# 1NC vs Harvard Westlake IC

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#### Counterplan: Space faring nations should enter into a prior and binding consultation with the International Court of Justice over [the appropriation of Mars by private entities].

#### Advisory opinions from ICJ are necessary to clarify and develop international space law and they say yes

Simpson and Johnson 17 [Michael Simpson, International Space University · Space Policy and Law; Business and Management, Chris Johnson is the Space Law Advisor at the Secure World Foundation, a non-governmental organization (NGO) focused on the sustainable uses of outer space. Christopher does research, writes, and speaks about international and national space law with a special focus on peaceful uses of outer space, emerging governance challenges with non-traditional space activities, and identifying and characterizing deficiencies in existing space law., September 2017, Lacunae and Silence in International Space Law – A Hypothetical Advisory Opinion from the International Court of Justice, ResearchGate, https://www.researchgate.net/publication/320596144\_Lacunae\_and\_Silence\_in\_International\_Space\_Law\_-\_A\_Hypothetical\_Advisory\_Opinion\_from\_the\_International\_Court\_of\_Justice 12-16-2021] rohan

* lacunae = situation where there is no applicable law
* non liquet = no answer from governing system

Since international space law has developed for at least 60 years in an environment devoid of judicial opinions on live controversies, it lacks the judicial contribution to clarification and elaboration of terms and principles normally enjoyed by a body of law. For this reason, advisory opinions may be particularly useful in this area. The mechanism for seizing the Court also appears to be favorably developed. In the nuclear weapons case, the ICJ turned down a 1993 request from the World Meteorological Organization on the grounds that WMO, acting ultra vires lacked standing. Only when the UN General Assembly later made the request in its own name did the Court take up the question.

Since many of the questions amenable to illumination through advisory opinions are within the remit of the UN Committee for the Peaceful Uses of Outer Space (UNCOPUOS), which itself reports through Fourth Committee to the General Assembly, the procedural pathway to a UNGA request is both established and clear. Equally as helpful is that UNCOPUOS operates by consensus. Thus, early requests for clarification, could easily establish that the necessary political will to seek increased clarity was present and permit to begin with less controversial concepts. Once the efficacy of advisory opinions to clarify elements of space law is established, the General Assembly could possibly decide to forward more challenging issues even where consensus in COPUOS could not be expected.

III. NON-LIQUET AT THE ICJ.

It is a general principle of law at both the national and international level (indeed inherited from ancient Roman law) that when asked to deliver a judgement, a court knows the law (Iura novit curia). So it should seem as an unexpected and rare surprise when a court does not, indeed, know the law. In the Nuclear Weapons advisory opinion, the Court considered the existing law applicable to the threat or use of nuclear weapons, and their treatment under the various sources and bodies of law. The Court was asked to consider “is the threat or use of nuclear weapons in any circumstances permitted under international law?” However, the Court slightly rephrased that question merely to “determine the legality or illegality of the threat or use of nuclear weapons.”11 In seeking an answer, the Court looked to custom and to treaties, and looking to a diverse field of special regimes of international law, including the law of armed conflict (LOAC) a.k.a. International Humanitarian Law (IHL) (including jus ad bellum and jus in bellow), environmental law, and human rights law. However, the law, as a system and as a whole, was weighed and found wanting. The Court concluded:

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Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports (1996) p. 226, 238 para.

97. Accordingly, in view of the present state of international law viewed as a whole, as examined above by the Court, and of the elements of fact at its disposal, the Court is led to observe that it cannot reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in such circumstance of self-defense, in which its very survival would be at stake.

Non liquet, meaning, it is not clear, is where a court finds the law insufficient, and does not permit a conclusion one way or the other regarding the issue it is presented with.

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IV. SPACE LAW, LACUNAE, AND NON-LIQUET

The idea that gaps in the law or uncertainty with its provisions can render judicial decisions impossible, difficult, or unwise is at least as old as Roman law. As such the concepts of lacunae and non liquet still bear the Latin names that would have been familiar to lawyers and legal scholars throughout the Roman Empire. As explained by Mark Bogdansky, non liquet can be extended to cover both the case where no legal rule can be found that applies to a case under consideration and to the case where lack of clarity in the facts or in a principle of law makes it impossible to discern clearly the implications of that principle in light of the facts presented. Bogdansky refers to the former situation as ontological non liquet and to the latter as epistemological. We will use lacunae to refer to apparent gaps in international space law and will confine our use of “non liquet” to situations where a principle has been articulated but is not clear.

Definitions become extremely important in discussing the impact of lacunae and non liquet on international space law. Note for example the list of lacunae in José Monserrat Filho’s excellent paper, “Space Law In The Light Of Bobbio's Theory Of Legal Ordering,” IAC-12.E7. 5. 6.

1. Definition of “space object”, “space debris”, “space activities”, “space launching”;

2. Binding “Space Debris Mitigation Guidelines”;

3. Prohibition of all kind of weapons in Earth orbits;

4. Definition and delimitation of the outer space;

5. Regulation of commercialization of space activities;

6. Environmental damage in Liability Convention;

7. Industrial exploitation of lunar natural resources;

8. Remote sensing activities in the XXI century;

9. Satellite data as evidence in criminal proceedings;

10. The use of nuclear power sources in space;

11. The human presence in space.

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While items 2, 3, 6, and 11 fit clearly into our definition of lacunae, the others represent cases where legal principles have been articulated, but are subject to substantial disagreement as to their application to various fact situations. Where lacunae exist, the utility of advisory opinions is greatly constrained. The foundational principles of positivism and sovereignty that are key pillars of international law do not lend themselves to judicial activism in creating legal rules in the absence of political action to create them. On the other hand, where a situation of non liquet emerges from disagreement over definitions or the application of a legal principle to a particular situation, an advisory opinion could have either one of two beneficial outcomes.

