### 1NC T

#### The aff’s not topical—

#### “Resolved” is governmental

Jeff Parcher 1, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### “Should” is obligatory

Judge Henry Nieto 9, Colorado Court of Appeals, 8-20-2009 People v. Munoz, 240 P.3d 311 (Colo. Ct. App. 2009)

"Should" is "used . . . to express duty, obligation, propriety, or expediency." Webster's Third New International Dictionary 2104 (2002). Courts [\*\*15] interpreting the word in various contexts have drawn conflicting conclusions, although the weight of authority appears to favor interpreting "should" in an imperative, obligatory sense. HN7A number of courts, confronted with the question of whether using the word "should" in jury instructions conforms with the Fifth and Sixth Amendment protections governing the reasonable doubt standard, have upheld instructions using the word. In the courts of other states in which a defendant has argued that the word "should" in the reasonable doubt instruction does not sufficiently inform the jury that it is bound to find the defendant not guilty if insufficient proof is submitted at trial, the courts have squarely rejected the argument. They reasoned that the word "conveys a sense of duty and obligation and could not be misunderstood by a jury." See State v. McCloud, 257 Kan. 1, 891 P.2d 324, 335 (Kan. 1995); see also Tyson v. State, 217 Ga. App. 428, 457 S.E.2d 690, 691-92 (Ga. Ct. App. 1995) (finding argument that "should" is directional but not instructional to be without merit); Commonwealth v. Hammond, 350 Pa. Super. 477, 504 A.2d 940, 941-42 (Pa. Super. Ct. 1986). Notably, courts interpreting the word "should" in other types of jury instructions [\*\*16] have also found that the word conveys to the jury a sense of duty or obligation and not discretion. In Little v. State, 261 Ark. 859, 554 S.W.2d 312, 324 (Ark. 1977), the Arkansas Supreme Court interpreted the word "should" in an instruction on circumstantial evidence as synonymous with the word "must" and rejected the defendant's argument that the jury may have been misled by the court's use of the word in the instruction. Similarly, the Missouri Supreme Court rejected a defendant's argument that the court erred by not using the word "should" in an instruction on witness credibility which used the word "must" because the two words have the same meaning. State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958). [\*318] In applying a child support statute, the Arizona Court of Appeals concluded that a legislature's or commission's use of the word "should" is meant to convey duty or obligation. McNutt v. McNutt, 203 Ariz. 28, 49 P.3d 300, 306 (Ariz. Ct. App. 2002) (finding a statute stating that child support expenditures "should" be allocated for the purpose of parents' federal tax exemption to be mandatory).

#### Substantial means full effect---must be tangible increase in restrictions

**Words & Phrases 64** (40 W&P 759)

The words "outward, open, actual, risible, substantial, and exclusive," in connection with a change of possession, mean substantially the same thing. They mean not concealed; not bidden; exposed to view; free from concealment dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including, admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 111. App. 308, 31R

#### Increase denotes a specific change

**Ripple 87** (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

#### War powers refers to specifically enumerated authority—anything else is vague

**Bradley, 10** - \* Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School (Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty_scholarship>)

The scope of the President’s independent war powers is notoriously unclear, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### “Topic relevance” isn't enough—only a precise and limited rez creates deliberation on a point of mutual difference

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the **broad topic** of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. **Vague understanding** results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

#### Vote neg—

#### 1. Prep and clash—post facto topic shift alters balance of prep, which structurally favors the aff because they speak last and use perms—key to engage a prepared adversary.

#### 2. Limits—specific topics are key to reasonable expectations for 2Ns—open subjects create incentives for avoidance—that overstretches the neg and turns participation.

#### 3. Key to education on particulars of the presidency—prior question to informed criticism

Mucher, 12 [“Malaise in the Classroom: Teaching Secondary Students about the Presidency” [Stephen Mucher](http://www.bard.edu/academics/faculty/faculty.php?action=details&id=1969) is assistant professor of history education in the Master of Arts in Teaching Program at Bard College, <http://www.hannaharendtcenter.org/?p=7741>]

\*Card modified for gendered language, we prefer the gender neutral term person AND His references the president who self identifies as male

Contemporary observers of secondary education have appropriately decried the startling lack of understanding most students possess of the American presidency. This critique should not be surprising. In textbooks and classrooms across the country, curriculum writers and teachers offer an abundance of disconnected facts about the nation’s distinct presidencies—the personalities, idiosyncrasies, and unique time-bound crises that give character and a simple narrative arc to each individual president. Some of these descriptions contain vital historical knowledge. Students should learn, for example, how a conflicted Lyndon Johnson pushed Congress for sweeping domestic programs against the backdrop of Vietnam or how a charismatic and effective communicator like Ronald Reagan found Cold War collaboration with Margaret Thatcher and Mikhail Gorbachev. But what might it mean to ask high school students to look across these and other presidencies to encourage more sophisticated forms of historical thinking? More specifically, what might teachers begin to do to promote thoughtful writing and reflection that goes beyond the respective presidencies and questions the nature of the executive office itself? And how might one teach the presidency, in Arendtian fashion, encouraging open dialogue around common texts, acknowledging the necessary uncertainty in any evolving classroom interpretation of the past, and encouraging flexibility of thought for an unpredictable future? By provocatively asking whether the president “matters,” the [2012 Hannah Arendt Conference](http://www.bard.edu/hannaharendtcenter/conference9-12/) provided an ideal setting for New York secondary teachers to explore this central pedagogical challenge in teaching the presidency. Participants in this special writing workshop, scheduled concurrently with the conference, attended conference panels and also retreated to consider innovative and focused approaches to teaching the presidency. Conference panels promoted a broader examination of the presidency than typically found in secondary curricula. A diverse and notable group of scholars urged us to consider the events and historical trends, across multiple presidencies, constraining or empowering any particular chief executive. These ideas, explored more thoroughly in the intervening writing workshops, provoked productive argument on what characteristics might define the modern American presidency. In ways both explicit and implicit, sessions pointed participants to numerous and complicated ways Congress, the judiciary, mass media, U.S. citizens, and the president relate to one another. This sweeping view of the presidency contains pedagogical potency and has a place in secondary classrooms. Thoughtful history educators should ask big questions, encourage open student inquiry, and promote civic discourse around the nature of power and the purposes of human institutions. But as educators, we also know that the aim and value of our discipline resides in place-and time-bound particulars that beg for our interpretation and ultimately build an evolving understanding of the past. Good history teaching combines big ambitious questions with careful attention to events, people, and specific contingencies. Such specifics are the building blocks of storytelling and shape the analogies students need to think through an uncertain future. Jimmy Carter’s oval office speech on July 15, 1979, describing a national “crisis of confidence” presented a unique case study for thinking about the interaction between American presidents and the populations the office is constitutionally obliged to serve. Workshop participants prepared for the conference by watching the [video footage](http://www.youtube.com/watch?v=KCOd-qWZB_g) from this address and reading parts of Kevin Mattson’s [history of the speech](http://www.nytimes.com/2009/07/15/books/excerpt-what-the-heck-mr-president.html). In what quickly became known as the “Malaise Speech,” Carter attempted a more direct and personal appeal to the American people, calling for personal sacrifice and soul searching, while warning of dire consequences if the nation did not own up to its energy dependencies. After Vietnam and Watergate, Carter believed, America needed a revival that went beyond policy recommendations. His television address, after a mysterious 10-day sequestration at Camp David, took viewers through Carter’s own spiritual journey and promoted the conclsions he drew from it. Today, the Malaise Speech has come to symbolize a failed Carter presidency. He has been lampooned, for example, on The Simpsons as our most sympathetically honest and humorously ineffectual former president. In one [episode](http://www.youtube.com/watch?v=D91IlKLtIH8), residents of Springfield cheer the unveiling of his presidential statue, emblazoned with “Malaise Forever” on the pedestal. Schools give the historical Carter even less respect. Standardized tests such as the NY Regents exam ask little if anything about his presidency. The Malaise speech is rarely mentioned in classrooms—at either the secondary or post-secondary levels. Similarly, few historians identify Carter as particularly influential, especially when compared to the leaders elected before and after him. Observers who mention his 1979 speeches are most likely footnoting a transitional narrative for an America still recovering from a turbulent Sixties and heading into a decisive conservative reaction. Indeed, workshop participants used writing to question and debate Carter’s place in history and the limited impact of the speech. But we also identified, through [primary sources](http://www.livingroomcandidate.org/commercials/1976) on the 1976 election and documents around the speech, ways for students to think expansively about the evolving relationship between a president and the people. A quick analysis of the [electoral map](http://en.wikipedia.org/wiki/File:1976prescountymap2.PNG) that brought Carter into office reminded us that Carter was attempting to convince a nation that looks and behaves quite differently than today. The vast swaths of blue throughout the South and red coastal counties in New York and California are striking. Carter’s victory map can resemble an electoral photo negative to what has now become a familiar and predictable image of specific [regional alignments](http://www.washingtonpost.com/wp-srv/politics/interactives/campaign08/election/uscounties.html) in the Bush/Obama era. The president who was elected in 1976, thanks in large part to an electorate still largely undefined by the later rise of the Christian Right, remains an historical enigma. As an Evangelical Democrat from Georgia, with roots in both farming and nuclear physics, comfortable admitting his sins in both Sunday School and Playboy, and neither energized by or defensive about abortion or school prayer, Carter is as difficult to image today as the audience he addressed in 1979. It is similarly difficult for us to imagine the Malaise Speech ever finding a positive reception. However, this is precisely what [Mattson](http://www.nytimes.com/2009/08/02/books/review/Bai-t.html) argues. Post-speech weekend polls gave Carter’s modest popularity rating a surprisingly respectable 11-point bump. Similarly, in a year when most of the president’s earlier speeches were ignored, the White House found itself flooded with phone calls and letters, almost universally positive. The national press was mixed and several prominent columnists praised the speech. This reaction to such an unconventional address, Mattson goes on to argue, suggests that the presidency can matter. Workshop participants who attended later sessions heard Walter Russell Mead reference the ways presidents can be seen as either transformative or transactional. In many ways, the “malaise moment” could be viewed as a late term attempt by a transactional president to forge a transformational presidency. In the days leading up to the speech, Carter went into self-imposed exile, summoning spiritual advisors to his side, and encouraging administration-wide soul searching. Such an approach to leadership, admirable to some and an act of desperation to others, defies conventions and presents an odd image of presidential behavior (an idea elaborated on by conference presenter Wyatt Mason). “Malaise” was never mentioned in Carter’s speech. But his transformational aspirations are hard to miss. In a nation that was proud of hard work, strong families, close-knit communities, and our faith in God, too many of us now tend to worship self-indulgence and consumption. Human identity is no longer defined by what one does, but by what one owns. But we've discovered that owning things and consuming things does not satisfy our longing for meaning. We've learned that piling up material goods cannot fill the emptiness of lives which have no confidence or purpose. It is this process—the intellectual act of interpreting Carter and his [in]famous speech as aberrant presidential behavior—that allows teachers and their students to explore together the larger question of defining the modern presidency. And it is precisely this purposeful use of a small number of primary sources that forces students to rethink, through writing and reflection, the parameters that shape how presidents relate to their electorate. In our workshop we saw how case studies, in-depth explorations of the particulars of history, precede productive debate on whether the presidency matters. The forgotten Carter presidency can play a disproportionately impactful pedagogical role for teachers interested in exploring the modern presidency. As any high school teacher knows, students rarely bring an open interpretive lens to Clinton, Bush, or Obama. Ronald Reagan, as the first political memory for many of their parents, remains a polarizing a figure. However, few students or their parents hold strong politically consequential opinions about Carter. Most Americans, at best, continue to view him as a likable, honest, ethical man (ethical person) who is much more effective as an ex-president than he was as president. Workshop participants learned that the initial support Carter received after the Malaise Speech faded quickly. Mattson and some members of the administration now argue that the President lacked a plan to follow up on the goodwill he received from a nation desiring leadership. Reading [Ezra Klein](http://m.newyorker.com/reporting/2012/03/19/120319fa_fact_klein), we also considered the possibility that, despite all the attention educators give to presidential speeches (as primary sources that quickly encapsulate presidential visions), there is little empirical evidence that any public address really makes much of a difference. In either case, Carter’s loss 16 months later suggests that his failures of leadership both transformational and transactional. Did Carter’s speech matter? The teachers in the workshop concluded their participation by attempting to answer this question, working collaboratively to draft a brief historical account contextualizing the 1979 malaise moment. In doing so, we engaged in precisely the type of activity missing in too many secondary school classrooms today: interrogating sources, corroborating evidence, debating conflicting interpretations, paying close attention to language, and doing our best to examine our underlying assumptions about the human condition. These efforts produced some clarity, but also added complexity to our understanding of the past and led to many additional questions, both pedagogical and historical. In short, our writing and thinking during the Arendt Conference produced greater uncertainty. And that reality alone suggests that study of the presidency does indeed matter.

