [End Page 165] Ducey similarly defers focus on possible responses to affective labor, arguing that since affect “is not subject to the usual forms of measurement and analysis . . . the political responses its modulations call forth are emergent and unpredictable” (205). The essays that do focus most explicitly on such responses are, ironically, those in which theories of affective labor are a starting-off point rather than a consistent resource in their analysis. As such, their conclusions tend to follow descriptions of the new importance of affect in economics and culture with fairly traditional suggestions for intervention based on collective organization and political recognition. For example, Melissa Ditmore concludes her sharp analysis of the Dunbar Mahila Samanwanya Committee, an organization that promotes the safety and welfare of its sixty thousand Indian sex workers, by noting irony “in the fact that the DMSC works with immaterial affect laborers in the world’s oldest, but as yet unrecognized, profession to advance their cause at a far deeper, more meaningful and effective level than has been achieved by recognized workers in affect labor” (184). However, the productive interventions identified here are fairly traditional, and because of the relative singularity of what Ditmore calls “the world’s oldest form of affective labor” (both generally and particularly in India, where the laws governing sex work are fairly ambiguous), it is difficult to imagine how the examples given here might be translated to other forms of affective labor (such as health care, “women’s work,” and modeling, to use the other industries assayed in this subject cluster) (170). Similarly, David Staples contributes a notable argument that affective labor is best approached through a Bataillean general economy rather than a restricted political economy, but his conclusion suggests that the best response to the devaluation of “women’s work” is to quantify the time of that labor; drawing on Derrida’s work on gift economies, Staples states that although the “ethical duty or responsibility implicit in child care cannot be measured, or estimated, or valorized as such,” the “time of child care can,” and can also be rewarded based on its duration, a measure he sees occurring in the commodification of child care generally and in the 1999 rewriting of the constitution of Venezuela in particular (145). Both the conclusions marking the unpredictability of future response and those relying on fairly traditional strategies of intervention speak to the relative difficulty of following up analyses of the operations of affect with techniques for mobilizing affect productively.¶ All of which is to say, though Affective Turn does a better job of introducing readers to the central issues surrounding the study of affect in the humanities and social sciences than any single work I am aware of, [End Page 166] its value comes as much from the way it underscores sticking points or aporias in this work as from the individual accomplishments of its contributors. Indeed, the above concerns are perhaps better taken not as criticisms of Affective Turn but of the segment of “the affective turn” to which the authors are most commonly responding—work, notably that of Sedgwick and Massumi, that has positioned affect theory as a productive alternative to “critique” in its traditional sense: a “way out” of the ostensibly moribund focus on relationships of dominance and subversion and the identification of this or that phenomenon as ideologically or socially constructed. Certainly such an endeavor has had a salutary effect on the contemporary critical terrain, both through its emphasis on the often-neglected role of human physiology and nervous processes in human subjectivity and ideation, as well as its antagonism toward the idea that beliefs and predispositions can somehow be made privative or defused when exposed to rational critique. However, the question of how to deploy these insights within the traditionally “rational” ecology of research in the humanities and social scientists has proven to be a thornier issue.¶ One could, for instance, abandon traditional registers of academic criticism, as do the more experimental and autoethnographical chapters in Affective Turn. These works remain somewhat unsatisfying, however, because even though they may succeed in producing a “feeling” of or for the affective phenomena under review, the motivational or persuasive import to the work is much less clear. One could also simply emphasize the importance of affect as a critique of “critique” itself, as do Goldberg and Willse, who in their piece marvel that even after the impact of deconstruction, “academic scholarship continues to engage media objects as exterior, applying theory against them to interpret or reveal their meanings and truths” (265). Similarly, Bianco positions her work as an intervention into the dominance of psychoanalytical and ideological approaches to film criticism. Yet, I take it, though such paradigms have not necessarily entered “straw man” territory at this time, we are seeing diminishing returns on such calls as they continue to multiply. Perhaps most telling is the emphasis, behind these approaches and throughout much of the work within the volume, on affect as not only primary in many dimensions of experience but also, unlike experience itself, ultimately irreducible and “unrepresentable.”¶ Such an emphasis makes the critical edge of the majority of chapters more what we might code “aesthetic” than rhetorical, or more focused on the description of affects and affective processes rather than their possible manipulation. The influence for this approach, it seems, is at least partially Massumi’s “The Autonomy [End Page 167] of Affect,” which looms large over much of Affective Turn. The terms and phrases used there to describe affect and affective “intensity”—“unassimilable,” “outside expectation and adaptation” (85), “in excess of any narrative or function line” (87), “irreducible excess” (87)—are recurrently paraphrased and alluded to throughout the volume.2 In Affective Turn, as in Massumi’s article, such depictions, as much as they are meant to be in some way “post-postmodern,” seem to at least equally take us back to a certain type of pseudo-modernist aestheticism. Indeed, the references cited above ring most clearly as descriptions of “the sublime” more than anything else. Perhaps, as Negri contends in another oft-cited work that also emphasizes the “immeasurability” of affect, “the Sublime has become normal.”3 However, it seems we have yet to find the way to move from describing affective processes in aesthetic terms to producing strategies for mobilizing those processes, or, perhaps more precisely, how we might use our recognition of the affective dimension of politics to leverage affect for political purposes.

#### Fear-driven anxiety is vital to affective agency

Susan McManus 11, Lecturer in Political Theory at Queen’s University, "Hope, Fear, and the Politics of Affective Agency", Volume 14, Issue 4, muse.jhu.edu/journals/theory\_and\_event/v014/14.4.mcmanus.html

Finally, if fear is a predominant affective formation in the political present, how can hope and fear be oriented together? Utopian-affect does not efface fear, but instead, inflects fear differently than hitherto. Restructuring or depathologizing fear-affects involves work on the sensory organization of all the different kinds of matter that affect agential capacity: affect circulates through various encounters of worldly matter and stuff through which subject finds itself manifest within. One way of restructuring fear-affect, then, is by intervening in the feedback loops through which fear is stabilized. This might involve turning the technologies that are central to the production of fear against themselves: when protesters use surveillance technologies against police, for instance, the feedback loops that those technologies sustain are interrupted, and the hegemonies they secure are disrupted, rendered capricious, variable, and open to intervention. Fear need not be ubiquitous, and visceral experimentation with our everyday sensorium can have effects upon the 'tone' of the age. Negri is, after all, right: hope is an 'an antidote to ... fear,' (Brown et al, 2002: 200); but only insofar as the antidote (hope) is made out of the same matter as the poison (fear). This illustrates the larger point that the future needs to be made out of matter that is available in the present, out of the same crises, but with different trajectories: it is from the matter of this world that the future is made. Utopian-affect, then, is made out of both hope and fear, and while fear might be restructured, it cannot be effaced, for the fear of utopian-affect also inheres in the encounter with the world itself, in the struggle, and in the uncertainty of the emergent. As Duggan puts it, 'there is fear attached to hope -- hope understood as a risky reaching out for something else that will fail,' (Duggan and Muñoz, 2009: 279). Fear and anxiety, rather than opposing utopian hope, are vital, necessary to its critical agency, as that agency works through immanent historical processes that remain open and undetermined.

#### Engagement with technocracy is more effective than dissensus

Jiménez-Aleixandre 2, professor of education – University of Santiago de Compostela, and Pereiro-Muñoz High School Castelao, Vigo (Spain) (Maria-Pilar and Cristina, “Knowledge producers or knowledge consumers? Argumentation and decision making about environmental management,” International Journal of Science Education Vol. 24, No. 11, p. 1171–1190)

If science education and environmental education have as a goal to develop **critical thinking and** to promote **decision making**, it seems that the acknowledgement of a variety of experts and expertise is of relevance to both. **Otherwise citizens could be unable to challenge a common view** that places economical issues and technical features over other types of values or concerns. As McGinn and Roth (1999) argue, citizens should be prepared to participate in scientific practice, to be involved in situations where science is, if not created, at least used. The assessment of environmental management is, in our opinion, one of these, and citizens do not need to possess all the technical knowledge to be able to examine the positive and negative impacts and to weigh them up. The identification of instances of scientific practice in classroom discourse is difficult especially if this practice is viewed as a complex process, not as fixed ‘steps’. Several instances were identified when it could be said that students acted as a knowledge-producing community in spite of the fact that the students, particularly at the beginning of the sequence, expressed doubts about their capacities to assess a project written by experts and endorsed by a government office. Perhaps these doubts relate to the nature of the project, a ‘real life’ object that made its way into the classroom, into the ‘school life’. As Brown et al. (1989) point out, there is usually a difference between practitioners’ tasks and stereotyped school tasks and, it could be added, students are not used to being confronted with the complexity of ‘life-size’ problems. However, as the sequence proceeded, **the students assumed the role of experts**, exposing inconsistencies in the project, offering alternatives and discussing it with one of its authors. The issue of expertise is worthy of attention and it needs to be explored in different contexts where the relationships among technical expertise, values hierarchies and possible biases caused by the subject matter could be unravelled. One of the objectives of environmental education is to **empower people with the capacity of decision making**; for this purpose the acknowledging of multiple expertise is crucial.