In the first case an advisory opinion could clarify the meaning of terms where uncertainty exists. This situation would require strong arguments to support the opinion and justify it. It might be elaborated on the basis of original intent reflected in the travaux préparatoires, clear patterns of application of terms and principles in the action of States parties to the agreements where uncertainty exists or lack of clarity is perceived, or lucid reasoning by analogy to similar situations where greater certainty can be demonstrated.

The second case could result from an opinion that clarification cannot be provided and that the matter remains non liquet. In this case, there would be an unambiguous signal that political/ diplomatic action would be required to clarify the issues in dispute. Take for example the hypothetical example of a case seeking clarification of the non-appropriation clause of the Outer Space Treaty. A non liquet in such a case would leave those wishing to assert that a prohibition against off Earth mining existed in international law without a legal vindication of their position while those wishing to engage in such mining would face uncertainty because the Court had not ruled definitively that non appropriation did not apply to them. Since the mining advocates would be ~~handicapped~~ by uncertainty in their approaches to potential investors, both sides would have an incentive to seek a political resolution with the compromises that was likely to entail.

#### International space legal regime are needed to solve space war --- malleable laws are key in outer space

Hart 21 [Amalyah Hart, Amalyah Hart is a science journalist based in Melbourne, 11-19-2021, "Do we need new space law to prevent space war", Cosmos Magazine, https://cosmosmagazine.com/people/society/space-law-to-prevent-space-war/] simha