### 1NC Exec Restraint

#### Vote Negative to endorse executive restraint over cyber warfare.

#### Internal checks are comparatively more effective than external restrictions

Radsan 2010 (Afsheen, Professor of Law, William Mitchell College of Law, BUSH AND OBAMA FIGHT TERRORISTS¶ OUTSIDE JUSTICE JACKSON'S TWILIGHT¶ ZONE, 26 Const. Comment. 551 2009-2010)

Back to my focus on the CIA, not only do I question the¶ usefulness of Jackson's categories on issues of executive power, I¶ challenge whether Congress is a significant check on intelligence¶ activities.35 More promising as checks on the intelligence¶ community are the patrolling entities within the executive¶ branch: the lawyers, the inspectors general, and the review¶ boards within the clandestine service. Internal checks, in other¶ words, are more effective than external checks on the CIA's¶ manifestations of executive power. Congress's express or implied¶ approval of intelligence activities, whether by appropriations or¶ by more specific statutes, is superficial compared to deeper¶ trends within the executive branch. In a sort of paradox,¶ however, the most important checks are the most difficult to¶ measure; empirical data on the CIA's Office of General¶ Counsel, the Office of Inspector General, and the Accountability¶ Review Boards are thin-and often classified. This paradox¶ applies to both Presidents Bush and Obama.

### 1NC Cyber Deterrence DA

#### The US has established Cyber Deterrence

Eric Talbot Jensen, ‘12 (Associate Professor, Brigham Young University Law School. , “CYBER DETERRENCE”, Emory law Journal)

Among the most worrisome of hacking incidents are those focused on critical national infrastructure.14 This infrastructure is the backbone of United States’ transportation and economic systems.15 The cost of downtime alone from major attacks on critical national infrastructure “exceeds . . . $6 million per day.”16 The attacks have caused President Barack Obama to recently state, From now on, our digital infrastructure—the networks and computers we depend on every day—will be treated as they should be: as a strategic national asset. Protecting this infrastructure will be a national security priority. We will ensure that these networks are secure, trustworthy and resilient. We will deter, prevent, detect, and defend against attacks and recover quickly from any disruptions or damage.17 President Obama’ s recognition of the role and importance of deterring malicious cyber operations, including cyber attacks, incorporates the traditional notions of deterrence to this modern risk to national security. Deterrence has been a part of Western political security doctrine since ancient Greece18 and played a particularly key role in the post-World War II nuclear world.19 It is equally important in today’s world of cyber operations 20 and will continue to play a key role in the U.S. national security strategy.21 In fact, just as cyber operations offer unique capabilities as tools to accomplish national goals,22 they also present distinctive aspects of deterrence, both in line with traditional notions of deterrence and also some innovative and progressive ways of viewing deterrence.23

#### Offensive Cyber capabilities are key to an effective deterrent

Jari Rantapelkonen & Mirva Salminen, ’13 (“THE FOG OF CYBER DEFENCE”, National Defence University Department of Leadership and Military Pedagogy Publication Series 2 Article Collection n:o 10)

Offensive Weaponry is Required for Credibility and Deterrence¶ Discussion on offensive cyber weaponry should begin. As emphasized, currently there is no credible status for the armed forces and the nation states without cyber capabilities – this includes the offensive capability. The arms race is on and accelerating, even if we would like to turn a blind eye to it. The most frantic contemporary race is about talented individuals. When it comes to the creation of cyber capabilities, the question is not about the number of people one employs but about the talent the employed have. The US, China, Russia and many other countries are actively recruiting promising hackers. So are, most likely, Al Qaeda and other organizations. The real cyber question is about the talent and about creating cyber capabilities with the help of the most talented individuals.¶ It is not very popular or even desirable to talk publicly about offensive cyber weaponry in most countries. However, it has become necessary to explain the logic of offensive cyber capabilities to the general public. Naturally, this has to be done in various ways in different countries due to cultural and national reasons. The reasons why countries are developing offensive weapons and why they need them can be summarized into the following four points.¶ First, if one wishes to be a credible actor both in the military battlefield and in world politics, one must have offensive capabilities – as one must have defensive capabilities and the ability to be resilient. One simply cannot have a credible cyber defence without offensive abilities.¶ Second, in order to achieve and raise her deterrence, one must possess offensive capabilities. The ability to act offensively includes a strong preventive message to the others – provided that they understand it and believe it. Offensive capabilities represent the key component of deterrence.¶ Third, offensive thinking and building offensive weaponry are vital in order to create a strong and credible defence. With just “defence thinking” one will not succeed. One has to have an understanding of how the attacker acts, and one should try to find all possible vulnerabilities in her own defence. It is also a matter of developing one’s defensive potentials, testing the current defence and training one’s forces. All this becomes much more efficient if one can test it with her own capabilities. Without the ability to act as an attacker, no country can build an effective and credible cyber defence.

#### Cyber Deterrence is ultimate deterrent- prevents Great Power War

Jari Rantapelkonen & Mirva Salminen, ’13 (“THE FOG OF CYBER DEFENCE”, National Defence University Department of Leadership and Military Pedagogy Publication Series 2 Article Collection n:o 10)

Based on that logic, cyber deterrence should play a similar role in the digitalized world. However, anonymity, advantage of attacks, global reach and interconnectedness greatly reduce the efficiency of cyber deterrence. Simultaneously, there is a lot of suspicion and rumours travelling around: what kind of capabilities the others might have and how they are using them already?¶ In the kinetic world, it is much easier to evaluate the opponent’s capabilities. It is quite easy to make a valid estimate on how many tanks, interceptors or submarines a country possesses. Countries also openly expose their arsenal, for example, in military parades, as well as their operational skills, for example, by organizing large military exercises. In the logic of deterrence, it is even more important to manifest force than to have real capabilities – yet the others have to know it.¶ Awareness Prevents Conflicts¶ Deterrence depends upon effective communication between the state and the entity it wishes to deter. One has to convince the others that if they attack, one has the capability and the capacity to do something about it. This is also the case in the cyber domain. If a country wants to be a credible actor in this domain, it should openly declare its offensive policy and expose its offensive capabilities. The policy acts as the rules for engagement. This is the trend some countries are already moving toward. For example, for the first time since the Second World War, Germany has publicly disclosed that it is developing offensive cyber weapons.5 In addition, in the latest Cyber Strategy of the United States, offensive cyber policy is strongly emphasized, and it has been said in public that the US Defense Advanced Research Projects Agency (DARPA) is focusing its research on offensive cyber capabilities.6 It has also been announced by many countries that a response to a cyber attack is not limited to the cyber domain, which is very understandable. The world needs to start talking openly about offensive cyber capabilities and the readiness levels – just as we discuss missile arsenals, air force, submarine fleets, or doctrines. We talk about great military exercises taking place in the kinetic world, but there is very little public discussion on things happening in cyberspace. Today, countries are aware of and appreciate the kinetic capacities which the others have. This is one reason why there are so few on- going wars in the world. Awareness prevents conflicts – at least, between the nation states – and it raises the threshold for conducting an attack. The defence policy of many countries is based on this assumption – if you have and if you are able to expose strong enough military capability, the likelihood of being attacked decreases.

#### Nuclear war

Harrell 2/20/09 (Eben, pg. http://www.time.com/time/world/article/0,8599,1880702,00.html)

But to marvel at the bizarre coincidence of the collision, or to breathe a sigh of relief that nuclear safety was not breached, is to miss the point. The seemingly impossible collision of two subs in a large ocean should remind us of the fallacy by which we assume nuclear weapons will never be used. Because the threat of global nuclear war is not zero, even a small chance of war each year, multiplied over a number of years, adds up to the likelihood that the weapons will be used. Like those two subs stalking through the Atlantic, the odds will begin to align. Mathematically, they are destined to. This is not a mere logic game. If there is a single "big idea" to have emerged in the first decade of the new millennium — from [the September 11 attacks](http://www.time.com/time/magazine/article/0,9171,1000761,00.html) to the [financial crash](http://www.time.com/time/business/article/0,8599,1846450,00.html) — it is the notion of the ["black swan,"](http://www.time.com/time/business/article/0,8599,1853531,00.html) the danger posed by difficult to predict, high-impact events. The short history of nuclear weapons is already scattered with unplanned and seemingly improbable incidents that suggest we feel more secure than we should. In 1995, a communication failure with the Russian Embassy led the Russian military to believe that a weather rocket launched off the coast of Norway was an incoming submarine-launched ballistic missile. In the 1980s, malfunctioning U.S. missile defense systems relayed information to U.S. officials of a massive incoming first strike — twice. As recently as 2007, a U.S. Air Force plane flew across the American heartland while unknowingly carrying several live warheads on board. At the time, all of these events were described as freak occurrences. The truth is they were freak occurrences. But they happened.([Read the Top 10 underreported stories of 2008.](http://www.time.com/time/specials/2008/top10/article/0,30583,1855948_1861760,00.html" \t "_new)) A day after the latest nuclear accident became public, an analyst from the Federation of American Scientists, a nonproliferation think tank, released U.S. Naval intelligence documents obtained through the Freedom of Information Act that showed that the Russian Navy undertook more underwater ballistic missile submarine patrols in 2008 than it has in a decade. The Russian subs are joined in the word's oceans by nuclear-armed vessels from France, Britain, and China. Under the plains of the American West, and in similar silos in Russia, Air Force missile operators keep constant vigil, launch keys at the ready. Nuclear missiles have no self-destruct button; once launched, they cannot be called back. Twenty years after the end of the cold war, humanity still lives within 30 minutes of its own destruction. The price we pay for maintaining nuclear weapons is the gamble that the highly improbable will not lead to the unthinkable. The question to ask after this latest nervy episode: is it worth it?