#### Alt fails – risk-based policymaking inevitable

Danzig 11 Richard Danzig, Center for a New American Security Board Chairman, Secretary of the Navy under President Bill Clinton, October 2011, Driving in the Dark Ten Propositions About Prediction and National Security, <http://www.cnas.org/files/documents/publications/CNAS_Prediction_Danzig.pdf>

The Propensity to Make Predictions – and to Act on the Basis of Predictions – Is Inherently Human “No one can predict the future” is a common saying, but people quite correctly believe and act otherwise in everyday life. In fact, daily life is built on a foundation of prediction. One expects (predicts) that housing, food and water will be safe and, over the longer term, that saved money will retain value. These predictions are typically validated by everyday experience. As a consequence, people develop expectations about prediction and a taste, even a hunger, for it. If security in everyday life derives from predictive power, it is natural to try to build national security in the same way. This taste for prediction has deep roots.16 Humans are less physically capable than other species but more adept at reasoning.17 Reasoning is adaptive; it enhances the odds of survival for the species and of survival, power, health and wealth for individuals. Reasoning depends on predictive power. If what was benign yesterday becomes unpredictably dangerous today, it is hard to develop protective strategies, just as if two plus two equals four today and five tomorrow, it is hard to do math. Rational thought depends on prediction and, at the same time, gives birth to prediction. Humans are rational beings and, therefore, make predictions. The taste for prediction has roots, moreover, in something deeper than rationality. Emotionally, people are uncomfortable with uncertainty and pursue the illusion of control over events beyond their control. Systematic interviews of those who have colostomies, for example, show that people are less depressed if they are informed that their impaired condition will be permanent than if they are told that it is uncertain whether they will be able to return to normal functioning.19 Citing this and other work, Daniel Gilbert concludes that “[h]uman beings find uncertainty more painful than the things they’re uncertain about.”20 An “illusion of control,” to employ a term now recognized in the literature of psychology, mitigates the pain of uncertainty.21 People value random lottery tickets or poker cards distributed to themselves more than they do tickets or cards randomly assigned to others.22 A discomfort with uncertainty and desire for control contribute to an unjustifiable over-reliance on prediction. 2. Requirements for Prediction Will Consistently Exceed the Ability to Predict The literature on predictive failure is rich and compelling.23 In the most systematic assessment, conducted over 15 years ending in 2003, Philip Tetlock asked 284 established experts24 more than 27,000 questions about future political and economic outcomes (expected electoral results, likelihoods of coups, accession to treaties, proliferation, GDP growth, etc.) and scored their results.25 Collateral exercises scored predictive achievement in the wake of the breakup of the Soviet Union, the transition to democracy in South Africa and other events. There are too many aspects of Tetlock’s richly textured discussion to permit a simple summary, but his own rendering of a central finding will suffice for this discussion: “When we pit experts against minimalist performance benchmarks – dilettantes, dart-throwing chimps, and assorted extrapolation algorithms – we find few signs that expertise translates into greater ability to make either ‘well calibrated’ or ‘discriminating’ forecasts.”26 As described below,27 there are strong reasons for a high likelihood of failure of foresight when DOD attempts to anticipate the requirements for systems over future decades. Recent experience makes this point vividly. Over the past 20 years,28 long-term predictions about the strategic environment and associated security challenges have been wrong, like most multi-year predictions on complex subjects.29 It is simple to list a halfdozen failures:30 American defense planners in 1990 did not anticipate the breakup of the Soviet Union, the rapid rise of China, Japan’s abrupt transition from decades of exceptional economic growth to decades of no growth,31 an attack like that on September 11, 2001 or the United States invasions of (and subsequent decade-long presences in) Afghanistan and Iraq.32 So, in this light, why does the defense community repeatedly over-invest in prediction? A common conceptual error intensifies the hunger for prediction. History celebrates those who made good predictions. Because Winston Churchill’s fame rests on, among other things, his foresight about German militarism and the accuracy of his demands for preparation for World War II, it appears evident that confident prediction is the road to success. Yet it is an error to focus on numerators (instances of success) without asking about denominators (instances of failure). 33 Accordingly, there is a tendency to ignore Churchill’s failures in many other predictions (his disastrous expectations from military operations in Gallipoli, his underestimation of Gandhi, etc.). There is also a tendency to ignore the great number of other predictors who are not celebrated by history because they failed in analogous circumstances. Moreover, prediction is subject to refinement and is often a competitive enterprise. As a result, predictive power is like wealth – gaining some of it rarely satisfies the needs of those who receive it. Predictive power intensifies the demand for more predictive power. Tell a national security advisor that another country is likely to develop a nuclear weapon, and – after all his or her questions have been answered about the basis of the prediction – he or she will want to know when, in what numbers, with what reliability, at what cost, with what ability to deploy them, to mount them on missiles, with what intent as to their use, etc. It is no wonder that U.S. intelligence agencies are consistently regarded as failing. Whatever their mixtures of strengths and weaknesses, they are always being pushed to go beyond the point of success. Put another way, the surest prediction about a credible prediction is that it will induce a request for another prediction. This tendency is intensified when, as is commonly the case, prediction is competitive. If you can predict the price of a product but I can predict it faster or more precisely, I gain an economic advantage. If I can better predict the success of troop movements over difficult terrain, then I gain a military advantage. As a result, in competitive situations, my fears of your predictive power will drive me to demand more prediction regardless of my predictive power. Moreover, your recognition of my predictive power will lead you to take steps to impair my predictive ability.34 Carl von Clausewitz saw this very clearly: “The very nature of interaction is bound to make [warfare] unpredictable.”35 These inherent psychological and practical realities will consistently lead to over-prediction. People are doomed repeatedly to drive beyond their headlights.

### AT: Anthro – Link One

#### First, it assumes the law is a monolith - that’s reductionist and wrong

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Karl Popper maintained that the Left is even more bedeviled by excessive rationalism than the Right. 309 Still influenced by Hegel and Marx, leftists tend to believe they can scientifically diagnose and cure all of society's ills. Their truths are self-evident and live in harmony. Because they know what [\*839] is "reasonable," anyone who disagrees with them must be "prejudiced." Indeed, many members of the Left are attracted to conspiracy theories to explain why their self-evident truths do not immediately triumph. 310 They gain excessive confidence in their beliefs, because few would disagree that our society suffers from class conflict, sexism, racism, and cultural intolerance. Their fury at the American judiciary, which refuses to adopt all of their ends immediately or completely, leads them to attack the entire legal enterprise. All existing judicial ends and means become suspicious, because some judicial means and ends do not satisfy their substantive standards. If some or all of the judges are class warriors or sexists, then it follows that all their means are equally tainted. Rules are no longer tools available to decisionmakers of all ideological perspectives, but become venal weapons of oppression. Thus, the leftist zeal to purge the system of prejudice creates a prejudice against judicial means that traditionally has been used to advance a wide range of ideologies. The Left and Right end up resembling each other by strictly applying different litmus tests to both judicial ends and judicial means to determine if a particular decision is politically correct. At the least, leftists feel they have successfully indicted the legal system by demonstrating its lack of logic. Roberto Unger described modern liberalism as riddled with antimonies -- logical contradictions. 311 Thus, they claim that balancing tests' indeterminacies or courts' fluctuations between forms reveals liberalism's incoherence. Technical problems are translated into core dilemmas of political philosophy. This article's examples demonstrate that there is no "logical" contradiction in using different means to satisfy conflicting ends. Legal opinions are enthymemes, not logical syllogisms. One should not expect complete coherence, because all legal enthymemes are premised upon prevailing public norms, which are not and need not be completely internally consistent. Most of us are understandably ambivalent about our fellow citizens. For instance, each of us wants to be treated individually (substantive justice) and equally (formal justice). Less abstractly, most of us are torn between maximizing one's own advantage and generating a civil, stable society. The legal Left's fascination with theory is particularly tragic, because leftist lawyers need to use all available technical tools to alter [\*840] society. Their clients cannot afford the luxury of lawyers trained exclusively in grand theory, "correct" outcomes, and indifference to legal technique.