The week before last, a UN panel approved the creation of a working group to discuss next-generation laws to prevent the militarisation of space. The move comes as space 2.0 seems to be going into hyper-drive, with countries and corporations racing to claim their stake in the final frontier. It’s timely, as the potential for friction is gathering by the day, with China, India, Russia and the US testing anti-satellite missiles on their own satellites and creating worrisome clouds of debris. This week’s destruction by Russia of its “dead” satellite, Cosmos 1408, underlined the issue. Meanwhile, the orbital space around Earth is becoming jammed with machinery; currently, there are 3,372 active satellites whizzing around Earth, but in one or two decades that number is set to leap to potentially 100,000 or more. And that’s ignoring the space stations, telescopes and spyware already in orbit as countries flex their aerospace muscles. It’s a cosmic fracas. And contested territory is prime fodder for international disputes, as we know. It’s these kinds of disputes the group of UK diplomats who proposed the UN motion want to prevent, by coming to an agreed-upon set of norms for behaviour in space. Space law: what are the issues at stake? The current international framework for law in space is the UN’s 1967 Outer Space Treaty (OST), which sets governing principles for the exploration of space, including that space should be free for use by all nations, that celestial bodies like the Moon should be used exclusively for peaceful purposes, and that outer space should not be subject to national appropriation. Under international law, any and all objects being launched into space must be registered to avoid collisions. On top of these global laws, each nation-state has its own legal framework around the registering and launching of objects into space. But as technology evolves and new opportunities arise, are these old laws equipped to govern new problems? The UN’s 1967 Outer Space Treaty sets governing principles for the exploration of space, including that space should be free for use by all nations. “There exists an incredible amount of applicable law already, and it has served us really well,” says space law expert Steven Freeland, an emeritus professor at Western Sydney University and professorial fellow at Bond University. Freeland is vice-chair of a UN Committee on the Peaceful Uses of Outer Space (COPUOS) working group that is developing laws around the exploitation of resources in space. “There’s a lot of law at the multilateral level that then filters down to other layers of bilateral or ‘minilateral’ agreements and national laws. But clearly things move so quickly with technology, we’re doing so many more things in space that were beyond the contemplation of the drafters of the original treaties. Ideally we need more.” Freeland says there are myriad complex, interconnected issues in space that need tighter laws. These include the increasing militarisation of space; the proliferation of satellites, which can lead to overcrowding of “popular” orbits and increased demand for radio-wave spectra; ethical issues around human spaceflight; and the possible extraction of resources on celestial bodies like the Moon. Resource exploitation It might sound like science fiction, but mining in outer space is looking increasingly likely in the not-too-distant future. In September 2020, NASA announced that it would award contracts to private companies for the extraction and purchase of lunar regolith (rock matter) from the surface of the Moon, which could be mined and then studied in situ by the company, before the data and rights are transferred to the space agency. The move heralds what our space-based future might look like, with private companies mining celestial bodies for their precious resources. In our solar system, composed of millions of celestial bodies both large and small, the opportunities for cashing in look potentially endless – provided technology advances to the level of practical spaceflight. “Most wars on Earth have historically been fought over a quest for resources,” says Freeland, “so it’s incredibly important [to have appropriate space laws].” Just last month, scientists announced the discovery of two extraordinarily metal-rich near-Earth asteroids (NEAs), comprised of roughly 85% metals like iron, nickel and cobalt, which are thought to exceed Earth’s entire known metallic reserves. These three highly valuable metals, often known as the “iron triad”, are particularly critical for the energy supply chain and a renewable energy future; they’re used to build lithium-ion batteries, electrochemical capacitators for storing energy, and nano-catalysts for use in the energy sector. Under the OST, outer-space resources cannot be appropriated by nations, but the law and principle around the commercial use of space resources is less clear. The 1979 Moon Treaty holds that any celestial body is under the jurisdiction of the international community and therefore subject to international law. The treaty outlaws the military use of any celestial body as well as providing a legal framing for the “responsible” exploitation of celestial resources. But, to date, no space-capable nation has ratified the treaty. Militarisation That brings us to the militarisation of space. As technology advances, the potential avenues for weapons that cross the border from terrestrial to cosmic continue to proliferate. So, what laws protect us from a space war? “The issues about security in space have historically been dealt with by the CD, the Conference of Disarmament, but more recently the UK has led discussions at the United Nations that effectively seek to change the diplomatic language and thinking about space security,” says Freeland. Currently, the principles for governing space under the OST forbid the military use of space, but space is already used for military purposes such as surveillance, and some missiles carve a path through outer space on their journeys to their targets. As it currently stands, the only weapons found in space are the TP-82 Cosmonaut survival pistols that Russian astronauts regularly take on board the Soyuz spacecraft, intended to protect them from a potential wild animal attack if they are forced to emergency land in “off-the-map” territory. But as technology proliferates, the opportunities for space-based militarisation also grow. The existing laws were drafted long before many of these technologies were even dreamed up. The most worrisome technologies currently being trialled are anti-satellite missiles. “We have this strategic competition going on amongst the major powers,” says Gilles Doucet, a space security consultant based in Canada who worked for 35 years with the Canadian Department of National Defence. Doucet is both an engineer and an expert in space law. “They all wish to be dominant and make sure that their national security is secured by controlling, or at least not having other people control, outer space.” But what kinds of defence technologies are being developed in space? Doucet says the most worrisome technologies currently being trialled are anti-satellite missiles of the sort that Russia deployed earlier this week. Known as direct-ascent anti-satellite missiles (DA-ASAT), they can destroy satellites in low Earth orbit. “This essentially looks a lot like ballistic missile defence, but it’s happening in outer space against satellites,” he says. In fact, DA-ASAT technology is dependent on the same technology used for midcourse ballistic missile defence – the technology that the US, for example, deploys to defend itself from potential ballistic missile attacks on North America. These missiles fly at altitudes of around 3,000 to 4,000 kilometres, well within the low-Earth orbit many satellites operate in. This technology is being developed and tested by the US, China, India and Russia. “Destroying another country’s satellites would only occur in an armed conflict scenario,” Doucet says. “It would be because the other country’s satellite is providing an important military role – for example, a GPS satellite for directing munitions or an imagery satellite for locating your forces.” Other military applications in space, Doucet says, include the jamming of satellite communications and navigation, as well as interference with some GNSS signals, of which GPS – the satellite navigation system we all use for things like Google Maps – is one. Satellite jamming can have major disruptive potential. “You might be conducting an operation in a conflict – let’s say you wish to target a certain facility. Your missile system or your drone-launching missiles rely on GPS to guide them,” Doucet says. “So if you’re on the other end of it wanting to protect yourself, then you’ll send out jamming signals.” But while these signals can help defend a military target, Doucet says many satellites provide services for military and civilian companies and organisations at once. In this case, jamming a satellite’s signal may also interfere with civilian services it provides, including aircraft and ship navigation, car mapping, even timing signals for financial transactions. This means satellite jamming has major disruptive potential. And there are other areas where satellite technology could have duplicitous or combative potential. “Close proximity operations seem to get countries a bit upset,” says Doucet. Close proximity operations, as the name suggests, involve satellites moving close to other satellites. “One reason might be intelligence or inspection, just to take close images to understand how it’s built. But you may be getting close to intercept signals or to interfere with signals. “So that is a concern, because it’s one thing to get close for passively collecting information, but if you’re close you may also be in a position to interfere.” What might new space law systems look like? “We have a lot of space systems that are dual use, that have the potential to do harm,” Doucet says. “I’d like to see some transparency on the mission, on what you’re doing, to help alleviate concerns. “That might sound like a small step, but to militaries it’s actually a really big step to provide transparency.” Doucet says he’d also like to see clarification of the existing principles for space law already set out in the OST and other treaties. In fact, he’s currently working on the MILAMOS Project, developing a Manual on International Law Applicable to Military Uses of Outer Space at Canada’s McGill University. “I would like to see the existing legal regime being given a bit of life,” he says. “We’ve got tremendously good outer space principles, but over several decades countries have kind of refused to give them life because it’s too controversial. “The third thing I’d like to see is the major space powers sit down and talk. They’re all potentially losers if this keeps going down this path. I don’t think there’s a winner in a space war.” For all these complex problems, Doucet is cautiously optimistic about our chances of avoiding a space war. “I don’t think the issue about space security is as unique as people think,” he says. “Yes, it’s a very unique domain, but the actors are all the same, the interests are all the same. It’s the same people that have struggled over ballistic missile proliferation, nuclear weapons proliferation, treaties about the high seas, about aviation and all kinds of things. “So, we shouldn’t think this is an unsolvable problem. We may take lessons from how we’ve managed to agree to disagree in other areas beyond national jurisdiction.” Freeland agrees that even if international tensions may simmer at home, it’s in the best interest of major global powers to come to agreements about laws in space. “When it comes to these really big issues, particularly issues that have the propensity to go horribly wrong if we follow an irresponsible path, in the end it’s in [governments’] common interest to agree to the rules of the road,” he says. “The important element is that they have had the opportunity to buy in on the framing of those rules.“I think we need to be optimistic. With a great deal of caution, cool heads will prevail.”

