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#### FIRST OFF IS TOPICALITY—

#### Our interpretation is that debate is a game which should revolve around the topic. Our interpretation is that the affirmative should defend some type of statutory or judicial restrictions on the war powers authority of the President of the U.S. in one or more of the following areas: targeted killing, indefinite detention, offensive cyber operations, or introduction of armed forces into hostilities.

#### “USFG should” means the debate is about a policy established by governmental means

Jon M. ERICSON, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., 3 [*The Debater’s Guide*, Third Edition, p. 4]

The Proposition of Policy: Urging Future Action

In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### They don’t meet—they don’t do one of the 5.

KAISER 80—the Official Specialist in American National Government, Congressional Research Service, the Library of Congress [Congressional Action to Overturn Agency Rules: Alternatives to the Legislative Veto; Kaiser, Frederick M., 32 Admin. L. Rev. 667 (1980)]

In addition to direct statutory overrides, there are a variety of statutory and nonstatutory techniques that have the effect of overturning rules, that prevent their enforcement, or that seriously impede or even preempt the promulgation of projected rules. For instance, a statute may alter the jurisdiction of a regulatory agency or extend the exemptions to its authority, thereby affecting existing or anticipated rules. Legislation that affects an agency's funding may be used to prevent enforcement of particular rules or to revoke funding discretion for rulemaking activity or both. Still other actions, less direct but potentially significant, are mandating agency consultation with other federal or state authorities and requiring prior congressional review of proposed rules (separate from the legislative veto sanctions). These last two provisions may change or even halt proposed rules by interjecting novel procedural requirements along with different perspectives and influences into the process.

It is also valuable to examine nonstatutory controls available to the Congress:

1. legislative, oversight, investigative, and confirmation hearings;

2. establishment of select committees and specialized subcommittees to oversee agency rulemaking and enforcement;

3. directives in committee reports, especially those accompanying legislation, authorizations, and appropriations, regarding rules or their implementation;

4. House and Senate floor statements critical of proposed, projected, or ongoing administrative action; and

5. direct contact between a congressional office and the agency or office in question.

Such mechanisms are all indirect influences; unlike statutory provisions, they are neither self-enforcing nor legally binding by themselves. Nonetheless, nonstatutory devices are more readily available and more easily effectuated than controls imposed by statute. And some observers have attributed substantial influence to nonstatutory controls in regulatory as well as other matters.3

It is impossible, in a limited space, to provide a comprehensive and exhaustive listing of congressional actions that override, have the effect of overturning, or prevent the promulgation of administrative rules. Consequently, this report concentrates upon the more direct statutory devices, although it also encompasses committee reports accompanying bills, the one nonstatutory instrument that is frequently most authoritatively connected with the final legislative product. The statutory mechanisms surveyed here cross a wide spectrum of possible congressional action:

1. single-purpose provisions to overturn or preempt a specific rule;

2. alterations in program authority that remove jurisdiction from an agency;

3. agency authorization and appropriation limitations;

4. inter-agency consultation requirements; and

5. congressional prior notification provisions.

#### Judicial means the court

WEST’S LAW 08 [West's Encyclopedia of American Law, edition 2. http://legal-dictionary.thefreedictionary.com/judicial]

Relating to the courts or belonging to the office of a judge; a term pertaining to the administration of justice, the courts, or a judge, as in judicial power.

A judicial act involves an exercise of discretion or an unbiased decision by a court or judge, as opposed to a ministerial, clerical, or routine procedure. A judicial act affects the rights of the parties or property brought before the court. It is the interpretation and application of the law to a particular set of facts contested by litigants in a court of law, resulting from discretion and based upon an evaluation of the evidence presented at a hearing.

Judicial connotes the power to punish, sentence, and resolve conflicts.

#### Our interpretation is best because it’s key to preserve *productive* debate—

#### Modest predictability of the resolution is worth potential substantive tradeoff. Topicality creates space for relevant debate.

Toni M. MASSARO, Professor of Law, University of Florida, 89 [August, 1989, “Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?” *Michigan Law Review*, 87 Mich. L. Rev. 2099, Lexis]

Yet despite their acknowledgment that some ordering and rules are necessary, empathy proponents tend to approach the rule-of-law model as a villain. Moreover, they are hardly alone in their deep skepticism about the rule-of-law model. Most modern legal theorists question the value of procedural regularity when it denies substantive justice.52 Some even question the whole notion of justifying a legal decision by appealing to a rule of law, versus justifying the decision by reference to the facts of the case and the judges' own reason and expe-rience.53 I do not intend to enter this important jurisprudential de-bate, except to the limited extent that the "empathy" writings have suggested that the rule-of-law chills judges' empathic reactions. In this regard, I have several observations.

My first thought is that the rule-of-law model is only a model. If the term means absolute separation of legal decision and "politics," then it surely is both unrealistic and undesirable.54 But our actual statutory and decisional "rules" rarely mandate a particular (unempathetic) response. Most of our rules are fairly open-ended**. "Relevance,"** "the best interests of the child," "undue hardship," "negligence," or "freedom of speech" - to name only a few legal concepts - hardly admit of precise definition or consistent, predictable application. Rather, they represent a weaker, but still constraining sense of the rule-of-law model. Most rules are **guidelines** that **establish** spheres of **relevant** **conversation**, **not** **mathematical** **formulas**.

Moreover, legal training in a common law system emphasizes the indeterminate nature of rules and the significance of even subtle variations in facts. Our legal tradition stresses an inductive method of discovering legal principles. We are taught to distinguish different "stories," to arrive at "law" through experience with many stories, and to revise that law as future experience requires. Much of the effort of most first-year law professors is, I believe, devoted to debunking popular lay myths about "law" as clean-cut answers, and to illuminate law as a dynamic body of policy determinations constrained by certain guiding principles.55

As a practical matter, therefore, our rules often are ambiguous and fluid standards that offersubstantial room for varying interpretations. The interpreter, usually a judge, may consult several sources to aid in decisionmaking. One important source necessarily will be the judge's own experiences -including the experiences that seem to determine a person's empathic capacity. In fact, much ink has been spilled to illuminate that our stated "rules" often do not dictate or explain our legal results. Some writers even have argued that a rule of law may be, at times, nothing more than a post hoc rationalization or attempted legitimization of results that may be better explained by extralegal (including, but not necessarily limited to, emotional) responses to the facts, the litigants, or the litigants' lawyers,56 all of which may go un-stated. The opportunity for contextual and empathic decisionmaking therefore already is very much a part of our adjudicatory law, despite our commitment to the rule-of-law ideal.

Even when law is clear and relatively inflexible, however, it is not necessarily "unempathetic." The assumed antagonism of legality and empathy is belied by our experience in rape cases, to take one important example. In the past, judges construed the general, open-ended standard of "relevance" to include evidence about the alleged victim's prior sexual conduct, regardless of whether the conduct involved the defendant.57 The solution to this "empathy gap" was legislative action to make the law more specific - more formalized. Rape shield statutes were enacted that controlled judicial discretion and specifically defined relevance to exclude the prior sexual history of the woman, except in limited, justifiable situations.58 In this case, one can make a persuasive argument not only that the rule-of-law model does explain these later rulings, but also that obedience to that model resulted in a triumph for the human voice of the rape survivor. Without the rule, some judges likely would have continued to respond to other inclinations, and admit this testimony about rape survivors. The example thus shows that radical rule skepticism is inconsistent with at least some evidence of actual judicial behavior. It also suggests that the principle of legality is potentially most critical for people who are least understood by the decisionmakers - in this example, women - and hence most vulnerable to unempathetic ad hoc rulings.

A final observation is that the principle of legality reflects a deeply ingrained, perhaps inescapable, cultural instinct. We value some procedural regularity - "law for law's sake" - because it lends stasis and structure to our often chaotic lives. Even within our most intimate relationships, we both establish "rules," and expect the other party to follow them.59 Breach of these unspoken agreements can destroy the relationship and hurt us deeply, regardless of the wisdom or "substantive fairness" of a particular rule. Our agreements create expectations, and their consistent application fulfills the expectations. The modest predictability that this sort of "formalism" provides actually **may encourage human relationships**.60

#### A limited topic of discussion that provides for equitable ground is key to productive inculcation of decision-making and advocacy skills in every and all facets of life—even if their position is contestable that’s distinct from it being valuably debatable. Our interpretation provides room for flexibility, creativity, and innovation, but targets the discussion to avoid mere statements of fact

Steinberg and Freeley 8—\*David L. Steinberg, a lecturer in Communication Studies at the University of Miami, holds a Master's Degree in Communication from The University of Tennessee and has completed significant post-graduate work in Communication Studies, Education, and Human Resource Development from The Pennsylvania State University and from Florida International University. \*\*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law [February 13, 2008, *Argumentation and Debate: Critical Thinking for Reasoned Decision Making*, Twelfth Edition, Wadsworth Publishing, pg. 43-45]

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 fact 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? Does 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? How 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 card, 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.

Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms.” That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as “We ought to do something about this” or, worse, “It’s too complicated a problem to deal with.” Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements “Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved: That the state of Florida should adopt a school voucher program” more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

I. DEFINING THE CONTROVERSY

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about “homelessness” or “abortion” or “crime” or “global warming” we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does “effectiveness” mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### We should endorse procedures that ensure exposure of our positions to the best range of evidence and reasoning.

Cheryl **MISAK** Philosophy @ Toronto **‘8** “A Culture of Justification: The Pragmatist's Epistemic Argument for Democracy” *Episteme* 5 (1) p. 95-97