#### Focusing on particular details of the case is good – voting for the negs vague generalizations creates an awful decision-making model

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In a related way, Dancy seeks to undermine certain ‘coercive’ (Dancy 1993: 65) assumptions about what it is to be successful in reaching judgements about a given case by utilising the notion of ‘looking’. Rejecting the thought that general principles rationally constrain our moral thought, and provide the conditions under which moral discourse is possible, implies that knowing about moral reasons arises through scrutinising the contingencies of the moral world. Dancy explains the agents have an epistemic duty to look “really closely” at each case (Dancy 1993: 63). According to Dancy: Particularism claims that generalism is the cause of many bad moral decisions, made in the illjudged and unnecessary attempt to fit what we are to say here to what we have said on another occasion. We all know the sort of person who refuses to make the decision here that the facts are obviously calling for, because he cannot see how to make that decision consistent with one he made on a quite different occasion. We also know the person (often the same person) who 7 insists on a patently unjust decision here because of having made a similar decision in a different case. It is this sort of looking away that the particularists see as the danger in generalism. Reasons function in new ways on new occasions, and if we don’t recognise this fact and adapt our practice to it, we will make bad decisions. Generalism encourages a tendency not to look hard enough at the details of the case before one, quite apart from any over-simplistic tendency to rely on a few rules of dubious provenance (Dancy 1993: 64). ‘Looking away’ from an actual moral case with an eye to establishinga warranted belief or judgement with regard to the actual case can be evidence of an adherence to an atomistic theory of reasons. Looking away might be tempting when agents face difficult moral circumstances; where agents look to see how other cases have been considered in order to determine moral judgement concerning the case at hand. The complaint here is that this is a bad way of reaching moral judgement in practice and that it rests upon a misguided conception of the nature of moral reasons and of moral reasoning. Positively, and along with others who stress the importance of moral vision, Dancy explains that ‘looking closely’ at a moral case is an important component in an account of knowledge from a particularist’s standpoint. Negatively, agents must seek to avoid ‘looking away’ from the details of the case. These injunctions give rise to significant epistemological implications when considered against the backdrop of a holistic metaphysics of reasons. The account can look like a form of atomistic moral empiricism which renders deeply problematic, if not incoherent, the manner in which agents can be justified or be able to justify a claim that here is a reason to φ. A form of atomistic moral empiricism would involve the claims that moral knowledge is possible only through experiential contact with actual instantiations of valence, and that what constitute the grounds for such knowledge are discrete deliverances. Normatively speaking, agents are entitled to draw on nothing but the content of the deliverance. Failing to respect this condition would imply that possessing a justified belief about an actual reason here and now to φ is something that could be achieved by consulting a description of how reasons have functioned elsewhere. In other words, it would be to look away. Atomistic moral empiricism, according to how it has been sketched here, claims that justification and knowledge do not require external-to-context constraints on our activities of experiencing. For instance, that the existence and suitable manipulations of principles fix the valence of moral reasons independently of contextual instantiation and serve to rationally constrain any candidate beliefs or actions in a given circumstance.

### AT: Factory Farm

#### America will be 100% vegan by 2050

LITTLE 3/13/14 (Lindsey; Ecorazzi, “America Could be Vegan by 2050,” <http://www.ecorazzi.com/2014/03/13/america-could-be-vegan-by-2050/>)

The founder and director of Catskill Animal Sanctuary, Kathy Stevens, thinks America could be vegan by 2050. Here’s the evidence: 1. Meat consumption is on the decline, while interest in vegan food is on the rise. Americans consumed 12.2 percent less meat in 2012 than in 2007. More and more Americans are becoming “flexitarian,” adopting a vegetarian diet more than half of the time. In 2012, a poll found that 16 percent of Americans described themselves as flexitarian. That number is predicted to rise as the Meatless Monday movement has grown to 50 percent national awareness. In addition, Google Trends reported a 3-fold increase in vegan internet searches from 2005 to 2014. This data highlights the fact that vegans aren’t just in cities like L.A., New York and Portland anymore. Plant-based diets are spreading to small towns across the country, as knowledge and resources become more readily available. 2. Supermarkets are adding new vegan products. Your local supermarket looks a lot different today than it did just a few years ago. Organic produce, gluten-free products and meat substitutes are just some of the recent healthy additions to supermarket shelves. In 2010 and 2011, 110 meat substitute products were added to stores. 3. Restaurants are becoming more responsive to vegans. High-end vegan food was named the number one food trend by Forbes in 2013. Even more telling may be the changes that are taking place among the country’s fast-food chains. Burger King, Wendy’s, Subway and Dunkin’ Donuts are among those who have pledged to stop selling products that are derived from the meat industry’s most cruel practices. Other chains recognize that Americans’ palates are changing. Moe’s Southwest Grill offers organic tofu as an option in its tacos and burritos. Recently, Chipotle added “Sofritas” to their menus in 17 states. 4. The rich and powerful are throwing their money behind vegan start-ups. Billionaires are lining up to invest in vegan companies. Microsoft founder Bill Gates has invested in Beyond Meat and Hampton Creek Foods. HCF also raised $23 million from from Asia’s richest man, Li Ka-sing, and Yahoo co-founder Jerry Yang. If wealthy people know one thing, it’s how to make more money. They wouldn’t back

#### This will be a complete evolution beyond animal exploitation – sadly a nuclear war ends that

Matheny, 7 (J. G. Matheny, Ph. D. candidate, Bloomberg School of Public Health, Johns Hopkins University, December 6, 2007, “Ought we worry about human extinction?,” online: http://jgmatheny.org/extinctionethics.htm)

