# 1NC

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#### a. Interpretation and violation---the affirmative should defend the desirability of topical government action.

#### “USFG should” indicates a debate about hypothetical government action

Jon M Ericson 3, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., 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 through 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.

#### Restrictions are prohibitions on action

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Statutory restrictions require legislative action

The Law Dictionary 13 “What is Statutory Restriction?, The Law Dictionary: **Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Edition**, http://thelawdictionary.org/statutory-restriction/

What is STATUTORY RESTRICTION?

Limits or controls that have been place[d] on activities by its ruling legislation.

#### Judicial restrictions require a court --- we’ll read evidence if they question this factual statement

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

Steinberg and Freeley 13, \* David, Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League. Director of Debate at U Miami, Former President of CEDA. And \*\* Austin, attorney who focuses on criminal, personal injury and civil rights law, JD, Suffolk University, *Argumentation and Debate***,** *Critical Thinking for Reasoned Decision Making*, 121-4

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity 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 of issues, there is no debate. Controversy invites decisive choice between competing positions. 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 live 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 are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. 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. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. 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 a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean Iliad 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, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. 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, cyber-warfare, disinformation, or what? What does it mean to be “mightier" 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.

#### b. Vote neg:

#### Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent which internal link turns all education claims.

#### Topical fairness requirements are key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### Switch-side is key---Effective deliberation is only possible in a switch-side debate – forces critical thinking and better advocacy of one’s positions

Keller, et. al, 01 – Asst. professor School of Social Service Administration U. of Chicago (Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

SOCIAL WORKERS HAVE a professional responsibility to shape social policy and legislation (National Association of Social Workers, 1996). In recent decades, the concept of policy practice has encouraged social workers to consider the ways in which their work can be advanced through active participation in the policy arena (Jansson, 1984, 1994; Wyers, 1991). The emergence of the policy practice framework has focused greater attention on the competencies required for social workers to influence social policy and placed greater emphasis on preparing social work students for policy intervention (Dear & Patti, 1981; Jansson, 1984, 1994; Mahaffey & Hanks, 1982; McInnis-Dittrich, 1994). The curriculum standards of the Council on Social Work Education (CSWE) require the teaching of knowledge and skills in the political process (CSWE, 1994). With this formal expectation of policy education in schools of social work, the best instructional methods must be employed to ensure students acquire the requisite policy practice skills and perspectives. The authors believe that structured student debates have great potential for promoting competence in policy practice and in-depth knowledge of substantive topics relevant to social policy. Like other interactive assignments designed to more closely resemble "real-world" activities, issue-oriented debates actively engage students in course content. Debates also allow students to develop and exercise skills that may translate to political activities, such as testifying before legislative committees. Finally, and perhaps most importantly, debates may help to **stimulate critical thinking** by shaking students free from **established opinions** and helping them to **appreciate the complexities involved in policy dilemmas.** Relationships between Policy Practice Skills, Critical Thinking, and Learning Policy practice encompasses social workers' "efforts to influence the development, enactment, implementation, or assessment of social policies" (Jansson, 1994, p. 8). Effective policy practice involves analytic activities, such as defining issues, gathering data, conducting research, identifying and prioritizing policy options, and creating policy proposals (Jansson, 1994). It also involves persuasive activities intended to influence opinions and outcomes, such as discussing and debating issues, organizing coalitions and task forces, and providing testimony. According to Jansson (1984,pp. 57-58), social workers rely upon five fundamental skills when pursuing policy practice activities: value-clarification skills for identifying and assessing the underlying values inherent in policy positions; conceptual skills for identifying and evaluating the relative merits of different policy options; interactional skills for interpreting the values and positions of others and conveying one's own point of view in a convincing manner; political skills for developing coalitions and developing effective strategies; and position-taking skills for recommending, advocating, and defending a particular policy. These policy practice skills reflect the hallmarks of critical thinking (see Brookfield, 1987; Gambrill, 1997). The central activities of critical thinking are identifying and challenging underlying assumptions, exploring alternative ways of thinking and acting, and arriving at commitments after a period of questioning, analysis, and reflection (Brookfield, 1987). Significant parallels exist with the policy-making process--identifying the values underlying policy choices, recognizing and evaluating multiple alternatives, and taking a position and advocating for its adoption. Developing policy practice skills seems to share much in common with developing capacities for critical thinking. R.W. Paul (as cited in Gambrill, 1997) states that critical thinkers acknowledge the imperative to argue from opposing points of view and to seek to identify weakness and limitations in one's own position. Critical thinkers are aware that there are many legitimate points of view, each of which (when thought through) may yield some level of insight. (p. 126) John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28). The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying **one's own policy position.** In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

### 1NC---DA

#### The ecological crunch is coming---overwhelming scientific evidence proves an impending environmental crisis risks extinction

David Shearman 7, Emeritus professor of medicine at Adelaide University, Secretary of Doctors for the Environment Australia, and an Independent Assessor on the IPCC; and Joseph Wayne Smith, lawyer and philosopher with a research interest in environmentalism, 2007, The Climate Change Challenge and the Failure of Democracy, p. 4-6

This impending crisis is caused by the accelerating damage to the natural environment on which humans depend for their survival. This is not to deny that there are other means that may bring catastrophe upon the earth. John Gray for example5 argues that destructive war is inevitable as nations become locked into the struggle for diminishing resources. Indeed, Gray believes that war is caused by the same instinctual behavior that we discuss in relation to environmental destruction. Gray regards population increases, environmental degradation, and misuse of technology as part of the inevitability of war. War may be inevitable but it is unpredictable in time and place, whereas environmental degradation is relentless and has progressively received increasing scientific evidence. Humanity has a record of doomsayers, most invariably wrong, which has brought a justifiable immunity to their utterances. Warnings were present in The Tales of Ovid and in the Old and New Testaments of the Bible, and in more recent times some of the predictions from Thomas Malthus and from the Club of Rome in 1972, together with the “population bomb” of Paul Ehrlich, have not eventuated. The frequent apocalyptic predictions from the environmental movement are unpopular and have been vigorously attacked.

So it must be asked, what is different about the present warnings? As one example, when Sir David King, chief scientist of the UK government, states that “in my view, climate change is the most severe problem that we are facing today, more serious than the threat of terrorism,”6 how is this and other recent statements different from previous discredited prognostications? Firstly, they are based on the most detailed and compelling science produced with the same scientific rigor that has seen humans travel to the moon and create worldwide communication systems. Secondly, this science embraces a range of disciplines of ecology, epidemiology, climatology, marine and fresh water science, agricultural science, and many more, all of which agree on the nature and severity of the problems. Thirdly, there is virtual unanimity of thousands of scientists on the grave nature of these problems. Only a handful of skeptics remain.

During the past decade many distinguished scientists, including numerous Nobel Laureates, have warned that humanity has perhaps one or two generations to act to avoid global ecological catastrophe. As but one example of this multidimensional problem, the Intergovernmental Panel on Climate Change (IPCC) has warned that global warming caused by fossil fuel consumption may be accelerating.7 Yet climate change is but one of a host of interrelated environmental problems that threaten humanity. The authors have seen the veils fall from the eyes of many scientists when they examine all the scientific literature. They become advocates for a fundamental change in society. The frequent proud statements on economic growth by treasurers and chancellors of the exchequer instill in many scientists an immediate sense of danger, for humanity has moved one step closer to doom.

Science underpins the success of our technological and comfortable society. Who are the thousands of scientists who issue the warnings we choose to ignore? In 1992 the Royal Society of London and the U.S. National Academy of Sciences issued a joint statement, Population Growth, Resource Consumption and a Sustainable World,8 pointing out that the environmental changes affecting the planet may irreversibly damage the earth’s capacity to maintain life and that humanity’s own efforts to achieve satisfactory living conditions were threatened by environmental deterioration. Since 1992 many more statements by world scientific organizations have been issued.9 These substantiated that most environmental systems are suffering from critical stress and that the developed countries are the main culprits. It was necessary to make a transition to economies that provide increased human welfare and less consumption of energy and materials. It seems inconceivable that the consensus view of all these scientists could be wrong. There have been numerous international conferences of governments, industry groups, and environmental groups to discuss the problems and develop strategy, yet widespread deterioration of the environment accelerates. What is the evidence?

The Guide to World Resources, 2000 –2001: People and Ecosystems, The Fraying Web of Life10 was a joint report of the United Nations Development Program, the United Nations Environment Program, the World Bank, and the World Resources Institute. The state of the world’s agricultural, coastal forest, freshwater, and grassland ecosystems were analyzed using 23 criteria such as food production, water quantity, and biodiversity. Eighteen of the criteria were decreasing, and one had increased (fiber production, because of the destruction of forests). The report card on the remaining four criteria was mixed or there was insufficient data to make a judgment. In 2005, The Millennium Ecosystem Assessment Synthesis Report by 1,360 scientific experts from 95 countries was released.11 It stated that approximately 60 percent of the ecosystem services that support life on earth—such as fresh water, fisheries, and the regulation of air, water, and climate—are being degraded or used unsustainably. As a result the Millennium Goals agreed to by the UN in 2000 for addressing poverty and hunger will not be met and human well-being will be seriously affected.

#### This means a transition to environmental authoritarianism’s coming now---solves extinction

Mark Beeson 10, Professor and Head of the Department of Political Science & International Studies, University of Birmingham, 2010, “The coming of environmental authoritarianism,” Environmental Politics, Vol. 19, No. 2, DOI:10.1080/09644010903576918

The environment has become the defining public policy issue of the era. Not only will political responses to environmental challenges determine the health of the planet, but continuing environmental degradation may also affect political systems. This interaction is likely to be especially acute in parts of the world where environmental problems are most pressing and the state's ability to respond to such challenges is weakest. One possible consequence of environmental degradation is the development or consolidation of authoritarian rule as political elites come to privilege regime maintenance and internal stability over political liberalisation. Even efforts to mitigate the impact of, or respond to, environmental change may involve a decrease in individual liberty as governments seek to transform environmentally destructive behaviour. As a result, ‘environmental authoritarianism’ may become an increasingly common response to the destructive impacts of climate change in an age of diminished expectations.