I have argued in Truth, Politics, Morality (2000) that when C. S. Peirce, the founder of pragmatism, unpacks the idea of the scientific method, the epistemic notions of truth and justification are strenuously linked to the political ideal of democracy and the values associated with it – the values of freedom of association, freedom of speech, listening to the views of others, expanding public spaces in which open debate can flourish, etc. The epistemic argument for democracy which is implicit in Peirce’s thought is, in a nutshell, as follows. One of Peirce’s many lasting contributions to philosophy was the pragmatist account of truth, on which a true belief is one that would **stand up to inquiry**. A true belief is one that is indefeasible – it would not be improved upon; it would forever meet the challenges of reasons, arguments, and evidence. Peirce argues that the best method for achieving our aspirations to truth is what he calls the method of science. He has a minimalist conception of this method – it is just the method that pays attention to experience. Then here is the connection between truth and the method of science. A true belief is one that best fits with experience and argument, so one is committed, as an inquirer or truth-seeker, to taking experience seriously. Hence, one is committed to the method of science and to trying to ensure that the experiences of all are taken into consideration. If a domain of inquiry is to aspire to truth, it must be open – it must encourage the free exchange of results, experiences, arguments, and ideas. Scientific inquiry can thus be seen as a democratic kind of inquiry. The contemporary pragmatist Hilary Putnam puts it this way: “Democracy is a requirement for experimental inquiry. . . . To reject democracy is to reject the idea of being experimental” (Putnam 1994, 64; see also his 1992, 180). Here is another way of putting the argument. We should put our beliefs through the tests of inquiry in order to make them the best they can be. We should expose our beliefs to **reasons**, **arguments**, and **evidence**. If we want to arrive at beliefs that will withstand criticism and accommodate all the evidence, then it is best to throw criticism and evidence at our beliefs so we know whether they might withstand it. Information, arguments, and evidence must be freely exchanged, so that we can ensure that our beliefs are responsive to them. Freedom of association, freedom of speech, etc. are necessary aspects of a deliberation that is suited to getting us the right answers to our questions. On the Peircean view of truth, truth is a product of human inquiry. This holds for all domains of inquiry, but it is especially clear in political inquiry. Inquirers take human interests and contexts seriously in the messy business of political deliberation (how could they not?). They are fallible and they need to seek out potentially conflicting experience if their beliefs are going to be properly aimed at truth. They never know that they have the truth in hand, but only that they are following a method that is conducive to finding the truth. 3 . DEWEY, INQUIRY, AND DEMOCRACY Dewey was the most explicit of the classical pragmatists about linking democracy and inquiry. But just as Peirce’s view needs elucidation, so does Dewey’s. Putnam is one contemporary pragmatist who offers him a hand. His Dewey argues that there are two kinds of justification of something. You can aim your justification at the skeptic or you can aim it at those who are already a part of a community in that they presuppose certain things together. This is a thought at the very heart of pragmatism: Peirce, for instance, argued that the doubts of the skeptic are “tin” or “paper” doubts, not effective against living belief. Throughout the process of inquiry or deliberation, we are aiming at revising our beliefs when prompted by real doubt. Presaging Neurath’s metaphor about building our boat of knowledge while still at sea, Peirce says that inquiry is not standing upon the bedrock of fact. It is walking upon a bog, and can only say, this ground seems to hold for the present. Here I will stay till it begins to give way. (CP 5.589, 18982) Peirce, James, and Dewey speak with one voice when they suggest that we are always immersed in a context of inquiry, where the decision to be made is a decision about what to believe from here, not what to believe were we able to start from scratch – from certain infallible foundations. Putnam (1992, 188) argues that Dewey starts with this basic pragmatist idea that we have to begin with our capacities and current practices and turns his interest to our capacities to intelligently initiate action, to talk, and to experiment. Democracy, he suggests, is a precondition of these practices. The method that we use to solve problems, from physics to politics, is to experiment, reflect, and discuss. The scientific method requires the unimpeded flow of information and the freedom to offer and to criticize hypotheses. Elizabeth Anderson (2006) describes Dewey’s account of inquiry this way. We propose solutions to the problems which press upon us, try to predict the consequences of the solutions’ implementations, and ask whether our reactions to those consequences would be positive or negative. We then test the solution that has withstood the challenge of testing in thought experiment or experiment in the imagination. That is, we see what the results actually are. Dewey thought, with Peirce, that if a belief were to always withstand challenges, if it were to always stand up to experience and argument, there is nothing higher or better we could ask of it. He too, that is, sees the pragmatist account of truth as a central feature of the pragmatist’s epistemic argument for democracy. In order to flesh out that argument, we need to address some concerns about mixing truth and politics.

#### Limits produce a rigorous *culture of justification* instead of a culture of *assertion* or *presumption*. Without a bridge for subjecting beliefs to a rigorous test, we are left with might-makes-right. Limits are revisable – but revisions must also be open to well-researched testing.

Cheryl **MISAK** Philosophy @ Toronto **‘8** “A Culture of Justification: The Pragmatist's Epistemic Argument for Democracy” *Episteme* 5 (1) p. 100-104

The charge that Rorty has had to face again and again is that he really is a relativist, holding that one belief is no better than another, and that one must “treat the epistemic standards of any and every epistemic community as on a par” (Haack 1995, 136). Rorty, that is, leaves us with no way of **adjudicating claims** that arise in **different communities**. It is argued that this is not only an unsatisfactory view, but it is **incompatible** with his **commitment to his own set of beliefs** and with his practice of **arguing** or **giving** **reasons** for them. Peirce would join in this charge, arguing that it is the community of inquirers or reasoners that matter, not this or that local community. One of Rorty’s responses to this clutch of objections is to say that he doesn’t have to treat the epistemic standards of every community as on a par: “I prize communities which share more background beliefs with me above those which share fewer” (Rorty 1995b, 153). There is nothing incoherent about asserting that your community has it right, for all “right” amounts to is what your community agrees upon. I have argued (2000, 12ff) that this kind of comeback puts Rorty in a very difficult position, giving him nothing to say against the likes of Carl Schmitt, the fascist legal philosopher who found it natural to join the Nazi bandwagon. Schmitt, like Rorty, argued that there is no truth and rationality in politics. Rather, politics is the arena in which **groups assert themselves**, with the strongest coming out on top and the weaker groups disappearing. One makes an existential choice – opts for a conception of the good – and then tries to attain “substantive homogeneity” in the population. Might ends up being right and the elimination of those who disagree with us ends up being a fine method of reaching our political decisions. A democrat or liberal like Rorty has an impossible time in giving us – and himself – reasons for opting for his view rather than his fascist opponent’s view. Once you give up aiming at truth, once you give up aiming at something that goes beyond the standards of your own community, then you give up the wherewithal to argue against the might-is-right view. The charge I am trying to answer here, on behalf of the non-Rortian pragmatist, is that mixing truth and politics is dangerous. One of the points I want to make is that, whatever the dangers are in saying morals and politics aim at the truth, the dangers of denying it are even more alarming. If we were to get rid of the notion of truth, nothing would protect us from the idea that there is nothing to get right, no better or worse action, and no better or worse way of treating others. Nothing would protect us from the Schmittian worldview. Another point is that the pragmatist view encourages something which is downright salutary, not dangerous at all. It encourages a culture of justification, a culture the importance of which grows as we face the challenges of living in a global society with **worldviews struggling against each other**. This thought was prominent in the debate about how the new democratic order in South Africa should be conceived. Here is how Etienne Murienik put it: If the new constitution is a bridge away from a culture of authority, it is clear what it must be a bridge to. It must lead to a culture of justification – a culture in which every exercise of power is expected to be justified; in which the leadership given by government rests on the cogency of the case offered in defense of its decisions, not the fear inspired by the force of its command. The new order must be a community **built on persuasion,** not on coercion.4 A final point rests on the nature of the kinds of answers the pragmatist envisions. Rorty and Rawls seem to think that any view of truth carries with it the idea that there is one and only one true answer to every question. It is important to see that, whatever the case might be for other views of truth, the pragmatist’s view of truth does not entail anything about the precise nature of right answers. On the Peircean view of truth, it might be true that the best solution to a problem is to compromise in a certain way. Or a question might have a number of equally right answers: it might be true that either A or B or C is an acceptable solution to a problem. That is, bringing truth into politics need not result in a view on which one theory of the good triumphs over the others. Indeed, the pragmatist account of truth does not require agreement at the end of the day (whatever that might mean) and it does not require the consent of all who are affected by a particular decision here and now. The right answer to a question might be one that only a few see is right. A right answer is the one that would be best – would stand up to the evidence and arguments – were we to inquire into the matter as far as we fruitfully could. That is, we are **not primarily aiming at agreement** in **deliberation** – we are aiming at getting a view that will **stand up to reasons and evidence.** That said, there may be cases in moral and especially political deliberation in which we do aim for agreement because we think that what will best stand up to reasons in that case is a solution that is agreed upon by all or by all who are affected. But this will be just one kind of case amongst many. Right answers aren’t necessarily answers that are acceptable by all. Nor are right answers necessarily those that resolve a conflict with a compromise, although sometimes a compromise or cooperative solution may indeed be what is required. Nor is bargaining always not conducive to truth – in some cases, that may be exactly what is required. This view of truth does not lead to zeal, oppression, closing off of discussion, or a squashing of pluralism, even if it might happen to be the case that there is only one reasonable conception of the good out there. The idea is that we are always aiming at getting the best answer – whatever that may be – and to do that we need to take into account the views of all. 6 . WHO DECIDES? One of the first questions put to those who would like to think of politics as a species of truth-oriented deliberation is this: why deliberate with the ignorant multitude? Would it not be better to expose our moral and political beliefs only to the reasons and experience of experts? Science, after all, doesn’t work by asking the person in the street what he or she thinks about quantum mechanics. The reason that the pragmatist’s epistemic justification is a justification of democratic politics, rather than of a hierarchical politics, in which an elite makes decisions, is that we do not and will not ever have an identifiable pool of moral and political experts. Dewey saw this clearly. As experts become specialized, “they are shut off from knowledge of the needs which they are supposed to serve” (Dewey 1926/1984, 364). Everyone engages in moral and political deliberation and it is not obvious that having special education makes you better at it – just look at priests, politicians, and moral philosophers/political theorists and ask yourself if they seem especially decent or especially wise when it comes to practical matters. Some people are good at examining moral and political issues, but it’s not clear that they are the ones trained to do so. Even if we could identify genuinely wise people, this kind of expertise is liable to be corrupted merely by being identified – merely by the wise person starting to think of herself as a moral expert.5 And it is far from clear that the rule of the wise would really take the views and experiences of all into account better than the democratic rule of the people. So how do we distinguish deliberating well and deliberating badly if we cannot appeal to education and training? No account of deliberative democracy can ignore the call to make the distinction. The trouble is that, in saying what good, as opposed to poor, deliberation amounts to, one finds oneself facing a justificatory problem: how can we specify what good deliberation is without simply assuming that our current standards of deliberation and inquiry are the gold standards? (This is the deep and central question of pragmatism: how do genuine norms arise out of contingent practices?) It will be unsurprising that I agree with Robert Talisse that the way forward is to focus on an epistemic justification of the whole range of deliberative virtues. Some of the virtues we think important in inquiry are open-mindedness, courage, honesty, integrity, rigor, willingness to listen to the views of others and to seriously entertain challenges to one’s own views, willingness to put oneself in another’s shoes, and the like. These virtues may well have a number of kinds of justifications – justifications, for instance, with their origins in the canons of etiquette or in this or that substantive moral or religious view. Politeness and Christianity (do unto others . . . ), for instance,may both dictate that we should listen to the views of others. But this kind of justification doesn’t break out of the circle of local practices. Talisse argues that the virtues are justified because they lead to true belief. Listening to others is not merely the polite thing to do, but it is also good because we might learn something. The epistemic argument I have presented on Peirce’s behalf gets us this far: we need to expose our beliefs to the views of others if we are to follow a method that will get us good or better or true beliefs. Talisse takes us the next step – there are other characteristics that make one an inquirer who aims at the truth. Honesty is the trait of following reasons and evidence, rather than self-interest. Modesty is the trait of taking your views to be fallible. Charity is willingness to listen to the views of others. Integrity is willingness to uphold the deliberative process, no matter the difficulties encountered. The distinction between deliberating well (having deliberative virtues) and deliberating badly (having deliberative vices), that is, is drawn in terms of whether a method promotes beliefs which are responsive to and fit with the reasons and evidence. 7 . THE SOURCE OF AUTHORITY The pragmatist has offered us a compelling reason to take the views of others seriously and encourage the values associated with deliberative democratic politics. For inquirers must engage in the ongoing project of continually subjecting their beliefs to the tests of further experience and argument. The virtues inherent in a deliberative model of democratic citizenship must be cultivated if we are to come to good beliefs about how to treat others, how to resolve conflicts, and how to arrange society. The model of democratic citizenship which results is one that makes democratic citizenship part of a culture of justification. Citizens search for how best to structure our institutions and how best to live our lives. Democratic citizenship is a quest to get things right, with a genuine engagement in looking for right answers to pressing questions.We are not after mere agreement and we are not after the transformation of initial preferences into something that others can accept. We aim at getting things right – at getting beliefs that would forever stand up to scrutiny. In so aiming, citizens commit themselves to abiding by the decisions produced by the democratic procedure. For those decisions are the best we can do here and now. Here we find the justification of the coercive power of democracies. Eventually there has to be a decision in politics. The question that faces all societies is who decides and who wields the power to coerce once the decision is made? My argument is that as more people deliberate and more reasons and experience go into the mix, it will become more likely that the decisions made will account for the reasons and experience of all. The more likely, that is, that the answer will be right. Decisions produced by a democratic deliberative process are made by a rational method and so they are enforceable.