Moral philosophers have not written much about human extinction. This may be because they underestimate the potential benefits of human survival and/or the risks of human extinction. If we survive the next few centuries, humanity could allow Earth-originating life to survive a trillion years or more. If we do not survive, Earth-originating life will probably perish within a billion years. If prolonging the survival of Earth-originating life is morally important, then there may be **nothing more important** than reducing the near-term risks of human extinction. Keywords: extinction, population ethics, intergenerational justice, catastrophic risk, existential risk, risk analysis, animal welfare, environmental ethics Word count: 3,400 Introduction It was only in the last century, with the invention of nuclear weapons, that the probability of human extinction could be appreciably affected by human action. Ever since, human extinction has generally been considered a terrible possibility. It’s surprising, then, that a search of JSTOR and the Philosopher’s Index suggests contemporary philosophers have written little about the ethics of human extinction. In fact, they seem to have written more about the extinction of other animals. Maybe this is because they consider human extinction impossible or inevitable; or maybe human extinction seems inconsequential compared to other moral issues. In this paper I argue that the possibility of human extinction deserves more attention. While extinction events may be very improbable, their consequences are grave. Human extinction would not only condemn to non-existence all future human generations, it would also cut short the **existence of all animal life**, as natural events will eventually make Earth uninhabitable. The value of future lives Leslie (1996) suggests philosophers’ nonchalance toward human extinction is due in large part to disagreements in population ethics. Some people suppose it does not matter if the number of lives lived in the future is small -- at its limit, zero.[2] In contrast, I assume here that moral value is a function of both the quality and number of lives in a history.[3] This view is consistent with most people’s intuition about extinction (that it’s bad) and with moral theories under which life is considered a benefit to those who have it, or under which life is a necessary condition for producing things of value (Broome, 2004; Hare, 1993; Holtug 2001, Ng, 1989; Parfit 1984; Sikora, 1978). For instance, some moral theories value things like experiences, satisfied preferences, achievements, friendships, or virtuous acts, which take place only in lives. On this view, an early death is bad (at least in part) because it cuts short the number of these valuable things. Similarly, on this view, an early extinction is bad (at least in part) because it cuts short the number of these valuable things. I think this view is plausible and think our best reasons for believing an early death is bad are our best reasons for believing an early extinction is bad. But such a view is controversial and I will not settle the controversy here. I start from the premise that we ought to increase moral value by increasing both the quality and number of lives throughout history. I also take it, following Singer (2002), this maxim applies to all sentient beings capable of positive subjective feelings. Life’s prospects The human population is now 6 billion (6 x 109). There are perhaps another trillion (1012) sentient animals on Earth, maybe a few orders more, depending on where sentience begins and ends in the animal kingdom (Gaston, Blackburn, and Goldewijk, 2003; Gaston and Evans, 2004). Animal life has existed on Earth for around 500 million years. Barring a dramatic intervention, all animal life on Earth will die in the next several billion years. Earth is located in a field of thousands of asteroids and comets. 65 million years ago, an asteroid 10 kilometers in size hit the Yucatan , creating clouds of dust and smoke that blocked sunlight for months, probably causing the extinction of 90% of animals, including dinosaurs. A 100 km impact, capable of extinguishing all animal life on Earth, is probable within a billion years (Morrison et al., 2002). If an asteroid does not extinguish all animal life, the Sun will. In one billion years, the Sun will begin its Red Giant stage, increasing in size and temperature. Within six billion years, the Sun will have evaporated all of Earth’s water, and terrestrial temperatures will reach 1000 degrees -- much too hot for amino acid-based life to persist. If, somehow, life were to survive these changes, it will die in 7 billion years when the Sun forms a planetary nebula that irradiates Earth (Sackmann, Boothroyd, Kraemer, 1993; Ward and Brownlee, 2002). Earth is a dangerous place and animal life here has dim prospects. If there are 1012 sentient animals on Earth, only 1021 life-years remain. The only hope for terrestrial sentience surviving well beyond this limit is that some force will deflect large asteroids before they collide with Earth, giving sentients another billion or more years of life (Gritzner and Kahle, 2004); and/or terrestrial sentients will colonize other solar systems, giving sentients up to another 100 trillion years of life until all stars begin to stop shining (Adams and Laughlin, 1997). Life might survive even longer if it exploits non-stellar energy sources. But it is hard to imagine how life could survive beyond the decay of nuclear matter expected in 1032 to 1041 years (Adams and Laughlin, 1997). This may be the upper limit on the future of sentience.[4] Deflecting asteroids and colonizing space could delay the extinction of Earth-originating sentience from 109 to 1041 years. Assuming an average population of one trillion sentients is maintained (which is a conservative assumption under colonization[5]), these interventions would create between 1021 and 1053[billion] life-years. At present on Earth, only a **human civilization** would be **remotely capable** of carrying out such projects. If humanity survives the next few centuries, it’s likely we will develop technologies needed for at least one of these projects. We may already possess the technologies needed to deflect asteroids (Gritzner and Kahle, 2004; Urias et al., 1996). And in the next few centuries, we’re likely to develop technologies that allow colonization. We will be strongly motivated by self-interest to colonize space, as asteroids and planets have valuable resources to mine, and as our survival ultimately requires relocating to another solar system (Kargel, 1994; Lewis, 1996). Extinction risks Being capable of preserving sentient life for another 1041 years makes human survival important. There may be nothing more important. If the human species is extinguished, all known sentience and certainly all Earth-originating sentience will be extinguished within a few billion years. We ought then pay more attention to what Bostrom (2002) has called “existential risks” -- risks “where an adverse outcome would either annihilate Earth-originating intelligent life or permanently and drastically curtail its potential.” Such risks include: an asteroid or comet strikes Earth, creating enough debris to shut down photosynthesis for months; a supervolcano erupts, creating enough debris to shut down photosynthesis; a nearby supernova unleashes deadly radiation that reaches Earth; greenhouse gasses cause a radical change in climate; a nuclear holocaust creates enough debris to cause a “**nuclear winter**,” shutting down photosynthesis; a genetically engineered microbe is unleashed, by accident or design, killing most or all of humanity; or a high-energy physics experiment goes awry, creating a “true” vacuum or strangelets, destroying the Earth (Bostrom 2002; Bostrom and Cirkovic 2006; Leslie 1996, Posner 2004, Rees 2003). To me, most of these risks seem very unlikely. But dishearteningly, in their catalogs of these risks, Britain ’s Astronomer Royal, Sir Martin Rees (2003), gives humanity 50-50 odds of surviving the next few centuries, and philosophers John Leslie (1996) and Nick Bostrom (2002) put our chances at 70% and 75%, respectively. Estimating the probabilities of unprecedented events is subjective, so we should treat these numbers skeptically. Still, even if the probabilities are orders lower, because the stakes are high, it could be justified to invest in extinction countermeasures. Matheny (2007) found that, even with traditional social discounting, investing in asteroid detection and mitigation is justified under standard cost-effectiveness analysis. Ought humanity be saved? Even accepting that future lives have value and that extinction risks can be cost-effectively reduced, there could still be reasons not to worry about human extinction. For instance, human lives might have negative moral value, in which case human extinction could be a good thing. This might have been Bertrand Russell’s sentiment when he wrote, “Although it is a gloomy view to suppose that life will die out, sometimes when I contemplate the things that people do with their lives I think it is almost a consolation.”[6] In the 20th century, more people, in absolute numbers, died of war, famine, and pestilence than ever before. But in the same century, more people did not die of war, famine, and pestilence than ever before. So even if we're especially pessimistic about average human welfare during the last century compared to others, it would be hard to argue that total welfare decreased. As long as average welfare was greater than zero – that is, the average life was preferable to suicide – then the century was a success for humanity. We will be capable of even greater moral nightmares in this century than in the last, but we will also be capable of securing greater welfare for a larger fraction of humanity. I suspect in this century, the average life will again be worth living, assuming we survive the century to judge. We should be more pessimistic when we review how nonhuman animals have fared in the last century. At present around 50 billion animals are raised and killed each year to feed humanity. (Many million animals are used for clothing, product testing, research, and entertainment, but their numbers are insignificant by comparison.) Since World War 2, with the invention of "factory farming," farm animals’ welfare has significantly deteriorated, as they now live in conditions that frustrate their most basic instincts (Singer, 2002, chapter 3). At the same time, we’re probably the only animal on Earth that routinely demonstrates compassion for other species. Such compassion is nearly universal in developed countries but we usually know too little, too late, for deeply ingrained habits, such as diets, to change. If improvements in other public morals were possible without any significant biological change in human nature, then the same should be true for our treatment of nonhuman animals, though it will take some time. Even without any change in public morals, it seems **unlikely** we will continue to use animals for very long – at least, nowhere near 50 billion per year. Our most brutal use of animals results not from sadism but from old appetites now satisfied with **inefficient tech**nologies that have not fundamentally changed in 10,000 years. Ours is the first century where newer technologies -- plant or in vitro meats, or meat from brainless animals -- could satisfy human appetites for meat more efficiently and safely (Edelman et al, 2005). As these technologies mature and become cheaper, they will likely replace conventional meat. If the use of sentient animals survives much beyond this century, we should be very surprised. This thought is a cure for misanthropy. As long as most humans in the future don't use sentient animals, the vast number of good lives we can create would outweigh any sins humanity has committed or is likely to commit. Even if it takes a century for animal farming to be replaced by vegetarianism (or in vitro meats or brainless farm animals), the century of factory farming would represent around 1012 miserable life-years. That is one-billionth of the 1021 animal life-years humanity could save by protecting Earth from asteroids for a billion years. The century of industrialized animal use would thus be the equivalent of a terrible pain that lasts one second in an otherwise happy 100-year life. To accept human extinction now would be like committing suicide to end an unpleasant itch. If human life is extinguished, **all known animal life will be extinguished** when the Sun enters its Red Giant phase, if not earlier. Despite its current mistreatment of other animals, humanity is the animal kingdom’s best long-term hope for survival.