#### The aff’s faith in bottom-up change delays the transition and only authoritarian coercion can resolve environmental decline fast enough---the 1AC is founded on an ontology of abundance

Mathew Humphrey 7, Reader in Political Philosophy at the University of Nottingham, UK, 2007, Ecological Politics and Democratic Theory: The Challenge to the Deliberative Ideal, p. 20-21

If these changes are necessary - the downgrading, curtailment and reconceptualisation of democracy, liberties, and justice, as well as the raising to primacy of integrity and ecological virtue - how are the necessary changes to come about? Value change represents the best 'long-term' hope but the ecological crisis is not a 'long-term' problem. These changes have to be introduced quickly and before there has been time to inculcate value shifts in the population. The downgrading of rights and liberties has to be achieved through policy and institutional change, even while the question of a long-term change of values is also addressed. For both these tasks what is required is political leadership and the institution of the state.

The immediate problem lies in the collective action problem that arises in respect of the looming ecological constraints on economic activity and the potential collapse of the global commons. The end of the 'golden age' of material abundance, as we slide back down the other side of 'Hubbert's pimple’ will bring about intense competition for scarce resources. To understand politics under these circumstances, we have to turn back to Hobbes and Burke, the political philosophers who conceptualised life under conditions of scarcity, and also to Plato, commended for his healthy mistrust of democracy.

For Ophuls a crucial element of political philosophy is the definition of reality itself; political philosophy carries within it an ontologieal component which sets out the foundations of political possibility. The contemporary West he sees as defined by the 'philosophers of the great frontier' Locke, Smith, and Marx. These are the political philosophers of abundance. For Locke the proviso of always leaving 'as much and as good' for others in appropriation could always be met even when there was no unappropriated land left, as the productivity of the land put to useful work would always create better opportunities for those coming later. Smiths 'invisible hand' thesis was also dependent upon the assumption that the material goods would always be available for individual to accomplish their own economic plans. For Marx the 'higher phase' of communist society arrives 'after the productive forces have... increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly' (Marx, 1970: 19). For Ophuls these are all the political philosophies of abundance. Ecological crisis, however, returns us to the Hobbesian struggle of all against all (Heilbroner, 1974: 89). With ecological scarcity we return to the classical problems of political theory that 400 years of abnormal abundance has shielded us from (Ophuls, 1977: 164). Both liberalism and socialism represent the politics of this 'abnormal abundance' and with the demise of this period we return to the eternal problems of politics.

Hobbes, then, is seen as the political philosopher of ecological scarcity avant la lettre. 'Hardin's "logic of the commons" is simply a special version of the general political dynamic of Hobbes' "state of nature"' (Ophuls, 1977; 148). Competition over scarce resources leads to conflict, even when all those involved realise that they would be collectively better off if they could co-operate, 'to bring about the tragedy of the commons it is not necessary that men be bad, only that they not be actively good' (Ophuls, 1977: 149). It is this Hobbesian struggle that may impose 'intolerable strains on the representative political apparatus that has been historically associated with capitalist societies' (Heilbroner, 1974: 89). Coercion is seen as the solution (and it is hoped, although as we have seen not for terribly good reasons, that this coercion can be agreed democratically), and the appropriate agent of this solution is the state. The transition from abundance to scarcity will have to be centralised and expert-controlled, and it is unlikely that 'a steady state polity could be democratic' (Ophuls, 1977: 162). As we shall see in the following paragraphs, this faith in the ability of the state to institute centralised controls that would be obeyed by its citizens is one of the areas that has attracted fierce criticism from contemporary green political theorists.

#### Giroux is the greatest link ever to rights malthus

Henry A. Giroux 13, "Radical Democracy Against Cultures of Violence", December 17, truth-out.org/opinion/item/20669-radical-democracy-against-cultures-of-violence

A radical democracy is also grounded in a revolutionizing logic in which the conditions for its fulfillment are always under question and indeed have no final or complete end point. Hence, a radical democracy must be viewed as "stubbornly incomplete and the human condition underdetermined."[23] Jean-Luc Nancy is right in arguing that a radical democracy is a space of endless determinations,[24] which suggests the need to allow differences to emerge peacefully as a central element of critical exchange, dialogue and thoughtfulness. At stake here is the need to adjudicate conflict thoughtfully without violence and to respond to the myriad forms of "powerlessness that affect citizens of all class and social strata."[25] Radical democracy must resist all closure while at the same time arguing for those principles and institutions "in which the democratic ideals of equality, freedom and popular control are allowed their most complete sway and fullest application."[26] In defense of such a position, Jacques Derrida points out convincingly that radical democracy is a "democracy to come - because it is the only name for a political regime which declares its historicity and its imperfectability."[27] For Derrida, it is "something that has never existed in a satisfactory way and remains to come.[28] Democracy is a politics and mode of governance that must always put itself at issue, calling into question the consequences of its regulative principles, while repeatedly assessing the reality of existing institutions against the need for more justice, freedom and equality. This is not a call for endless purification, which can only lead to violence,[29] but the call for a society in which democracy becomes synonymous with power for and by the people so as to expand the parameters of justice, dignity and compassion for all people.¶ Radical democracy is rooted in an acceptance of its historicity and imperfectability, thus demanding a constant measure of self-questioning, criticism and critical engagement. Such a democracy implies a refusal of an endpoint, final stage or end of history narrative. Instead, it stresses what Samir Amin has termed "democratization - which stresses the dynamic aspect of a still-unfinished process."[30] Inherent in such a democracy is the need for labor to be subordinate to free time, experienced as a luxury rather than a deprivation, thus demanding a society that provides a social wage, democratized workplaces, egalitarian social services, ecologically sustainable technologies, free education and crucial social provisions. Democracy in this sense embodies an unrelenting fidelity and obligation not to perfectibility but to justice and an endless responsibility, as Jacques Derrida insists, to "the ghosts of those who are not yet born or who are already dead."[31] Matters of pedagogy must be central to any politics that embraces a notion of radical democracy. The agents necessary for such a radical democratic politics can only be constructed through a critical formative culture and public pedagogy produced largely through the media, education and other cultural apparatuses that enable people to be effective political and ethical agent who can think critically, communicate to broader publics, and will organize collectively to implement and fight for a radical vision of democracy. There is nothing that guarantees the existence of a sustainable radical democracy. Democracy in all of its forms has to be fought for, struggled over, and such struggles have to be relentless because of the possibility that democracy can never guarantee its own existence.[32] The struggle against casino capitalism must begin as not only a struggle over power, but as a concerted and widespread attempt to make education central to politics, to address what it means to change the way in which people see things, learn how to govern rather than be governed, and embrace a collective sense of agency in which history and the future is open.

#### Breaking down elite control of energy policy is suicidal---destroys the capacity of centralized government to respond to climate change and environmental degradation

Mark Beeson 10, Professor and Head of the Department of Political Science & International Studies, University of Birmingham, 2010, “The coming of environmental authoritarianism,” Environmental Politics, Vol. 19, No. 2, DOI:10.1080/09644010903576918

Yet, whatever we may think about Asia's authoritarian regimes, we need to recognise that they have frequently been associated with a (generally successful) historical pattern of development that has prioritised the economic over the political, and that this model may continue to have appeal and potential efficacy (Beeson 2007b). The possibility that the state will, for better or worse, remain at the centre of attempts at environmental management is recognised by some scholars (Meadowcroft 2005), but even some of the most sophisticated analyses of the state's role seem overwhelming Eurocentric, highly abstract and not terribly helpful in explaining current or likely future political and environmental outcomes in places like Southeast Asia. For example, Eckersley's (2004, p. 178) belief that there is ‘the potential for a vibrant public sphere and innovative discursive procedures to lift the horizons of not only democratic opinion formation but also democratic will-formation beyond the territorially bounded community of citizens’, has little obvious resonance with the history of much of Southeast Asia [emphasis in original]. The reality is that the Philippines, the country with arguably the most vibrant civil society in Southeast Asia, also has one of the most appalling environmental records (Fahn 2003, p. 117).

Even in ‘developed’ industrial democracies with long traditions of political pluralism and arguably more effective civil societies, it has long been recognised that the exercise of effective ‘green’ agency is highly problematic and faces fundamental problems of mobilisation, organisation and collective action. The – perhaps understandable – suspicion of traditional politics, hierarchy and political authority has often rendered green parties politically ineffective (Goodin 1992). Even if we recognise the changes that have taken place in the social structures and even consciousness of many Western societies (Carter 2007), the reality on the ground in much of Southeast Asia and China is very different. Quotidian reality becomes especially important when we consider the potential efficacy of deliberative democracy, which some see as a way of resolving political conflicts over the environment.

Although deliberative democracy has been described as ‘the currently hegemonic approach to democracy within environmental thinking’ (Arias-Maldonado 2007, p. 245), it has little obvious relevance to the situation in East Asia. While there is much that is admirable about the central precepts of deliberative democracy (see Bohman 1998), its underlying assumptions about the circumstances in which political activity actually occur are strikingly at odds with the lived reality outside North America and Western Europe. This merits emphasis because for some writers rational, informed discourse is central to sustainable environmental management and the resolution of the competing interests that inevitably surround it (Hamilton and Wills-Toker 2006). And yet, as the very limited number of studies that actually examine environmental politics under authoritarian rule demonstrate, the reality is very different and the prospects for the development of progressive politics are very limited (Doyle and Simpson 2006). Even if we assume that political circumstances do actually allow for a politically unconstrained and informed discussion of complex issues, as Arias-Maldonado (2007, p. 248) points out, ‘the belief that citizens in a deliberative context will spontaneously acquire ecological enlightenment, and will push for greener decisions, relies too much on an optimistic, naive view of human nature, so frequently found in utopian political movements’.