#### This isn’t an argument which attempts to confine their *style* or method of presentation. It is a merely an argument about *content*.

#### This isn’t an attempt at exclusion—topicality isn’t an attempt to prevent their speech act nor is it an attempt to bar the affirmative team from participating in debate. Just because we exclude a particular affirmative with our interpretation doesn’t mean we exclude the affirmative team from debate. Every debater gets the same amount of speech and cross ex time. Everyone has the time to be heard within the debate round.

#### Our argument is a *deliberative* strategy to reach consensus about the best way to debate. Our argument is not that “the aff has violated a rule and are not allowed to debate this way”—instead we say “we think the model of debate you are proposing is not productive and a model that privileges predictable advocacies would create superior debate.” We then engage in a process of debate in order to decide whether the affirmative’s or negative’s version of debate would be better.

### DA

#### Unrestrained cyber capabilities are necessary to solve escalation of conflict – externally preserves primacy

Gjetlen 13 (Tom Gjelten is a correspondent for NPR., January / February, “First Strike: US Cyber Warriors Seize the Offensive”, [http://www.worldaffairsjournal.org/article/first-strike-us-cyber-warriors-seize-offensive)](http://www.worldaffairsjournal.org/article/first-strike-us-cyber-warriors-seize-offensive%29%5C)

In the aftermath of the Stuxnet revelations, discussions about cyber war became more realistic and less theoretical. Here was a cyberweapon that had been designed and used for the same purpose and with the same effect as a kinetic weapon: like a missile or a bomb, it caused physical destruction. Security experts had been warning that a US adversary could use a cyberweapon to destroy power plants, water treatment facilities, or other critical infrastructure assets here in the United States, but the Stuxnet story showed how the American military itself could use an offensive cyberweapon against an enemy. The advantages of such a strike were obvious. A cyberweapon could take down computer networks and even destroy physical equipment without the civilian casualties that a bombing mission would entail. Used preemptively, it could keep a conflict from evolving in a more lethal direction. The targeted country would have a hard time determining where the cyber attack came from.

 In fact, the news that the United States had actually developed and used an offensive cyberweapon gave new significance to hints US officials had quietly dropped on previous occasions about the enticing potential of such tools. In remarks at the Brookings Institution in April 2009, for example, the then Air Force chief of staff, General Norton Schwartz, suggested that cyberweapons could be used to attack an enemy’s air defense system. “Traditionally,” Schwartz said, “we take down integrated air defenses via kinetic means. But if it were possible to interrupt radar systems or surface to air missile systems via cyber, that would be another very powerful tool in the tool kit allowing us to accomplish air missions.” He added, “We will develop that—have [that]—capability.” A full two years before the Pentagon rolled out its “defensive” cyber strategy, Schwartz was clearly suggesting an offensive application.

The Pentagon’s reluctance in 2011 to be more transparent about its interest in offensive cyber capabilities may simply have reflected sensitivity to an ongoing dispute within the Obama administration. Howard Schmidt, the White House Cybersecurity Coordinator at the time the Department of Defense strategy was released, was steadfastly opposed to any use of the term “cyber war” and had no patience for those who seemed eager to get into such a conflict. But his was a losing battle. Pentagon planners had already classified cyberspace officially as a fifth “domain” of warfare, alongside land, air, sea, and space. As the 2011 cyber strategy noted, that designation “allows DoD to organize, train, and equip for cyberspace as we do in air, land, maritime, and space to support national security interests.” That statement by itself contradicted any notion that the Pentagon’s interest in cyber was mainly defensive. Once the US military accepts the challenge to fight in a new domain, it aims for superiority in that domain over all its rivals, in both offensive and defensive realms. Cyber is no exception. The US Air Force budget request for 2013 included $4 billion in proposed spending to achieve “cyberspace superiority,” according to Air Force Secretary Michael Donley.

It is hard to imagine the US military settling for any less, given the importance of electronic assets in its capabilities. Even small unit commanders go into combat equipped with laptops and video links. “We’re no longer just hurling mass and energy at our opponents in warfare,” says John Arquilla, professor of defense analysis at the Naval Postgraduate School. “Now we’re using information, and the more you have, the less of the older kind of weapons you need.” Access to data networks has given warfighters a huge advantage in intelligence, communication, and coordination. But their dependence on those networks also creates vulnerabilities, particularly when engaged with an enemy that has cyber capabilities of his own.

“Our adversaries are probing every possible entry point into the network, looking for that one possible weak spot,” said General William Shelton, head of the Air Force Space Command, speaking at a CyberFutures Conference in 2012. “If we don’t do this right, these new data links could become one of those spots.”

Achieving “cyber superiority” in a twenty-first-century battle space is analogous to the establishment of air superiority in a traditional bombing campaign. Before strike missions begin against a set of targets, air commanders want to be sure the enemy’s air defense system has been suppressed. Radar sites, antiaircraft missile batteries, enemy aircraft, and command-and-control facilities need to be destroyed before other targets are hit. Similarly, when an information-dependent combat operation is planned against an opposing military, the operational commanders may first want to attack the enemy’s computer systems to defeat his ability to penetrate and disrupt the US military’s information and communication networks.

Indeed, operations like this have already been carried out. A former ground commander in Afghanistan, Marine Lieutenant General Richard Mills, has acknowledged using cyber attacks against his opponent while directing international forces in southwest Afghanistan in 2010. “I was able to use my cyber operations against my adversary with great impact,” Mills said, in comments before a military conference in August 2012. “I was able to get inside his nets, infect his command-and-control, and in fact defend myself against his almost constant incursions to get inside my wire, to affect my operations.”

Mills was describing offensive cyber actions. This is cyber war, waged on a relatively small scale and at the tactical level, but cyber war nonetheless. And, as DARPA’s Plan X reveals, the US military is currently engaged in much larger scale cyber war planning. DARPA managers want contractors to come up with ideas for mapping the digital battlefield so that commanders could know where and how an enemy has arrayed his computer networks, much as they are now able to map the location of enemy tanks, ships, and aircraft. Such visualizations would enable cyber war commanders to identify the computer targets they want to destroy and then assess the “battle damage” afterwards. Plan X would also support the development of new cyber war architecture. The DARPA managers envision operating systems and platforms with “mission scripts” built in, so that a cyber attack, once initiated, can proceed on its own in a manner “similar to the auto-pilot function in modern aircraft.” None of this technology exists yet, but neither did the Internet or GPS when DARPA researchers first dreamed of it.

#### Austerity gives us uniqueness – cyber ops are the ONLY way to maintain superiority without rushing to nuclear weapons. We also have an external credibility DA to the aff

Kallberg & Lowther 12 (Jan Kallberg phD University of Texas at Dallas, Adam Lowther is a defense analyst at the Air Force Research Institute. "The Return of Dr. Strangelove: How austerity makes us stop worrying and love the bomb…and cyber war" International Affairs Forum online (2012). <http://works.bepress.com/jan_kallberg/3>)

Throughout history, adversaries have taken steps toward each other that escalated quickly because they underestimated the options and determination of the other based on the presence of resources of war at hand. Because of this, it is important that America is clear about its intentions and capability. The current “no first use” doctrine of the United States is flawed in that it does not strike fear into the hearts of our adversaries by promoting strategic ambiguity. Because it establishes clear red lines, adversaries are encouraged to push the United States to the edge, which is clearly established in policy. It may also be an unwise policy when cyber deterrence reaches maturity.

The United States is the only nation that has used nuclear arms at war when it eradicated two Japanese cities at the end of World War II. None have yet to employ the nuclear option in cyberspace. America is, after all, the only nation that has used nuclear weapons—credibility that should not be frittered away. For any potential adversary, it is a lethal fact. It might not color the minds of the current American leadership, but it influences foreign leaders. Deterrence relies upon will and capability. If the United States can no longer deter with conventional forces; cyber attack is restrained by international law and military doctrine; international sanctions are ineffective; and coalition building is beyond financial reach; nuclear deterrence becomes the primary upholder of strategic deterrence. When austerity removes other strategically deterring options and the United States is left with nuclear deterrence, Dr. Strangelove and his doomsday machines (cyber and nuclear) can make their triumphal return.

America’s ability and willingness to wage all-out war is validated by strategic deterrent patrols, bombers sitting on alert, launch-ready missiles, and an offensive cyber-geddon capability. With these assets ready to reach global targets, deterrence is upheld. No matter whether we want it, believe it, like it, or imagine it, federal austerity will force radical change in the nation’s defense posture, which is likely to lead to a greater reliance on nuclear and cyber arms.

#### The alternative is incoherent response to cyber attacks – only US pre-emption solves escalating cyber war and kinetic warfare

Kallberg 13 (Jan Kallberg, phD School of Engineering and Computer Science University of Texas at Dallas February 17, 2013Offensive Cyber: Superiority or Stuck in Legal Hurdles?, <http://works.bepress.com/cgi/viewcontent.cgi?article=1021&context=jan_kallberg>)

In recent years, offensive cyber operations have attracted significant interest from the non-Defense Department academic legal community, prompting numerous articles seeking to create a legal theory for cyber conflicts. Naturally, cyber operations should be used in an ethical way, but the hurdles generated by the legal community are staggering.

At a time when the United States has already lost an estimated $4 trillion in intellectual property as a result of foreign cyber espionage, not to mention the loss of military advantage, focusing on what the United States cannot do in cyberspace only hinders efforts to defend the country from future cyber attack. The country is facing an enemy unrestrained by limitations, clearly visible in blatant cyber attacks on military networks, major banks and media outlets.