### AT: Ontology

#### Claims this is specieist obfuscate larger issues of injustice

Guha 89 (Ramachandra, Ecologist – Centre for Ecological Sciences, “Radical American Environmentalism and Wilderness Preservation: A Third World Critique,” Environmental Ethics, Spring, <http://www.eci.ox.ac.uk/~dliverma/articles/Guha%20on%20radical%20environmentalism.pdf>)

Insofar as it has begun to act as a check on man’s arrogance and ecological hubris, the transition from an anthropocentric (human-centered) to a biocentric (humans as only one element in the ecosystem) view in both religious and scientific traditions is only to be welcomed.4 What is unacceptable are the radical conclusions drawn by deep ecology, in particular, that intervention in nature should be guided primarily by the need to preserve biotic integrity rather than by the needs of humans. The latter for deep ecologists is anthropocentric, the former biocentric. This dichotomy is, however, of very little use in understanding the dynamics of environmental degradation. The two **fundamental ecological problems** facing the globe are (i) overconsumption by the industrialized world and by urban elites in the Third World and (ii) **growing** **militarization**, both **in a short-term sense (i.e., ongoing** regional **wars**) and in a long-term sense (i.e., the arms race and the prospect of **nuclear** annihilation). Neither of these problems has any tangible connection to the anthropocentric-biocentric distinction. Indeed, the agents of these processes would barely comprehend this philosophical dichotomy. The proximate causes of the ecologically wasteful characteristics of industrial society and of militarization are far more mundane: at an aggregate level, the dialectic of economic and political structures, and at a micro-level, the life-style choices of individuals. These causes **cannot be reduced**, whatever the level of analysis, **to a deeper anthropocentric attitude** toward nature; on the contrary, by constituting a **grave threat to human survival**, the ecological degradation they cause does not even serve the best interests of human beings! If my identification of the major dangers to the integrity of the natural world is correct, **invoking** the bogy of anthropocentricism is **at best** irrelevant and **at worst** a dangerous obfuscation.

#### Humans are at least a bit more important – only we can control and reverse instincts

**Linker, 5** (Damon, “Animal Rights: Contemporary Issues (Compilation),” pg. 23-25)

That such arguments have found an audience at this particular cultural moment is not so hard to explain. Our popular and elite media are saturated with scientific and quasi-scientific reports claiming to prove the basic thesis of the animal-rights movement. Having once believed ourselves to be made in the image of God, we now learnfrom the human genome project, the speculations of evolutionary psychologists, and numerous other sources-that humankind, too, is determined by genetic predispositions and the drive to reproduce. We are cleverer than other animals, to be sure, but the difference is one of degree, not of kind. As Verlyn Klinkenborg wrote on the editorial page of the New York Times, "Again and again, after starting from an ancient premise of radical differences between humans and other creatures, scientists have discovered profound similarities." But have they? Genetics and evolutionary biology may be, indeed, extremely effective at identifying the traits we share with other species. But chemistry, for its part, can tell us about the ways in which we resemble chunks of charcoal, and physics can point to fundamental similarities between a man and all the matter in the universe. The problem with these observations is not that they are untrue. It is that they shed no light whatsoever on, or rather they are designed to obfuscate, what makes humanity unique as a species-the point on which an answer to the likes of Peter Singer and Steven Wise must hinge. For his part, Singer commits the same error that John Stuart Mill found in the system of Jeremy Bentham: he makes no distinction among kinds of pleasure and pain. That animals feel emotions can hardly be doubted; but **human beings experience life**, even at its most "animalistic" level, **in a way that fundamentally differs from other creatures**. Thus, Singer can account for the pain that humans and animals alike experience when they are hungry and the pleasure they feel when they eat, but he cannot explain, for example, a person's choice to starve himself for a cause. He understands that human beings, like animals, derive pleasure from sex and sometimes endure pangs of longing when they are deprived of it, but he cannot explain how or why, unlike animals, some choose to embrace celibacy for the sake of its noble purity. He is certainly attuned to the tendency we share with animals to fear and avoid pain and bodily harm, but he is incapable of understanding a man's willingness to face certain death on the battlefield when called upon to do so by his country. Still less can he explain why stories of such sacrifice sometimes move us to tears. In much the same way, the evidence adduced by Steven Wise to suggest that primates are capable of forming rudimentary plans and expectations fails to demonstrate they are equal to human beings in any significant sense. Men and women use their "autonomy" in a world defined not by the simple imperatives of survival but by ideas of virtue and vice, beauty and ugliness, right and wrong. Modern scientific methods, including those of evolutionary psychology, have so far proved incapable of detecting and measuring this world, but that does not make any less real the experience that takes place within it. Western civilization has tended to regard animals as resembling things more than human beings precisely because, like jnanimate objects, and unlike the authors of the real Magna Carta, animals have no perception of morality. Until the day when a single animal stands up and, led by a love of justice and a sense of self-worth, insists that the world recognize and respect its dignity, all the philosophical gyrations of the activists will remain so much sophistry. Putting Human Interests First **None of this**, of course, **exempts human beings from behaving decently toward animals, but it does provide** a foundation, when necessary, **for giving pride** of place **to the interests of human beings**. This has particular relevance for biomedical research. Among the most vociferous critics of the USDA's capitulation to the animal-rights movement were the nation's leading centers of medical science. The National Association for BiOlnedical Research estimated that the new regulations would cost universities alone as much as $280 million a year. Nor is the issue simply one of dollars. As Estelle Fishbein, counsel for Johns Hopkins University, recently argued in the SHOULD ANIMALS HAVE THE SAME STATUS AS PEOPLE? Journal of the American Medical Association, Genetic research promises to bring new therapies to alleviate human suffering from the acquired immunodeficiency syndrome, Parkinson's disease and other neurological diseases, and virtually all other human and animal diseases. However, the promise of this new era of medical research is highly dependent on the ready availability of mice, rats, and birds. 2S Far from being a mere administrative hassle, she concluded, the new regulations would "divert scarce grant funds from actual research use, distract researchers from their scientific work, and overload them with documentation requirements. II Serious as this threat is, a still more troubling one is the effect that the arguments of animal-rights proponents may have, in the long term, on our regard for human life itself. Peter Singer's apPOintment at Princeton caused a stir not because of his writings about animals but because of his endorsement of euthanasia, unrestricted abortion, and, in some instances, infanticide. But all of his views, as he himself maintains, are of a piece. The idea that "human infants and retarded adults II are superior to animaLs can only be based, he writes, on "a bare-faced-and morally indefensible-prejudice for members of our own species. II In much the same way, Steven Wise urges us to reject absolute demarcations between species and instead focus on the capacities of individual humans and individual apes. If we do that, we will find that many adult chimpanzees and bonobos are far more "human" than newborn and mentally disabled human beings, and thus just as worthy of being recognized as IIpersons." Though Wise's inference is the opposite of Singer's-he does not wish to deprive underdeveloped humans of rights so much as to extend those rights to primates-he is playing the same game of baitand- switch: in this case projecting the noblest human attributes onto animals while quietly limiting his sample of human beings to newborns and the mentally disabled. When raising animals to our level proves to be impossible, as it inevitably must, equal consideration can only be won by attempting to lower us to theirs.

#### Death ontologically destroys the subject

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Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

### AT: Alt

#### Perm solves best---non-human-centric ethics can be combined with a concern for future generations---convergence theory proves both are effective routes to valuing nonhumans

Neil Carter 8, Prof of Politics at the University of York, “The Politics of the Environment: Ideas, Activism, Policy,” page 35, google books

This observation resonates with the ‘convergence thesis’ outlined by Norton (1991).20 He argues that the differences between opposing wings of the environment movement are more apparent than real: in particular, although ecocentric and anthropocentric defences of the non-human world may come from different starting points and apply different value systems, they can end up producing more or less similar solutions. Norton emphasizes the importance of anthropocentric arguments that act in the interests of future generations (see Box 3.4):¶ introducing the idea that other species have intrinsic value, that humans should be ‘fair’ to all other species, provides no operationally recognizable constraints on human behaviour that are not already implicit in the generalized, cross-temporal obligations to protect a healthy, complex, and autonomously functioning system for the benefit of future generations of human beings. Deep ecologists, who cluster around the principle that nature has independent value, should therefore not differ from longsighted anthropocentrists in their policy goals for the protection of biological diversity. (Norton 1991: 226-7)¶ The policy convergence that Norton perceives between ecocentrics and future-generation anthropocentric perspectives provides a good illustration of value eclecticism in practice. From this perspective, rather than regarding ecocentrism as an attempt to replace conventional human-centered moral principles with a new framework that encompasses the natural world, it might be regarded as a new supplementary dimension that can contribute to a richer, more informed moral synthesis.