In much of East Asia, the population may not have the luxury or capacity even to engage in these sorts of discursive practices, while the absence of effective democracy in much of the region stands as a continuing obstacle to achieving anything approximating deliberative democracy. Even more problematically in the long-run, there is no compelling evidence that democracy of any sort will necessarily promote good environmental outcomes (Neumayer 2002), or that rising living standards will inevitably deliver a sustainable environment (Dinda 2004). On the contrary, there is evidence to suggest that in the initial phases at least, ‘democratisation could indirectly promote environmental degradation through its effect on national income’ (Li and Reuveny 2006, p. 953). In other words, even the best of all outcomes – rising living standards and an outbreak of democracy – may have unsustainable environmental consequences that may prove to be their undoing in the longer-term. In such circumstances, ideas about possible ways of reorganising societies to lessen their impact on the natural environment may not find sufficient support to make them realisable or effective. As Lieberman (2002, p. 709) points out, ‘an idea's time arrives not simply because the idea is compelling on its own terms, but because opportune political circumstances favor it’. In much of Southeast Asia and China the forces supporting environmental protection are comparatively weak and unable to overcome powerful vested interests intent on the continuing exploitation of natural resources.

In short, predominantly Western concerns with ‘thick cosmopolitanism’ and the hope that a ‘metabolistic [sic] relationship with the natural environment’ might bind us to strangers (Dobson 2006, p. 177), seem bizarrely at odds with lived experience where climate change is already profoundly undermining sociability within national frameworks, let alone between them (Raleigh and Urdal 2007). The sobering reality would seem to be that ‘… as the human population grows and environmental damage progresses, policymakers will have less and less capacity to intervene to keep damage from producing serious social disruption, including conflict’ (Homer-Dixon 1991, p. 79).

### 1NC---PIC

#### Evan and I affirm that the President of the United States should not have war power authorities in the area of indefinite detention, offensive cyber operations, warrantless wiretapping, and introduction of United States Armed Forces into conflict.

#### In addition, we affirm that a cause of action allowing civil suits brought against the United States by those unlawfully injured by targeted killing operations, their heirs, or their estates in security cleared legal proceedings should be created and that free legal counsel for such proceedings should be provided.

#### Solves the entirety of the case --- embraces the same critical pedagogy as the aff --- they don’t have a warrant for why complete rejection of all topical war powers is key.

#### Cause of action creates a deterrent effect that resolves the worst uses of drones

Stephen I. Vladeck 13, Professor of Law and Associate Dean for Scholarship at American University Washington College of Law, senior editor of the peer-reviewed Journal of National Security Law and Policy, Supreme Court Fellow at the Constitution Project, and fellow at the Center on National Security at Fordham University School of Law, JD from Yale Law School, Feb 27 2013, “DRONES AND THE WAR ON TERROR: WHEN CAN THE U.S.TARGET ALLEGED AMERICAN TERRORISTS OVERSEAS?” Hearing Before the House Committee on the Judiciary, http://www.lawfareblog.com/wp-content/uploads/2013/02/Vladeck-02272013.pdf

At first blush, it may seem like many of these issues would be equally salient in the context of after-the-fact damages suits. But as long as such a regime was designed carefully and conscientiously, I believe that virtually all of these concerns could be mitigated. ¶ For starters, retrospective review doesn’t raise anywhere near the same concerns with regard to adversity or judicial competence. With respect to adversity, presumably those who are targeted in an individual strike could be represented as plaintiffs in a post-hoc proceeding, whether through their next friend or their heirs. And as long as they could state a viable claim for relief, it’s difficult to see any pure Article III problem with such a suit for retrospective relief.¶ As for competence, judges routinely review whether government officers acted in lawful self-defense under exigent circumstances (this is exactly what the Supreme Court’s 1985 decision in Tennessee v. Garner20 contemplates, after all). And if the Guantánamo litigation of the past five years has shown nothing else, it demonstrates that judges are also more than competent to resolve not just whether individual terrorism suspects are who the government says they are (and thus members of al Qaeda or one of its affiliates), but to do so using highly classified information in a manner that balances—albeit not always ideally—the government’s interest in secrecy with the detainee’s ability to contest the evidence against him.21 Just as Guantánamo detainees are represented in their habeas proceedings by security-cleared counsel who must comply with court-imposed protective orders and security procedures,22 so too, the subjects of targeted killing operations could have their estates represented by security-cleared counsel, who would be in a far better position to challenge the government’s evidence and to offer potentially exculpatory evidence / arguments of their own. And although the Guantánamo procedures have been developed by courts on an ad hoc basis (a process that has itself been criticized by some jurists), 23 Congress might also look to provisions it enacted in 1996 in creating the little-known Alien Terrorist Removal Court, especially 8 U.S.C. § 1534,24 as a model for such proceedings. ¶ More to the point, it should also follow that courts would be far more able as a practical matter to review the relevant questions in these cases after the fact. Although the pure membership question can probably be decided in the abstract, it should stand to reason that the imminence and infeasibility-of-capture issues will be much easier to assess in hindsight—removed from the pressures of the moment and with the benefit of the dispassionate distance that judicial review provides. To similar effect, whether the government used excessive force in relation to the object of the attack is also something that can only reasonably be assessed post hoc.¶ In addition to the substantive questions, it will also be much easier for courts to review the government’s own internal procedures after they are employed, especially if the government itself is already conducting after-action reviews that could be made part of the (classified) record in such cases. Indeed, the government’s own analysis could, in many cases, go a long way toward proving the lawfulness vel non of an individual strike.¶ As I mentioned before, there would still be a host of legal doctrines that would likely get in the way of such suits. Just to name a few, there is the present (albeit, in my view, unjustified) hostility to judicially inferred causes of actions under Bivens; the state secrets privilege;and sovereign and official immunity doctrines. But I am a firm believer that, except where the President himself is concerned (where there’s a stronger argument that immunity is constitutionally grounded),25 each of these concerns can be overcome by statute—as at least some of them arguably have been in the context of the express damages actions provided for under FISA. 26 So long as Congress creates an express cause of action for nominal damages, and so long as the statute both (1) expressly overrides state secrets and immunity doctrines; and (2) replaces them with carefully considered procedures for balancing the secrecy concerns that would arise in many—if not most—of these cases, these legal issues would be vitiated. Moreover, any concerns about exposing to liability government officers who acted in good faith and within the scope of their employment can be ameliorated by following the model of the Westfall Act, and substituting the United States as the proper defendant in any suit arising out of such an operation.27¶ Perhaps counterintuitively, I also believe that after-the-fact judicial review wouldn’t raise anywhere near the same prudential concerns as those noted above. Leaving aside how much less pressure judges would be under in such cases, it’s also generally true that damages regimes don’t have nearly the same validating effect on government action that ex ante approval does. Otherwise, one would expect to have seen a dramatic upsurge in lethal actions by law enforcement officers after each judicial decision refusing to impose individual liability arising out of a prior use of deadly force. So far as I know, no such evidence exists.¶ Of course, damages actions aren’t a perfect solution here. It’s obvious, but should be said anyway, that in a case in which the government does act unlawfully, no amount of damages will make the victim (or his heirs) whole. It’s also inevitable that, like much of the Guantánamo litigation, most of these suits would be resolved under extraordinary secrecy, and so there would be far less public accountability for targeted killings than, ideally, we might want. Some might also object to this proposal as being unnecessary—that, given existing criminal laws and executive orders, there is already a sufficiently clear prohibition on unlawful strikes to render any such damages regime unnecessarily superfluous. ¶ At least as to this last objection, it bears emphasizing that the existing laws depend entirely upon the beneficence of the Executive Branch, since they assume both that the government will (1) willfully disclose details of unlawful operations rather than cover them up; and (2) prosecute its own in cases in which they cross the line. Given both prior practice and unconfirmed contemporary reports of targeted killing operations that appear to raise serious legality issues, such as “signature strikes,” it doesn’t seem too much of a stretch to doubt that these remedies will prove sufficient.¶ In addition, there are two enormous upsides to damages actions that, in my mind, make them a least-worst solution—even if they are deeply, fundamentally flawed:¶ First, if nothing else, the specter of damages, even nominal damages, should have a deterrent effect on future government officers, such that, if a targeted killing operation ever was carried out in a way that violated the relevant legal rules, there would be liability—and, as importantly, precedent—such that the next government official in a similar context might think twice, and might make sure that he’s that much more convinced that the individual in question is who the government claims, and that there’s no alternative to the use of lethal force. Second, at least where the targets of such force are U.S. citizens, I believe that there is a non-frivolous argument that the Constitution may even compel at least some form of judicial process. 28 Compared to the alternatives, nominal damages actions litigated under carefully circumscribed rules of secrecy may be the only way to balance all of the relevant private, government, and legal interests at stake in such cases.¶ \* \* \*¶ In his concurrence in the Supreme Court’s famous decision in the Steel Seizure case, Justice Frankfurter suggested that “The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.”¶ 29 It seems to me, Mr. Chairman, that targeted killing operations by the Executive Branch present the legislature with two realistic choices: Congress could accept with minimal scrutiny the Executive Branch’s claims that these operations are carried out lawfully and with every relevant procedural safeguard to maximize their accuracy—and thereby open the door to the “unchecked disregard” of which Justice Frankfurter warned. Or Congress could require the government to defend those assertions in individual cases before a neutral magistrate invested with the independence guaranteed by the Constitution’s salary and tenure protections. So long as the government’s interests in secrecy are adequately protected in such proceedings, and so long as these operations really are consistent with the Constitution and laws of the United States, what does the government have to hide?

#### Net-benefit:

#### Targeted killing’s vital to counterterrorism---disrupts leadership and makes carrying out attacks impossible

Kenneth Anderson 13, Professor of International Law at American University, June 2013, “The Case for Drones,” Commentary, Vol. 135, No. 6

Targeted killing of high-value terrorist targets, by contrast, is the end result of a long, independent intelligence process. What the drone adds to that intelligence might be considerable, through its surveillance capabilities -- but much of the drone's contribution will be tactical, providing intelligence that assists in the planning and execution of the strike itself, in order to pick the moment when there might be the fewest civilian casualties.

Nonetheless, in conjunction with high-quality intelligence, drone warfare offers an unparalleled means to strike directly at terrorist organizations without needing a conventional or counterinsurgency approach to reach terrorist groups in their safe havens. It offers an offensive capability, rather than simply defensive measures, such as homeland security alone. Drone warfare offers a raiding strategy directly against the terrorists and their leadership.