Academics who question the legality of offensive counter cyber operations often have limited technical understanding of the unique characteristics of cyberspace. The theoretical framework for an emerging cyber law under development by the legal community uses analogies from international law, such as the laws of the high seas and international commercial air treaties. But these are highly inappropriate for the cyber domain.

For example, the vast majority of these academic legal scholars would require the United States ensure that malicious software attack only combatant systems and legitimate military targets, and not affect any other systems.

What these requirements ignore is the issue of control. Those digital bits easily can be copied and distributed, and targeting removed or redesigned. How can a coder control the duplication of the code?

While code can be targeted to a specific military system, that is no guarantee it will be limited because of the dual use of information technology. There is no control of the code once it is released.

The legal perception of cyber is based on an assumption that actors are either civilian or military, but there is no such clear distinction in the militarized and contested digital world. It is digital bits; in the same way that we cannot distinguish military air and civilian air. It is just air.

In cyberspace, universities, municipal utilities, communication companies and other actors are a part of the war-fighting effort without clear boundaries to being civilian or military. If the U.S. became engaged in a cyber conflict with Hezbollah in southern Lebanon, an organization that is a mix of crude arms manufacturing, terrorism training and soup kitchens for the poor, there is no way to ensure that a counter cyber attack would not affect the soup kitchens.

Second, to avoid the slightest collateral damage, the counter-attacker needs to be able to identify each computer in the counter-attacked network and verify its purpose. That requires full overview of the targeted system, maybe beyond even what the defending system administrators are aware of. The only way you can verify resources in another network is to pre-emptively gain access to their networks and gain targeting information.

Third, international laws rely on territorial boundaries. The laws of the high sea are effective in international water. The national laws apply to territorial waters. But there is no territorial or international cyberspace as long as attribution is unsolved — and even with attribution solved, the answer to where, when and by whom is troublesome to answer.

Applying laws of war that have origins in the 1800s, when massive armies fought on a field in broad daylight, in an abundance of object permanence, is not relevant to cyber when the contested space is changed, lost, created, reborn and redesigned in real time. Inferences about cyber operations made in published articles in the academic legal press are in many cases, to use a mild word, spurious.

Retired Air Force Maj. Gen. Dale Meyerrose, former associate director of national intelligence, said in regard to offensive cyber operations, “Like everything else in cyber, our legal system is about 20 years behind.”

The risk for the nation is tangible. The proposed legal hurdles evap-orate the opportunity to successfully conduct offensive cyber as a soft policy option. The non-DoD academics’ legal theories on how to conduct cyberwar fail to recognize the human costs in the alternative: traditional kinetic warfare.

The absence of relevant legal guidance creates confusion and undermines a coherent and systematic approach. Cyber can help the U.S. achieve political and military goals. These operations will require a legal framework based on the unique tenets of cyber to enable, not disable, American options and abilities.

#### Laundry list – econ collapse, nuclear war, etc. etc.

Habiger 10 (Eugue, Retired Air Force General, Cyberwarfare and Cyberterrorism, The Cyber Security Institute, 2/1, p. 11-19)

However, there are reasons to believe that what is going on now amounts to a fundamental shift as opposed to business as usual.

Today’s network exploitation or information operation trespasses possess a number of characteristics that suggest that the line between espionage and conflict has been, or is close to being, crossed. (What that suggests for the proper response is a different matter.)

 First, **the number of cyberattacks we are facing is growing significantly**. Andrew **Palowitch, a former CIA official** now consulting with the US Strategic Command (STRATCOM), which oversees the Defense Department’s Joint Task Force‐Global Network Operations, recently **told a meeting** of experts that **the Defense Department has experienced almost 80,000 computer attacks, and** some number of **these assaults have actually “reduced” the military’s “operational capabilities**.”20

Second, **the nature of these attacks is starting to shift** from penetration attempts aimed at gathering intelligence (cyber spying) **to offensive efforts** aimed at taking down systems (cyberattacks). Palowitch put this in stark terms last November, “We are currently in a cyberwar and war is going on today.”21

Third, these recent attacks need to be taken in a broader strategic context. Both **Russia and China have stepped up their offensive efforts and taken a much more aggressive cyberwarfare posture**.

 The Chinese have developed an openly discussed cyberwar strategy aimed at achieving electronic dominance over the U.S. and its allies by 2050. In 2007 the Department of Defense reported that for the first time **China has developed** first strike viruses**, marking a major shift from prior investments in defensive measures**.22 And in the intervening period China has launched a series of offensive cyber operations against U.S. government and private sector networks and infrastructure. In 2007, Gen. James Cartwright, the former head of STRATCOM and now the Vice Chairman of the Joint Chiefs of Staff, told the US‐China Economic and Security Review Commission that China’s ability to launch “denial of service” attacks to overwhelm an IT system is of particular concern. 23

 **Russia** also **has already begun to wage offensive cyberwar**. At the outset of the recent hostilities with Georgia, **Russian assets launched a series of cyberattacks against** the **Georgia**n government and its critical infrastructure systems, including media, banking and transportation sites.24 In 2007, **cyberattacks that many experts attribute**, directly or indirectly, **to Russia shut down the Estonia government’s IT systems**.

Fourth, the current geopolitical context must also be factored into any effort to gauge the degree of threat of cyberwar. The start of the new Obama Administration has begun to help reduce tensions between the United States and other nations. And, the new administration has taken initial steps to improve bilateral relations specifically with both China and Russia. However, it must be said that over the last few years **the posture of both the Chinese and Russian governments toward America** has clearly become more assertive, and at times even aggressive**.**

**Some** commentators **have talked about** the prospects of **a cyber Pearl Harbor, and the pattern of Chinese and Russian behavior** to date gives reason for concern along these lines: **both nations have offensive cyberwarfare strategies** in place; both nations **have taken the cyber equivalent of building up their forces**; both nations now **regularly probe our cyber defenses** looking for gaps to be exploited; both nations **have begun** taking actions that cross the line from cyberespionage to **cyberaggression; and**, our bilateral relations with both nations are increasingly fractious and complicated by areas of marked, direct competition. Clearly, there a sharp differences between current U.S. relations with these two nations and relations between the US and Japan just prior to World War II. However, from a strategic defense perspective, there are enough warning signs to warrant preparation.

In addition to the threat of cyberwar, **the limited resources required** to carry out even a large scale cyberattack also **makes likely the potential for a significant cyberterror attack** against the United States.

There are extremely few examples of specific acts of cyberterrorism to date:

• The October 2007 attack on the website of Ukrainian president Viktor  Yushchenko by the Eurasian Youth Movement, by a radical Russian  nationalist youth group, arguably qualifies.  However, the attack produced  little tangible harm or damage and many definitions of cyber terrorism,  rightly or wrongly require real harm.

• Some suggest that an extortion attempt by Romanian hackers, which  threatened to steal data from and shut down the life support systems for the  National Science Foundation's Amundsen‐Scott South Pole Station was an act  of cyberterrorism.  However, there is no evidence to suggest that this attack  was carried out for political purposes.

• Assuming one accepts Russia’s protestations that it had no state role in the  widespread denial of service attacks on Estonia in 2007 attacks, then these  attacks would amount to the most serious and clear‐cut incidence of  cyberterrorism to date.

 However, the lack of a long list of specific incidences of cyberterrorism should provide no comfort.

There is strong evidence to suggest that al Qaeda has the ability to conduct cyberterror attacks against the United States and its allies.

 Al Qaeda and other terrorist organizations are extremely active in cyberspace, using these technologies to communicate among themselves and others, carry out logistics, recruit members, and wage information warfare. For example, al Qaeda leaders used email to communicate with the 9‐11 terrorists and the 9‐11 terrorists used the Internet to make travel plans and book flights. Osama bin Laden and other al Qaeda members routinely post videos and other messages to online sites to communicate.

Moreover, **there is evidence of efforts that** al Qaeda and other terrorist organizations are actively developing cyberterrorism capabilities and seeking to carry out cyberterrorist attacks. For example, the Washington Post has reported that “**U.S. investigators have found evidence** in the logs that mark a browser's path through the Internet **that al Qaeda** operators **spent time on** sites that offer software and programming instructions for the **digital switches that run power, water, transport and communications grids**. In some interrogations . . . al Qaeda prisoners have described intentions, in general terms, to use those tools.”25

Similarly, a 2002 CIA report on the cyberterror threat to a member of the Senate stated that al Qaeda and Hezbollah have become "more adept at using the internet and computer technologies.”26 The FBI has issued bulletins stating that, “U. S. law enforcement and intelligence agencies have received indications that Al Qaeda members have sought information on Supervisory Control And Data Acquisition (SCADA) systems available on multiple SCADA‐related web sites.”27 In addition a number of jihadist websites, such as 7hj.7hj.com, teach computer attack and hacking skills in the service of Islam.28

While al Qaeda may lack the cyber‐attack capability of nations like Russia and China, there is every reason to believe its operatives, and those of its ilk, are as capable as the cyber criminals and hackers who routinely effect great harm on the world’s digital infrastructure generally and American assets specifically.

In fact, perhaps, the most troubling indication of the level of the cyberterrorist threat is the countless, serious non‐terrorist cyberattacks routinely carried out by criminals, hackers, disgruntled insiders, crime syndicates and the like. **If run**‐**of**‐**the**‐**mill criminals and hackers can threaten powergrids, hack vital military networks, steal** vast sums of **money**, take down a city’s of traffic lights, compromise the Federal Aviation Administration’s air traffic control systems, **among other attacks,** it is overwhelmingly likely that terrorists can carry out similar, if not more malicious attacks. Moreover, even if the world’s terrorists are unable to breed these skills, they can certainly buy them. There are untold numbers of cybermercenaries around the world—sophisticated hackers with advanced training who would be willing to offer their services for the right price.

Finally, given the nature of our understanding of cyber threats, there is always the possibility that we have already been the victim or a cyberterrorist attack, or such an attack has already been set but not yet effectuated, and we don’t know it yet.

B. The Level of Potential Harm: Weapons of Mass Disruption

In national security circles considerable attention has been given to weapons ofmass destruction like nuclear and biological weapons. However, cyberweapons arenot weapons of mass destruction;they are weapons of mass disruption. Cyberattacks are unlikely to directly inflict large numbers of casualties, nor are they likely to cause the sort of physical devastation that even a tactical nuclear attack would.

Instead, **a** well‐designed **cyberattack has the capacity cause widespread chaos**, sow societal unrest, undermine national governments, spread paralyzing fear and anxiety, and create a state of utter turmoil, all without taking a single life.

 **A sophisticated cyberattack could throw a nation’s banking** and finance **system into chaos causing markets to crash,** prompting runs on banks, degrading confidence in markets, perhaps even putting the nation’s currency in play and making the government look helpless and hapless. In today’s difficult economy, imagine how Americans would react if vast sums of money were taken from their accounts and their supporting financial records were destroyed. A truly nefarious cyberattacker could carry out an attack in such a way (akin to Robin Hood) as to engender populist support and deepen rifts within our society, thereby making efforts to restore the system all the more difficult.