#### Alt fails --- it’s utopian to expect every human to suddenly embrace animal equality --- prefer pragmatic steps like the plan

Light 2 [Light, Andrew, Assistant Professor of Environmental Philosophy and Director, Environmental Conservation Education Program, 2002 (Environmental Ethics: What Really Matters What Really Works David Schmidtz and Elizabeth Willott, p. 556-57)]

In recent years a critique of this predominant trend in environmental ethics has emerged from within the pragmatist tradition in American philosophy.' The force of this critique is driven by the intuition that environmental philosophy cannot afford to be qui­escent about the public reception of ethical argu­ments over the value of nature. The original moti­vations of environmental philosophers for turning their philosophical insights to the environment sup­port such a position., Environmental philosophy evolved out of a concern about the state of the grow­ing environmental crisis, and a conviction that a philosophical contribution could be made to the res­olution of this crisis. But if environmental philoso­phers spend all of their time debating non­-human centered forms of value theory they will ar­guably never get very far in making such a contri­bution. For example, to continue to ignore human motivations for the act of valuing nature causes many in the field to overlook the fact that most people find it very difficult to extend moral consideration to plants and animals on the grounds that these entities possess some form of intrinsic, inherent, or other­wise conceived nonanthropocentric value. It is even more difficult for people to recognize that non­humans could have rights. Claims about the value of nature as such do not appear to resonate with the or­dinary moral intuitions of most people who, after all, spend most of their livesthinking of value, moral obligations, and rights in exclusively human terms. Indeed, while most environmental philosophers be­gin their work with the assumption that most people think of value in human-centered terms (a problem that has been decried since the very early days of the field), few have considered the problem of how a non-human-centered approach to valuing nature can ever appeal to such human intuitions. The particular version of the pragmatist critique of environmental ethics that I have endorsed recognizes that we need to rethink the utility of anthropocentric arguments in environmental moral and political theory, not nec­essarily because the traditional nonanthropocentric arguments in the field are false, but because they hamper attempts to contribute to the public discus­sion of environmental problems, in terms familiar to the public.

The alternative dooms millions of animals to extinction

Michael Pollan 2, Professor of Journalism at UC-Berkeley, “An Animal’s Place,” The New York Times Magazine, 11-10-02, http://michaelpollan.com/articles-archive/an-animals-place/

For any animal, happiness seems to consist in the opportunity to express its creaturely character -- its essential pigness or wolfness or chickenness. Aristotle speaks of each creature's ''characteristic form of life.'' For domesticated species, the good life, if we can call it that, cannot be achieved apart from humans -- apart from our farms and, therefore, our meat eating. This, it seems to me, is where animal rightists betray a profound ignorance about the workings of nature. To think of domestication as a form of enslavement or even exploitation is to misconstrue the whole relationship, to project a human idea of power onto what is, in fact, an instance of mutualism between species. Domestication is an evolutionary, rather than a political, development. It is certainly not a regime humans imposed on animals some 10,000 years ago. Rather, domestication happened when a small handful of especially opportunistic species discovered through Darwinian trial and error that they were more likely to survive and prosper in an alliance with humans than on their own. Humans provided the animals with food and protection, in exchange for which the animals provided the humans their milk and eggs and -- yes -- their flesh. Both parties were transformed by the relationship: animals grew tame and lost their ability to fend for themselves (evolution tends to edit out unneeded traits), and the humans gave up their hunter-gatherer ways for the settled life of agriculturists. (Humans changed biologically, too, evolving such new traits as a tolerance for lactose as adults.) From the animals' point of view, the bargain with humanity has been a great success, at least until our own time. Cows, pigs, dogs, cats and chickens have thrived, while their wild ancestors have languished. (There are 10,000 wolves in North America, 50,000,000 dogs.) Nor does their loss of autonomy seem to trouble these creatures. It is wrong, the rightists say, to treat animals as ''means'' rather than ''ends,'' yet the happiness of a working animal like the dog consists precisely in serving as a ''means.'' Liberation is the last thing such a creature wants. To say of one of Joel Salatin's caged chickens that ''the life of freedom is to be preferred'' betrays an ignorance about chicken preferences -- which on this farm are heavily focused on not getting their heads bitten off by weasels. But haven't these chickens simply traded one predator for another -- weasels for humans? True enough, and for the chickens this is probably not a bad deal. For brief as it is, the life expectancy of a farm animal would be considerably briefer in the world beyond the pasture fence or chicken coop. A sheep farmer told me that a bear will eat a lactating ewe alive, starting with her udders. ''As a rule,'' he explained, ''animals don't get 'good deaths' surrounded by their loved ones.'' The very existence of predation -- animals eating animals -- is the cause of much anguished hand-wringing in animal rights circles. ''It must be admitted,'' Singer writes, ''that the existence of carnivorous animals does pose one problem for the ethics of Animal Liberation, and that is whether we should do anything about it.'' Some animal rightists train their dogs and cats to become vegetarians. (Note: cats will require nutritional supplements to stay healthy.) Matthew Scully calls predation ''the intrinsic evil in nature's design . . . among the hardest of all things to fathom.'' Really? A deep Puritan streak pervades animal rights activists, an abiding discomfort not only with our animality, but with the animals' animality too.

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### AT: Linear Predictions Bad

#### Linear predictions good and complexity theory wrong

DURLAUf, 99 (Steven N.; Professor of Economics – University of Wisconsin-Madison “System Effects: Complexity in Political and Social Life,” Emergence: Complexity and Organization, 1.2, April)

Similarly, the presence of positive feedback effects does not logically entail, as is claimed (p. 146), that there are nonlinearities in a system. This is not to say that the examples that Jervis gives of nonlinear systems are actually linear systems, but the arguments made in support of nonlinearity are frequently incorrect. In other cases, Jervis, in adopting systemswide metaphors, is really placing new labels on old bottles. Many of the examples in System Effects are cases where government policies, because they ignore interdependences between social, economic and political actors, have proven to be counterproductive. To an economist, this is old hat. In a system of actors whose behaviors are linearly connected, it is possible for the direct effect of the change in a variable on one actor's behavior to have the opposite sign as the equilibrium effect of the change, due to indirect effects. In linear economic models, this is known as the difference between structural and reduced form equations, where only the latter, when derived from the former, allow one to compute the full effect of a change in an exogenous variable on the equilibrium of a system. Indeed, the many cases of unintended consequences described by Jervis seem to result from a failure to consider the full range of causes of individual and group behavior, not because of interactions, emergence, nonlinearity, etc. In other cases, there is a lack of clarity in the **definitions of terms** such as nonlinearity. Statistics provides a simple example. A standard statistical problem is the modeling of the probability of a binary outcome (e.g., go to war or remain at peace) as a function of a set of causal factors. Suppose that the probability of going to war depends on the linear combination of a set of factors. Since probabilities are bounded between zero and one, it is generally the case that the effect of this combination on the probability must be nonlinear. So, is this a nonlinear model, in that the sum of the factors has a nonlinear effect on the probability of the outcome of interest, or is it linear, because the different factors can be traded off at fixed rates with no effect on the net probability? (Models of this type are sometimes referred to as generalized linear models!) More broadly, the problem is that one can construct models that from one perspective are linear and from another are not. In such cases, how does one determine what it is about nonlinearity that matters in explaining the phenomenon of interest? While this determination can be made through a careful consideration of the structure of a system (or a historical episode of interest), the analyses in System Effects are far too cursory to be persuasive. My most serious concern is that it is unclear how complexity, nonlinearity, and related formal ideas enrich the sorts of analyses that Jervis conducts. Consider Jervis's discussion of Vietnam, where he argues that the success of the US in conventional fighting had the unintended consequence of causing the North Vietnamese to choose guerrilla tactics and thereby win the war, providing a clear example of unintended consequences. What makes such an example persuasive is a deep examination of the history of the case in question. It is not made more persuasive by the ex post determination that aspects of the example are similar to some features of certain formal systems. Nor is it obvious that ex ante knowledge of such systems would have led to any differences in the analysis or interpretation of the historical episode in question. In general, **I am strongly skeptical that the wisdom required to develop careful historical arguments can be substantially augmented by a knowledge of the basic ideas of** complexity **theory**. Indeed, **there is a certain sense in which the use of mathematical tools conventionally associated with nonlinear systems can stymie** (retard) **the understanding of social science phenomena**. When utilizing these tools, mathematical tractability can frequently require one to make assumptions about human behavior that fail to reflect the cognitive power and purposeful nature of individuals (who after all, behave differently than the particles, atoms or species whose behavior nonlinear systems were generally designed to explain). **Without strong** cognitive foundations**,** the conclusions of complex **interactive system models can be as misleading as non-system-based thinking is shown to be**. This is, in my judgment, the main failure in the current use of various complex or agent-based systems to study social phenomena, namely, the failure of many implementations of such systems to reflect the cognitive strengths of human actors. I do not mean that formal social science models need to assume the complete rationality of some neoclassical economic models, but that **irrationality is no substitute for a properly modeled bounded rationality**. Now, Jervis himself is certainly not guilty of this failing (except indirectly through his insouciant enthusiasm for these methods); much of the value of the narrative in System Effects is that it avoids making the sorts of unrealistic assumptions often required when using the various formal methods to which Jervis frequently refers. In my view, **Jervis underestimates the extent to which the careful, albeit nonmathematical, reasoning in which he engages can successfully explain patterns in social phenomena**. In short, System Effects is fascinating both for the imagination and erudition it presents, as well as for its demonstration of how formal systems methods have yet to contribute much beyond metaphors to certain aspects of social and historical science.