If one believes, as many of the critics of drone warfare do, that the proper strategies of counterterrorism are essentially defensive -- including those that eschew the paradigm of armed conflict in favor of law enforcement and criminal law -- then the strategic virtue of an offensive capability against the terrorists themselves will seem small. But that has not been American policy since 9/11, not under the Bush administration, not under the Obama administration -- and not by the Congress of the United States, which has authorized hundreds of billions of dollars to fight the war on terror aggressively. The United States has used many offensive methods in the past dozen years: Regime change of states offering safe havens, counter-insurgency war, special operations, military and intelligence assistance to regimes battling our common enemies are examples of the methods that are just of military nature.

Drone warfare today is integrated with a much larger strategic counterterrorism target -- one in which, as in Afghanistan in the late 1990s, radical Islamist groups seize governance of whole populations and territories and provide not only safe haven, but also an honored central role to transnational terrorist groups. This is what current conflicts in Yemen and Mali threaten, in counterterrorism terms, and why the United States, along with France and even the UN, has moved to intervene militarily. Drone warfare is just one element of overall strategy, but it has a clear utility in disrupting terrorist leadership. It makes the planning and execution of complex plots difficult if only because it is hard to plan for years down the road if you have some reason to think you will be struck down by a drone but have no idea when. The unpredictability and terrifying anticipation of sudden attack, which terrorists have acknowledged in communications, have a significant impact on planning and organizational effectiveness.

#### Nuclear terrorism is feasible --- high risk of theft and attacks escalate

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, **people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals**. At the same time, **advanced technology has designed nuclear explosives of such small size they can be easily transported in a car**, small plane or boat **to the heart of a city**. We demonstrate here that **a single detonation in the 15 kiloton range can produce urban fatalities approaching one million** in some cases, **and casualties** exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, **even a single surface nuclear explosion**, or an air burst in rainy conditions, **in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades** owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, **the economic consequences of even a localized nuclear catastrophe would most likely have severe national and** international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized **attack on the U.S. by a small nuclear state, or terrorists** supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the **estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives** could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

## Case

### Pedagogy Fails

#### Public pedagogy fails---no mechanism for change and too vague and nebulous to solve

Sandin, et a; in 2011 (Jennifer, associate prof, ASU School of Social Transformation; Michael O’Malley, Assoc Prof Ed. Leadership, Teas State San-Marcos, Jake Burdick, Doctoral Candidate, ASU School of Curriculum Studies)

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http://intl-rer.sagepub.com/content/81/3/338.full#sec-2

As a result of this review we suggest the term public pedagogy has been used in mythologizing and “totalizing” ways (Savage, 2010, p. 103), diminishing its usefulness as a sensitizing concept for researchers interested in learning and education outside of schools. We have analyzed the findings for each of the five primary categories presented above, both individually and in relation to the other categories. This analysis relied on a coding process methodologically similar to that applied to the literature sample (Lieblich et al., 1998), and in this case sought to identify both points of clarity and limitations across the reported categories in the articulation of public pedagogy as a construct capable of informing ongoing education research. Specifically, we argue that education researchers should attend to the following: (a) Theoretical underpinnings of public pedagogy should be carefully specified in any scholarship that deploys the concept, (b) scholars should engage in more empirical research focusing on the process of public pedagogy and on the experiences of learners should be expanded, (c) researchers should engage in more discussion of methodological and ethical issues in researching public pedagogy, and (d) theorists ought to explore the issue of why this concept is called “public pedagogy” and not “public curriculum,” particularly in light of curriculum studies’ establishment as a field of research.¶ First, throughout our review, the meaning of the term public pedagogy became increasingly vague because of a general lack of clarity among many authors regarding how they are theorizing the term. Across the literature, authors frequently claimed that a specific cultural item or process under investigation was a form or site of public pedagogy, yet many did so without the use of theoretical frameworks to describe how or why these pedagogies were being enacted. As we have shown, those authors who are clear about their theoretical framings draw from a wide variety of theoretical work, including cultural studies, a/r/t/ography, postcolonialism, queer theory, and many others. Ellsworth (2005), for example, explicates how she draws from Winnicott’s theory of transitional space and Ranciere’s notion of “emancipated spectatorship”—among others—to help her articulate her own theoretical contributions about how critical learning occurs in informal places of learning. Denzin (2003) clarifies his theoretical groundings in Garoian and Gaudelius’s theories of critical performance studies and embodied pedagogies of war and in Boal’s and Freire’s pedagogy and theater of the oppressed. H. A. Giroux (2000, 2001d) draws on the cultural studies and critical pedagogy theories of Hall, Gramsci, and Freire. Dentith and Brady (1999)integrate critical feminist and cultural studies frameworks to conceptualize public pedagogy as a communal, extrainstitutional, social-justice-oriented phenomenon. We urge researchers to explore the variety of theoretical traditions that others studying public pedagogy employ and to be more explicit in their own work about which perspectives they are, in turn, using.¶ Related to these theoretical concerns, we argue that the development of more robust theories of public pedagogy must occur in parallel with a heightened attention to empiricism in the inquiry process. The literature we reviewed largely develops robust analytical accounts of the sites studied, drawing on sociology, anthropology, cultural studies, and the arts as frameworks for these illustrations. Frequently absent, however, are studies of how these educational sites and practices actually work to teach the public and how the intended educational meanings of public pedagogies are internalized, reconfigured, and mobilized by public citizens. We thus argue that more work needs to be conducted investigating how the various sites, spaces, products, and places identified as public pedagogy actually operate as pedagogy. We urge researchers studying all forms of public pedagogy to analyze more specific spaces or forms of pedagogies and to more clearly articulate their “informal pedagogical processes”—that is, to examine what makes them pedagogical (Savage, 2010, p. 109).

#### Their public pedagogy becomes politically and educationally domesticated---kills solvency

Sandin, et a; in 2011 (Jennifer, associate prof, ASU School of Social Transformation; Michael O’Malley, Assoc Prof Ed. Leadership, Teas State San-Marcos, Jake Burdick, Doctoral Candidate, ASU School of Curriculum Studies)

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Third, our review revealed a need for sustained discussion regarding the methodological issues inherent in dislocating education research from its primary and historical site of practice; authors have only just begun explicitly addressing methodological issues in the past few years, and this work is represented by only a few pieces of literature (see, e.g., Burdick & Sandlin, 2010; Savage, 2010). Traditional approaches to education research share an interest with public pedagogy inquiry in developing expanded understandings of educational mechanisms, phenomena, and meanings. However, the shift from spaces that are governed by institutional metaphors and hierarchies to spaces in which education and learning take on more performative, improvisational, subtle, and hidden representations potentially calls for researchers and theorists to examine their methods, epistemological and ontological assumptions, and language to avoid the synecdochical association of education as schooling. O’Malley and Roseboro (2010) argue from feminist, critical, postcolonial, queer, and literary frames to assert that researchers interested in public pedagogies must situate themselves within the tenuous border spaces between understanding and overwriting the individuals and events with whom or with which they produce meaning. We agree that researchers must attend to their institutional commitments throughout the inquiry process if they hope to honor the projects they study, asking questions such as, “What does it mean for research to be constructed by and within grassroots struggles and activism?” and, disquietingly invoking the possibility of damaging the very projects this inquiry seeks to understand, “What does betrayal of our activist collaborators look like?” (O’Malley & Roseboro, 2010, p. 646). Alexander (2008), working through queer and postcolonial notions of researcher identity, writes, “[I]ssues of voice, power, context, and theory are contingencies of human social relations that dictate the known and the knowing, histories and futures, and the quality of human existence that makes new histories and emergent identities possible” (p. 106). We feel these same contingencies should be points of concern for researchers working on pedagogies that exist beyond educational institutions, as these institutions and the social imaginary they produce prefigure educational activity within confined spaces of “the known and the knowing.” Attention must be paid to researchers’ positions within the academy, the lenses with which public pedagogies are studied, and the venues for and purposes of representing public pedagogy if this genre of inquiry is to remain a viable site for enhancing educational meaning and democratic possibilities. Without this attention—and the vexation it is likely to produce—public pedagogy as a concept and a site of inquiry will likely become politically and educationally domesticated, losing both its contrapuntal character and its otherness as a site of educational possibility (Burdick & Sandlin, 2010).

### AT: Endless War

#### No risk of endless warfare

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

#### The impact is the exception not the rule

**Abrahamsen 5** (Rita, Department of International Politics, University of Wales, Blair's Africa: The Politics of Securitization and Fear, Alternatives 30:1)

The war on Iraq can be seen to demonstrate the willingness of the British government to engage in illiberal acts to defend the liberal values of the "international community," but it is important to note that the process of securitization does not automatically dictate such spectacular responses. As argued above, the process of securitization is gradual and incremental, and an issue can move along a continuum of risk/fear without ever reaching the stage of "existential threat" where it merits "emergency action" (as with Iraq). Instead, **most** security politics is concerned with the more mundane everyday management and containment of risk, and the securitization of Africa is thus entirely compatible with the feeble response to the brutal and prolonged conflict in the DRC or the Sudan. Rather than spectacular emergency politics or military action, securitization is **more likely** to give rise to policies of containment or policing.