 **A modestly advanced enemy could use a cyberattack** to shut down (if not physically damage) one or more regional power grids. An entire region could be cast into total darkness, power‐dependent systems could be shutdown. **An attack on one** or more regional power **grid**s **could** also cause cascading effects that could jeopardize our entire national grid. **When word leaks that the blackout was caused** by a cyberattack, **the specter of a foreign enemy** capable of sending the entire nation into darkness **would only increase the fear, turmoil and unrest**.

While the finance and energy sectors are considered prime targets for a cyberattack, an attack on any of the 17 delineated critical infrastructure sectors could have a major impact on the United States.

For example, our healthcare system is already technologically driven and the Obama Administration’s e‐health efforts will only increase that dependency. A cyberattack on the U.S. e‐health infrastructure could send our healthcare system into chaos and put countless of lives at risk. Imagine if emergency room physicians and surgeons were suddenly no longer able to access vital patient information.

**A** cyberattack on our nation’s water systems could likewise cause widespread disruption. **An attack** on the control systems for one or more dams could put entire communities at risk of being inundated, and **could create ripple effects across the water, agriculture, and energy sectors**. Similar **water control system attacks could** be used to at least temporarily **deny water to** otherwise **arid regions,** impacting everything from the quality of life in these areas to agriculture.

In 2007, the U.S. Cyber Consequences Unit determined that the destruction from a single wave of cyberattacks on critical infrastructures could exceed $700 billion, which would be the rough equivalent of 50 Katrina‐esque hurricanes hitting the United States all at the same time.29 Similarly, one IT security source has estimated that the impact of a single day cyberwar attack that focused on and disrupted U.S. credit and debit card transactions would be approximately $35 billion.30

Another way to gauge the potential for harm is in comparison to other similar noncyberattack infrastructure failures. For example, the August 2003 regional power grid blackout is estimated to have cost the U.S. economy up to $10 billion, or roughly .1 percent of the nation’s GDP. 31 That said, a cyberattack of the exact same magnitude would most certainly have a much larger impact. The origin of the 2003 blackout was almost immediately disclosed as an atypical system failure having nothing to do with terrorism. This made the event both less threatening and likely a single time occurrence. Had it been disclosed that the event was the result of an attack that could readily be repeated the impacts would likely have grown substantially, if not exponentially.

Additionally, **a cyberattack could** also **be used to disrupt our nation’s defenses or distract our** national **leaders** in advance of a more traditional conventional or strategic attack. Many military leaders actually believe that such a disruptive cyber pre‐offensive is the most effective use of offensive cyber capabilities. This is, in fact, the way Russia utilized cyberattackers—whether government assets, governmentdirected/ coordinated assets, or allied cyber irregulars—in advance of the invasion of Georgia. **Widespread distributed denial of service** (DDOS) **attacks were launched** on the Georgian governments IT systems. **Roughly a day later Russian armor rolled into Georgian territory**. The cyberattacks were used to prepare the battlefield; **they denied** the Georgian government **a critical communications tool** isolating it from its citizens and degrading its command and control capabilities precisely at the time of attack. In this way, these attacks were the functional equivalent of conventional air and/or missile strikes on a nation’s communications infrastructure.32 One interesting element of the Georgian cyberattacks has been generally overlooked: On July 20th, weeks before the August cyberattack, the website of Georgian President Mikheil Saakashvili was overwhelmed by a more narrowly focused, but technologically similar DDOS attack.33 This should be particularly chilling to American national security experts as our systems undergo the same sorts of focused, probing attacks on a constant basis.

**The ability of an enemy to use a cyberattack to counter our offensive capabilities or soften our defenses for a wider offensive** against the United States is much more than mere speculation.

In fact, in Iraq it is already happening. Iraq insurgents are now using off‐the‐shelf software (costing just $26) to hack U.S. drones (costing $4.5 million each), allowing them to intercept the video feed from these drones.34 **By hacking** these **drones the insurgents have succeeded in greatly reducing one of our most valuable sources of real‐time intelligence** and situational awareness. If our enemies in Iraq are capable of such an effective cyberattack against one of our more sophisticated systems, consider what a more technologically advanced enemy could do.

At the strategic level, in 2008, as the United States Central Command was leading wars in both Iraq and Afghanistan, a cyber intruder compromised the security of the Command and sat within its IT systems, monitoring everything the Command was doing. 35 This time the attacker simply gathered vast amounts of intelligence. However, it is clear that the attacker could have used this access to wage cyberwar—altering information, disrupting the flow of information, destroying information, taking down systems—against the United States forces already at war.

Similarly, during 2003 as the United States prepared for and began the War in Iraq, the IT networks of the Department of Defense were hacked 294 times.36 By August of 2004, with America at war, **these ongoing attacks compelled** then‐Deputy Secretary of Defense Paul **Wolfowitz to write** in a memo that, "**Recent exploits have reduced operational capabilities on our networks**."37

This wasn’t the first time that our national security IT infrastructure was penetrated immediately in advance of a U.S. military option.38 In February of 1998 the Solar Sunrise attacks systematically compromised a series of Department of Defense networks. What is often overlooked is that these attacks occurred during the ramp up period ahead of potential military action against Iraq. The attackers were able to obtain vast amounts of sensitive information—information that would have certainly been of value to an enemy’s military leaders.

There is no way to prove that these actions were purposefully launched with the specific intent to distract American military assets or degrade our capabilities. However, such ambiguities—the inability to specifically attribute actions and motives to actors—are the very nature of cyberspace. Perhaps, these repeated patterns of behavior were mere coincidence, or perhaps they weren’t.

The potential that an enemy might use a cyberattack to soften physical defenses, increase the gravity of harms from kinetic attacks, or both, significantly increases the potential harms from a cyberattack. Consider the gravity of the threat and risk if an enemy, rightly or wrongly, believed that it could use a cyberattack to degrade our strategic weapons capabilities. **Such an enemy might be convinced** that it could win a war—conventional or even nuclear—**against** the United States. **The effect of this would be to undermine our deterrence**‐based defenses, **making us** significantly more at risk of a major war.

### Case

#### Use of specific resentment of insecurity avoids hatred for life.

William CONNOLLY Political Theory @ John’s Hopkins 5 “The Evangelical-Capitalist Resonance Machine” *Political Theory* 33:6 p. 880-881

The point is to discern how media presentations both do much of their work below the level of explicit attention and encourage the intense coding of those experiences as they do so. Part of the reason, I think, is that the TV and film viewer is immobilized before a moving image and sound track, while the everyday perceiver is either mobile or one step removed from mobility. The position of immobility amplifies the affective intensities received, just as a basketball coachfeels the intensities of the contest more than the players on the floor who absorb the intensities into action.'" This difference, indeed, dramatizes the wisdom of Nietzsche's commendation to act upon specific resentments before they ossify into ressentiment. Alongside the feminization campaign was another that deflected public attention from how politics and show business have melded together. Talking heads on Fox News repeatedly debated the question, "Should actors take public positions on political issues?", focusing as they did so on actors who criticized the war in Iraq. The question was not posed about business celebrities or retired generals or several Republican candidates who had been actors. The form of the question thus encourages people to identify show business with unpatriotic criticism, instead of discerning how critical films, rock music, selective TV dramas, and jazz are often associated with the Democratic left while country music, radio "talk shows," and evangelical-corporate celebrities are often linked to the right. Reiteration of the question in this form delinks the resonance machine of the right from show business while binding its opponents to it. The result is to divert attention from how politics, religion, and advertising all participate in show business today.'6 Those who received these messages, however, were not simply manipulated by the media to accept them; many were predisposed to the message through the spirit of their preliminary orientations to being. VII. To expose and counter the politics of existential revenge does not mean that you demean specific grievances, resentments, and critical energies that propel positive democratic energies forward. That would be to subtract critical energies from your own cause in the name of a spurious intellectualism that ignores the role of passion in religious practice, economic activity, thinking, and political struggle. The target is the congealed disposition of ressentiment, not every mode of resentment.

#### Baudrillard is just a fashionable source of cynicism—not a political strategy.

Rojek 93 [Chris Rojek, Deputy Director, Theory, Culture & Society Centre, Professor of Sociology and Culture at Nottingham Trent University, *Forget Buadrillard?* Edited by Chris Rojek, pg. 109]

His lacerating nihilism, his readiness to prick any cause, his devotion to experience for experience s sake, are all recurring tropes of at least one type of modernism. To be sure, modernism is a multi-faceted concept. Rather than speak of the project of modernism it is perhaps more accurate to speak o projects of modernism. These projects work around a central dichotomy: reflecting the order of things and exposing the funda­mental disorder of things. In the political realm the keynote projects designed to reflect the order of things have been (a) providing a theory of liberal democracy which legitimates the operation of he market; (b) the socialist critiques of capitalism and the plan for the reconstruction of society; and (c) the feminist transformation of the male order of things. These are all constructive projects. They either aim to give shape to people's lives or they seek to replace the eas­ing set of politico-economic conditions with a state of affairs that is judged to be superior on rational or moral grounds. Baudrillard it might be said, traces the dispersal of these projects He relishes being the imp of the perverse, the ruthless exponent of the disorder of things His work exposes the posturing and circularities of constructive arguments. But in doing this Baudrillard is not acting as the harbinger of a new postmodern state of affairs. Rather he is treading the well worn paths of one type of modernist sceptism and excess—a path which has no other destiny than repletion. His message of ‘no future’ does not transcend the political dilemma of modernism, it exemplifies it.

#### Realism is inevitable: the international system is anarchic; states have offensive military capabilities, states can never be sure of other states’ intentions, survival is the primary goal of states, and states are rational actors.