### AT: Structural Violence

#### Can’t solve structural violence – the aff’s strategy is a precursor to meaningfully resolving it and their focus on it, prevents solutions to warfare

Moore 4 – Dir. Center for Security Law @ University of Virginia, 7-time Presidential appointee, & Honorary Editor of the American Journal of International Law, Solving the War Puzzle: Beyond the Democratic Peace, John Norton Moore, pages 41-2

If major interstate war is predominantly a product of a synergy between a potential nondemocratic aggressor and an absence of effective deterrence, what is the role of the many traditional "causes" of war? Past, and many contemporary, theories of war have focused on the role of specific disputes between nations, ethnic and religious differences, arms races, poverty or social injustice, competition for resources, incidents and accidents, greed, fear, and perceptions of "honor," or many other such factors. Such factors may well play a role in motivating aggression or in serving as a means for generating fear and manipulating public opinion. The reality, however, is that while some of these may have more potential to contribute to war than others, there may well be an infinite set of motivating factors, or human wants, motivating aggression. It is not the independent existence of such motivating factors for war but rather the circumstances permitting or encouraging high risk decisions leading to war that is the key to more effectively controlling war. And the same may also be true of democide. The early focus in the Rwanda slaughter on "ethnic conflict," as though Hutus and Tutsis had begun to slaughter each other through spontaneous combustion, distracted our attention from the reality that a nondemocratic Hutu regime had carefully planned and orchestrated a genocide against Rwandan Tutsis as well as its Hutu opponents.I1 **Certainly if we were able to press a button and end poverty, racism, religious intolerance, injustice, and endless disputes, we would want to do so.** Indeed, democratic governments must remain committed to policies that will produce a better world by all measures of human progress. The broader achievement of democracy and the rule of law will itself assist in this progress. No one, however, has yet been able to demonstrate the kind of robust correlation with any of these "traditional" causes of war as is reflected in the "democratic peace." Further, given the difficulties in overcoming many of these social problems, an approach to war exclusively dependent on their solution may be to doom us to war for generations to come.

#### Based on a psychological tradeoff – wrong

Todd Dufresne 6, Professor of Philosophy and founding Director of The Advanced Institute for Globalization & Culture at Lakehead University, Killing Freud, googlebooks

\*card modified for ableist language

TD: I tried to make the heterogeneity of opinion about Freuds death drive theory work on a few levels, one being a pointed criticism of the arbitrary nature of criticism in the history of psychoanalysis. In this respect the apparent dissensus about the fundamentals of psychoanalysis is a scandal. For this dissensus implies that for over one hundred years smart people haven't been able to derive any conclusions about Freuds so-called discoveries — that the verdict is still out. But that's untrue! Informed critics know very well that Freud fabricated his findings and was motivated by factors other than science and objectivity. So why do so few people know, or care to know, about these sometimes stunning facts? In no small measure, and as you were just hinting, the pundits and critics themselves are to blame. In Tales I tried to expose the irreconcilable absurdity of Freud commentary over the last hundred years, from Reich and Marcuse to Lacan and Derrida. It’s obviously not the case that these people are ignorant. It is rather the case that these critics, like Freud before them, are motivated by special interests; for example, by Marxist, structuralist, or posr-structuralist interests. And because their works are dogmatically attached (blind) to intractable problems in Freuds work, including basic facts, they have the effect of damaging (blinding )nearly everyone who reads them. We love to be dazzled, even by the spectacle of crushed glass. AG: But what is a 'basic feet', and who is in a position to know one when he or she sees one? Isn't this where the post-modernist appreciation of Freud comes in? TD: That's a lot of questions to answer all at once! First of all, yes, the posties' - post-modernists and post-structuralists - have generally embraced the idea that history is just a kind of fiction. I am sympathetic to this idea and am willing to entertain it up to a point. I have written about fiction and history in psychoanalysis precisely because, given the pre-eminent role of fantasy in the field, one has a tough time distinguishing between fact and fiction, history and case study. I think this is an interesting and amusing state of affairs, and have even written a short story that is meant as a sendup of the kind of historical work that we all read. But 1 attempt this work in an ironical spirit, believing that there are indeed facts — even if psychoanalysis has made it seem near impossible for us to know them. This, then, is a problem for psychoanalysis - but not really for me. Naturally, though, I do worry about being too cavalier about facts in history. Is it really the case that the opinion of, say, a Holocaust denier is equal to another who believes that three million Jews, rather than six million, were killed in concentration camps? One says it didn't happen at all, while another questions the interpretation of facts. I reject the idea that truth is relative at the level of basic facts, and to this extent echo something Borch-Jacobsen once said454: namely, any relativist who ignores the facts risks becoming a dogmatist. And he's right. So when posties say, for example, that the fabricated foundations of psychoanalysis don't matter - primarily, they claim, because psychoanalysis is only interested in fantasy they are being absurd dogmatists. But this response is still not very satisfactory, since it doesn't address your first two questions: namely, what is a basic fact, and how can we purport to know one? I would suggest, loosely following the historian R. G. Collingwood, that there are two kinds of history: one that barely deserves the name as it was once practised long ago; and modern history. The first is what Collingwood rightly calls 'scissor and paste' history, and is more or less concerned with recording dates, names and events: for example, on the ides of March Caesar crossed the Rubicon. The second is interpretive history, and is concerned with the interpretation of dates, names and events: for example, on the ides of March Caesar crossed the Rubicon because he was a megalomaniac, or because he wanted to defeat his enemies, or because he was a compulsive bed-wetter, and so on. How does this distinction between basic and interpretive history help us? Well, because the majority of Freud scholarship is so obviously an interpretive history. The posties know this better than anyone, and are absolutely right to conclude that such interpretation, like analysis, is interminable. We can engage in debate about motives forever. However, there is a fundamental problem here in the case of psychoanalysis. Why? Because all historical interpretation, even the freewheeling interpretive history of post-modernists, is based on the scissor and paste' history of mere dates, names and events. And this is where the posties drop the ball. For almost all of the best critiques of Freud made over the last thirty years — the kind I associate with the creation of Critical Freud Studies - have begun by examining basic facts about dates, names and events. What these critics have found is that the history of Freud interpretation is the history of misinterpretation of a fundamental kind. Namely, it is interpretation of 'facts' or 'events that never happened. For example, they have found that Freud, during the period of 'discovery' and subsequent abandonment of the Seduction Theory, exaggerated his results and, when necessary, simply made them up. AG: He said he crossed the Rubicon when he didn't? TD: Worse. Not only didn't he cross the Rubicon, to extend the analogy, but it turns out in this case that the Rubicon itself doesn't exist! It's all a myth. And so, while the posties inevitably berate Cioffi, Crews and others for their naive belief in facts, they have simply fallen into the rabbit hole that Freud dug for them. For his part, Borch-Jacobscn replies that it is really these nay-savers who are being naive. I would only repeat my suspicion that our gullible colleagues have risked their egos on baseless interpretations that they are now incapable of retracting. Of course, the stakes are now very high. For if the critics are right, then the majority of Freud interpretation is utterly worthless. And it is worthless in at least two ways: as history and as interpretation. At best, these groundless interpretations are a kind of literary garbage — works of unwitting fiction along the lines of Medieval discussions of angels/" Sure these works tell us a lot about the beliefs of a certain period, in this case the twentieth century, but they don't work the way the authors intended them. For me, they are cautionary tales — what Lacan would call 'poubellications', or published trash. AG: If empiricism is just a theory, isn't a 'basic fact' just an interpretation among others? TD: That is true and a little bit clever, but a degree of certainty is all I am after. I'm not saying that we can't get our basic facts wrong, which we obviously do. It is rather that we must be willing to revise our interpretations on the basis of the basic facts we do have. I don't blame Freud scholars for making a mess of everything with their erroneous interpretations. Freud misled everyone, beginning with himself and his closest followers. Psychoanalysis is a con-game, after all. That said, short of sticking our heads in the sand, we must confront the basic facts and rewrite the history of psychoanalysis anew.