#### Global war does not result from a Western desire for control---it results from lack of clearly defined strategic imperatives---the aff is necessary to reclaim the political

David Chandler **9**, Professor of International Relations at the Department of Politics and International Relations, University of Westminster, War Without End(s): Grounding the Discourse of `Global War', Security Dialogue 2009; 40; 243

Western governments appear to portray some of the distinctive characteristics that Schmitt attributed to ‘motorized partisans’, in that the shift from narrowly strategic concepts of security to more abstract concerns reflects the fact that Western states have tended to fight free-floating and non-strategic wars of aggression without real enemies at the same time as professing to have the highest values and the absolute enmity that accompanies these. The government policy documents and critical frameworks of ‘global war’ have been so accepted that it is assumed that it is the strategic interests of Western actors that lie behind the often irrational policy responses, with ‘global war’ thereby being understood as merely the extension of instrumental struggles for control. This perspective seems unable to contemplate the possibility that it is the lack of a strategic desire for control that drives and defines ‘global’ war today. ¶ Very few studies of the ‘war on terror’ start from a study of the Western actors themselves rather than from their declarations of intent with regard to the international sphere itself. This methodological framing inevitably makes assumptions about strategic interactions and grounded interests of domestic or international regulation and control, which are then revealed to explain the proliferation of enemies and the abstract and metaphysical discourse of the ‘war on terror’ (Chandler, 2009a). For its radical critics, the abstract, global discourse merely reveals the global intent of the hegemonizing designs of biopower or neoliberal empire, as critiques of liberal projections of power are ‘scaled up’ from the international to the global.¶ Radical critics working within a broadly Foucauldian problematic have no problem grounding global war in the needs of neoliberal or biopolitical governance or US hegemonic designs. These critics have produced numerous frameworks, which seek to assert that global war is somehow inevitable, based on their view of the needs of late capitalism, late modernity, neoliberalism or biopolitical frameworks of rule or domination. From the declarations of global war and practices of military intervention, rationality, instrumentality and strategic interests are read in a variety of ways (Chandler, 2007). Global war is taken very much on its own terms, with the declarations of Western governments explaining and giving power to radical abstract theories of the global power and regulatory might of the new global order of domination, hegemony or empire¶ The alternative reading of ‘global war’ rendered here seeks to clarify that the declarations of global war are a sign of the lack of political stakes and strategic structuring of the international sphere rather than frameworks for asserting global domination. We increasingly see Western diplomatic and military interventions presented as justified on the basis of value-based declarations, rather than in traditional terms of interest-based outcomes. This was as apparent in the wars of humanitarian intervention in Bosnia, Somalia and Kosovo – where there was no clarity of objectives and therefore little possibility of strategic planning in terms of the military intervention or the post-conflict political outcomes – as it is in the ‘war on terror’ campaigns, still ongoing, in Afghanistan and Iraq. ¶ There would appear to be a direct relationship between the lack of strategic clarity shaping and structuring interventions and the lack of political stakes involved in their outcome. In fact, the globalization of security discourses seems to reflect the lack of political stakes rather than the urgency of the security threat or of the intervention. Since the end of the Cold War, the central problematic could well be grasped as one of withdrawal and the emptying of contestation from the international sphere rather than as intervention and the contestation for control. The disengagement of the USA and Russia from sub-Saharan Africa and the Balkans forms the backdrop to the policy debates about sharing responsibility for stability and the management of failed or failing states (see, for example, Deng et al., 1996). It is the lack of political stakes in the international sphere that has meant that the latter has become more open to ad hoc and arbitrary interventions as states and international institutions use the lack of strategic imperatives to construct their own meaning through intervention. As Zaki Laïdi (1998: 95) explains:¶ war is not waged necessarily to achieve predefined objectives, and it is in waging war that the motivation needed to continue it is found. In these cases – of which there are very many – war is no longer a continuation of politics by other means, as in Clausewitz’s classic model – but sometimes the initial expression of forms of activity or organization in search of meaning. . . . War becomes not the ultimate means to achieve an objective, but the most ‘efficient’ way of finding one. ¶ The lack of political stakes in the international sphere would appear to be the precondition for the globalization of security discourses and the ad hoc and often arbitrary decisions to go to ‘war’. In this sense, global wars reflect the fact that the international sphere has been reduced to little more than a vanity mirror for globalized actors who are freed from strategic necessities and whose concerns are no longer structured in the form of political struggles against ‘real enemies’. The mainstream critical approaches to global wars, with their heavy reliance on recycling the work of Foucault, Schmitt and Agamben, appear to invert this reality, portraying the use of military firepower and the implosion of international law as a product of the high stakes involved in global struggle, rather than the lack of clear contestation involving the strategic accommodation of diverse powers and interests.

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#### Simulated national security law debates preserve agency and enhance decision-making---avoids cooption

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11, “National Security Law Pedagogy and the Role of Simulations”, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course was to bridge the gap between theory and practice by conveying doctrinal material and creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. This is the most important determination, because the substance of the doctrinal portion of the course and the simulation follows from this decision. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. This, then, becomes a guide for the doctrinal part of the course, as well as the grounds on which the specific scenarios developed for the simulation are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. The one-size fits all approach currently dominating the conversation in legal education, however, appears ill-suited to address the concerns raised in the current conversation. Instead of looking at law across the board, greater insight can be gleaned by looking at the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion simulations, which have not yet been addressed in the secondary literature for civilian education in national security law, may provide an important way forward. Such simulations also cure shortcomings in other areas of experiential education, such as clinics and moot court. It is in an effort to address these concerns that I developed the simulation model above. NSL Sim 2.0 certainly is not the only solution, but it does provide a starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. It makes use of technology and physical space to engage students in a multi-day exercise, in which they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

## Case

### Lobel

#### The right fills in

Orly Lobel 7, University of San Diego Assistant Professor of Law, The Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics,” 120 HARV. L. REV. 937, http://www.harvardlawreview.org/media/pdf/lobel.pdf

Both the practical failures and the fallacy of rigid boundaries generated by extralegal activism rhetoric permit us to broaden our inquiry to the underlying assumptions of current proposals regarding transformative politics — that is, attempts to produce meaningful changes in the political and socioeconomic landscapes. The suggested alternatives produce a new image of social and political action. This vision rejects a shared theory of social reform, rejects formal programmatic agendas, and embraces a multiplicity of forms and practices. Thus, it is described in such terms as a plan of no plan,211 “a project of projects,”212 “anti-theory theory,”213 politics rather than goals,214 presence rather than power,215 “practice over theory,”216 and chaos and openness over order and formality. As a result, the contemporary message rarely includes a comprehensive vision of common social claims, but rather engages in the description of fragmented efforts. As Professor Joel Handler argues, the commonality of struggle and social vision that existed during the civil rights movement has disappeared.217 There is no unifying discourse or set of values, but rather an aversion to any metanarrative and a resignation from theory. Professor Handler warns that this move away from grand narratives is self-defeating precisely because only certain parts of the political spectrum have accepted this new stance: “[T]he opposition is not playing that game . . . . [E]veryone else is operating as if there were Grand Narratives . . . .”218 Intertwined with the resignation from law and policy, the new bromide of “neither left nor right” has become axiomatic only for some.219 The contemporary critical legal consciousness informs the scholarship of those who are interested in progressive social activism, but less so that of those who are interested, for example, in a more competitive securities market. Indeed, an interesting recent development has been the rise of “conservative public interest lawyer[ing].”220 Although “public interest law” was originally associated exclusively with liberal projects, in the past three decades conservative advocacy groups have rapidly grown both in number and in their vigorous use of traditional legal strategies to promote their causes.221 This growth in conservative advocacy is particularly salient in juxtaposition to the decline of traditional progressive advocacy. Most recently, some thinkers have even suggested that there may be “something inherent in the left’s conception of social change — focused as it is on participation and empowerment — that produces a unique distrust of legal expertise.”222¶ Once again, this conclusion reveals flaws parallel to the original disenchantment with legal reform. Although the new extralegal frames present themselves as apt alternatives to legal reform models and as capable of producing significant changes to the social map, in practice they generate very limited improvement in existing social arrangements. Most strikingly, the cooptation effect here can be explained in terms of the most profound risk of the typology — that of legitimation. The common pattern of extralegal scholarship is to describe an inherent instability in dominant structures by pointing, for example, to grassroots strategies,223 and then to assume that specific instances of counterhegemonic activities translate into a more complete transformation. This celebration of multiple micro-resistances seems to rely on an aggregate approach — an idea that the multiplication of practices will evolve into something substantial. In fact, the myth of engagement obscures the actual lack of change being produced, while the broader pattern of equating extralegal activism with social reform produces a false belief in the potential of change. There are few instances of meaningful reordering of social and economic arrangements and macro-redistribution. Scholars write about decoding what is really happening, as though the scholarly narrative has the power to unpack more than the actual conventional experience will admit.224 Unrelated efforts become related and part of a whole through mere reframing. At the same time, the elephant in the room — the rising level of economic inequality — is left unaddressed and comes to be understood as natural and inevitable.225 This is precisely the problematic process that critical theorists decry as losers’ self-mystification, through which marginalized groups come to see systemic losses as the product of their own actions and thereby begin to focus on minor achievements as representing the boundaries of their willed reality. ¶ The explorations of micro-instances of activism are often fundamentally performative, obscuring the distance between the descriptive and the prescriptive. The manifestations of extralegal activism — the law and organizing model; the proliferation of informal, soft norms and norm-generating actors; and the celebrated, separate nongovernmental sphere of action — all produce a fantasy that change can be brought about through small-scale, decentralized transformation. The emphasis is local, but the locality is described as a microcosm of the whole and the audience is national and global. In the context of the humanities, Professor Carol Greenhouse poses a comparable challenge to ethnographic studies from the 1990s, which utilized the genres of narrative and community studies, the latter including works on American cities and neighborhoods in trouble.226 The aspiration of these genres was that each individual story could translate into a “time of the nation” body of knowledge and motivation.227 In contemporary legal thought, a corresponding gap opens between the local scale and the larger, translocal one. In reality, although there has been a recent proliferation of associations and grassroots groups, few new local-statenational federations have emerged in the United States since the 1960s and 1970s, and many of the existing voluntary federations that flourished in the mid-twentieth century are in decline.228 There is, therefore, an absence of links between the local and the national, an absent intermediate public sphere, which has been termed “the missing middle” by Professor Theda Skocpol.229 New social movements have for the most part failed in sustaining coalitions or producing significant institutional change through grassroots activism. Professor Handler concludes that this failure is due in part to the ideas of contingency, pluralism, and localism that are so embedded in current activism.230 Is the focus on small-scale dynamics simply an evasion of the need to engage in broader substantive debate? ¶ It is important for next-generation progressive legal scholars, while maintaining a critical legal consciousness, to recognize that not all extralegal associational life is transformative. We must differentiate, for example, between inward-looking groups, which tend to be self-regarding and depoliticized, and social movements that participate in political activities, engage the public debate, and aim to challenge and reform existing realities.231 We must differentiate between professional associations and more inclusive forms of institutions that act as trustees for larger segments of the community.232 As described above, extralegal activism tends to operate on a more divided and hence a smaller scale than earlier social movements, which had national reform agendas. Consequently, within critical discourse there is a need to recognize the limited capacity of small-scale action. We should question the narrative that imagines consciousness-raising as directly translating into action and action as directly translating into change. Certainly not every cultural description is political. Indeed, it is questionable whether forms of activism that are opposed to programmatic reconstruction of a social agenda should even be understood as social movements. In fact, when groups are situated in opposition to any form of institutionalized power, they may be simply mirroring what they are fighting against and merely producing moot activism that settles for what seems possible within the narrow space that is left in a rising convergence of ideologies. The original vision is consequently coopted, and contemporary discontent is legitimated through a process of self-mystification.