John J. Mearsheimer, Distinguished Professor of Political Science at the University of Chicago, 2001 (*The Tragedy of Great Power Politics*, Published by W. W. Norton & Company, ISBN 0393020258, p. 30-31)

How important is it that these assumptions be realistic? Some social scientists argue that the assumptions that underpin a theory need not conform to reality. Indeed, the economist Milton Friedman maintains that the best theories "will be found to have assumptions that are wildly inaccurate descriptive representations of reality, and, in general, the more significant the theory the more unrealistic the assumptions."2 According to this view, the explanatory power of a theory is all that matters. If unrealistic assumptions lead to a theory that tells us a lot about how the world works, it is of no importance whether the underlying assumptions are realistic or not. I reject this view. Although I agree that explanatory power is the ultimate criterion for assessing theories, I also believe that a theory based on unrealistic or false assumptions will not explain much about how the world works.3 Sound theories are based on sound assumptions. Accordingly, each of these five assumptions is a reasonably accurate representation of an important aspect of life in the international system. Bedrock Assumptions The first assumption is that the international system is anarchic, which does not mean that it is chaotic or riven by disorder. It is easy to draw that conclusion, since realism depicts a world characterized by security competition and war. By itself, however, the realist notion of anarchy has nothing to do with conflict; it is an ordering principle which says that the system comprises independent states that have no central authority above them.4 Sovereignty, in other words, inheres in states because there is no higher ruling body in the international system.5 There is no "government over governments.”6 The second assumption is that great powers inherently possess some offensive military capability which gives them the wherewithal to hurt and possibly destroy each other. States are potentially dangerous to each other, although some states have more military might than others and are therefore more dangerous. A state’s military power is usually identified with the particular weaponry at its disposal, although even if there were no weapons, the individuals in those states could still use their feet and hands to attack the population of another state. After all. for every neck, there are two hands to choke it. The third assumption is that states can never be certain about other states’ intentions. Specifically, no state can be sure that another state will not use its offensive military capability to attack the first state. This is not to say that states necessarily have hostile intentions. Indeed, all of the states in the system may be reliably benign, but it is impossible to be sure of that judgment because intentions are impossible to divine with 100 percent certainty.7 There are many possible causes of aggression, and no state can be sure that another state is not motivated by one of them.8 Furthermore, intentions can change quickly, so a state's intentions can be benign one day and hostile the next. Uncertainty about intentions is unavoidable, which means that states can never be sure that other states do not have offensive intentions to go along with their offensive capabilities. The fourth assumption is that survival is the primary goal of great powers. Specifically, states seek to maintain their territorial integrity and the autonomy of their domestic political order. Survival dominates other motives because once a state is conquered it is unlikely to be in a position to pursue other aims. Soviet leader Josef Stalin put the point well during a war scare in 1927: “We can and must build socialism in the [Soviet Union]. But in order to do so we first of all have to exist.”9 States can and do pursue other goals, of course, but security is their most important objective. The fifth assumption is that great powers are rational actors. They are aware of their external environment and they think strategically about how to survive in it. In particular, they consider the preferences of other states and how their own behavior is likely to affect the behavior of those other states, and how the behavior of those other states is likely to affect their own strategy for survival. Moreover, states pay attention to the long term as well as the immediate consequences of their actions.

#### Critiquing the realist system can achieve no change and will only produce hostility. - The act of rejection can’t speak to policymakers that operate under a realist mindset. the permutation is the only effective political option

Guzzini, senior research fellow at the Copenhagen Peace Research Institute, 1998 (Stefano, Realism in International Relations and International Political Economy, p. 234-235) pont

Consequently, taking realism seriously as a still widely shared device for constructing knowledge, helps in raising the awareness of the way in which often very contestable historical analogies influence our understanding, and can predispose to action. Such a conceptual analysis is hence not an idle thought, but a prerequisite to seeing a larger variety of policy options and to facing possible self-fulfilling prophecies. CONCLUSION This chapter made three arguments about the present development of realism in International Relations and International Political Economy. First, it showed that the unity between diplomatic discourse and the disci­pline of International Relations, so self-evident in the times of Morgenthau, can no longer be upheld. Both worlds of international politics and of diplo­macy have changed. Second, it showed a similar failure when realists tried to save the overlap of realism with the central explanatory theory of International Relations, that is, to save realism as the discipline's identity defining theory or para­digm. This was illustrated by a critique of the *Logic of Anarchy,* the most elaborate revision of Waltz's theory which aims at responding to the critics of realism and neorealism alike. This work can neither provide a meta­theoretically coherent realism, nor a version which would be acceptable to the present academic criteria of an empirical theory. As a rcsult of this double failure, realism is at a crossroads. Either it fol­lows thc scicntific road, and then pursues its fragmentation within and out­sidc thc narrowed discipline. Or it goes back to its normative and historical roots but, then, it can no longer cover the research agenda of International Relations, nor claim the scientific core position that it has been used to taking since 1945. In the past, realists have resisted this dilemma. This resistance, played out in both ways, has given cadence to realism's evolution, and until now, also the evolution of International Relations as a discipline. This has been the double story of this book. As long as this resistance continues, the story will continue. Third, this last chapter has argued that although the evolution of realism has been mainly a disappointment as a general causal theory, we have to deal with it. On the one hand, realist assumptions and insights are used and merged in nearly all frameworks of analysis offered in International Relations or International Political Economy. One of the book's purposes was to show realism as a varied and variably rich theory, so heterogeneous that it would be better to refer to it only in plural terms. On the other hand, to dispose of realism because some of its versions have been proven empirically wrong, ahistorical, or logically incoherent, does not necessarily touch its role in the shared understandings of observers and practitioners of international affairs. Realist theories have a persisting power for constructing our understanding of the present. Their assumptions, both as theoretical constructs, and as particular lessons of the past translated from one generation of decision-makers to another, help mobilizing certain understandings and dispositions to action. They also provide them with legitimacy. Despite realism's several deaths as a general causal theory, it can still powerfully enframe action. It exists in the minds, and is hence reflected in the actions, of many practitioners. Whether or not the world realism depicts is out there, realism is. Realism is not a causal theory that explains International Relations, but, as long as realism continues to be a powerful mind-set, we need to understand realism to make sense of International Relations. In other words, realism is a still necessary hermeneutical bridge to the understanding of world politics. Getting rid of realism without having a deep understanding of it, not only risks unwarranted dismissal of some valuable theoretical insights that I have tried to gather in this book; it would also be futile. Indeed, it might be the best way to tacitly and uncritically reproduce it.

#### Turn—rejecting security causes uncontrollable state violence

Tara McCormack, ’10, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 127-129)

The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the rejection of the old narrow national interest-based security framework by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, has the consequence of problematising weak or unstable states and allowing international institutions or major states a more interventionary role, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation. Whatever the problems associated with the pluralist security framework there were at least formal and clear demarcations. This has the consequence of entrenching international power inequalities and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means the condemnation of millions to a barbarous life of inhuman bare survival. Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that these new security frameworks cannot be empowering, and ultimately lead to more power for powerful states, we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches.

#### Baudrillard is the worst example of ivory tower academia—instead of dealing with real problems on the ground, they retreat to the masturbatory sanctuary of word games. The correct course of action is not word play, it is education and action to abate the consequences of atrocity. Their position is ultimately one which authorizes colonialism and genocide

**BALSAS, 2006** [BALSAS is an interdisciplinary journal on media culture. Interview with Art Group BBM, “on first cyborgs, aliens and other sides of new technologies,” translated from lithiuanian <http://www.balsas.cc/modules.php?name=News&file=print&sid=151>]

Valentinas: We all know that Jean Baudrillard did not believe that the Gulf War did take place, as it was over-mediated and over-simulated. In fact, the Gulf War II is still not over, and Iraq became much more than just a Frankenstein laboratory for the new media, technology and “democracy” games. What can we learn from wars that do not take place, even though they cannot be finished? Are they becoming a symptom of our times as a confrontation between multiple time-lines, ideologies and technologies in a single place?

Lars: Actually, it has always been the same: new wars have been better test-beds for the state of art technologies and the latest computer-controlled firearms. The World War I already was a fully mechanized war where pre-robots were fighting each other and gassing the troops. And afterwards, the winners shape the new world order.

Olaf: **Who on hell is Baudrillard**? The one who earns money by publishing his prognoses after the things happen? **What a fuck,** **French philosophy deals too much with luxury problems and elegantly ignores the problem itself**. It’s no wonder, **this is the colonizer’s mentality**, you can hear it roaring in their words: **they use phrases made to camouflage genocide.**

I went to see that Virilio’s exhibition "Ce qui arrive" at Foundation Cartier in 2003. I was smashed by that banal presentation of  the evil of all kinds: again, natural catastrophes and evil done by man were exposed on the same wall, glued together with a piece of "theory". There you find it all, filed up in one row: the pure luxury of the Cartier-funded Jean Nouvel building, an artwork without any blood in its veins, and that late Christian philosophy about the techno-cataclysm being the revenge of God. **Pure shit, turned into gold in the holy cellars of the modern alchemists’ museums.**

The artist-made video "documents" of the Manhattan towers opposed to Iraqian war pictures: that’s not Armageddon, that’s man-invented war technology to be used to subdue others. And **there is always somebody who pushes the buttons,** even when the button is a computer mouse some ten thousand kilometers away from the place where **people die**, or even if it is a civil airplanes redirected by Islamists. Everybody knows that. **War technology has always been made to make killing easier**. And to produce martyrs as well.

Janneke: Compare Baudrillard with **Henry Dunant,** the founder of the International Committee of the Red Cross. Dunant was no philosopher, he was just an intelligent rich man in the late 19th century. But his ideas went far more in the direction where **you should hope to find** **philosophers** as well. He experienced war as a "randonneur": he passed by, he saw the suffering and the inhumanity of war. **And he felt obliged to act**. Apart from the maybe 10 days he spent on the battlefield, on the beautiful meadows in the Europeans Alps, helping wounded people to survive, as a complete medical layman he decided to do something more sustainable against these odds. He knew that his efforts couldn’t prevent war in general, but he felt that he could alter the cruelty of reality. **And he succeeded in doing it**. No wonder that in our days we find the most engaged people to support the TROIA projects intention in Geneva, where they are still based. And they are not only doing their necessary surgeon’s work in the field: they are as well **fighting with the same energy on the diplomatic battlefield.**

#### The underlying thesis of all of their arguments—that information is worthless in the postmodern era—it’s false. is not just information that matters—the context and content of information is VITAL to our understanding and strategies of resistance. Word play cannot undermine the ideological commitments of information saturation because it explicitly *refuses to engage with them*. In fact—they make the problem worse, ceding the control of information to the conservative status quo.

**Kellner, 2002** [Douglas, Prof at UCLA, “Baudrillard: A New McLuhan?” <http://gseis.ucla.edu/faculty/kellner/illumina%20folder/kell26.htm>]

Another problem is that Baudrillard's formalism **vitates** the project of **ideology critique**, and against his claims that media content are irrelevant and unimportant, I would propose grasping the dialectic of form and content in media communication, seeing how media forms constitute content and how content is always formed or structured, while forms themselves can be ideological, as when the situation comedy form of conflict/resolution projects an ideological vision which shows all problems easily capable of being resolved within the existing society, or when action-adventure series formats of violent conflict as the essence of reality project a conservative view of human life as a battleground where only the fittest survive and prosper.[12] For a dialectical theory of the media, television would have **multiple** **functions** (and potential decodings) where sometimes the ideological effects may be predominant while at other times time functions a medium like television functions as mere noise or through the merely formal effects which Baudrillard puts at the center of his analysis.

Consequently, there is no real theory or practice of cultural interpretation in Baudrillard's media (increasingly **anti**-)theory, which also emanates an anti-hermeneutical bias that denies the importance of content and is against interpretation.[13] This brings us to a second subordination in Baudrillard's theory in which a more dialectical position is **subordinated** to media **essentialism** and technological **determinism**. For -- according to Baudrillard -- it is the technology of, say, television that determines its effects (one-way transmission, semiurgy, implosion, extermination of meaning and the social) rather than any particular content or message (i.e. for both Baudrillard and McLuhan "the media is the message"), or its construction or use within specific social systems. For Baudrillard, media technology and semiurgy are the demiurges of media practices and effects, separated from their uses by specific economic and political interests, individuals and groups, and the social systems within which they function. Baudrillard thus abstracts media from social systems and essentializes media technology as dominant social forces. Yet against Baudrillard, one could argue that capital continues to be a primary determinant of media form and content in neo-capitalist societies just as state socialism helps determine the form, nature, and effects of technologies in certain state socialist societies.