### AT: Environment

#### No impact to the environment and no solvency

Holly Doremus 2k Professor of Law at UC Davis, "The Rhetoric and Reality of Nature Protection: Toward a New Discourse," Winter 2000 Washington & Lee Law Review 57 Wash & Lee L. Rev. 11, lexis

Reluctant to concede such losses, tellers of the ecological horror story highlight how close a catastrophe might be, and how little we know about what actions might trigger one. But the apocalyptic vision is **less credible today than it seemed in the 1970s.** Although it is clear that the earth is experiencing a mass wave of extinctions, n213 the **complete elimination of life on earth seems unlikely.** n214 **Life is remarkably robust**. **Nor is human extinction probable** any time soon. Homo sapiens is **adaptable to nearly any environment**. Even if the world of the future includes far fewer species, it likely will hold people. n215 One response to this credibility problem tones the story down a bit, arguing not that humans will go extinct but that ecological disruption will bring economies, and consequently civilizations, to their knees. n216 But this too may be **overstating the case**. Most ecosystem functions are **performed by multiple species**. This **functional redundancy** means that **a high proportion of species can be lost without precipitating a collapse**. n217 Another response drops the horrific ending and returns to a more measured discourse of the many material benefits nature provides humanity. Even these more plausible tales, though, suffer from an important limitation. They call for nature protection only at a high level of generality. For example, human-induced increases in atmospheric carbon dioxide levels may cause rapid changes in global temperatures in the near future, with drastic consequences for sea levels, weather patterns, and ecosystem services. n218 Similarly, the loss of large numbers of species undoubtedly reduces the genetic library from which we might in the future draw useful resources. n219 But it is difficult to translate these insights into convincing arguments against any one of the small local decisions that contribute to the problems of global warming or biodiversity loss. n220 It is easy to argue that **the** material **impact of any individual decision to increase** carbon **emissions slightly or to destroy a small amount of habitat will be small.** It is difficult to identify the specific straw that will break the camel's back. Furthermore, **no unilateral action at the local or even national level can solve these global problems**. Local decisionmakers may feel paralyzed by the scope of the problems, or may conclude that any sacrifices they might make will go unrewarded if others do not restrain their actions. In sum, at the local level at which most decisions affecting nature are made, the material discourse provides little reason to save nature. Short of the ultimate catastrophe, the material benefits of destructive decisions frequently will exceed their identifiable material costs. n221

#### Environmental improvements now – their evidence ignores long term trends

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Quick: What’s the largest public-policy success story in American society over the last generation? The dramatic reduction in the crime rate, which has helped make major American cities livable again? Or welfare reform, which saw the nation’s welfare rolls fall by more than half since the early 1990s? Both of these accomplishments have received wide media attention. Yet the right answer might well be the environment. As Figure 1 displays, the reduction in air pollution is comparable in magnitude to the reduction in the welfare rolls, and greater than the reduction in the crime rate—both celebrated as major public-policy success stories of the last two decades. Aggregate emissions of the six “criteria” pollutants1 regulated under the Clean Air Act have fallen by 53 percent since 1970, while the proportion of the population receiving welfare assistance is down 48 percent from 1970, and the crime rate is only 6.4 percent below its 1970 level. (And as we shall see, this aggregate nationwide reduction in emissions greatly understates the actual improvement in ambient air quality in the areas with the worst levels of air pollution.) Measures for water quality, toxic-chemical exposure, soil erosion, forest growth, wetlands, and several other areas of environmental concern show similar positive trends, as this Almanac reports. To paraphrase Mark Twain, reports of the demise of the environment have been greatly exaggerated. Moreover, there is good reason to believe that these kinds of improvements will be experienced in the rest of the world over the course of this century. We’ll examine some of the early evidence that this is already starting to occur. The chief drivers of environmental improvement are economic growth, constantly increasing resource efficiency, technological innovation in pollution control, and the deepening of environmental values among the American public that have translated to changed behavior and consumer preferences. Government regulation has played a vital role, to be sure, but in the grand scheme of things regulation can be understood as a lagging indicator, often achieving results at needlessly high cost, and sometimes failing completely. Were it not for rising affluence and technological innovation, regulation would have much the same effect as King Canute commanding the tides. INTRODUCTION introduction 3 figure 1 a comparison of crime rate, Welfare, and air Pollution, 1970–2007 -60.0% -40.0% -20.0% 0.0% 20.0% 40.0% 60.0% 1970 1975 1980 1985 1990 1995 2000 2005 2007 % of Population on Welfare Crime Rate (per 100,000 population) Aggregate Emissions Source: FBI Uniform Crime Reports, U.S. Department of Health and Human Services, EPA 4 Almanac of Environmental Trends The American public remains largely unaware of these trends. For most of the last 40 years, public opinion about the environment has been pessimistic, with large majorities—sometimes as high as 70 percent—telling pollsters that they think environmental quality in the United States is getting worse instead of better, and will continue to get worse in the future. One reason for this state of opinion is media coverage, which emphasizes bad news and crisis; another reason is environmental advocacy groups, for whom good news is bad news. As the cliche goes, you can’t sell many newspapers with headlines about airplanes landing safely, or about an oil tanker docking without a spill. Similarly, slow, long-term trends don’t make for good headline copy. INTRODUCTIONintroduction 5Improving Trends:Causes and ConsequencesMost environmental commentary dwells on the laws and regulations we have adoptedto achieve our goals, but it is essential to understand the more important role of technologyand economic growth in bringing about favorable environmental trends. Thebest way to see this is to look at some long-term trends in environmental quality thatpredate modern environmental legislation.To be sure, the earliest phases of the Industrial Revolution led to severe environmentaldegradation. But the inexorable process of technological innovation andthe drive for efficiency began to remedy much of this damage far earlier than iscommonly perceived. In addition, new technologies that we commonly regard as environmentally destructive often replaced older modes of human activity that were far worse by comparison. A good example is the introduction of coal for heating andenergy in Britain.

### Little

#### I am going to finish Little – it obliterates their cooption claim, the system views vegetarianism as in its interest

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LITTLE 3/13/14 (Lindsey; Ecorazzi, “America Could be Vegan by 2050,” <http://www.ecorazzi.com/2014/03/13/america-could-be-vegan-by-2050/>)

The founder and director of Catskill Animal Sanctuary, Kathy Stevens, thinks America could be vegan by 2050. Here’s the evidence: 1. Meat consumption is on the decline, while interest in vegan food is on the rise. Americans consumed 12.2 percent less meat in 2012 than in 2007. More and more Americans are becoming “flexitarian,” adopting a vegetarian diet more than half of the time. In 2012, a poll found that 16 percent of Americans described themselves as flexitarian. That number is predicted to rise as the Meatless Monday movement has grown to 50 percent national awareness. In addition, Google Trends reported a 3-fold increase in vegan internet searches from 2005 to 2014. This data highlights the fact that vegans aren’t just in cities like L.A., New York and Portland anymore. Plant-based diets are spreading to small towns across the country, as knowledge and resources become more readily available. 2. Supermarkets are adding new vegan products. Your local supermarket looks a lot different today than it did just a few years ago. Organic produce, gluten-free products and meat substitutes are just some of the recent healthy additions to supermarket shelves. In 2010 and 2011, 110 meat substitute products were added to stores. 3. Restaurants are becoming more responsive to vegans. High-end vegan food was named the number one food trend by Forbes in 2013. Even more telling may be the changes that are taking place among the country’s fast-food chains. Burger King, Wendy’s, Subway and Dunkin’ Donuts are among those who have pledged to stop selling products that are derived from the meat industry’s most cruel practices. Other chains recognize that Americans’ palates are changing. Moe’s Southwest Grill offers organic tofu as an option in its tacos and burritos. Recently, Chipotle added “Sofritas” to their menus in 17 states. 4. The rich and powerful are throwing their money behind vegan start-ups. Billionaires are lining up to invest in vegan companies. Microsoft founder Bill Gates has invested in Beyond Meat and Hampton Creek Foods. HCF also raised $23 million from from Asia’s richest man, Li Ka-sing,

and Yahoo co-founder Jerry Yang. If wealthy people know one thing, it’s how to make more money. They wouldn’t back these companies if they didn’t see huge growth potential.