### XT SVio Down

#### The status quo is structurally improving

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The world is getting better, faster, than we could ever have imagined. For those of us who are fortunate enough to live in wealthy communities or countries, we have a common set of reference points we use to describe the world's most intractable, upsetting, unimaginable injustices. Often, we only mention these horrible realities in minimizing our own woes: "Well, that's annoying, but it's hardly as bad as children starving in Africa." Or "Yeah, this is important, but it's not like it's the cure for AIDS." Or the omnipresent description of any issue as a "First World Problem". But let's, for once, look at the actual data around developing world problems. Not our condescending, world-away displays of emotion, or our slacktivist tendencies to see a retweet as meaningful action, but the actual numbers and metrics about how progress is happening for the world's poorest people. Though metrics and measurements are always fraught and flawed, Gates' single biggest emphasis was the idea that measurable progress and metrics are necessary for any meaningful improvements to happen in the lives of the world's poor. So how are we doing? THE WORLD HAS CHANGED The results are astounding. Even if we caveat that every measurement is imprecise, that billionaire philanthropists are going to favor data that strengthens their points, and that some of the most significant problems are difficult to attach metrics to, it's inarguable that the past two decades have seen the greatest leap forward in the lives of the global poor in the history of humanity. Some highlights: Children are 1/3 less likely to die before age five than they were in 1990. The global childhood mortality rate for kids under 5 has dropped from 88 in 1000 in 1990 to 57 in 1000 in 2010. The global infant mortality rate for kids dying before age one has plunged from 61 in 1000 to 40 in 1000. Now, any child dying is of course one child too many, but this is astounding progress to have made in just twenty years. In the past 30 years, the percentage of children who receive key immunizations such as the DTP vaccine has quadrupled. The percentage of people in the world living on less than $1.25 per day has been cut in half since 1990, ahead of the schedule of the Millennium Development Goals which hoped to reach this target by 2015. The number of deaths to tuberculosis has been cut 40% in the past twenty years. The consumption of ozone-depleting substances has been cut 85% globally in the last thirty years. The percentage of urban dwellers living in slums globally has been cut from 46.2% to 32.7% in the last twenty years. And there's more progress in hunger and contraception, in sustainability and education, against AIDS and illiteracy. After reading the Gates annual letter and following up by reviewing the UN's ugly-but-data-rich Millennium Development Goals statistics site, I was surprised by how much progress has been made in the years since I've been an adult, and just how little I've heard about the big picture despite the fact that I'd like to keep informed about such things. I'm not a pollyanna — there's a lot of work to be done. But I can personally attest to the profound effect that basic improvements like clean drinking water can have in people's lives. Today, we often use the world's biggest problems as metaphors for impossibility. But the evidence shows that, actually, we're really good at solving even the most intimidating challenges in the world. What we're lacking is the ability to communicate effectively about how we make progress, so that we can galvanize even more investment of resources, time and effort to tackling the problems we have left.

# 1NR

## DA

### XTN

#### Extinction outweighs structural violence

Bostrum 12 (Nick, Professor of Philosophy at Oxford, directs Oxford's Future of Humanity Institute and winner of the Gannon Award, Interview with Ross Andersen, correspondent at The Atlantic, 3/6, “We're Underestimating the Risk of Human Extinction”, <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human extinction risks are poorly understood and, worse still, severely underestimated by society. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century.¶ Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them.¶ Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? ¶ Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

### AT: Link Turns

#### Including people dilutes the system and means no link turns---most people are just too uninformed to be trusted en-masse on environmental issues---but the aff makes them THINK they’re informed, which is worse

Mathew Humphrey 7, Reader in Political Philosophy at the University of Nottingham, UK, 2007, Ecological Politics and Democratic Theory: The Challenge to the Deliberative Ideal, p. 15-16

In addition to the judgement that individuals are unlikely to make a democratic choice for outcomes that curtail the freedoms and material benefits that they currently enjoy, there are other assumptions about human psychology that play a part in eco-authoritarian arguments. Whether or not these beliefs are well-founded they are worth recounting in order to flesh out the position under consideration here. Robert Heilbroner (1974: 110) believes that during periods of crisis, of which the current ecological 'crisis' is a good example, politics is pushed in the direction of authoritarianism, and because people feel a need for leadership in crisis situations, they revert to childhood attitudes and look for a parental figure to guide them through difficult times. Again the Schumpeterian underpinnings of much of the eco-authoritarian approach are clear. In the public sphere, people are prone to revert to childish attitudes and modes of reasoning, and so cannot be trusted to take crucial decisions concerning the long-term survival of human civilisation. Ophuls also holds that people tend to rely on their intuitions and 'common-sense' in seeking to make judgements about political decisions, but such tools are unreliable in the face of the counter-intuitive complexity of the human ecosystem. The majority are unlikely to be sufficiently well informed and motivated to make the responsible decisions required of them (1977: 162). Furthermore arguments based on the needs of future generations cannot be expected to perform the required ethical work, as the emotional and psychological bonds are taken to be insufficient to motivate the changes in behaviour that are necessary now (Heilbroner, 1974: 114 15).

#### Participation in deliberative forums is disempowering and exacerbates power differentials within communities---turns the whole case and means decisions are worse than they’d be with no deliberation at all

Tina Nabatchi 7, Assistant Professor of Public Administration and International Affairs and a Faculty Research Associate at the Program for the Advancement of Research on Conflict and Collaboration at Syracuse University, 2007, Deliberative Democracy: The Effects of Participation on Political Efficacy, p. 66-67

As noted earlier, one of the strongest arguments in favor of deliberative democracy is that such participation has intrinsic benefits for citizens. Not all agree with this assertion. Some scholars argue that the inverse is true, that participation can injure citizens, causing them to feel frustrated and to perceive personal inefficacy and powerlessness.

Real-life deliberation can fan emotions unproductively, can exacerbate rather than diminish power differentials among those deliberating, can make people feel frustrated with the system that made them deliberate, is ill-suited to many issues, and can lead to worse decisions than would have occurred if no deliberation had taken place (Hibbing and Theiss-Morse, 2002: 191).

Advocates of deliberative democracy argue that "[w]hen people come into contact with those who are different, they become better citizens, as indicated in their values and behavior" (Hibbing and Theiss-Morse, 2005: 232); however, to get the full benefits of associational involvement, the groups must be diverse. The logic here is straightforward - to experience the benefits of deliberation, one must hear a variety of viewpoints. Despite this argument, social psychology research indicates that it is difficult to get people involved in heterogeneous groups, and that when they do join such a group, they tend to interact with groups members who are similar to them (Hibbing and Theiss-Morse, 2005; Sunstein, 2003).

### AT: Neoliberalism

#### No solvency for neoliberal ideology---popular culture makes it inevitable

Sandin, et a; in 2011 (Jennifer, associate prof, ASU School of Social Transformation; Michael O’Malley, Assoc Prof Ed. Leadership, Teas State San-Marcos, Jake Burdick, Doctoral Candidate, ASU School of Curriculum Studies)

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http://intl-rer.sagepub.com/content/81/3/338.full#sec-2