### 1NC Flex

#### The plan collapses executive crisis response --- triggers terrorism, rogue state attacks bioterror, and wildfire prolif

John Yoo 8/30/13, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Like it or not, Constitution allows Obama to strike Syria without Congressional approval,” Fox News, <http://www.foxnews.com/opinion/2013/08/30/constitution-allows-obama-to-strike-syria-without-congressional-approval/>

The most important of the president’s powers are commander-in-chief and chief executive.¶ As Alexander Hamilton wrote in Federalist 74, “The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority.”¶ Presidents should conduct war, he wrote, because they could act with “decision, activity, secrecy, and dispatch.” In perhaps his most famous words, Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. . . It is essential to the protection of the community against foreign attacks.”¶ The Framers realized the obvious. Foreign affairs are unpredictable and involve the highest of stakes, making them unsuitable to regulation by pre-existing legislation. Instead, they can demand swift, decisive action, sometimes under pressured or even emergency circumstances, that are best carried out by a branch of government that does not suffer from multiple vetoes or is delayed by disagreements. ¶ Congress is too large and unwieldy to take the swift and decisive action required in wartime. ¶ Our Framers replaced the Articles of Confederation, which had failed in the management of foreign relations because it had no single executive, with the Constitution’s single president for precisely this reason. Even when it has access to the same intelligence as the executive branch, Congress’s loose, decentralized structure would paralyze American policy while foreign threats grow. ¶ Congress has no political incentive to mount and see through its own wartime policy. Members of Congress, who are interested in keeping their seats at the next election, do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate. They prefer that the president take the political risks and be held accountable for failure.¶ Congress's track record when it has opposed presidential leadership has not been a happy one.¶ Perhaps the most telling example was the Senate's rejection of the Treaty of Versailles at the end of World War I. Congress's isolationist urge kept the United States out of Europe at a time when democracies fell and fascism grew in their place. Even as Europe and Asia plunged into war, Congress passed Neutrality Acts designed to keep the United States out of the conflict.¶ President Franklin Roosevelt violated those laws to help the Allies and draw the nation into war against the Axis. While pro-Congress critics worry about a president's foreign adventurism, the real threat to our national security may come from inaction and isolationism.¶ Many point to the Vietnam War as an example of the faults of the “imperial presidency.” Vietnam, however, could not have continued without the consistent support of Congress in raising a large military and paying for hostilities. And Vietnam ushered in a period of congressional dominance that witnessed American setbacks in the Cold War, and the passage of the ineffectual War Powers Resolution. Congress passed the Resolution in 1973 over President Nixon's veto, and no president, Republican or Democrat, George W. Bush or Obama, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. No federal court has ever upheld the resolution. Even Congress has never enforced it.¶ Despite the record of practice and the Constitution’s institutional design, critics nevertheless argue for a radical remaking of the American way of war. They typically base their claim on Article I, Section 8, of the Constitution, which gives Congress the power to “declare War.” But these observers read the eighteenth-century constitutional text through a modern lens by interpreting “declare War” to mean “start war.” ¶ When the Constitution was written, however, a declaration of war served diplomatic notice about a change in legal relations between nations. It had little to do with launching hostilities. In the century before the Constitution, for example, Great Britain – where the Framers got the idea of the declare-war power – fought numerous major conflicts but declared war only once beforehand.¶ Our Constitution sets out specific procedures for passing laws, appointing officers, and making treaties. There are none for waging war, because the Framers expected the president and Congress to struggle over war through the national political process.¶ In fact, other parts of the Constitution, properly read, support this reading. Article I, Section 10, for example, declares that the states shall not “engage” in war “without the consent of Congress” unless “actually invaded, or in such imminent Danger as will not admit of delay.” ¶ This provision creates exactly the limits desired by anti-war critics, complete with an exception for self-defense. If the Framers had wanted to require congressional permission before the president could wage war, they simply could have repeated this provision and applied it to the executive.¶ Presidents, of course, do not have complete freedom to take the nation to war. Congress has ample powers to control presidential policy, if it wants to. ¶ Only Congress can raise the military, which gives it the power to block, delay, or modify war plans.¶ Before 1945, for example, the United States had such a small peacetime military that presidents who started a war would have to go hat in hand to Congress to build an army to fight it. ¶ Since World War II, it has been Congress that has authorized and funded our large standing military, one primarily designed to conduct offensive, not defensive, operations (as we learned all too tragically on 9/11) and to swiftly project power worldwide. ¶ If Congress wanted to discourage presidential initiative in war, it could build a smaller, less offensive-minded military.¶ Congress’s check on the presidency lies not just in the long-term raising of the military. It can also block any immediate armed conflict through the power of the purse.¶ If Congress feels it has been misled in authorizing war, or it disagrees with the president's decisions, all it need do is cut off funds, either all at once or gradually.¶ It can reduce the size of the military, shrink or eliminate units, or freeze supplies. Using the power of the purse does not even require affirmative congressional action.¶ Congress can just sit on its hands and refuse to pass a law funding the latest presidential adventure, and the war will end quickly. ¶ Even the Kosovo war, which lasted little more than two months and involved no ground troops, required special funding legislation.¶ The Framers expected Congress's power of the purse to serve as the primary check on presidential war. During the 1788 Virginia ratifying convention, Patrick Henry attacked the Constitution for failing to limit executive militarism. James Madison responded: “The sword is in the hands of the British king; the purse is in the hands of the Parliament. It is so in America, as far as any analogy can exist.” Congress ended America’s involvement in Vietnam by cutting off all funds for the war.¶ Our Constitution has succeeded because it favors swift presidential action in war, later checked by Congress’s funding power. If a president continues to wage war without congressional authorization, as in Libya, Kosovo, or Korea, it is only because Congress has chosen not to exercise its easy check.¶ We should not confuse a desire to escape political responsibility for a defect in the Constitution. A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security.¶ In order to forestall another 9/11 attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility.¶ It is not hard to think of situations where congressional consent cannot be obtained in time to act. Time for congressional deliberation, which leads only to passivity and isolation and not smarter decisions, will come at the price of speed and secrecy.¶ The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security.¶ Presidents can take the initiative and Congress can use its funding power to check them. Instead of demanding a legalistic process to begin war, the Framers left war to politics.¶ As we confront the new challenges of terrorism, rogue nations and WMD proliferation, now is not the time to introduce sweeping, untested changes in the way we make war.

#### Executive flexibility is vital to solve multiple nuclear threats

Li 9 Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

**Even as the quantity of nation-states in the world has increased dramatically** since the end of World War II**, the** institution **of the nation-state has been in decline over the past few decades.** Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The **proliferation of nuclear weapons, and their** immense **capacity for absolute destruction,** **has ensured** that conventional wars **remain limited in scope and duration**. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, **concurrent with the decline of the nation-state in the second half of the twentieth century**, **non-state actors have increasingly been willing and able to use force to advance their causes**. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, **non-state actors** do not necessarily fight as a mere means of advancing any coherent policy. Rather, they **see their fight** as a life-and-death struggle**, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends**.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 **It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers**. As evidenced by Part M, supra, **the constitutional allocation of war powers**, and the Framers' commitment of the war power to two co-equal branches, was not designed **to cope with the current international system,** one that is **characterized by the persistent machinations of international terrorist organizations**, the rise of **multilateral alliances,** the **emergence of** rogue states**, and the potentially wide proliferation of easily deployable** w**eapons of** m**ass** d**estruction**, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, **the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence**, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, **the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states** such as the United States are **unable to adapt to the changing circumstances of fourth-generational warfare-**that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end**, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system** of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, **the stability of the long-existing Westphalian international order has been greatly eroded** in recent years **with the advent of international terrorist organizations**, **which care nothing for the traditional norms of the laws of war.** This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat **The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideolog**y who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 **Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups,** **will continue to target the United States until she is destroyed. Their ideology demands it.** 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. **Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world**."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 **Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back,** inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "**al-Qaeda's networked nature allowed it to absorb the damage and remain a threat."** 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, **today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise.** **The** Global **War on Terrorism is not** truly **a war within the Framers' eighteenth-century conception of the term**, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, **this "war"** is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 **In the era of fourth-generational warfare**, quick reactions, proceeding through the OODA Loop rapidly, **and disrupting the enemy**'s OODA loop **are the keys to victory. "In order to win**," Colonel Boyd suggested, **"we should operate at a** faster tempo **or rhythm than our adversaries**." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, **in the midst of the conflict with** al-Qaeda and other **international terrorist organizations**, **the** existing **process** **of constitutional decision-making in warfare may prove a** fatal hindrance **to achieving the initiative** necessary **for victory**. **As a** slow-acting, deliberative body, **Congress does not have the ability to a**dequately **deal with** fast-emerging situations in fourth-generational warfare. Thus, **in order to combat transnational threats** such as al-Qaeda, **the executive branch** must **have the ability to operate by taking offensive military action** even **without congressional authorization, because** only the executive branch **is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.**

K2 fourth-gen warfighting capabilities that escalate to nuclear use.

**Li ‘9**

Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

Bioterror causes extinction

Mhyrvold ‘13

Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series

Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from. Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

### 1NC Virillio

**No threshold for their impact – squo proves it’s empirically denied and no scenario – seriously assign zerio risk to the aff – they also only restrict OCO’s – doesn’t change all deicison calculus – No risk of “endless warfare” - We should embrace pragmatic U.S. security strategies**

**Gray 07, Director of the Centre for Strategic Studies and Professor of International Relations and Strategic Studies at the University of Reading, graduate of the Universities of Manchester and Oxford, Founder and Senior Associate to the National Institute for Public Policy, formerly with the International Institute for Strategic Studies and the Hudson Institute** (Colin, July, “The Implications of Preemptive and Preventive War Doctrines: A Reconsideration”, <http://www.ciaonet.org/wps/ssi10561/ssi10561.pdf>)

7. A policy that favors preventive warfare expresses a futile quest for absolute security. It could do so. Most controversial policies contain within them the possibility of misuse. In the hands of a paranoid or boundlessly ambitious political leader, prevention could be a policy for endless warfare. However, the American political system, with its checks and balances, was designed explicitly for the purpose of constraining the executive from excessive folly. Both the Vietnam and the contemporary Iraqi experiences reveal clearly that although the conduct of war is an executive prerogative, in practice that authority is disciplined by public attitudes. Clausewitz made this point superbly with his designation of the passion, the sentiments, of the people as a vital component of his trinitarian theory of war. 51 It is true to claim that power can be, and indeed is often, abused, both personally and nationally. It is possible that a state could acquire a taste for the apparent swift decisiveness of preventive warfare and overuse the option. One might argue that the easy success achieved against Taliban Afghanistan in 2001, provided fuel for the urge to seek a similarly rapid success against Saddam Hussein’s Iraq. In other words, the delights of military success can be habit forming. On balance, claim seven is not persuasive, though it certainly contains a germ of truth. A country with unmatched wealth and power, unused to physical insecurity at home—notwithstanding 42 years of nuclear danger, and a high level of gun crime—is vulnerable to demands for policies that supposedly can restore security. But we ought not to endorse the argument that the United States should eschew the preventive war option because it could lead to a futile, endless search for absolute security. One might as well argue that the United States should adopt a defense policy and develop capabilities shaped strictly for homeland security approached in a narrowly geographical sense. Since a president might misuse a military instrument that had a global reach, why not deny the White House even the possibility of such misuse? In other words, constrain policy ends by limiting policy’s military means. This argument has circulated for many decades and, it must be admitted, it does have a certain elementary logic. It is the opinion of this enquiry, however, that the claim that a policy which includes the preventive option might lead to a search for total security is not at all convincing. Of course, folly in high places is always possible, which is one of the many reasons why popular democracy is the superior form of government. It would be absurd to permit the fear of a futile and dangerous quest for absolute security to preclude prevention as a policy option. Despite its absurdity, this rhetorical charge against prevention is a stock favorite among prevention’s critics. It should be recognized and dismissed for what it is, a debating point with little pragmatic merit. And strategy, though not always policy, must be nothing if not pragmatic.

#### Turn Limiting executive offensive cyber apabilities causes nuclear miscalc

DOD DSC, Department of defense science board, 1-’13 (“Resilient Military Systems and the Advanced Cyber Threat”, http://www.acq.osd.mil/dsb/reports/ResilientMilitarySystems.CyberThreat.pdf)

To ensure the President has options beyond a nuclear-only response to a catastrophic cyber attack, the DoD must develop a mix of offensive cyber and high-confidence conventional capabilities. Cyber offense may provide the means to respond in-kind. The protected conventional capability should provide credible and observable kinetic effects globally. Forces supporting this capability are isolated and segmented from general purpose forces to maintain the highest level of cyber resiliency at an affordable cost. Nuclear weapons would remain the ultimate response and anchor the deterrence ladder. This strategy builds a real ladder of capabilities and alleviates the need to protect all of our systems to the highest level requirements, which is unaffordable for the nation. Similar to the prior argument regarding the cyber resiliency of the nuclear deterrent, DoD must ensure that some portion of its conventional capability is able to provide assured operations for theater and regional operations within a full-spectrum, cyber-stressed environment.