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#### Discourses of state security *render* entire categories of life disposable and *reifies* ongoing structural violence – only rejecting the 1ac’s scholarship can avert a self-fulfilling cycle of militarization and war

Wibben 18 --- PhD, Int Politics at University of Wales (Annick TR, “Why we need to study (US) militarism: A critical feminist lens,” Security Dialogue 2018, Vol. 49(1-2) 136– 148, CMR)

Here, feminist reflexivity and a willingness to constantly rethink one’s engagements and prejudices are explicitly foregrounded – as is a commitment to thinking about how scholarship is always already political (see Åhäll, 2016; Baker et al., 2016; Enloe, 2016). In my contribution to the roundtable, I agreed with Enloe and noted the distinctiveness of feminist security studies: while many critical security scholars have been sympathetic to feminist concerns and might embrace an emancipatory agenda, they ‘tend not to ask feminist research questions … and do not base their research on women’s experiences. As a result, they find themselves with strikingly different research agendas, findings, and policy recommendations’ (Wibben, 2011: 112). In paying detailed attention to the ways in which everyday experiences of differently located subjects (not just those identified as women!) are gendered, but also raced, classed, sexualized, and more, critical feminists have developed an impressive and innovative body of work, especially also concerning militarism and militarization.4 ‘Militarisation as a security puzzle forms part of sensemaking in the everyday’, proposes Åhäll, and consequently ‘feminist contributions to security studies have a different “entry-point” … a focus on the everyday as the site where the political Wibben 139 puzzle is found’ (Åhäll, 2016: 155, emphasis in original). This contrasts sharply with international relations, where, since ‘one can concentrate exclusively on states and their “behavior,” questions of human agency and identity fall to the wayside. No children are ever born, and nobody ever dies, in this constructed world. There are states, and they are what is’ (Elshtain, 1987: 91). Feminist scholarship on security as a concept (e.g. Detraz, 2012; Sjoberg, 2013; Stern, 2005; Tickner, 1992, 2001; Wibben, 2011) reveals how security is profoundly gendered and how the parameters of traditional, and even critical, security narratives make the inclusion of (women’s) everyday experience difficult. Feminist security studies hence provides complex and fruitful analyses of some of the core issues of security studies – by eschewing this work, security studies impoverishes itself.5 Paying close attention to the impact of security policies on the everyday lives of people during peace- and wartime and questioning the purportedly neat separation of pre- and postwar spheres, feminist scholars poignantly identify a continuum of violence that spans these spatial and temporal locales (e.g. Cockburn, 1998, 2004, 2007; Reardon, 1993). They map how (in)securities shift and slide along with subjectivities on axes of oppression, particularly when gender, race, or class are foregrounded. Maria Stern’s work on Guatemala, for example, reveals complex formations of Mayan women’s identity, which are tied to their gender, their relation to the dominant Ladino society, and to class. Further, their identification as campesina highlights ‘the spiritual and cultural connection to the land’ (Stern, 2005: 115). Taken together, this means that any ‘in/security configuration that was formed in tandem with these identity constellations could neither be partitioned off into separate “security” needs, nor for that matter, specific threats’ (Stern, 2005: 115). By focusing on everyday (in)securities, feminist scholars challenge static understandings of security (see e.g. Kinsella, 2007; Sjoberg, 2013; Stern, 2005; Tickner, 1992) and provide ample evidence that state or national security frameworks not only fail to deliver security, especially for marginalized members of society, but are themselves significantly implicated in producing insecurities. Studying militarism, as ideology but also in terms of how its logics are actualized in the lives of civilians and service members as well as in society in general through processes of militarization, has long allowed feminist researchers to take a closer look at a range of security policies and their effects.

At the same time, traditional security studies has remained largely static in its approach to security. While critical scholarship on security has deepened and broadened the agenda to explore a wider scope of security issues, as long as security studies aims to identify threats and develop means to counter or contain them, therewith treating security as an achievable condition or thing, it continuously fails to grasp the shifting (in)security configurations feminist scholars point to. What is more, security as currently imagined and exemplified in (state) practices remains thoroughly dependent on militarist logics (i.e. militarized). Consequently, critical and feminist scholars who study non-military security issues still need to be cognizant of militarism and its effects. Otherwise their scholarship risks contributing to the militarization of ever more areas in the process of securitizing new issues, as many critics have pointed out (e.g. Deudney, 1990, Mabee and Vucetic, this issue).