Popular Culture as a Site of Contestation That Facilitates Social Reproduction¶ The now-common use of public pedagogy within both education and other fields to refer to the hegemonic power of the media—a strand of scholarship that has, in various forms, dominated the genre since the mid to late 1990s—reveals the significant influence of H. A. Giroux’s (1998, 2000) work on the study of public pedagogy. Departing from feminist constructions of public pedagogy as a project oriented toward collectively subverting dominant ideologies, Giroux draws on cultural studies literature that focuses on popular culture as a site of socialization and an arena in which hegemony is reproduced as well as challenged. Although Giroux since the mid-1980s had been exploring popular culture as educational, the specific termpublic pedagogy first appears in his work in a 1998 article titled “Public Pedagogy and Rodent Politics: Cultural Studies and the Challenge of Disney.” Herein, Giroux examines Disney as a “teaching machine” (p. 256) and urges educators to critically analyze cultural products and processes as important enactments of pedagogy.¶ H. A. Giroux (2000, 2001d) uses the theoretical work of Hall (1997), Gramsci (1971), and Freire (1973) to understand how popular culture acts as a political and pedagogical site of struggle over identities; to illustrate that popular culture does not automatically reproduce dominant ideologies, but exists as a site of negotiation where hegemony is struggled for yet not always necessarily won; and to understand how the cultural realm can help create “a democratic politics that addresses the relations of power between youth and adults” (H. A. Giroux, 2001d, p. 33). Giroux (2000), in a discussion of the relationship between culture and politics, critiques both right- and left-wing theorists who reject inquiry into culture as tangential to any real political curriculum. Instead, he takes up Hall’s (1997) notion of culture as central to political discourse, observing that when scholarship rejects the study of culture, it “not only fails to recognize how issues of race, gender, age, sexual orientation, and class are intertwined, it also refuses to acknowledge the pedagogical function of culture in constructing identities, mobilizing desires, and shaping moral values” (p. 349). Giroux argues that inquiry into culture provides theorists with a possibility for locating political agency within totalizing institutional structures. However, this possibility is tempered by the hegemonic moves of culture, which provide a limited, yet normalized, language and imagination for political citizenship.¶ Much work on popular culture as public pedagogy is grounded in this view that possibilities for resistance occur within popular culture. To illustrate this point H. A. Giroux (2001a) posits that some Hollywood films can be “critical,” dealing with racism or challenging homophobia, whereas others “provide provocative representations that address the themes of war, violence, masculinity, sexism, and poverty” (p. 591). Scholars also point to digital popular cultures as spaces of possible resistance, arguing that these spaces are “an important resource for kids to develop their own cultural identities and sense of social agency” (H. A. Giroux, 2001d, p. 23). However, while drawing theoretically from Gramsci (1971), especially his insights regarding popular culture as a site of both domination and contestation, much of the literature examining popular culture as public pedagogy tends to focus more on the oppressive aspects of popular culture. Although we found very few authors who allowed no room for resistance or active negotiation of meaning by audiences, scholars have argued that popular culture often fosters culturally dominant values and practices such as racism, sexism, homophobia, xenophobia, and violence (Mayo, 2002). This work has focused on a variety of forms of popular culture, including children’s consumer culture, sports, film, television, and technology.¶ Critiques of children’s consumer culture, for example, describe how it imparts oppressive ideologies of race, class, gender, heterosexism, and consumerism (H. A. Giroux, 1998, 1999; A. Luke, Carrington, & Kapitzke, 2003; Trifonas, 2006a). Giroux (1999) provides an analysis of gender and racial stereotyping in Disney films such asThe Little Mermaid and The Lion King and explores how dominant visions of national identity are perpetuated through films such as Good Morning, Vietnam. His analysis hinges on explicating how Disney’s nostalgic “pedagogy of innocence” (p. 124) is enacted through strategies of “escapism, historical forgetting, and repressive pedagogy” (p. 127), which strip public memory of its “historical, social, and political context” (p. 127). A. Luke et al. (2003) also focus on how Disney and other forms of children’s popular culture such as Barbie and Teletubbies teach children that democracy equates with the freedom to make consumer choices.¶ Scholars have also examined how sporting spectacles and industries are public pedagogies bolstering patriotic, nationalistic, racist, and neoliberal ideologies (Falcous & Silk, 2006; Henricks, 1991; Newman, 2007; Trifonas, 2006b). Falcous and Silk (2006), for example, explore how sport perpetuates political agendas of neoliberalism through an examination of how Aboriginal Muslim Australian boxer Anthony Mundine was condemned in the Australian press and sanctioned by world boxing authorities when, after 9/11, he criticized Australia’s involvement in the Iraq war. Critical analyses of film, television, digital media, and popular music often describe potentially productive aspects of particular films, TV shows, websites, or musicians’ work, but also expose how representations of youth, consumer culture, race, gender, ethnicity, and sexuality in these media perpetuate unequal power relations and ignore structural inequalities (H. A. Giroux, 2002a, 2002c; S. S. Giroux & Giroux, 2007; Hill, 2009b; Middleton, 2007; Walton & Potvin, 2009; Yin, 2005). In this mode, Tillman and Trier (2007) explore how the TV show Boston Public reinforces dominant ideologies of racism, sexism, and classism and perpetuates the “White teacher as savior” mythology. Walton and Potvin (2009) explore how Spike TV perpetuates hegemonic masculinity through its valorization of sex, sports, and violence. Nunley (2007) argues that the film Crash is productive in that it “disrupts myopic and monolithic notions of race and ethnicity” but ultimately reveals its critical limitations through its creation of an “ethos of tolerance” (p. 337), which ignores asymmetrical and structural power relationships that uphold white privilege. Other analyses have focused on how consumerism is perpetuated through television shows such as Extreme Makeover: Home Edition (Jacobson, 2008). H. A. Giroux (2001b) applauded the film Fight Clubfor its staunch critique of consumerism, but found the film’s alternative discourse, hyperviolent masculinization, to be severely wanting. Finally, R. A. Luke (2005)explored how Web portals shape online participation, construct user experiences, and socialize learners to be digital citizens within “the prevalent discourses of neoliberal capital” (p. 26)

#### Even if they completely abolished capitalism and consumption, the democratic impulse still makes ecological collapse inevitable

David Shearman 7, Emeritus professor of medicine at Adelaide University, Secretary of Doctors for the Environment Australia, and an Independent Assessor on the IPCC; and Joseph Wayne Smith, lawyer and philosopher with a research interest in environmentalism, 2007, The Climate Change Challenge and the Failure of Democracy, p. 4

There is also another important point that will recur in our argument, but which requires emphasis now to avoid unnecessary confusion. In a book about democracy it is prima facie reasonable to expect a definition of “democracy”: “democracy is X.” Defenders of democracy have a problem in saying what “X” actually is. There are a multitude of definitions of democracy and to attempt to taxonomize now would be distracting from this overview. Further, we contend that democracy is conceptually incoherent, in some of its versions at least. Thus one of the problems of democracy is that there is no universally accepted definition that can be worked into an introductory chapter without immediately raising philosophical issues of contention. As we wish to develop an ecological critique of democracy in all its forms and a philosophical rejection of democracy per se, we are not disturbed by not being able to offer the reader an initial, simple definition. There are in our opinion no such satisfactory definitions, for all such definitions (e.g., government of the people, by the people, for the people) are even vaguer and less informative than the concept of democracy, as we show in chapter 5. For the moment we invite the reader to operate with her or his own intuitive understanding of democracy, and in chapter 5 we will criticize the standard accounts. In chapter 7 we will also reject liberalism as a philosophical position.

For the purposes of developing an ecological critique of democracy it is first necessary to understand the basis of the environmental crisis facing humanity. Almost all environmental writers blame the crisis on liberal capitalism. We argue that even if liberal capitalism ceased to exist there would still be the potential for an environmental crisis because of the destructive tendencies within the heart of democracy itself.

#### It’s impossible to reform or modify the foundational principle of democratic freedom to make it ecologically sustainable---only authoritarianism can ensure survival

David Shearman 7, Emeritus professor of medicine at Adelaide University, Secretary of Doctors for the Environment Australia, and an Independent Assessor on the IPCC; and Joseph Wayne Smith, lawyer and philosopher with a research interest in environmentalism, 2007, The Climate Change Challenge and the Failure of Democracy, p. 3-4

However putting these subjective assessments aside, our analysis of the performance of democracy is diagnostic, using science and philosophy to define the ills. Society can then move forward to discuss the remedies. We will ask, what is the true record of democracy in addressing and preventing the major issues besetting humanity today, such as war, equity, and especially environmental damage? The most important question of our time is whether the democratic system is able to grasp and remedy the emerging ecological crisis facing the entire human race. What is the precise role of liberal democracy in causing this crisis? What is its performance in remediation during the past two or three decades of increasing scientific evidence of the crisis? To further this task, several critical environmental issues will be analyzed. Many failures are diagnosed and in each instance causation is identified as the modus operandi of liberal democracy. We therefore question whether democracy can be modified or reformed to address these problems before they have become irreversible. And if not, how can humanity be governed? We argue that humanity will have to trade its liberty to live as it wishes in favor of a system where survival is paramount. Perhaps this choice should not be put for democratic approval, or humanity will elect to live as it wishes.

### More Link Cards

#### Only top-down, centralized imposition of constraints on freedom can guarantee planetary survival---their ethic will inevitably fail to improve ecological outcomes---an accelerating crisis makes authoritarianism inevitable, and the worse the environment gets, the worse the constraints on freedom will be

Mathew Humphrey 7, Reader in Political Philosophy at the University of Nottingham, UK, 2007, Ecological Politics and Democratic Theory: The Challenge to the Deliberative Ideal, p. 14-15

In terms of the first of these points, that our democratic choices reflect a narrow understanding of our immediate interests and not an enlightened view of our long-term welfare, the case is made by Ophuls. He claims that we are now 'so committed to most of the things that cause or support the evils' with which he is concerned that 'we are almost paralysed; nearly all the constructive actions that could be taken at present... are so painful to so many people in so many ways that they are indeed totally unrealistic, and neither politicians nor citizens would tolerate them' (Ophuls, 1977: 224).4 Environmentally friendly policies can be justifiably imposed upon a population that 'would do something quite different if it was merely left to its own immediate desires and devices' (Ophuls, 1977: 227): currently left to these devices, the American people 'have so far evinced little willingness to make even minor sacrifices... for the sake of environmental goals' (Ophuls, 1977: 197). Laura Westra makes a similar argument in relation to the collapse of Canadian cod fisheries, which is taken to illustrate a wider point that we cannot hope to 'manage' nature when powerful economic and political interests are supported by 'uneducated democratic preferences and values' (Westra, 1998: 95). More generally reducing our 'ecological footprint' means 'individual and aggregate restraints the like of which have not been seen in most of the northwestern world. For this reason, it is doubtful that persons will freely embrace the choices that would severely curtail their usual freedoms and rights... even in the interests of long-term health and self-preservation.” (Westra, 1998: 198). Thus we will require a 'top-down' regulatory regime to take on 'the role of the "wise man" of Aristotelian doctrine as well as 'bottom-up' shifts in values (Westra, 1998: 199). Ophuls also believes that in certain circumstances (of which ecological crisis is an example) 'democracy must give way to elite rule' (1977: 159) as critical decisions have to be made by competent people.

The classic statement of the collective action problem in relation to environmental phenomena was that of Hardin (1968). The 'tragedy' here refers to the "remorseless working of things' towards an 'inevitable destiny' (Hardin, 1968: 1244, quoting A. N. Whitehead). Thus even if we are aware of where our long-term, enlightened interests do lie, the preferred outcome is beyond our ability to reach in an uncoerced manner. This is the n-person prisoners' dilemma, a well established analytical tool in the social analysis of collectively suboptimal outcomes. A brief example could be given in terms of an unregulated fishery. The owner of trawler can be fully aware that there is collective over-extraction from the fishing grounds he uses, and so the question arises of whether he should self-regulate his own catch. If he fishes to his maximum capacity, his gain is a catch fractionally depleted from what it would be if the fisheries were fully stocked. If the 'full catch' is 1, then this catch is 1 - £, where £ is the difference between the full stock catch and the depleted stock catch divided by the number of fishing vessels. If the trawlerman regulates his own catch, then he loses the entire amount that he feels each boat needs to surrender, and furthermore he has no reason to suppose that other fishermen would behave in a similar fashion, in fact he will expect them to benefit by catching the fish that he abjures. In the language of game theory he would be a 'sucker', and the rational course of action is to continue taking the maximum catch, despite the predictable conclusion that this course of action, when taken by all fishermen making the same rational calculation, will lead to the collapse of the fishery. Individual rationality leads to severely suboptimal outcomes. Under these circumstances an appeal to conscience is useless, as it merely places the recipient of the appeal in a 'double-bind'. The open appeal is 'behave as a responsible citizen, or you will be condemned. But there is also a covert appeal in the opposite direction; 'If you do behave as we ask, we will secretly condemn you for a simpleton who can be shamed into standing aside while the rest of us exploit the commons' (Hardin, 1968: 246). Thus the appeal creates the imperative both to behave responsibly and to avoid being a sucker.