#### Speed makes us net resilient to accident

Thrift 04, HEAD OF THE DIVISION OF LIFE AND ENVIRONMENTAL SCIENCES AND A PROFESSOR OF GEOGRAPHY AT THE UNIVERSITY OF OXFORD, (Nigel, But Malice Aforethought: Cities and the Natural History of Hatred Centre of Contemporary Culture of Barcelona, <http://www.cccb.org/rcs_gene/malice_aforethought.pdf>)

Recently, this general hum of activity has been powered up by information technology. True, the speed and interconnectedness of information and communications technology may have produced new vulnerabilities but, generally speaking, information and communications technology has probably made cities more robust by adding more degrees of redundancy. Simple things like risk analysis and other institutionalised forms of diligence, booking systems, etc. have made the business of maintenance and repair easier to carry out and, indeed, is beginning to automate at least some of this activity (as in, for example, the instance of machines that send messages that they are breaking down). More to the point, in situations of breakdown, whether epic or mundane, the humble mobile phone has extended the city’s interactivity and adaptability in all kinds of ways and may well have been the most significant device to add to a city’s overall resilience by adding an extra thread to the urban knot. In addition, all kinds of knowledges of maintenance and repair which are heavily dependent upon information and communications technologies are coming to the fore, all the way from logistics to disaster planning itself (which, in certain senses, is a branch of logistics). I want to argue that this activity constitutes an urban technological unconscious which helps to keep cities as predictable objects in which things turn up as they are meant to, regularly and predictably (THRIFT, 2004a). Modern Western cities are in many ways mass engineerings of time and space and this engineering increasingly involves working with very small spaces (of the order of millimetres) and times (of the order of milliseconds). At this scale, this means working on the structure of anticipation, producing a comforting sense of regularity and a corresponding (and probably amplified historically) sense of annoyance when things do not play out exactly as it is intended that they should. In a sense, speed has produced a new landscape of anticipation. Some commentators see this landscape as a threat, likely to institute a new «dromocracy». I am more ambivalent. It seems to me that it offers possibilities too, and not least in providing rapid reaction to problems large and small. Indeed, as information technology systems come in which are based on continuous updating of information, some degree of capacity to track and trace and the ability to forecast forward in a very limited way (for example, through profiling systems), so it seems to me that cities will add another landscape to their repertoire, one which works a few seconds or minutes or, in extreme cases, hours ahead of the present and which will add markedly to their resilience. Of course, there is a new repertoire of risk associated with this landscape of foresight but whether it is that much larger than many other developments remains to be seen. Computer systems are vulnerable to attack just like any other system but it is also important to remember the continuous amount of repair and maintenance which goes into these systems anyway and reactions to attacks by worms or viruses are rapidly being incorporated into this burgeoning structure.

**Their impact are overdetermined non-sense – democracy and economic liberalization checks their impacts**

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

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

ROB is util and consequences – they matter

Isaac 02 (Jeffrey C., James H. Rudy professor of Political Science and director of the Center for the Study of Democracy and Public Life at Indiana University, Bloomington, “Ends, Means and politics,” *Dissent*, Spring)

As writers such as Niccolo Machiavelli,Max Weber, Reinhold Niebuhr, and HannahArendt have taught, an unyielding concern with moral goodness undercuts political responsibility.The concern may be morally laudable, reflectinga kind of personal integrity, but it suffersfrom three fatal flaws: (1) It fails to see that the purity of one’s intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make commoncause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics—as opposed to religion—pacifism is alwaysa potentially immoral stand. In categorically repudiatingviolence, it refuses in principle tooppose certain violent injustices with any effect;and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with “good”may engender impotence, it is often the pursuit of “good” that generates evil. This is thelesson of communism in the twentieth century:it is not enough that one’s goals be sincere oridealistic; it is equally important, always, to askabout the effects of pursuing these goals andto judge these effects in pragmatic and historicallycontextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

#### K’s of util are wrong

Shaw 99 (William H, Professor of Philosophy @ San Jose State, Contemporary Ethics, p.185-186)

One of the most widespread criticisms of utilitarianism is that it cannot take rights seriously enough. Generally speaking, rights take precedence over considerations of immediate utility. They limit or restrict direct appeals to welfare maximization. For example, to have a right to free speech means that one is free to speak one's mind even if doing so will fail to maximize happiness because others will dislike hearing what one has to say. The right not to be compelled to incriminate oneself entails that it would be wrong to force a criminal defendant to testify against himself even if the results of doing so would be good. If rights are moral claims that trump straightforward appeals to utility," then utilitarianism, the critics argue, cannot meaningfully respect rights because their theory subordinates them to the promotion of welfare. However, the criticism that utilitarianism cannot do right by rights ignores the extent to which utilitarianism can, as discussed in Chapter 5, accommodate the moral rules, principles, and norms other than welfare maximization that appear to constitute the warp and woof of our moral lives. To be sure, utilitarians look at rights in a different light than do . moral theorists who see them as self-evident or as having an independent deontic status grounded on non-utilitarian considerations. For utilitarians, it is not rights, but the promotion of welfare, that lies at the heart of morality. Bentham was consistently hostile to the idea of natural rights, in large measure because he believed that invoking natural rights was only a way of dressing up appeals to intuition in fancy rhetoric. In a similar vein, many utilitarians today believe that in both popular and philosophical discourse people are too quick to declare themselves possessors of all sorts of putative rights and that all too frequently these competing claims of rights only obscure the important, underlying moral issues.

#### Virilio's an idiot - his scenario for an accident is a baseless assertion

**Sokal and Bricmont 98** – \*Professor of Physics at NYU AND \*\*Belgian theoretical physicist, philosopher of science and a professor at the Université catholique de Louvain (December 1998, Alan and Jean, “Fashionable Nonsense: Postmodern Intellectuals' Abuse of Science”, Library of Congress Cataloging-in-Publication Data, pg. 169-170)

The writings of Paul Virilio revolve principally around the themes of technology, communication, and speed. They contain a plethora of references to physics, particularly the theory of relativity. Though Virilio's sentences are slightly more meaningful than those of Deleuze-Guattari, what is presented as "science" is a mixture of monumental confusions and wild fantasies. Furthermore, his analogies between physics and social questions are the most arbitrary imaginable, when he does not simply become intoxicated with his own words. We confess our sympathy with many of Virilio's political and social views; but the cause is not, alas, helped by his pseudo-physics. Let us start with a minor example of the astonishing erudition vaunted by Le Monde: Recent MEGALOPOLITAN hyperconcentration (Mexico City, Tokyo ... ) being itself the result of the increased speed of economic exchanges, it seems necessary to reconsider the importance of the notions of ACCELERATION and DECELERATION (what physicists call positive and negative velocities [vitesses positive et negative selon les physiciens]) ... (Virilio 1995, p. 24, capitals in the original 220) Here Virilio mixes up velocity (vitesse) and acceleration, the two basic concepts of kinematics (the description of motion), which are introduced and carefully distinguished at the beginning of every introductory physics course. 221 Perhaps this confusion isn't worth stressing; but for a purported specialist in the philosophy of speed, it is nonetheless a bit surprising.

**Their K only sees the negative effects of speed – that prevents them from solving**

**Connolly 2K – Their author –** “Speed, Concentric Cultures, and Cosmopolitanism” Author(s): William E. Connolly. (Eisenhower Professor, Johns Hopkins University Political Theory, International Relations B.A., University of Michigan, Flint Ph.D., University of Michigan, Ann Arbor Recent Courses and Research Interests: Capitalism and Christianity Perception, The Media, Politics Nietzsche and His Interlocutors) Reviewed work(s):Source: Political Theory, Vol. 28, No. 5 (Oct., 2000), pp. 596-618Published by: Sage Publications, Inc.Stable URL: http://www.jstor.org/stable/192290 .

And the danger is great. Little doubt about that. If you treat the war machine as the paradigm of speed, as Virilio does, it seems that sometime during the 1960s, the ability to deliberate democratically about military action was jeopardized by the imperative to automatize split-second responses to preemptive strikes a minute or less away from their targets. My concern, nonetheless, is that Virilio allows the military paradigm to overwhelm all other modalities and experiences of speed. Virilio remains transfixed by a model of politics insufficiently attuned to the positive role of speed in intrastate democracy and cross-state cosmopolitanism. He underplays the positive role speed can play in desanctifying closed and dogmatic identities in the domains of religion, sensuality, ethnicity, gender, and nationality, and he remains so committed to the memory of the nation as the place where democratic deliberation occurred that he dismisses the productive possibilities (I do not say probabilities) of cosmopolitanism in the late-modern time. Let us listen to some moves in Virilio's presentation of the correspondences between speed, temporality, territory, democratic deliberation, nationhood, and belonging.

**Speed is good – it opens up spaces for alternative perspectives – it’s a pre-requisite to the alt**

**Kellner, 2003** – critical theorist in the Frankfurt Institute for Social Research, George Kneller Chair in the Philosophy of Education in the GSEI at UCLA (Douglas, “Virilio, War, and Technology: Some Critical Reflections”, illuminations: the critical theory project, <http://pages.gseis.ucla.edu/faculty/kellner/Illumina%20Folder/kell29.htm>) //BZ

But while there are still threats to world peace and even human survival from the dark forces of military capitalism, one of the surprising events of the past decade is the emergence of a new form of Microsoft capitalism, of less lethal and more decentralized new technologies, of new modes of peaceful connection and communication. The project of this new form of technocapitalism is the development of an information-entertainment society that we might call the infotainment society and which is sometimes described as the "information superhighway." This form of capitalism is a softer capitalism, a less violent and destructive one, a more ecological mode of social organization, based on more flexible, smaller-scale, and more ludic technologies.[6] The differences between hard military capitalism and a softer Microsoft capitalism are evident in the transformation of the computer from a top-down, highly centralized, specialized machine controlled by big organizations to the smaller scale, more flexible, and more ludic personal computer (see Turkle 1996 for elaboration of this distinction). Moreover, the surprising development of the Internet opens up new public spheres and the possibility of political intervention by groups and individuals excluded from political dialogue during the era of Big Media, controlled by the state and giant corporations (for elaboration of this argument see Kellner 1995, 1996, and forthcoming). Of course, Microsoft capitalism has its own dangers ranging from economic worries about near-monopoly control of economic development through software domination to the dangers of individuals getting lost in the proliferating terrains of cyberspace and the attendant decline of individual autonomy and initiative, social relations and interaction, and community. Yet the infotainment society promises more connections, interactions, communication, and new forms of community. The project is in far too early stages to be able to appropriately evaluate so for now we should rest content to avoid the extremes of technophobia which would reject the new technologies out of hand as new forms of alienation or domination contrasted to technophilic celebrations of the information superhighway as the road to a computopia of information, entertainment, affluence, and democracy.

### Cong worse

**The Plan results in worse use**

Nzelibe 2007 Modified for gendered language (Jide, Assistant Professor of Law, Northwestern University Law School, ARE CONGRESSIONALLY AUTHORIZED WARS PERVERSE?, Stanford Law Review59.4 (Feb 2007): 907-953, ProQuest)

Put differently, the President has managed to tap into a deep reservoir of political insurance provided by the 2002 congressional resolution authorizing the Iraq war even though his efforts to obtain this authorization were minimal. By all accounts, the congressional debates leading up to the resolution were fairly low-key and perfunctory.141 The House International Relations Committee quickly voted the Resolution out of committee by a vote of thirtyone to eleven.142 Eventually, the House passed the Resolution by a sizable margin of 293 to 133. The Senate also quickly approved the Resolution with Senate Majority Leader Thomas Daschle (D-N.D.) making a special plea for bipartisanship.143 Senator Byrd (D-W. Va.) did try to plead with his colleagues to have a more serious and extensive debate on the Resolution but he was all but completely ignored.144 On October 10, the Senate voted by a margin of seventy-seven to twenty-three in support of the Resolution.14 At no stage during the few weeks that Congress debated the Resolution was there any doubt that congressional authorization would be both forthcoming and swift.¶ At bottom, if the greatest political constraints on the President during wartime come from a divided government or an active political opposition, the Iraq occupation shows that those constraints can be considerably weakened when a President first seeks congressional authorization for the use of force. President Bush's decision to seek congressional authorization most likely weakened the resolve of the Democratic Party to force the President's hand once the Iraq occupation became unpopular. But one could only imagine how different the political climate would be if the President had decided to embark on the Iraq occupation unilaterally. In some respect, he would have saved himself the trivial political capital he invested convincing Congress to approve his request for the use of force; on the other hand, he and the Republican Party would have likely inherited a colossal political burden. In a unilaterally initiated conflict, the Democratic opposition would have the option of waiting to see how the war turns out in the court of public opinion before deciding whether or not to support the war. If the war ends in failure or stalemate, the opposition would then have wide latitude in condemning every aspect of the decision to use force without the prospect of facing any political recriminations for seeming inconsistent or formally divided about the wisdom of going to war.¶ Ultimately, President Bush's ability to bifurcate political blame for the Iraqi occupation aptly illustrates the moral hazard risk inherent in first seeking congressional authorization for the use of force. If a President knows ex ante that he can get political insurance cheaply and get to share the political risks of a high-stakes military conflict with the political opposition, then it is very plausible to think that he is [they are] more likely to initiate more high-stakes conflicts with congressional authorization than he [they] would if he [they] were acting unilaterally.¶ What about the role of moral hazard in other modern conflicts? In many respects, the framework established in this Article also illuminates the political insurance role congressional authorization has played for other contemporary Presidents. One could argue, for instance, that congressional authorization for the 1982-1984 military deployment in Lebanon helped President Reagan avoid some of the political fallout once the deployment became increasingly unpopular in early 1984.146 Indeed, during the last couple of months before Congress forced a withdrawal of United States troops in February 1984 the President had lost much of the considerable foreign policy reputation he had cultivated in the wake of the successful Grenada invasion of October 1983.147 Nonetheless, Reagan sought to use the congressional authorization he received in the summer of 1983 to blunt growing congressional criticism of the deployment.148 When Deputy Secretary of State Lawrence Eagleburger was questioned by a hostile Congress on the progress of the war in early 1984, he kindly reminded the members of Congress that that they bore a share of the blame for the outcome of the deployment by passing the resolution authorizing the use efforce the previous summer.149