Let us unpack these claims: if security is indeed a self-referential practice, as critical scholars propose, then it establishes a security situation through a process of securitization rather than referring to an external ‘reality’ – and this is an intensely political move (Wibben, 2016b). Indeed, ‘“security” is not a universal need nor a universal concept, but a function of discourse, a function within a specific and modern discursive economy of the political’ (Dillon, 1990: 110). Security orders social relations, it positions people, and it has effects on life and death. Responding to Ole Wæver’s (1995) introduction of the idea of securitization, Jef Huysmans proposes that we think in terms of logics of security, ‘an ensemble of rules that is immanent to a security practice and that defines that practice in its particularity’ (Huysmans, 1998: 232; see also Huysmans, 2006). Crucially, this description of security as a self-referential practice is based on an attempt to make sense of the concept of security as states employ it, as Buzan et al. (1998) explicitly acknowledge in their classic statement on securitization. These state practices, however, depend on a close alignment of security and militarism.6

This alignment exists not least because the concept of ‘security’ developed from ‘military strategy’, alongside the move from War Departments to Defense Departments, without a corresponding process of demilitarization. For the US context, Bradley Klein (1997: 362) has described this shift from strategic studies to security studies as a deliberately political move:

The postwar shift in the United States from the War Department to the Defense Department suggests that the manipulation of force must find politically acceptable guises for itself…. [S]ecurity studies was entirely a product of the post-World War II environment, when liberal societies uendertook projects of both decolonizing and maintaining global order under Western protection and coordination.

Consequently, more often than not, securitization does not just ring the alarm bell of security (Glasius, 2008) and provide much-needed attention to important issues, but potentially militarizes ever more areas of life. This is notable in the way in which the UN’s Women, Peace and Security Agenda, despite its emergence from an anti-militarist feminist activist tradition, has become increasingly narrowly focused on gender mainstreaming in militaries (Shepherd, 2016; Wright, 2016), as well as in the deployment of militaries in response to disasters (Parashar, this issue). To go beyond the self-referential logic of security, it is necessary therefore to tackle the militarist logics embedded in conceptions of security as they are currently employed in security studies. Meanwhile, military power in various guises remains one of the primary means by which key states like the USA seek security. This militarist mindset is not just reflected in the use of militaries to achieve policy aims, but also entails the subscription to militarist logics that value hierarchical orders and the promotion of limited violence to ensure peace. Importantly, while large areas of life are militarized in this manner, militarism itself is also changing. As Andrew Bacevich argues in The New American Militarism, the rise of US militarism that finds its expression in the ongoing war on terror ‘has deep roots in the American past [and] represents a bipartisan project’ (Bacevich, 2013: 5). The current developments, he proposes, started in the aftermath of the Vietnam War when the officer corps of the US military attempted to achieve a professional revival by reimagining war itself – and in the process eroded the heretofore-assumed distinction between military and civilian arenas. This finds expression in the now well-established figures of the soldier-diplomat and, more recently, the soldier-scholar (Khalili, 2010). ‘With the events of the 1990s [Desert Storm in Kuwait, Operation Allied Force in Kosovo] blurring the distinction between war and politics, field commanders began to fancy themselves clever enough to straddle both worlds and master the art of “coercive diplomacy”’ (Bacevich, 2013: 58).

#### The affirmative makes possible hypermasculine war-making --- claims of objectivity are patently flawed because they are based in gendered decision-making

Sjoberg 13 (Laura, associate professor of Political Science @ University of Florida, University of Chicago; Ph.D., University of Southern California School of International Relations; J.D. Boston College Law School, “Relations International and War(s),” Gendered Lenses Look at War(s), online book, CMR)

Rationality in Interaction This skew is particularly evident in the assumption of rationality." The rationality assumption implies that the knower/actor can separate himself/herself from the “other” in interactions with that other. Feminists have argued that knowledge is always perspectival and political; therefore, states and their leaders’ decisions about how to interact with others are not rational, but informed by their situational and political biases. In this view, the rationality assumption may be seen as at once itself a political bias and obscuring other political biases. As Naomi Scheman argues, perceived rational cost-beneﬁt analysis about war-making and war-fighting should “always be seen as especially problematical when... constructed only by those in positions of privilege... [which provide] only distorted views about the world.”78 In this view, rational calculation is not an objective, attainable, and desirable end, but a partial representation of both interest and actors’ representation of those interests. In this way, through gender lenses, rationality has been seen as importantly incomplete, leaving out signiﬁcant (if not the most significant) factors that go into decision-making.79 In addition to understanding the rationality assumption as partial (and therefore unrepresentative), feminist research has pointed out links between rationality and mascuIinism.8° As Karen Jones notes, advocates of rationality as a guide for interstate interactions“ assume: 1. Available... conceptions of rationality and reason represent genuinely human norms and ideals; 2. The list of norms and ideals contained within available conceptions of rationality and reason are sufficiently complete; and 3. The external normative functions assigned to reason and rationality are unproblematic.82 Looking through gender lenses shows problems with each of these assumptions. Feminists have argued that “the identity of the modern subject-in models of human nature, citizenship, the rational actor, the knowing subject, economic man, and political agency-is not gender-neutral but masculine (and typically European and heterosexua|).”83 This impacts not only how we see the rational subject, but how we predict and understand his decisions, at the state level as well as at the individual level. According to Margaret Atherton, the possibility of rationality has “been used in a disturbing fashion to mark a gender distinction. We have, for example, on the one hand, the man of reason, and, on the other, the woman of passion.”84 In rationality assumptions, traits associated with masculinity are normalized and traits associated with femininity are excluded. The impact is compounded because (masculinized) rationality and its (feminized) alternatives are not on equal playing ﬁelds. As a result, Karen Jones notes that “women’s assumed deficiency in rationality” has been used to exclude both women and knowledge associated with femininity from accepted views of the world.85 The alleged gender neutrality of rationality, then, “is often a covert form of privileging maleness”85 and omission of “what has traditionally counted as ‘feminine.’”87 Still, adding women and values associated with femininity to current concepts of rationality is unlikely to create a gender-neutral concept of rationality.88 This is because, epistemologically, the sovereign rational subject constructs artificial gendered boundaries between rationality and emotion, male and female, and knower and known.89 Among states, those boundaries are not benign. Instead, they breed competition and domination that inspire and foster war(s) and conﬂict(s).90 This competition frequently relies on contrasting the state’s own masculinity to the enemy’s (actual or perceived) femininity. This cycle of genderings is not a series of events but a social continuum. In these gendered relationships, as Zillah Eisenstein argues, “gender differentiation will be mobilized for war and peace,” especially moving forward into the age of an American empire focused on manliness.9‘ Feminists have long argued that competitions between hegemonic masculinities and subordinate masculinities play a role in causing war(s).92 Hidden beneath the assumed independence, rationality, and unity of state interaction leading to war are gendered interstate interactions that cause, constitute, and relate to war and wars. Feminist scholars have recognized the extent to which the preeminence of masculine values dominates (particularly conﬂictual) accounts of interstate interactions, wherein “rational” interactions often become “a self-reproducing discourse of fear, suspicion, anticipated violence, and violence” in which “force is used to checkmate force.”93 Interstate interactions leading to wars often show the gendered nature of war narratives, war logics, and war languages, which produce (and reproduce) gendered cycles of violence.