In terms of democracy, what this entails is that, in general, we have to be prepared to accept coercion in order to overcome the collective action problem.5 The Leviathan of the state is the institution that has the political power required to solve this conundrum. 'Mutual coercion, mutually agreed on" is Hardin's famous solution to the tragedy of the commons. Revisiting the 'tragedy' argument in 1998, Hardin held that '[i]ts message is, I think, still true today. Individualism is cherished because it produces freedom, but the gift is conditional: The more population exceeds the carrying capacity of the environment, the more freedoms must be given up' (Hardin, 1998: 682). On this view coercion is an integral part of politics: the state coerces when it taxes, or when it prevents us from robbing banks. Coercion has, however, become 'a dirty word for most liberals now' (Hardin, 1968: 1246) but this does not have to be the case as long as this coercion comes about as a result of the democratic will. This however, requires overcoming the problems raised by the likes of Ophuls and Westra, that is, it is dependent upon the assumption that people can agree to coerce each other in order to realise their long-term, 'enlightened' self-interest. If they cannot, and both the myopic and collective action problem ecological objections to democracy arc valid, then this coercion may not be 'mutually agreed upon' but rather imposed by Ophuls' ecological 'elite' or Westra's Aristotelian 'wise man'. Under these circumstances there seems to be no hope at all for a reconciliation of ecological imperatives and democratic decision-making: we are faced with a stark choice, democracy or ecological survival.

### AT: Anthro K

#### No link---ecosystem is a bigger internal link to the environment

#### They link too by only focusing on human pedagogy

#### Abandoning human values leaves us unable to act and causes extinction

Ketels 96 (Violet B, Associate Professor of English at Temple University, “‘Havel to the Castle!’ The Power of the Word,” 548 Annals 45, November, Sage)

In the Germany of the 1930s, a demonic idea was born in a demented brain; the word went forth; orders were given, repeated, widely broadcast; and men, women, and children were herded into death camps. Their offshore signals, cries for help, did not summon us to rescue. We had become inured to the reality of human suffering. We could no longer hear what the words meant or did not credit them or not enough of us joined the chorus. Shrieking victims perished in the cold blankness of inhumane silence.¶ We were deaf to the apocalyptic urgency in Solzhenitsyn's declaration from the Gulag that we must check the disastrous course of history. We were heedless of the lesson of his experience that only the unbending strength of the human spirit, fully taking its stand on the shifting frontier of encroaching violence and declaring "not one step further," **though death may be the end of it—**only this unwavering firmness offers any genuine defense of peace for the individual**, of genuine peace for mankind at large**.2¶ In past human crises, writers and thinkers strained language to the breaking point to keep alive the memory of the unimaginable, to keep the human conscience from forgetting. In the current context, however, intellectuals seem more devoted to abstract assaults on values than to thoughtful probing of the moral dimensions of human experience.¶ "Heirs of the ancient possessions of higher knowledge and literacy skills,"3 we seem to have lost our nerve, and not only because of Holocaust history and its tragic aftermath. We feel insecure before the empirical absolutes of hard science. We are intimidated by the "high modernist rage against mimesis and content,"\* monstrous progeny of the union between Nietzsche and philosophical formalism, the grim proposal we have bought into that there is no truth, no objectivity, and no disinterested knowledge.5¶ Less certain about the power of language, that "oldest flame of the humanist soul,"6 to frame a credo to live by or criteria to judge by, we are vulnerable even to the discredited Paul de Man's indecent hint that "wars and revolutions are not empirical events . . . but 'texts' masquerading as facts."7 Truth and reality seem more elusive than they ever were in the past; values are pronounced to be mere fictions of ruling elites to retain power. We are embarrassed by virtue.¶ Words collide and crack under these new skeptical strains, dissolving into banalities the colossal enormity of what must be expressed lest we forget. Remembering for the future has become doubly dispiriting by our having to remember for the present, too, our having to register and confront what is wrong here and now.¶ The reality to be fixed in memory shifts as we seek words for it; the memory we set down is flawed by our subjectivities. It is selective, deceptive, partial, unreliable, and amoral. It plays tricks and can be invented. It stops up its ears to shut out what it does not dare to face.8¶ Lodged in our brains, such axioms, certified by science and statistics, tempt us to concede the final irrelevance of words and memory. We have to get on with our lives. Besides, memories reconstructed in words, even when they are documented by evidence, have not often changed the world or fended off the powerful seductions to silence, forgetting, or denying. ¶ Especially denying, which, in the case of the Holocaust, has become an obscene industry competing in the open market of ideas for control of our sense of the past. It is said that the Holocaust never happened. Revisionist history with a vengeance is purveyed in words; something in words must be set against it. Yet what? How do we nerve to the task when we are increasingly disposed to cast both words and memory in a condition of cryogenic dubiety?¶ Not only before but also since 1945, the criminality of governments, paraded as politics and fattening on linguistic manipulation and deliberately reimplanted memory of past real or imagined grievance, has spread calamity across the planet. The cancer that has eaten at the entrails of Yugoslavia since Tito's death [hasj Kosovo for its locus," but not merely as a piece of land. The country's rogue adventurers use the word "Kosovo" to reinvokc as sacred the land where Serbs were defeated by Turks in 1389!9 Memory of bloody massacres in 1389, sloganized and distorted in 1989, demands the bloody revenge of new massacres and returns civilization not to its past glory but to its gory tribal wars. As Matija Beckovic, the bard of Serb nationalism, writes, "It is as if the Serbian people waged only one battle—by widening the Kosovo charnel-house, by adding wailing upon wailing, by counting new martyrs to the martyrs of Kosovo.... Kosovo is the Serbian-ized history of the Flood—the Serbian New Testament."10¶ A cover of Siiddeutsche Zeitung in 1994 was printed with blood donated by refugee women from Bosnia in an eerily perverse afterbirth of violence revisited."¶ We stand benumbed before multiplying horrors. As Vaclav Havel warned more than a decade ago, regimes that generate them "are the avant garde of a global crisis in civilization." The depersonalization of power in "system, ideology and appa-rat," pathological suspicions about human motives and meanings, the loosening of individual responsibility, the swiftness by which disastrous events follow one upon another "have deprived us of our conscience, of our common sense and natural speech and thereby, of our actual humanity."12 Nothing less than the transformation of human consciousness is likely to rescue us.

# 2NR

### AT: Ableism

#### Turn: The introduction of their critique of ableist language is a voting issue—calling us out for using an *unintentionally offensive term* might make them feel better for embarrassing us, but it doesn’t do anything to address ableist oppression and prevents constructive activism. Rejecting their “call out” strategy is crucial to constructive activism—vote against them to facilitate productive dialogue about ableist language.

Kinzel 11 — Lesley Kinzel, blogger and social justice writer, has written for Newsweek and Marie Claire, was named one of the Feminist Press’s “40 Feminists Under 40,” 2011 (“On our difficult language, and the calling-out of,” Two Whole Cakes—a blog about body politics, social justice activism, and pop-cultural criticism from a feminist perspective, March 30th, Available Online at http://blog.twowholecakes.com/2011/03/on-our-difficult-language-and-the-calling-out-of-same)

We throw “that’s ableist” or “that’s racist” or “that’s fatphobic” around, I suspect, in the hope that such heavy judgement-bearing words will shock and embarrass the speaker out of using the offending language. And sometimes, it can work, at least in the short term, when we are merely thinking of our own self-preservation. But beyond that instant, this is not constructive activism. Using surprise, guilt, or humiliation as negative reinforcement to change behavior does nothing to instruct the person in question on why their behavior is causing problems; they stop simply because they don’t want to get in trouble. While the power shift this approach employs may feel awfully satisfying to those of us who have labored under some degree of oppression for much our lives—we get to dictate the terms of engagement, for once—merely shifting the power from one hand to another does nothing to change the destructive use of said power against us.¶ This practice of shaming people into behaving a certain way or using certain language does not truly address the underlying inclination; it does not unpack the thinking that allowed that speaker to feel entitled to say those things in the first place. Fear can be an effective motivator, but it’s not often a productive one, if our goal is broad and lasting cultural change. It is, after all, fear that motivates folks of all sizes to diet, that keeps queer folks in the closet, that makes women afraid to walk alone at night, that compels people of color to keep their heads down even in the face of overt discrimination and just get by. It is fear and shame that locks the systems that marginalize us in place, and as Audre Lorde has explained, in one of the most brilliant pieces of writing on social justice ever put to paper, there is little we can do while still holding on to the master’s tools.¶ Those of us who stand outside the circle of this society’s definition of acceptable women; those of us who have been forged in the crucibles of difference — those of us who are poor, who are lesbians, who are Black, who are older — know that survival is not an academic skill. It is learning how to stand alone, unpopular and sometimes reviled, and how to make common cause with those others identified as outside the structures in order to define and seek a world in which we can all flourish. It is learning how to take our differences and make them strengths. For the master’s tools will never dismantle the master’s house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change. And this fact is only threatening to those women who still define the master’s house as their only source of support.¶ Ideally, people should stop using certain language because they have developed an understanding of why that language is oppressive, and how their use of it contributes to inequality and marginalization, and not because they are afraid or ashamed of confusing social repercussions they do not understand. What we need is a commitment to giving people clear explanations—be they angry, or impassioned, or blunt—of why their words or behavior are problematic, or upsetting, or damaging. We need to resist relying on comfortable jargon to call people out, and to ditch the erroneous presumption that making someone feel stupid will encourage them to read more about a subject. It doesn’t work. Fear and shame don’t help people to understand how the language we use and the actions we undertake, even in our own small individual spheres, all conspire to create a social environment that oppresses us. Fear breeds resentment and, sometimes, hatred. These are not things we need more of. These are the things that put us here in the first place.