### CE

#### The aff causes civic engagement – destroys free trade

Boggs –, Social Sciences Professor at National University, 1 (Carl, “Economic Globalization and Political Atrophy,” Democracy & Nature, Volume 7, Number 2)

The process of economic globalization can be viewed as the systematic expansion of corporate capitalism across national borders in perpetual search of markets, raw materials, low-cost labor, and technological advantage—all made possible by the growing mobility of capital and facilitated by increasingly fluid conditions of trade, communications, and information-sharing. An outgrowth of preceding centuries of economic development spreading from Europe outward, this process has dramatically extended its speed and scope over the past few decades, further solidifying the world capitalist system along with its leading national and institutional centers of power. At its present pace this form of corporate expansion is sweeping away everything before it, allowing for unprecedented expansion of market relations into even the most isolated regions of the globe, as Marx and Engels long ago anticipated in the Communist Manifesto. These epic trends within the economy, however, have no parallel in the sphere of politics, where what we observe is something altogether different: diminution of national and local governing structures, erosion of longstanding ideologies, and failure of any international system of governance to gain ascendancy. The appearance of worldwide diversity and fragmentation has now become overshadowed by a logic of homogenization brought about by transnational corporate rule with its unifying thrust toward commodification of the planet. We are in the midst of a profoundly depoliticizing shift of forces where the global domain triumphs over the local, the commodity supersedes local culture, standardization prevails over diversity— and, above all, economics takes precedence over politics. The seemingly harmonious functioning of a progressively interdependent world economy—surely a vital component of the much-celebrated new world order—barely conceals its own sharpening contradictions which, at present, only serve to further illuminate the ever-deepening impasse of political thought and action. At the beginning of the 21st century at least 80 per cent of the world’s population lives in poor countries that control barely 20 per cent of the total resources and wealth. The assets of the three richest people in the world easily amount to more than the Gross Domestic Product of the 50 least developed countries, while some 350 global billionaires have amassed an income roughly equivalent to that of two and a half billion people. The richest one-fifth consume nearly 90 per cent of all global resources at a time when one-quarter of the planet is illiterate, one-third lacks clean water, and two-thirds have no adequate sewage. The neoliberal market hegemony championed by transnational corporations and ruling elites of the most powerful nations is meant to ideologically and culturally ameliorate these severe dysfunctions and harsh inequities—all of them worsening by the day—as well as any significant challenges to corporate legitimacy itself. In its pursuit of such all-encompassing hegemony, corporate-driven globalization seeks nothing short of what might be regarded as a neoliberal ‘end of history’ presided over by the World Bank, International Monetary Fund, and World Trade Organization working in tandem with the transnationals. Thus economic globalization represents above all an historic mechanism, however piecemeal and uneven, for solving a series of potential crises generated by intensifying worldwide dysfunctions and conflicts. Under corporate auspices, therefore, globalism is designed to thoroughly reshape the world, in the process redefining class and power relations, the forms of production and work, the relationship between humans and the environment, ideological trajectories and indeed the very nature of politics. If the idea of unbridled corporate control leads to a possible state of Hobbesian disorder and chaos, then a smooth functioning of the global order, replete with new legitimating beliefs and values, would seem to represent the structural antidote. As the 20th century drew to an end, globalization in its present guise came under sustained and militant challenge from hundreds of grassroots organizations and movements around the world—a challenge first explosively visible in Seattle during late 1999 and extended through a series of anti-globalization campaigns directed against the WTO, IMF and allied institutions over the year and a half that followed. Without doubt the dysfunctions of capitalist globalism are inexorably finding their way into the daily lives of millions of people, many of whom are clearly prepared for anti-system activity of some type, as part of labor organizations, community groups, social movements and a scattering of student activists comprising a large but fragile bloc of forces. As popular sentiment against corporate- driven globalization spreads, however, the precise character of its political definition (ideology, organization, goals, strategy, etc.) remains very much in question, which in turn means that the effectiveness of mass action will be in question. All of this leaves two crucial queries: can we hope to arrive at a system of international governing structures and processes adequate to protect both human societies and nature from ravages of the market, and can we develop the political capabilities to wage viable, long-term opposition to global corporate domination—in other words, can we anticipate some form of globalization from below? The triumph of corporate colonization One of the main constituent elements of intensified globalization is the systematic assertion of economics over politics, as corporate hegemony extends its domain into the furthest reaches of the planet. This process is facilitated by the growth of informational technology, mass media, and consumerism that has its origins in the huge transnational business empires and takes many forms: massive concentration of economic power; eclipse of the nation-state and with it a shrinking of the (global and national) public sphere; erosion of once-vital ideological traditions, most crucially oppositional traditions; ascendancy of economic over political discourses; a world increasingly shaped by the threat if not reality of Hobbesian disorder. Economic globalization carries forward an assault on market regulations, planning in the service of public goods, sustainable development and local democratic aspirations. The global capitalist system gives rise to an increasingly rationalized division of labor whereby production, finance and commerce are in many ways decentralized while their management is further centralized, located as it is in the headquarters of the most powerful transnational corporations and their host nations in North America, Europe and Japan. This level of concentrated institutional economic power throughout the world is unprecedented, as are its consequences. What permits this simultaneous integration and decentralization of the world economy is the rapid advance of informational technology.1 While proponents of this system envision a new era of prosperity and democracy fueled by higher levels of material growth across the globe, the reality has turned into something quite different: massive social dislocations, growing extremes of rich and poor, harsh consequences of the sort mentioned above, and increasing disconnection between centers of economic decision-making and political mechanisms that historically nourished local participation and democratic citizenship. Larger regions of human existence wind up subordinated to the supposed ‘laws’ and dictates of the international market, with the concerns of labor, health, human rights, and the environment pushed largely beyond the reach of public discourse and intervention—one drastic outcome of the evisceration of public life in an age of neoliberal hegemony. The more accentuated the power, the more difficult will be the task of creating and sustaining popular challenges to market pre-eminence over society and nature. Viewed in global terms, the role of ‘public’ institution s like the WTO and IMF is essentially to safeguard reproduction of capitalist markets by rationalizing the framework for investment, production and trade, with other agendas correspondingly devalued. With diminished political 1. Sophia N. Antonopoulou, ‘The Process of Globalization and Class Transformation in the West’, Democracy and Nature , Vol. 6, No. 1 (March 2000), pp. 42–43. Carl Boggs 306 resources available to local structures and constituencies, the negative effects of unrestrained corporate expansion will be more and more difficult to confront. Since the overriding goal of elites today is to maximize corporate freedom from external restraints, the arena in which controls and regulations are implemented— namely political governance—is ultimately narrowed and degraded to the point where it cannot function as a leverage for confronting or turning back corporate power. This logic works at both national and international levels: particular states lose power relative to the transnational corporations and world trade or financial institutions, while to date no distinctive global political structures with binding authority over economic decisions have been set in place or are likely to be set in place. Except for a few of the G-7 countries, the gargantuan world economy is moving beyond the effective reach of local and national states. As Bauman points out, this signifies a progressive separation of ‘power’ (global, economic) from ‘politics’ (local, territorial). While capital, technology, and information readily flow across the international terrain, largely immune to geographical considerations, politics is inevitably local, particular and geographical; economic flows are extraterritorial, defying the previous limits of spatiality associated with political structures.2 The result is that large capital and its agencies are emancipated from any far-reaching confinements, local or otherwise. This development anticipates not only the erosion of nation-state governance as such but the eclipse of statism as an ideological outlook among elites—surely one of the legacies of a failed Soviet model that surfaced with the end of the Cold War.3 As democratic forms everywhere become hollowed out, the ‘politics’ that remains has been transformed into an instrumentalized statecraft serving a combination of military and infrastructure functions within the global economy. Within this milieu national governance has adapted rather poorly to global corporate expansion, losing much of its mobilizing, legitimating, and decision-making capabilities in the face of tremendous economic pressures. States are readily overwhelmed by a mosaic of strong private interests that exhibit little if any dedication to general social needs or demands. Even the US, now unquestionably a world hegemon without parallel, has become vulnerable to these incessant pressures— in some ways perhaps even more vulnerable given its spatial centrality in maintenance of the world corporate economy. If this process continues apace, we could be moving toward what Guehenno calls the ‘twilight of the nation-state’.4 Advancing economic globalization creates a novel ensemble of relations in which spaces for public life are progressively emptied of their deliberative, participatory, regulatory content; democracy—along with the vitality of local cultures and hopes for environmental stability—becomes one of the notable casualties of freewheeling transnational capital. The connection between state governance, geographical locale, citizenship and decision-making—precarious under the best of circumstances—is being severed, perhaps irreversibly. Public discourse in most countries, increasingly depoliticized, rarely adheres to a concept of politics that is constructive or visionary, nor does it customarily refer to ‘citizens’, ‘the people’, or popular assemblies except in the context of rhetorical statements. This mirrors the collapse of modern political ideologies since the 1970s, especially those rooted in the Enlightenment: liberalism, socialism, Communism, nationalism. Tied to the nation-state and to the failures or contradictions of 20th-century governing regimes, such ideologies have lost their legitimating power not to mention their capacity to inspire mass mobilization. They offer few insightful analyses of present-day social reality or compelling visions of the future. Globalization subverts classical liberalism with its emphasis on individualism, democratic participation and human progress through industrial development; nationalism with its fixation on the nation-state; socialism with its inability to carry out basic redistributive programs or address environmental concerns; and Communism with its attraction to the command model and its failure (like the others) to resist incursions of the world market. These ideologies, obliterated by an expanding neoliberal consensus serving the interests of global corporate elites, cannot fully come to grips with vast changes in the system of production and consumption, class and power relations, labor and popular culture. Nor can they offer much in the way of political inspiration—witness their nearly total absence from discourses surrounding the anti-WTO campaigns of the past few years or, for that matter, the language of most contemporary social movements. Even where Socialist or Labor parties have come to power, as in several European countries since the early 1980s, they were relatively powerless to alter priorities and agendas imposed by the global economy. The result was a specter of ostensibly anti-capitalist governments carrying out essentially neoliberal policies benefiting the corporations and banks. From this standpoint it appears that virtually any genuine political discourse has been crowded out by the incessant workings of the capitalist economy, a state of affairs that seems to neatly fit the worldview of corporate directors, managers, technocrats, bankers— and, of course, the inevitable circle of academics, journalists and politicians too. At this juncture the culture of anti-politics (both global and local) becomes more and more all-consuming. The process of depoliticization hardly means that the world is bereft of social polarization and conflict, or even resistance on a large scale; quite the contrary. The point is that such conflict and resistance generally unfolds within a nebulous political context, dispersed, strategically unfocused and largely outside of if not against the great ideological traditions. More than that: while the summit of present-day globalizing operations is built upon the relatively harmonious logic of capitalist rationalization, the global system as a whole—and of course many nations that comprise it—is beset with increasing fragmentation, chaos and instability. The signs are everywhere: ecological crisis, massive social dislocations , civic violence, threats of terrorism and nuclear war, spread of devastating new diseases, proliferation of arms including weapons of mass destruction. These phenomena are accompanied by the spread of what Enzensberger refers to as ‘civil wars’ throughout many regions of the world—conflicts revolving around mainly ethnic, religious, and territorial rivalries (as in Russia, the Balkans, the Middle East, parts of Africa) that, more often than not, are motivated by no discernible class or ideological objectives.5 Such conflicts, internalizing the global culture of anti-politics, often wind up as essentially military ventures with no with no larger historical meaning. Beneath this trend can be found several conditions associated with the dark side of globalization: weakening urban infrastructures, glaring social inequalities, vanishing constraints on historic rivalries, decline of natural resources, sharpening economic competition, and population pressures. In such a conflicted world, confounding all the surface appearances of a ‘new world order’, crisis and instability are rarely translated into coherent political expressions. This ironically turns out to be a problem for ruling elites just as much as for local groups and movements, in part because it presents new opportunities for the groups and movements, which thrive on mass discontent and conflict. The eclipse of established ideologies, while debilitating for the short term, could over time broaden space for radical alternatives—but only once a retrieval of democratic politics finds its way onto the popular agenda. Lacking such retrieval, ‘politics’ will more likely be reasserted in an authoritarian, rightwing direction, just as it was in a crisis-ridden Europe between the world wars. The severe political consequences of corporate colonization, abetted but not actually caused by globalization, are perhaps most visible in the US where the erosion of public discourse across what passes for the left-right spectrum has been evident since the 1970s. Understood in its classic sense as the foundation of governance, participation and citizenship—and, for the left, social change rooted in a positive vision of the future—politics in the US has degenerated into a pale replica of its articulation found in traditional liberalism and socialism. To an extent even greater than on the world scene, depoliticization here takes place in an environment shaped by informational technology, media culture, consumerism, privatized lifestyles and a postmodern culture steeped in various modes of local retreat.6 This signifies nothing short of an historic collapse of the political enterprise associated with decline of both the public sphere and civic culture.7 The form ‘politics’ assumes in the US is more akin to a series of electoral charades mixed with interest-group stratagems and bureaucratic decision-making, all masquerading as democratic governance. As a result, social life winds up disconnected from politics, genuine debates over pressing issues never take place and citizen empowerment is honored only in textbook clichés and campaign rhetoric. Differences between Republicans and Democrats, ‘conservatives’ and ‘liberals’, right and left vanish in the climate of media spectacle, the influence of wealth and money, low voter turnout, and corporate-sponsored debates. Efforts to subvert this hegemonic apparatus (via third parties, local movements, the recent Nader campaign, etc.) inevitably run up against this deepening logic of anti-politics. The steady eclipse of collective subjectivity and deterioration of political language initially shaped by a wide range of domestic conditions are simply exacerbated by globalizing tendencies that show no signs of abatement. A new world order will have difficulty sustaining itself within a matrix of market relations, instrumental rationality, consumerism and rampant individualism that infuses the whole panorama of corporate colonization. The inevitable Hobbesian universe of disorder is guaranteed to nourish conditions leading to polarization, upheaval, violence, perhaps even catastrophe, probably sooner rather than later. These features are indeed built into a capitalist trajectory geared to the endless search for markets, profits, a quick return on investment, growth and new areas of the planet to exploit. The social Darwinian ethos which seems to accompany globalization is reflected in the world of politics as much as in economics and social life, with material processes taking on a life of their own, undermining the ecosystem as they destroy forests and soil, pollute the earth, produce global warming, deplete natural resources and leave behind a large belt of blighted communities and cities. Within the world economy as constituted today there is precious little room for urgent social and environmental priorities—in fact for little beyond the utilitarian dictates of a market system that is never as ‘free’ as its apologists would have it. Planetary devastation is endemic to both capitalist globalism and political atrophy: in the absence of effective worldwide mechanisms for public intervention, lacking genuine regulatory controls, the system veers toward escalating environmental crisis and breakdown. Meanwhile, the power of local states, labor, community groups and social movements to resist (much less reverse) this pattern has been extensively compromised. New rules of governance for the global economy are of course badly needed, but the very agencies required for their implementation are in the present atmosphere weakened beyond recognition. This predicament was amply demonstrated at the Earth Summit in Rio in 1992, when representatives from all countries in the world proved unable to set in motion real mechanisms or policies adequate to confront even the gravest environmental problems.