#### The aff’s drive to prevent extinction is a form of masculine survivalism where gendered bodies become the unwilling tools to sustain humanity --- refuse their obsession with patriarchal reproduction.

Mitchell 15

(Audra Mitchell, Audra Mitchell is a settler scholar who lives and works on the Ancestral and treaty lands of the Neutral (Attawandaron), Haudenosaunee and Mississaugas of the New Credit (please see Honouring the Land). She currently holds the the Canada Research Chair in Global Political Ecology at Wilfrid Laurier University. From 2015-18 she held the CIGI Chair in Global Governance and Ethics at the Balsillie School of International Affairs Audra is an Associate Professor at Wilfrid Laurier University, Canada, 8-3-2015, "Gendering extinction," Worldly, <https://worldlyir.wordpress.com/2015/08/03/gendering-extinction/>, JKS)

The reproduction of survival/ the survival of reproduction

Extinction is almost always understood against the horizon of survival and the imperative to sustain it – at least for life forms deemed to be of value to humans. In many cases, this imperative takes the form of deliberate strategies for enforcing existence. Donna Haraway’s influential book When Species Meet devotes considerable attention to the logics, practices and politics of Species Survival Plans. These plans monitor and enforce reproduction amongst ‘endangered’ species, not least by collecting data on populations, genetic profiles and genetic materials to enable selective breeding. This strategy assumes that all organisms can, should, and can be made to exercise their reproductive capacities in order to resist extinction, and it actively mobilizes members of ‘endangered species’ into this project. In so doing, it helps to entrench norms regarding gender, sexuality and reproductive labour that are deeply entrenched in modern, Western human cultures. Attention to these programmes highlights an important way in which extinction is gendered in dominant scientific and policy frameworks. Specifically, strategic breeding programmes share in the belief that reproduction is an imperative for those capable of reproducing if ‘the species’ is at risk’. This belief is directly related to Western norms of the reproductive imperative for women. Indeed, Haraway points out that it is precisely “‘woman’s’ putative self-defining responsibility to ‘the species’ as this singular and typological female is reduced to her reproductive function”. In a similar sense, within SSPs and other strategies of enforced survival, entire life forms are reduced to their reproductive capacities. Moreover, programmes of enforced survival can, in the context of sexual reproduction, disproportionately burden female organisms with the task of avoiding extinction. This logic is particularly fraught in discussions of the possibility of human extinction, in which female fertility (captured in the standard policy language of ‘births per woman’) is framed simultaneously as a threat to survival, and the only hope for escaping extinction (see, for instance, Alan Weisman’s comments on this). In these ways, the securitization of survival entrenches the intersectional categories of gender, species and race discussed above. Dominant discourses of extinction and conservation also entrench and privilege sexual reproduction, in ways that entrench heteronormative assumptions and norms. This is reflected in the way that the subjects of extinction and conservation are framed. The standard object of conservation is the biological ‘species’, a term which is defined by the ability of organisms to reproduce sexually. As Myra Hird has pointed out, this conception of ‘species’ makes it appear as if sexual reproduction is the ‘best’ means of sustaining the existence of a life form. However, Hird’s work demonstrates that Earthly life forms actually engage in myriad forms of reproduction, from the free exchange of DNA between bacteria to the hermaphroditic practices of some fish. The upshot of these arguments is that Earthly life is sustained through a huge variety of reproductive activities that do not conform to biological understandings of life processes or species. Crucially, Hird argues that there is no necessary hierarchy between forms of reproduction. In Darwinian terms, all species that manage to survive are equally successful. However, by conflating survival with sexual reproduction, existing discourses of extinction embed hetero-normative frameworks that devalue other forms of reproduction. They also reduce reproduction to the imperative to survive, ignoring the myriad cultural, political, aesthetic, sensual and other dimensions of reproduction.

**This hegemonic masculinity guarantees extinction through global warfare and resource overconsumption.**

**Clark 4** (Mary E. Clark, Drucie French Cumbie Professor of Conflict Resolution at George Mason University, Women and Language 27 no2 21-8 Fall)

Today's Western patriarchal world view now dominates globalwide dialogue among the "leaders" of Earth's nearly two hundred nation-states. Its Machiavellian/Realpolitik assumptions about the necessity of military power to preserve order within and between groups of humans trumps--and stifles--other potential viewpoints. Founded on the belief that "evil" is innate, it dictates that human conflict must be "controlled": global "law" backed by coercive force. This view, when cross-culturally imposed, becomes a self-fulfilling prophecy, thus "legitimating" an escalating use of force. Western leaders (male and female) use a rhetoric couched in a "hegemonic masculinity" to justify their ready use of military force to coerce "those who are against us " into compliance. This translates globally as "national leaders must never lose face!" Changing this dominant paradigm requires dismantling the hierarchic hegemony of masculine militarism and its related economic institutions, through global cross-cultural dialogues, thus replacing a hegemonic world view and institutions with new, more adaptive visions, woven out of the most useful remnants of multiple past cultural stories. The paper concludes with a few examples where people around the world are doing just this--using their own small voices to insert their local "sacred social story " into the global dialogue. This global process--free from a hegemonic militaristic rhetoric--has the potential to initiate a planetary dialogue where "boundaries " are no longer borders to be defended, but sites of social ferment and creative adaptation. When the call came for papers on War, Language, and Gender, referring us to Carol Cohn's seminal paper "Sex and Death in the Rational World of Defense Intellectuals,"(FN1) I at first felt that little more could be added on the subject. But events in Washington in the ensuing weeks stimulated me to a broader "take" on this topic. Defense intellectuals, after all, are embedded in a whole culture, and the interaction is two-way. Not only does their strategic framework with its euphemistic language about war and killing have the outcome of forcing society to think in their terms; their framework and language developed in response to our deeply embedded, Western cultural image of a Machiavellian/neo-Darwinian universe. In other words, militarism and the necessity for organized physical force(FN2) emerge out of culturewide assumptions about human nature. Throughout historical times these assumptions have repeatedly proved to be self-fulfilling prophecies. The pervasive perception of enemy-competitors has generated violent conflicts that flared up and died back, only to flare up again through our failure to achieve deep resolution and, especially, to alter our basic beliefs about human nature and our consequent social institutions. Today our species, politically, comprises some 180-190 "nations" of varying cultural homogeneity and moral legitimacy, not to mention size and physical power. Regardless of their indigenous, internal cultural preferences, their cross-national interactions are institutionalized to fit a framework long established by former Western colonial powers among themselves. In other words, the global "reality" constructed by Western patriarchies--a Realpolitik, ultimately grounded in military power--has come to define day-to-day cross-national politics. During the era of the Cold War, this resulted in small, powerless nations seeking alliances with one or other superpower, which offered not only development aid but military protection, and, for locally unpopular, but "cooperating" leaders, small arms to maintain order at home. The "end" of the Cold War brought little change in this pervasive global militarism (though it did strengthen the role of economic hegemony by the remaining superpower(FN3)). The enormous technological "improvements"--i.e. efficiency in killing power--in weaponry of all types over the past few decades has now resulted in a dangerously over-armed planet that simultaneously faces a desperate shortage of resources available for providing the world's people with water, energy, health care, education, and the infrastructure for distributing them. While our environmental and social overheads continue to mount, our species seems immobilized, trapped in an institutionalized militarism--an evolutionary cul-de-sac! We need new insights--as Cohn said, a new language, a new set of metaphors, a new mental framework--for thinking, dialoguing and visioning new patterns of intersocietal interaction.

#### The alternative is to reject the aff in favor of an ontological revisionism that deconstructs the myth of the masculine western subject. This is a politics that destabilizes the masculine subject by revealing how its false universality underwrites gender violence globally.

Youngs 4 (Gillian, Professor of Digital Economy at the University of Brighton, “Feminist International Relations: a contradiction in terms? Or: why women and gender are essential to understanding the world ‘we’ live in”, International Affairs, 80, pgs 77-80)

This discussion will demonstrate, in the ways outlined above, the depth and range of feminist perspectives on power—a prime concern of International Relations and indeed of the whole study of politics. It will illustrate the varied ways in which scholars using these perspectives study power in relation to gender, a nexus largely disregarded in mainstream approaches. From feminist positions, this lacuna marks out mainstream analyses as trapped in a narrow and superficial ontological and epistemological framework. A major part of the problem is the way in which the mainstream takes the appearance of a pre- dominantly male-constructed reality as a given, and thus as the beginning and end of investigation and knowledge-building. Feminism requires an ontological revisionism: a recognition that it is necessary to go behind the appearance and examine how differentiated and gendered power constructs the social relations that form that reality. ¶ While it may be empirically accurate to observe that historically and contemporaneously men have dominated the realms of international politics and ¶ economics, feminists argue that a full understanding of the nature of those realms must include understanding the intricate patterns of (gendered) inequalities that shape them. Mainstream International Relations, in accepting that because these realms appear to be predominantly man-made, there is no reason to ask how or why that is the case, stop short of taking account of gender. As long as those who adhere to this position continue to accept the sufficiency of the appearances and probe no further, then the ontological and epistemological limitations will continue to be reproduced. ¶ Early work in feminist International Relations in the 1980s had to address this problem directly by peeling back the masculinist surface of world politics to reveal its more complex gendered (and racialized) dynamics. Key scholars such as Cynthia Enloe focused on core International Relations issues of war, militarism and security, highlighting the dependence of these concepts on gender structures—e.g. dominant forms of the masculine (warrior) subject as protector/conqueror/exploiter of the feminine/feminized object/other—and thus the fundamental importance of subjecting them to gender analysis. In a series of works, including the early Bananas, beaches and bases: making feminist sense of international politics (1989), Enloe has addressed different aspects of the most overtly masculine realms of international relations, conflict and defence, to reveal their deeper gendered realities.3 This body of work has launched a powerful critique of the taboo that made women and gender most invisible, in theory and practice, where masculinity had its most extreme, defining (and violent) expression. Enloe’s research has provided one of the most comprehensive bodies of evidence for the ontological revisionism required of mainstream International Relations, especially in relation to its core concerns. ¶ When Enloe claimed that ‘gender makes the world go round’,4 she was in fact turning the abstract logic of malestream International Relations inside out. This abstract logic saw little need to take theoretical and analytical account of gender as a social force because in practical terms only one gender, the male, appeared to define International Relations. Ann Tickner has recently offered the reminder that this situation persists: ‘During the 1990s, women were admitted to most combat positions in the U.S. military, and the U.S. president appointed ¶ the first female secretary of state, but occupations in foreign and military policy- making in most states remain overwhelmingly male, and usually elite male.’5 ¶ Nearly a decade earlier, in her groundbreaking work Gender in International Relations: feminist perspectives on achieving global security,6 she had asked the kinds of questions that were foundational to early feminist International Relations: ‘Why is the subject matter of my discipline so distant from women’s lived experiences? Why have women been conspicuous only by their absence in the worlds of diplomacy and military and foreign policy-making?’ Tickner, like Enloe, has interrogated core issues in mainstream International Relations, such as security and peace, providing feminist bases for gendered understanding of issues that have defined it. Her reflection on what has happened since Gender in International Relations was published indicates the prominence of tensions between theory and practice. ‘We may have provided some answers to my questions as to why IR and foreign policymaking remain male-dominated; but breaking down the unequal gender hierarchies that perpetuate these androcentric biases remains a challenge.’7 ¶ The persistence of the overriding maleness of international relations in practice is part of the reason for the continued resistance and lack of responsiveness to the analytical relevance feminist International Relations claims. In other words, it is to some extent not surprising that feminist International Relations stands largely outside mainstream International Relations, because the concerns of the former, gender and women, continue to appear to be subsidiary to high politics and diplomacy. One has only to recall the limited attention to gender and women in the recent Afghanistan and Iraq crises to illustrate this point.8 So how have feminists tackled this problem? Necessarily, but problematically, by calling for a deeper level of ontological revisionism. I say problematically because, bearing in mind the limited success of the first kind discussed above, it can be anticipated that this deeper kind is likely to be even more challeng- ing for those in the mainstream camp. ¶ The second level of ontological revisionism required relates to critical understanding of why the appearance of international relations as predominantly a sphere of male influence and action continues to seem unproblematic from mainstream perspectives. This entails investigating masculinity itself: the nature of its subject position—including as reflected in the collective realm of politics— and the frameworks and hierarchies that structure its social relations, not only in relation to women but also in relation to men configured as (feminized) ‘others’ ¶ because of racial, colonial and other factors, including sexuality. Marysia Zalewski and Jane Parpart directly captured such an approach as ‘the “man” question in international relations’.9 I would like to suggest that for those sceptical about feminist International Relations, Zalewski’s introductory chapter, ‘From the “woman” question to the “man” question in International Relations’, offers an impressively transparent way in to its substantive terrain.10 Reflecting critically on the editors’ learning process in preparing the volume and working with its contributors, both men and women, Zalewski discusses the various modifications through which the title of the work had moved. These included at different stages the terms ‘women’, ‘masculinity’ and ‘feminism’, finally ending with ‘the “man” question’—signalling once again, I suggest, tensions between theory and practice, the difficulty of escaping the concrete dominance of the male subject position in the realm of international relations. ¶ The project’s starting point revealed a faith in the modernist commitment to the political importance of bringing women into the position of subjecthood. We implicitly accepted that women’s subjecthood could be exposed and revealed in the study and practice of international relations, hoping that this would also reveal the nature of male dominance and power. Posing the ‘man’ question instead reflects our diminishing belief that the exclusion of women can be remedied by converting them into subjects.11 ¶ Adding women appeared to have failed to ‘destabilize’ the field; so perhaps critically addressing its prime subject ‘man’ head-on could help to do so. ‘This leads us to ask questions about the roles of masculinity in the conduct of international relations and to question the accepted naturalness of the abundance of men in the theory and practice of international relations’ (emphasis added).12 ¶ The deeper level of ontological revisionism called for by feminist Inter- national Relations in this regard is as follows. Not only does it press beyond the appearance of international relations as a predominantly masculine terrain by including women in its analysis, it goes further to question the predominant masculinity itself and the accepted naturalness of its power and influence in collective (most significantly state) and individual forms.