Baudrillard, like McLuhan, often makes essentializing distinctions between media like television or film, ascribing a particular essence to one, and an opposed essence to the other. Yet it seems highly problematical///

 to reduce apparatuses as complex, contradictory, and many-sided as television (or film or any mass medium) to its formal properties and effects, or to a technological essence. It is therefore **preferable**, for theories of media in the capitalist societies, to see the media as syntheses of technology and capital, as technologies which serve **specific** interests and which have **specific** political and economic effects (rather than merely technological ones). It is also preferable to see the dialectic between media and society in specific historical conjunctures, to see how social content, trends, and imperatives help constitute the media which in turn influence social developments and help constitute social reality.

For Baudrillard, by contrast, the media today simply constitute a simulated, hyperreal, and obscene (in his technical sense) world(view), and a dialectic of media and society is shortcircuited in a new version of technological determinism. The political implications of this analysis are that constituting alternative media, or alternative uses or forms of existing media, is useless or worse because media in their very essence for him militate against emancipatory politics or any project of social transformation. **Such cynical views**, however, **primarily benefit conservative interests who presently control the media in their own interests** -- a point to which I shall soon return.

## \*\*\* 2NC

### 2NC—Fairness O/W Edu

#### 1. Fairness outweighs—debate is played for its own sake—fairness outweigh all other concerns.

Villa 96—Dana Villa Political Theory @ UC Santa Barbara [*Arendt and Heidegger: the Fate of the Political* p. 37]

If political action is to be valued for its own sake, then the content of political action must be politics “in the sense that political action is talk about politics.” The circularity of this formulation, given by George Kateb, is unavoidable. It helps if we use an analogy that Kateb proposes, the analogy between such a purely political politics and a game. “A game,” writes Kateb, “is not ‘about’ anything outside itself, it is its own sufficient world…the content of any game is itself.” What matters in a game is the play itself, and the **quality of this play** is **utterly** **dependent** upon the **willingness** and ability of the **players** to **enter the “world” of the game**. The Arendtian conception of politics is one in which the spirit animating the “play” (the sharing of words and deeds) comes **before all else**—before personal concerns, groups, interests, and even moral claims. If allowed to dominate the “game,” these elements detracts from the play and from the performance of action. A good game happens only when the players submit themselves to its spirit and **do not allow subjective or external motives to dictate the play**. A good game, like genuine politics, is played for its own sake.

### Morson

#### They prioritize pursuing truth over equal dialogue—refusal to be open to genuine testing results in authoritarianism they critique

Morson 4—Northwestern prof (Greg, Bakhtinian Perspectives on Language, Literacy, and Learning, 317-23)

Sarah Freedman and Arnetha Ball describe learning as a dialogic process. It is not merely a transmission of knowledge, but an activity in which whole selves are formed and acquire new capacities for development. We live in a world of enormous cultural diversity, and the various languages and points of view—ideologies in Bakhtin’s sense—of students have become a fact that cannot be ignored. Teachers need to enter into a dialogue with those points of view and to help students do the same. For difference may best be understood not as an obstacle but as an opportunity.

The range of “authoritative” and “innerly persuasive discourses” in our classrooms appears to be growing along with our cultural diversity. Freedman and Ball observe: “This rich and complex ‘contact zone’ inside the classroom yields plentiful opportunity for students to decide what will be internally persuasive for them, and consequently for them to develop their ideologies. This diversity presents both challenges and opportunities as teachers seek to guide their students on this developmental journey” (pp. 8– 9, this volume). The journey they have in mind does not so much lead to a particular goal as establish an ever-enriching process of learning.

Freedman and Ball’s approach grows out of Bakhtin’s key concepts, especially one that has been largely neglected in research on him: “ideological becoming” (see Chapter 1, this volume). The implications of the essays in this volume therefore extend well beyond educational theory and practice to the humanities and social sciences generally. How does a thinking person– and we are all thinking people—develop? What happens when ideas, embodied in specific people with particular voices, come into dialogic contact? What factors guide the creation of a point of view on the world? The specific problematic of pedagogy serves as a lens to make the broader implications of such questions clearer. [End Page 317]