#### That breaks down our ability to have contact with different people in different places – Flips all of the case and destroys international cooperation needed to solve things like nuclear war.

#### Seita 97, Law Professor at Albany Law School, J.D. from Stanford, M.B.A. from Stanford, (Alex, “Globalization and the Convergence of Values,” Cornell International Law Journal, 30 Cornell Int'l L.J. 429)

In an indirect way, the cultural impact of economic globalization stimulates political globalization. Economic globalization has long introduced aspects of foreign cultures - especially American culture - either directly by the sale of merchandise such as movies and musical recordings, or indirectly through exposure to foreigners. n77 More than in the past, the opening of new markets through economic globalization has brought a flood of people and companies into foreign lands. Personal contact, always **so important in understanding other human beings**, has made foreigners less inscrutable. More business personnel are assigned to overseas offices, more consumers travel abroad as tourists, and more students study in foreign countries. n78 Local residents are more likely than ever before to work for, do business with, or personally know foreigners. In some cases, this transnational encounter may lead to a personal [\*454] affinity with or an **in-depth understanding** of foreign cultures. n79 [\*455] Further, economic globalization has generated an interest in learning foreign languages, primarily English. Perhaps irreversibly, English has become the international language of business and science, with a broader usage than any other language. n80 At the same time, the ability to speak a foreign language other than English gives one a competitive advantage in doing business in nonEnglish-speaking countries. n81 Doing business with foreigners, in their country or in one's own, requires that one communicate with them, cooperate with them, and be exposed to their political and business values. n82 The political values of democracy and human rights, as well as aspects of foreign cultures, are often inseparable (though secondary) components of economic globalization. Thus, countries that seek to benefit from economic globalization must frequently tolerate political globalization and exposure to foreign cultures. As people know more about foreign cultures, some familiarity with foreign political values is bound to arise. II. Technology's Vital Role in Converging Values The advanced communication technology that links much of the world together continues to be crucial to the convergence of economic and political values. This technology is utilized primarily by business entities to facilitate economic globalization. n83 Modern technology has also tended to promote democracy and human rights by making it easier and cheaper for [\*456] people to communicate without censorship across national boundaries. Communication technology not only exposes a national population to foreign ideas, but also concurrently exposes domestic conditions to a global audience. This has occurred because economic globalization involves communication technologies with multiple uses. The same technology that transmits a business proposal may also communicate politically embarrassing or other non-business information. These multiple uses of advanced technology cannot easily be separated from each other, making it difficult to restrict the technology to purely business purposes. A country that wishes to participate in international business cannot isolate itself from all uses of communication technologies unrelated to business dealings. n84 The internet n85 is a recent communication medium with tremendous potential for linking people across national boundaries, furthering mutual interests of the international community, and a myriad of other uses. n86 The internet will become, or may already be, an important or even critical technological medium for business, as well as for scientific research and consumer enjoyment. n87 The internet is the essential part of the "informa- [\*457] tion superhighway," a source of information that promises to change fundamentally human lives. n88 E-mail and computer file transmission on the internet can potentially provide a more powerful (e.g., faster, cheaper, more convenient) business tool than such conventional devices as the postal service, telephones, and faxes. Internet users can transmit and download data, articles, images, movies, speeches, sound recordings, and other information. n89 By providing a forum for the transfer of such information, the internet will help protect the freedoms of expression and choice for followers of any ideological persuasion. n90 Unfortunately, however, it may shield criminal, obscene, [\*458] racist, and terrorist activities as well. n91 A government might attempt to control the content of information transfers. It could screen large numbers of telephone calls, faxes, or computer data; it could restrict access to or intercept messages on the internet. Total censorship, however, would bring a halt to international business. n92 Firms might object if government surveillance is too pervasive. For example, companies might not want government officials to be privy to proprietary information. n93 A certain amount of freedom of communication is therefore assured if a country wishes to be part of a global economy: international firms will leave a nation if censorship prohibitively increases the cost of doing business. This will remain true even if governments attempt to censor communications using the most advanced and cost-effective surveillance technology available. n94 [\*459] Communication technologies not essential to international business transactions also serve to bolster humanitarian political values. International news reporting utilizes communication technologies to broadcast major domestic events of all types on a worldwide screen. There are numerous journalists, broadcasters, and commentators whose professional livelihood depends upon bringing newsworthy stories to a foreign, if not international, audience. While most publicized stories may not involve political events, many do. The competitive members of the news media are unlikely to let stories of outrageous acts completely escape the attention of the international public. Furthermore, these news articles may be read by anyone in the world who has access to the internet. n95 At the same time, news stories alone would not generate international repercussions against repressive governments if purely theoretical political values were involved. There must be influential constituencies that place high priority on the existence of democracy and human rights, that seek to spread those values, and that are galvanized into action upon news of deplorable political conditions. Neither value would flourish unless there were constituencies, either domestic or abroad, that strongly supported it. The presence of democratic governments and strong protections for human rights in the industrialized countries means that these values are expressed to some degree in their business transactions with other countries. n96 Sizable populations in the industrialized countries also attempt to support democracy and human rights abroad through private means. n97 Moreover, as the living standards of developing countries improve, the citizenry of these countries seem to expect more democratization (first) and [\*460] human rights (later). n98 III. The Importance of Globalization Because globalization promotes common values across nations and can make foreign problems, conditions, issues, and debates as vivid and captivating as national, state, and local ones, it contributes to a sense of **world community**. n99 It develops a **feeling of empathy** for the conditions of people abroad, enlarging the group of human beings that an individual will identify with. Globalization thus helps to bring alive persons in foreign lands, making them **fellow human beings** who simply live in different parts of the world rather than abstract statistics of deaths, poverty, and suffering. The convergence of basic political and economic values is thus **fundamentally important** because it helps to establish a **common bond a**mong people in different countries, facilitating **understanding and encouraging cooperation**. All other things being equal, the commonality among countries - whether in the form of basic values, culture, or language - enhances their attractiveness to each other. n100 In addition, convergence increases [\*461] the possibility that a transformation of attitude will take place for those who participate in transnational activities. People will begin to regard foreigners in distant lands with the same concern that they have for their fellow citizens. n101 They will endeavor to help these foreigners obtain basic political rights even though the status of political rights in other countries will have no tangible beneficial impact at home. n102 Convergence does not mean that there is a single model of a market economy, a single type of democracy, or a single platform of human rights. They exist in different forms, and nations may have different combinations of these forms. n103 [\*462] A. The Perspective of One Human Race The convergence of fundamental values through globalization has profound consequences because it increases the chance that a new perspective will develop, one which views membership in the human race as the most significant societal relationship, except for nationality. n104 A person owes his or her strongest collective loyalties to the various societies with which he or she most intensely identifies. Today, this societal identification can be based on numerous factors, including nationality, race, religion, and ethnic group. n105 While it is unlikely that nationality will be surpassed as the most significant societal relationship, globalization and the convergence of values may eventually convince people in different countries that the second most important social group is the human race, and not a person's racial, religious, or ethnic group. n106 One of the first steps in the formation of a society is the recognition by prospective members that they have common interests and bonds. An essential commonality is that they share some fundamental values. A second is that they identify themselves as members belonging to the same community on the basis of a number of common ties, including shared fundamental values. A third commonality is the universality of rights - the active application of the "golden rule" - by which members expect that all must be entitled to the same rights as well as charged with the same responsibilities to ensure that these rights are protected. Globalization promotes these three types of commonalities. Globalization establishes common ground by facilitating the almost universal acceptance of market economies, the widespread emergence of democratic governments, and the extensive approval of human rights. The most visible example is economic. With the end of the Cold War, the free market economy has clearly triumphed over the command economy in the battle of the [\*463] economic paradigms. Because some variant of a market economy has taken root in virtually all countries, there has been a convergence of sorts in economic systems. n107 Further, because it often requires exposure to and pervasive interaction with foreigners - many of whom share the same fundamental values - globalization can enlarge the group that one normally identifies with. Globalization makes many of its participants empathize with the conditions and problems of people who in earlier years would have been ignored as unknown residents of remote locations. This empathy often leads to sympathy and support when these people suffer unfairly. Finally, the combination of shared values and identification produce the third commonality, universality of rights. n108 Citizens of one country will often expect, and work actively to achieve, the same basic values in other countries. They will treat nationals of other nations as they would wish to be treated. The effects of shared values, identification, and universality of rights in globalization could have a pivotal long-term effect - the possibility that a majority of human beings will begin to believe that they are truly part of a single global society - the human race. This is not to say that people disbelieve the idea that the human race encompasses all human beings. Of course, they realize that there is only one human species. Rather, the human race does not usually rank high on the hierarchy of societies for most people. Smaller societies, especially those based on nationality, race, religion, or ethnicity, command more loyalty. n109 The idea of the human race, the broadest and all-inclusive category of the human species, is abstract and has little, if any, impact on the lives of human beings. To believe in the singular importance of the human race requires an attitudinal shift in which a person views the human race seriously. [\*464] This may occur because the convergence of values does not only mean that the people of different countries will share the same basic values. It may also lead to the greater promotion of these values for the people of other countries. Historically and certainly today, America and the other industrial democracies have attempted to foster democracy and human rights in other countries. n110 While some part of this effort has been attributable to "self interest," it has also been due to the empathy that the industrialized democracies have had for other countries. n111 The magnitude of these efforts in the future, as in the past, will depend not solely upon the available financial and human resources of the industrialized democracies. It will also depend upon their national will - a factor undoubtedly influenced by the intensity with which the people of the industrialized democracies identify with people in foreign lands. The perspective that the human race matters more than its component divisions would accelerate cooperative efforts among nations to attack global problems that adversely affect human rights and the quality of human life. n112 Obviously, there is no shortage of such problems. Great suffering still occurs in so many parts of the world, not just from internal armed conflicts, n113 but also from conditions of poverty. n114 There are severe health problems in much of the world which can be mitigated with relatively little cost. n115 There are the lives lost to the AIDS epidemic, and [\*465] the deaths and disabilities caused by land mines. n116 Russia, a nuclear superpower that could end life on this planet, has severe social, economic, and political problems. n117 Making the human race important would not just promote liberal democratic values but would also reduce human suffering and perhaps eliminate completely the risk of nuclear war. B. General Convergence of Values Assuming that the formation of a single human society is a possible outcome, two broad questions should be answered: what kind of human society is being created, and is this society desirable. The answer to the latter question will depend on an evaluator's subjective judgment of the society that is being formed. Undoubtedly, the great majority of human beings would abhor a world society that was being created by the conquests of a totalitarian government. Presumably, most Americans (and many citizens of other countries) would reject even a benevolent, democratic global society in which a world government dominated by other countries dictated laws that governed the lives of all human beings. If either outcome were present, many would call for a halt to globalization. Thus the direction that globalization follows is critical for assessing its appeal. What globalization has brought is a general convergence of fundamental economic and political systems among many nations. These systems are not identical. There are still innumerable differences among countries with market economies, democratic governments, and respectful of human rights. n118 The practices of one country may be intolerable to another coun- [\*466] try. n119 Furthermore, it is unlikely and probably undesirable that economic and political systems will ever exactly converge. Nor is it foreseeable that the nations of the world will coalesce into one. Even among the industrialized democracies, there are enough dissimilarities in market economies, democratic governments, and attitudes towards human rights that make some believe that the differences between these nations outweigh the similarities. For example, Japan is frequently characterized as having a producer-oriented market economy, as compared with the consumer-oriented market economy of the United States. n120 In general, the members of the European Union more extensively regulate their economies than the United States, engaging at times in social engineering that seems contrary to market principles as interpreted by Americans. n121 In the area of criminal justice, the United States is virtually alone in permitting the death penalty and imprisons a much higher percentage [\*467] of its population than other industrialized democracies. n122 Nonetheless, the basic economic and political systems of different countries clearly share more similarities than ever before. When asked to characterize their existing economic and political systems, more people in more countries than ever before will respond that they have a "market" economy, that their government is "democratic," and that they protect "human rights." Importantly, the convergence of values seems to be accompanying the convergence of systems. Certainly, most people in the industrialized democracies would view their existing economic and political systems as expressing the foundational values of their societies - the values that define their society. n123 The convergence of values along liberal demo- [\*468] cratic lines means that nations are better situated to negotiate wealth-maximizing trade agreements and to resolve political disputes peacefully. But in countries in transition from authoritarian to liberal democracy, many people may not yet fully accept their newly established economic and political systems as reflecting fundamental values of what is correct, proper, or right. Whether these transitional countries continue to establish or possess liberal democracies will depend upon how well the systems of liberal democracy work, an outcome that the industrialized democracies should strive vigorously to achieve. Workable systems can evolve into entrenched values. Obviously, the implantation of the values of liberal democracy in Russia is of paramount concern. n124 Nurturing a democratic Russia is in the vital national interest of the United States (and the rest of the world) for very practical reasons - only Russia and the United States possess sufficient nuclear weapons to end human civilization. n125 Whether by unilateral or multilateral extensions of financial assistance or political inclusion, the industrialized democracies should do their utmost to make Russia a strong liberal democracy. Economic aid should be generous, and Russia should be incorporated into the activities of the industrialized democracies as much as possible. n126 Not all basic values are converging and nor, perhaps, should they. Religious values are not converging in the sense that the same general religion, such as Christianity, is taking root in a preponderance of countries. n127 Nevertheless, the convergence of economic and political values means that there is a greater basis for cooperation. For that reason, the [\*469] "West" n128 - that is, the United States and the other industrialized democracies - should support the process of value convergence. Sharing the same values creates similar expectations and a common ground for understanding. The more prevalent reliance upon market forces to direct production and consumption means that nations are more likely to trade with and invest in each other. The relative sameness of political values, for example, the prevelant use of negotiation rather than military force in settling disputes, means that nations can have greater trust in and less to fear from each other.The similarity of basic values also means that the different peoples of humanity are one step closer to viewing themselves primarily as part of one human society - the human race - though represented by different governments.

#### 4. Turn IPR-

#### And it tears down IPR

Boggs, Social Sciences Professor at National University, 8-21-9 (Carl, “A Way Forward?,” http://www.zmag.org/znet/viewArticle/22389)

I'm delighted and flattered to be part of the exchanges about efficacious ways to move forward so that we can emerge somehow from the insanity. I wish I could be more optimistic about fundamental change. I have a nice lengthy essay to share with people but decided to junk it because of some second thoughts about it. Seems like I've been involved in quite a smorgasbord of left activities since the sixties: new-left activism, SDS, anarchism, Trotskyism, NAM-style democratic socialism, the socialist-feminist breakoff from NAM (Solidarity), the Greens, and a host of specific movements (anti-war, environmental, etc.). A lot of community work too. In the midst of all this I've done plenty of writing, a good deal of it within the neo-Marxist, critical Marxist, or post-Marxist discourses. At this juncture, after more than 40 years struggling within and around the American left, I feel that answers about political strategy are more difficult to find. In my thinking it's difficult to locate anything resembling certitude - one of the reasons I decided to junk the original essay I wrote. Having made this point, I still believe any serious movement for social transformation in this society ought to address most if not all of the following: 1. An anti-imperialist politics. This means coming to grips with the barbarism of U.S. foreign and military policy, the permanent war economy, and the national security state - all factors in destroying the world and subverting democracy here. For me this perspective ought to be central. 2. An ecological model of development - and politics. This means a comprehensive rethinking of corporate-based growth with its predatory view of nature, its sickening use of resources, its fetishism of growth, its fast-food economy including MacDonaldization of the workforce, its horrific reliance on animal-based agriculture (responsible for more than 35 percent of global warming and the most egregious use of natural resources, including water). A strong dose of animal-rights consciousness would not hurt either. 3. A mode of change organically tied to diverse social movements: feminist, ecological, anti-war, gay/lesbian, animal rights, etc. There should be an ecumenical openness to the large variety of grassroots struggles. 4. Embrace of a process of democratization that enters into all spheres of public life, beyond government, beyond the economy. 5. Social priorities involving a large-scale shift of resources from the military, intelligence, and prison/law enforcement complexes, toward the obvious range of public needs, goods, services, and programs. This used to be called a "conversion" process. 6. An agenda revolving around the dismantling of corporate power, a violent, destructive, predatory, corrupt form of domination that currently seems to colonize just about every realm of government, the economy, and society. Further: other dimensions of change will depend upon how far we can go in an anti-corporate direction. The failure of even the most modest efforts to "reform" health care indicate, once again, just how difficult this task will be. 7. Fundamental change requires a center of gravity outside the party duopoly: both Republican and Democratic parties are so basically corrupt and worthless as tools of change that we should be finished with discussions about how best to push the Democrats "leftward", once and for all. These "debates", in my opinion, are a total waste of time. 8. From the above it might be concluded that my view of the best political "strategy" would be something along the lines of what emerged with the European Greens in the 1980s, only more radicalized. So here, I guess, I've fallen into the tendency of identifying a perspective about how best to move forward. I don't feel especially certain or optimistic about this - much less dogmatic. (Those days are gone!) Since Leninism won't work in the U.S., and social democracy has its own severe limits, this might be a useful point of departure. My feeling is that, given the woeful state of American society today and the great threat to the planet posed by the ruling elite, many of us would be at least provisionally content with something like Swedish social democracy at its best. From here, that sounds utopian. But what seems axiomatic from what I've outlined above is something more akin to a revolutionary departure from our militarized state capitalism that seems headed toward fascism. Do I feel optimistic about this possibility? Of course not. But as a personal matter I plan to continue working hard to change the world as if there is every reason in the world to be hopeful and optimistic.

**Weak IPR enforcement undermines our ability to cure diseases like Aids, flu, and malaria**

**Kilama, PhD & President of the Global Bioscience Development Institute, 7-28-5 (John, “Drug patents are part of the cure,” Business Daily (South Africa))**

ACCESS to medicines is a serious problem in developing countries. Yet a global campaign that places all the blame on intellectual property rights reflects growing confusion and ignorance about this complex issue. The World Intellectual Property Organisation is meeting this week for a final discussion of a so-called "development agenda", which has been largely predicated on the dubious proposition that intellectual property is to blame for many of the ills in the world. Implementing such an agenda would likely be counterproductive. Far from improving access to medicine, "reforming" the rules would likely undermine the very foundations of economic growth, while doing nothing to promote long-term access to drugs. Among the better models for innovation suggested by opponents of the current system are open-access publishing, open-source software development and increased government funding for research and development. But while patents may not be sufficient to stimulate some forms of basic research, weakening intellectual property rights will reduce the level of investment in applied research and development, not increase it. The idea that intellectual property rights restrict access to technologies such as pharmaceuticals is predicated on a misunderstanding of the role it plays in promoting development and prosperity overall. If people in the poorest nations do not have access to medicines, it has nothing to do with the presumed dark side of intellectual property trying to keep them poor. It is because they have failed to climb aboard the train of economic development. The key to economic development is the presence of the institutions of a free society: property rights, the rule of law, free markets and limited government. Explosive rates of innovation have taken place in countries, such as South Korea, Mexico, Jordan and Singapore, which have understood that growth and prosperity can only occur once the institutional framework is in place. Strong intellectual property rights, administered and enforced in an impartial manner, have been an important part of this framework. As a result, these countries have experienced the growth of "knowledge-based" industries - to the benefit of all. If intellectual property rights are responsible for restricted access to medicines in poor countries, then drugs should be plentiful in countries where the patents are expired or were never present. On the contrary, many of the most critical drugs that Africa still lacks have been off-patent for 30 or 40 years. These include most antidiarrhoea drugs, antibiotics, derivatives of penicillin and cephalosporin, many antihypertensive drugs and almost all antipyretic drugs. The human genome project hardly serves as a basis for completely altering the current model of intellectual property rights. While it has provided information with potential use, the benefits of its initial research must not be overstated. Removing property rights and making companies conduct open-source research and development could to lead to disaster. Without the chance of recovering investments, why would research-based pharmaceutical companies invest large sums in drug development? Open-source models might work in some businesses that are not so capital-intensive, but it is a pipe-dream to rely on the philanthropy of chemists, physicians, researchers and financiers to contribute voluntarily to such schemes. Without massive capital there will be no new research. Without new research, such evolving diseases as AIDS, tuberculosis, influenza and malaria will become unstoppable. Instead of attacking intellectual property, friends of the poor should direct their efforts to promoting property rights (including intellectual property), the rule of law and the freedom to trade unfettered by arbitrary government interference in less-developed countries. These institutions do not just improve people's ability to buy drugs - they also affect nutrition, education, distribution, infrastructure, the wages of health staff and opportunities to set up businesses such as wholesalers and pharmacies. Without the institutions of the free society, there can be no growth and no sustained improvement in the health of people who currently die from curable diseases. Intellectual property is not part of the problem, it is part of the solution.

#### Diseases causes extinction – their impact D doesn’t apply

Quammen 12 David, award-winning science writer, long-time columnist for Outside magazine for fifteen years, with work in National Geographic, Harper's, Rolling Stone, the New York Times Book Review and other periodicals, 9/29, “Could the next big animal-to-human disease wipe us out?,” The Guardian, pg. 29, Lexis

Infectious disease is all around us. It's one of the basic processes that ecologists study, along with predation and competition. Predators are big beasts that eat their prey from outside. Pathogens (disease-causing agents, such as viruses) are small beasts that eat their prey from within. Although infectious disease can seem grisly and dreadful, under ordinary conditions, it's every bit as natural as what lions do to wildebeests and zebras. But conditions aren't always ordinary. Just as predators have their accustomed prey, so do pathogens. And just as a lion might occasionally depart from its normal behaviour - to kill a cow instead of a wildebeest, or a human instead of a zebra - so a pathogen can shift to a new target. Aberrations occur. When a pathogen leaps from an animal into a person, and succeeds in establishing itself as an infectious presence, sometimes causing illness or death, the result is a zoonosis. It's a mildly technical term, zoonosis, unfamiliar to most people, but it helps clarify the biological complexities behind the ominous headlines about swine flu, bird flu, Sars, emerging diseases in general, and the threat of a global pandemic. It's a word of the future, destined for heavy use in the 21st century. Ebola and Marburg are zoonoses. So is bubonic plague. So was the so-called Spanish influenza of 1918-1919, which had its source in a wild aquatic bird and emerged to kill as many as 50 million people. All of the human influenzas are zoonoses. As are monkeypox, bovine tuberculosis, Lyme disease, West Nile fever, rabies and a strange new affliction called Nipah encephalitis, which has killed pigs and pig farmers in Malaysia. Each of these zoonoses reflects the action of a pathogen that can "spillover", crossing into people from other animals. Aids is a disease of zoonotic origin caused by a virus that, having reached humans through a few accidental events in western and central Africa, now passes human-to-human. This form of interspecies leap is not rare; about 60% of all human infectious diseases currently known either cross routinely or have recently crossed between other animals and us. Some of those - notably rabies - are familiar, widespread and still horrendously lethal, killing humans by the thousands despite centuries of efforts at coping with their effects. Others are new and inexplicably sporadic, claiming a few victims or a few hundred, and then disappearing for years. Zoonotic pathogens can hide. The least conspicuous strategy is to lurk within what's called a reservoir host: a living organism that carries the pathogen while suffering little or no illness. When a disease seems to disappear between outbreaks, it's often still lingering nearby, within some reservoir host. A rodent? A bird? A butterfly? A bat? To reside undetected is probably easiest wherever biological diversity is high and the ecosystem is relatively undisturbed. The converse is also true: ecological disturbance causes diseases to emerge. Shake a tree and things fall out. Michelle Barnes is an energetic, late 40s-ish woman, an avid rock climber and cyclist. Her auburn hair, she told me cheerily, came from a bottle. It approximates the original colour, but the original is gone. In 2008, her hair started falling out; the rest went grey "pretty much overnight". This was among the lesser effects of a mystery illness that had nearly killed her during January that year, just after she'd returned from Uganda. Her story paralleled the one Jaap Taal had told me about Astrid, with several key differences - the main one being that Michelle Barnes was still alive. Michelle and her husband, Rick Taylor, had wanted to see mountain gorillas, too. Their guide had taken them through Maramagambo Forest and into Python Cave. They, too, had to clamber across those slippery boulders. As a rock climber, Barnes said, she tends to be very conscious of where she places her hands. No, she didn't touch any guano. No, she was not bumped by a bat. By late afternoon they were back, watching the sunset. It was Christmas evening 2007. They arrived home on New Year's Day. On 4 January, Barnes woke up feeling as if someone had driven a needle into her skull. She was achy all over, feverish. "And then, as the day went on, I started developing a rash across my stomach." The rash spread. "Over the next 48 hours, I just went down really fast." By the time Barnes turned up at a hospital in suburban Denver, she was dehydrated; her white blood count was imperceptible; her kidneys and liver had begun shutting down. An infectious disease specialist, Dr Norman K Fujita, arranged for her to be tested for a range of infections that might be contracted in Africa. All came back negative, including the test for Marburg. Gradually her body regained strength and her organs began to recover. After 12 days, she left hospital, still weak and anaemic, still undiagnosed. In March she saw Fujita on a follow-up visit and he had her serum tested again for Marburg. Again, negative. Three more months passed, and Barnes, now grey-haired, lacking her old energy, suffering abdominal pain, unable to focus, got an email from a journalist she and Taylor had met on the Uganda trip, who had just seen a news article. In the Netherlands, a woman had died of Marburg after a Ugandan holiday during which she had visited a cave full of bats. Barnes spent the next 24 hours Googling every article on the case she could find. Early the following Monday morning, she was back at Dr Fujita's door. He agreed to test her a third time for Marburg. This time a lab technician crosschecked the third sample, and then the first sample. The new results went to Fujita, who called Barnes: "You're now an honorary infectious disease doctor. You've self-diagnosed, and the Marburg test came back positive." The Marburg virus had reappeared in Uganda in 2007. It was a small outbreak, affecting four miners, one of whom died, working at a site called Kitaka Cave. But Joosten's death, and Barnes's diagnosis, implied a change in the potential scope of the situation. That local Ugandans were dying of Marburg was a severe concern - sufficient to bring a response team of scientists in haste. But if tourists, too, were involved, tripping in and out of some python-infested Marburg repository, unprotected, and then boarding their return flights to other continents, the place was not just a peril for Ugandan miners and their families. It was also an international threat. The first team of scientists had collected about 800 bats from Kitaka Cave for dissecting and sampling, and marked and released more than 1,000, using beaded collars coded with a number. That team, including scientist Brian Amman, had found live Marburg virus in five bats. Entering Python Cave after Joosten's death, another team of scientists, again including Amman, came across one of the beaded collars they had placed on captured bats three months earlier and 30 miles away. "It confirmed my suspicions that these bats are moving," Amman said - and moving not only through the forest but from one roosting site to another. Travel of individual bats between far-flung roosts implied circumstances whereby Marburg virus might ultimately be transmitted all across Africa, from one bat encampment to another. It voided the comforting assumption that this virus is strictly localised. And it highlighted the complementary question: why don't outbreaks of Marburg virus disease happen more often? Marburg is only one instance to which that question applies. Why not more Ebola? Why not more Sars? In the case of Sars, the scenario could have been very much worse. Apart from the 2003 outbreak and the aftershock cases in early 2004, it hasn't recurred. . . so far. Eight thousand cases are relatively few for such an explosive infection; 774 people died, not 7 million. Several factors contributed to limiting the scope and impact of the outbreak, of which humanity's good luck was only one. Another was the speed and excellence of the laboratory diagnostics - finding the virus and identifying it. Still another was the brisk efficiency with which cases were isolated, contacts were traced and quarantine measures were instituted, first in southern China, then in Hong Kong, Singapore, Hanoi and Toronto. If the virus had arrived in a different sort of big city - more loosely governed, full of poor people, lacking first-rate medical institutions - it might have burned through a much larger segment of humanity. One further factor, possibly the most crucial, was inherent in the way Sars affects the human body: symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. With influenza and many other diseases, the order is reversed. That probably helped account for the scale of worldwide misery and death during the 1918-1919 influenza. And that infamous global pandemic occurred in the era before globalisation. Everything nowadays moves around the planet faster, including viruses. When the Next Big One comes, it will likely conform to the same perverse pattern as the 1918 influenza: high infectivity preceding notable symptoms. That will help it move through cities and airports like an angel of death. The Next Big One is a subject that disease scientists around the world often address. The most recent big one is Aids, of which the eventual total bigness cannot even be predicted - about 30 million deaths, 34 million living people infected, and with no end in sight. Fortunately, not every virus goes airborne from one host to another. If HIV-1 could, you and I might already be dead. If the rabies virus could, it would be the most horrific pathogen on the planet. The influenzas are well adapted for airborne transmission, which is why a new strain can circle the world within days. The Sars virus travels this route, too, or anyway by the respiratory droplets of sneezes and coughs - hanging in the air of a hotel corridor, moving through the cabin of an aeroplane - and that capacity, combined with its case fatality rate of almost 10%, is what made it so scary in 2003 to the people who understood it best. Human-to-human transmission is the crux. That capacity is what separates a bizarre, awful, localised, intermittent and mysterious disease (such as Ebola) from a global pandemic. Have you noticed the persistent, low-level buzz about avian influenza, the strain known as H5N1, among disease experts over the past 15 years? That's because avian flu worries them deeply, though it hasn't caused many human fatalities. Swine flu comes and goes periodically in the human population (as it came and went during 2009), sometimes causing a bad pandemic and sometimes (as in 2009) not so bad as expected; but avian flu resides in a different category of menacing possibility. It worries the flu scientists because they know that H5N1 influenza is extremely virulent in people, with a high lethality. As yet, there have been a relatively low number of cases, and it is poorly transmissible, so far, from human to human. It'll kill you if you catch it, very likely, but you're unlikely to catch it except by butchering an infected chicken. But if H5N1 mutates or reassembles itself in just the right way, if it adapts for human-to-human transmission, it could become the biggest and fastest killer disease since 1918. It got to Egypt in 2006 and has been especially problematic for that country. As of August 2011, there were 151 confirmed cases, of which 52 were fatal. That represents more than a quarter of all the world's known human cases of bird flu since H5N1 emerged in 1997. But here's a critical fact: those unfortunate Egyptian patients all seem to have acquired the virus directly from birds. This indicates that the virus hasn't yet found an efficient way to pass from one person to another. Two aspects of the situation are dangerous, according to biologist Robert Webster. The first is that Egypt, given its recent political upheavals, may be unable to staunch an outbreak of transmissible avian flu, if one occurs. His second concern is shared by influenza researchers and public health officials around the globe: with all that mutating, with all that contact between people and their infected birds, the virus could hit upon a genetic configuration making it highly transmissible among people. "As long as H5N1 is out there in the world," Webster told me, "there is the possibility of disaster. . . There is the theoretical possibility that it can acquire the ability to transmit human-to-human." He paused. "And then God help us." We're unique in the history of mammals. No other primate has ever weighed upon the planet to anything like the degree we do. In ecological terms, we are almost paradoxical: large-bodied and long-lived but grotesquely abundant. We are an outbreak. And here's the thing about outbreaks: they **end**. In some cases they end after many years, in others they end rather soon. In some cases they end gradually, in others they end with a crash. In certain cases, they end and recur and end again. Populations of tent caterpillars, for example, seem to rise steeply and fall sharply on a cycle of anywhere from five to 11 years. The crash endings are dramatic, and for a long while they seemed mysterious. What could account for such sudden and recurrent collapses? One possible factor is infectious disease, and viruses in particular.