Authority and testing How does a person develop a point of view on the world, a set of attitudes for interpreting and evaluating it ? How systematic is that point of view? Is our fundamental take on the world a philosophy with implicit doctrines or is it more like a set of inclinations and a way of probing? Perhaps it is not one, but a collection of ways of probing, a panoply of skills and habits, which a person tries out one after another the way in which one may, in performing a physical task, reach for one tool after another? What does our point of view have to do with our sense of ourselves, whether as individuals or as members of groups? What role does formal education play in acquiring and shaping it? What happens when contrary evidence confronts us or when the radical uncertainty of the world impinges on us? Whatever that “point of view” is, how does it change over time ? In any given culture or subculture, there tends to be what Bakhtin would call an “authoritative” perspective. However, the role of that perspective is not necessarily authoritarian. Despite Bakhtin’s experience as a Soviet citizen, where the right perspective on just about all publicly identified perspectives was held to be already known and certain, he was well aware that outside that circle of presumed certainty life was still governed by opinion. It is not just that rival ideologies—Christian, liberal, and many others—were still present; beyond that, each individual’s experiences led to half-formed but strongly held beliefs that enjoyed no formal expression. Totalitarianism was surely an aspiration of the Soviet and other such regimes, but it could never realize its ideal of uniformity–“the new Soviet man” who was all of a piece—for some of the same reasons it could not make a centrally planned economy work. There is always too much contingent, unexpected, particular, local, and idiosyncratic, with a historical or personal background that does not fit. Bakhtin may be viewed as the great philosopher of all that does not fit. He saw the world as irreducibly messy, unsystematizable, and contingent, and he regarded it as all the better for that. For life to have meaning, it must possess what he called “surprisingness.” If individual people are to act morally, they cannot displace their responsibility onto some systematic ideology, whether Marxist, Christian, or any other. What I do now is not reducible to any ethical, political, or metaphysical system; and I—each “I”– must take responsibility for his or her acts at this moment. As Bakhtin liked to say, there is “no alibi.” Authoritative words in their fully expressed form purport to offer an alibi. They say, like Dostoevsky’s Grand Inquisitor: we speak the truth and you need not question, only obey, for your conscience to be at rest. Yet, every authoritative word is spoken or heard in a milieu of difference. It may try to insulate itself from dialogue with reverential tones, a special script, and all the other signs of the authority fused to it, but at the margins 319 dialogue waits with a challenge: you may be right, but you have to convince me. Once the authoritative word responds to that challenge, it ceases to be fully authoritative. To be sure, it may still command considerable deference by virtue of its past, its moral aura, and its omnipresence. But it has ceased to be free from dialogue and its authority has changed from unquestioned to dialogically tested. Every educator crosses this line when he or she gives reasons for a truth. My daughter once had a math teacher who, when asked why a certain procedure was used to solve an equation, would reply, “because some old, dead guy said so.” Of course, no answer could be further from the spirit of mathematics, where logic counts for everything and authority for nothing. Nobody proves the Pythagorean theorem by saying Pythagoras said so. Compare this reply with actually showing the logic of a procedure so the student understands the “why.” In that case, one immediately admits that there must be a good reason for proceeding in a certain way, and that it needs to be shown. The procedure does not end up as less sure because of this questioning; quite the contrary. Rather, questioning is seen as intrinsic to mathematics itself, which enjoys its authority precisely because it has survived such questioning. Even in fields that do not admit of mathematical proof, an authoritative word does not necessarily lose all authority when questioning enters into it. We can give no mathematically sure reason why democracy is preferable to dictatorship or market economies are generally more productive than command economies. But we can give reasons, which admit the possibilities of challenges we had not foreseen and may have to think about. Education and all inquiry are fundamentally different when the need for reasons is acknowledged and when questioning becomes part of the process of learning. Truth becomes dialogically tested and forever testable. In short, authoritative words may or may not be authoritarian. In the Soviet Union, authoritarian words were the norm and questioning was seen as suspect. One no more questioned Marxism-Leninism than one questioned the law of gravity (a common comparison, suggesting that each was equally sure). What the Party said was right because it was the outcome of sure historical laws guaranteeing the correctness of its rulings. Education reflected this spirit. Bakhtin’s embrace of dialogue, then, challenged not so much the economic or historical theories the regime propounded, but its very concept of truth and the language of truth it embraced. Dialogue by its very nature invites questioning, thrives on it, demands it. It follows from Bakhtin’s argument that nonauthoritarian authoritative words are not necessarily weaker than authoritarian ones. After all, one may believe something all the more because one has questioned it, provided that defenders have been willing to answer and have been more or less cogent in their defense. They need not answer all objections perfectly—we are often convinced with qualifications, with a “just in case,” with “loopholes.” 320 However, they must demonstrate that the authority is based on generally sound reasons. Morever, for many, enormous persuasive power lies in the very fact that the authoritative belief is so widely held. Everyone speaks it, even if with ironizing quotation marks. An authoritative word of this nonauthoritarian kind functions not as a voice speaking the Truth, but as a voice speaking the one point of view that must be attended to. It may be contested, rejected, or modified, the way in which church dogmas are modified over time by believers, but it cannot be ignored. Think of Huck Finn (discussed by Mark Dressman, this volume). Even when he cannot bring himself to turn in Jim as a runaway slave, he accepts the authority of the social voice telling him that such an action would be right. He does not question that voice, just realizes he will not follow it and will do “wrong.” Much of the moral complexity of this book lies in Huck’s self-questioning, as he does what we believe to be right but what he thinks of as wrong; and if we read this book sensitively, we may ask ourselves how much of our own behavior is Huckish in this respect. Perhaps our failure to live up to our ideals bespeaks our intuition without overt expression that there is something wrong with those ideals. What Huck demonstrates is that there may be a wisdom, even a belief system, in behavior itself: we always know more than we know, and our moral sensitivity may be different from, and wiser than, our professed beliefs. our own authoritative words The basic power of an authoritative voice comes from its status as the one that everyone hears. Everyone has heard that democracy is good and apartheid is bad, that the environment needs preserving, that church must not be merged with state; and people who spend their lives in an academic environment may add many more to the list. In our academic subculture, we are, almost all of us, persuaded of the rightness of greater economic equality, of plans for inclusion and affirmative action, of abortion rights, of peace, of greater efforts to reach out to all the people in the world in all their amazing diversity. These are our authoritative voices, and , too, we may accept either because they are simply not to be questioned or because we have sought out intelligent opponents who have questioned them and have thought about, if not ultimately accepted, their answers. Again, educators know the moment when a student from a background different from ours questions one of our beliefs and we experience the temptation to reply like that math teacher. Thinking of ourselves as oppositional, we often forget that we, too, have our own authoritative discourse and must work to remember that, in a world of difference, authority may not extend to those unlike us. The testable authoritative voice: we hear it always, and though some may disagree with it, they cannot ignore it. Its nonauthoritarian power is based 321 above all on its ubiquity. In a society that is relatively open to diverse values, that minimal, but still significant, function of an authoritative voice is the most important one. It demands not adherence but attention. And such a voice is likely to survive far longer than an authoritarian voice whose rejection is necessarily its destruction. We have all these accounts of Soviet dissidents—say, Solzhenitsyn—who tell their story as a “narrative of rethinking” (to use Christian Knoeller’s phrase): they once believed in Communist ideology, but events caused them to raise some questions that by their nature could not be publicly voiced, and that silence itself proved most telling. You can hear silence if it follows a pistol shot. If silence does not succeed in ending private questioning, the word that silence defends is decisively weakened. The story of Soviet dissidents is typically one in which, at some point, questioning moved from a private, furtive activity accompanied by guilt to the opposite extreme, a clear rejection in which the authoritative voice lost all hold altogether. Vulnerability accompanies too much power. But in more open societies, and in healthier kinds of individual development, an authoritative voice of the whole society, or of a particular community (like our own academic community), still sounds, still speaks to us in our minds. In fact, we commonly see that people who have questioned and rejected an authoritative voice find that it survives within them as a possible alternative, like the minority opinion in a court decision. When they are older, they discover that experience has vindicated some part of what they had summarily rejected. Perhaps the authoritative voice had more to it than we thought when young? Now that we are teachers, perhaps we see some of the reasons for practices we objected to? Can we, then, combine in a new practice both the practices of our teachers and the new insights we have had? When we do, a flexible authoritative word emerges, one that has become to a great extent an innerly persuasive one. By a lengthy process, the word has, with many changes, become our own, and our own word has in the process acquired the intonations of authority. In much the same way, we react to the advice of our parents. At some point it may seem dated, no more than what an earlier generation unfortunately thought, or we may greet it with the sign of regret that our parents have forgotten what they experienced when our age. However, the dialogue goes on. At a later point, we may say, you know, there was wisdom in what our parents said, only why did they express it so badly? If only I had known! We may even come to the point where we express some modified form of parental wisdom in a convincing voice. We translate it into our own idiolect, confident that we will not make the mistakes of our parents when we talk to our children. Then our children listen, and find our own idiolect, to which we have devoted such painful ideological and verbal work, hopelessly dated, and the process may start again. It is always a difficult moment when we realize that our own voice is now the authority, especially because we have made it different, persuasive in its 322 own terms, not like our parents’ voice. When we reflect on how our children see us, we may even realize that our parents’ authoritative words may not have been the product of blind acceptance, but the result of a process much like our own. They may have done the same thing we did—question, reject, adapt, arrive at a new version—and that rigid voice of authority we heard from them was partly in our own ears. Can we somehow convey to our students our own words so they do not sound so rigid? We all think we can. But so did our parents (and other authorities). Dialogue, Laughter, And Surprise Bakhtin viewed the whole process of “ideological” (in the sense of ideas and values, however unsystematic) development as an endless dialogue. As teachers, we find it difficult to avoid a voice of authority, however much we may think of ours as the rebel’s voice, because our rebelliousness against society at large speaks in the authoritative voice of our subculture. We speak the language and thoughts of academic educators, even when we imagine we are speaking in no jargon at all, and that jargon, inaudible to us, sounds with all the overtones of authority to our students. We are so prone to think of ourselves as fighting oppression that it takes some work to realize that we ourselves may be felt as oppressive and overbearing, and that our own voice may provoke the same reactions that we feel when we hear an authoritative voice with which we disagree. So it is often helpful to think back on the great authoritative oppressors and reconstruct their self-image: helpful, but often painful. I remember, many years ago, when, as a recent student rebel and activist, I taught a course on “The Theme of the Rebel” and discovered, to my considerable chagrin, that many of the great rebels of history were the very same people as the great oppressors. There is a famous exchange between Erasmus and Luther, who hoped to bring the great Dutch humanist over to the Reformation, but Erasmus kept asking Luther how he could be so certain of so many doctrinal points. We must accept a few things to be Christians at all, Erasmus wrote, but surely beyond that there must be room for us highly fallible beings to disagree. Luther would have none of such tentativeness. He knew, he was sure. The Protestant rebels were, for a while, far more intolerant than their orthodox opponents. Often enough, the oppressors are the ones who present themselves and really think of themselves as liberators. Certainty that one knows the root cause of evil: isn’t that itself often the root cause? We know from Tsar Ivan the Terrible’s letters denouncing Prince Kurbsky, a general who escaped to Poland, that Ivan saw himself as someone who had been oppressed by noblemen as a child and pictured himself as the great rebel against traditional authority when he killed masses of people or destroyed whole towns. There is something in the nature of maximal rebellion against authority that produces ever greater intolerance, unless one is very careful. 323 For the skills of fighting or refuting an oppressive power are not those of openness, self-skepticism, or real dialogue. In preparing for my course, I remember my dismay at reading Hitler’s Mein Kampf and discovering that his self-consciousness was precisely that of the rebel speaking in the name of oppressed Germans, and that much of his amazing appeal—otherwise so inexplicable—was to the German sense that they were rebelling victims. In our time, the Serbian Communist and nationalist leader Slobodan Milosevic exploited much the same appeal. Bakhtin surely knew that Communist totalitarianism, the Gulag, and the unprecedented censorship were constructed by rebels who had come to power. His favorite writer, Dostoevsky, used to emphasize that the worst oppression comes from those who, with the rebellious psychology of “the insulted and humiliated,” have seized power—unless they have somehow cultivated the value of dialogue, as Lenin surely had not, but which Eva, in the essay by Knoeller about teaching The Autobiography of Malcolm X, surely had. Rebels often make the worst tyrants because their word, the voice they hear in their consciousness, has borrowed something crucial from the authoritative word it opposed, and perhaps exaggerated it: the aura of righteous authority. If one’s ideological becoming is understood as a struggle in which one has at last achieved the truth, one is likely to want to impose that truth with maximal authority; and rebels of the next generation may proceed in much the same way, in an ongoing spiral of intolerance. By contrast, if one’s rebellion against an authoritative word is truly dialogic, that is unlikely to happen, or to be subject to more of a self-check if it does. Then one questions one’s own certainties and invites skepticism, lest one become what one has opposed. One may even step back and laugh at oneself. Laughter at oneself invites the perspective of the other. Laughter is implicitly pluralist. Instead of looking at one’s opponents as the unconditionally wrong, one imagines how one sounds to them. Regarding earlier authorities, one thinks: that voice of authority, it is not my voice, but perhaps it has something to say, however wrongly put. It comes from a specific experience, which I must understand. I will correct it, but to do that I must measure it, test it, against my own experience. Dialogue is a process of real testing, and one of the characteristics of a genuine test is that the result is not guaranteed. It may turn out that sometimes the voice of earlier authority turns out to be right on some point. Well, we will incorporate that much into our own “innerly persuasive voice.” Once one has done this, once one has allowed one’s own evolving convictions to be tested by experience and by other convictions, then one may allow the dialogue to continue.

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### Case

#### Finish Kellner

to reduce apparatuses as complex, contradictory, and many-sided as television (or film or any mass medium) to its formal properties and effects, or to a technological essence. It is therefore **preferable**, for theories of media in the capitalist societies, to see the media as syntheses of technology and capital, as technologies which serve **specific** interests and which have **specific** political and economic effects (rather than merely technological ones). It is also preferable to see the dialectic between media and society in specific historical conjunctures, to see how social content, trends, and imperatives help constitute the media which in turn influence social developments and help constitute social reality.

For Baudrillard, by contrast, the media today simply constitute a simulated, hyperreal, and obscene (in his technical sense) world(view), and a dialectic of media and society is shortcircuited in a new version of technological determinism. The political implications of this analysis are that constituting alternative media, or alternative uses or forms of existing media, is useless or worse because media in their very essence for him militate against emancipatory politics or any project of social transformation. **Such cynical views**, however, **primarily benefit conservative interests who presently control the media in their own interests** -- a point to which I shall soon return.

#### Uncritical oversimplification—context and content ARE relevant—their blanket criticism is shoddy scholarship that ought to be rejected—prefer our appeal to specificity—specificity matters—take the common sense test—different information DOES effect us in different ways

**Kellner, 2002** [Douglas, Prof at UCLA, “Baudrillard: A New McLuhan?” <http://gseis.ucla.edu/faculty/kellner/illumina%20folder/kell26.htm>]

Yet doubts remain as to whether the media are having quite the impact that Baudrillard ascribes to them and whether his theory provides adequate concepts to analyze the complex interactions between media, culture, and society today. In this section, I shall suggest that Baudrillard's media theory is **vitiated** by three subordinations which undermine its theoretical and political usefulness and which raise questions as well about the status of postmodern social theory. I shall suggest that the limitations in Baudrillard's theory can be related to his **uncritical** **assumption** of certain positions within McLuhan's media theory and that therefore earlier critiques of McLuhan can accurately and usefully be applied to Baudrillard. This critique will suggest that indeed Baudrillard is a "new McLuhan" who has repackaged McLuhan into new postmodern cultural capital.

**First**, in what might be called a formalist subordination, Baudrillard, like McLuhan, privileges the form of media technology over what might be called the media apparatus, and thus subordinates content, meaning, and the use of media to its purely formal structure and effects. Baudrillard -- much more so than McLuhan who at least gives some media history and analysis of the media environment -- tends to abstract media form and effects from the media environment and thus erases political economy, media production, and media environment (i.e. **society at large**) from his theory. Against abstracting media form and effects from context, I would argue that the **use** and **effects** of media **should be carefully examined and evaluated in terms of specific contexts.** **Distinctions between context and use, form and content, media and reality, all dissolve,** however, **in Baudrillard's one-dimensional theory where global theses and glib pronouncements replace careful analysis and critique**.

### 2NC UQ Wall

#### A) Arms Race now – we’ve already developed OCOs

Schneier 6/18/13 (Bruce, CNN staff writer, “Has U.S. started an Internet war?”, <http://www.cnn.com/2013/06/18/opinion/schneier-cyberwar-policy>)

More than passively eavesdropping, we're penetrating and damaging foreign networks for both espionage and to ready them for attack. We're creating custom-designed Internet weapons, pre-targeted and ready to be "fired" against some piece of another country's electronic infrastructure on a moment's notice. This is much worse than what we're accusing China of doing to us. We're pursuing policies that are both expensive and destabilizing and aren't making the Internet any safer. We're reacting from fear, and causing other countries to counter-react from fear. We're ignoring resilience in favor of offense. Welcome to the cyberwar arms race, an arms race that will define the Internet in the 21st century. Presidential Policy Directive 20, issued last October and released by Edward Snowden, outlines U.S. cyberwar policy. Most of it isn't very interesting, but there are two paragraphs about "Offensive Cyber Effect Operations," or OCEO, that are intriguing: