# Kentucky R3

## 1NC

### 1

#### Our interpretation is that the aff must defend an increase in statutory and/or judicial restrictions on the war powers authority of the President.

#### Increase means to make greater

Dictionary.com No Date Given <http://dictionary.reference.com/browse/increase?s=ts> increase - Show IPA verb, in·creased, in·creas·ing, noun verb (used with object)

to make greater, as in number, size, strength, or quality; augment; add to: “to increase taxes.”

#### Restriction on war power authority must be a limit that controls the president

Fisher, 97 **–** (Louis, Senior Specialist in Separation of Powers, Congressional Research Service, The Library of Congress, “Presidential Independence and the Power of the Purse,” U.C. Davis J. Int'l L. & Pol'y 107, Lexis)

A legal analysis by Walter Dellinger, at that time Assistant Attorney General for the Office of Legal Counsel, draws a bold definition of presidential war power but appears to concede that if Congress gets its act together to enact a statutory restriction, the legislative limit controls the President: "By establishing and funding a military force capable of being sent around the globe, and declining in the War Powers Resolution or elsewhere to forbid the President's use of his statutory and constitutional powers to deploy troops into situations of risk such as Haiti, Congress left the President both the authority and the means to take such initiatives." n131

#### First is Limits – resolutional limits encourage aff innovation, predictive research on a designated topic, and clash—a precursor to productive education. The inherent value of arguments within limits is greater, which link turns education arguments

#### Second is Fair ground – the resolution is the only neutral site of stasis for controversy – changing this allows them to define the debate in ways that make it impossible for us to compete and really easy for them to win

#### Third is decision-making – only maintaining a limited topic of discussion and a clear stasis for both teams provides the necessary and requisite foundation for decision-making and advocacy skills – even if they are contestable, that is different from being valuably debatable

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Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy,there is no need for debate: *the matter can be settled by unanimous consent*. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of *illegal* immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concernsto be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States. Congress to make progress on the immigration debate *during the summer of 2007*. Someone disturbed by the problem of the 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 upsimply 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. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide *much* basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.¶ Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania 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 treatv 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.

#### Effective decision-making is the lynchpin to solve all social and political problems --- this is an impact to limits, role-playing and decision-making that turns case

Lundberg ‘10 **–** (Christian Lundberg, Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p311)

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity forcritical thinking, analysis of public claims, informeddecision making, and better public judgment. If the picture ofmodem political life that underwrites this critique of debateis a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution**,** at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenryto research and be informed about policy decisions that impact them, to son rhroueh and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly infonnation-rich environment, and to prioritize their time and political energies toward policies that matter the most to them. The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediatcd information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources: To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144) Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials. There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong supportfor expanding debate practice in the classroom as a technology for enhancing democratic deliberativecapacities. The unique combination of critical thinking skills**,** researchand information processingskills, oral communicationskills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of **meaningful political engagement** and new articulations of democratic life**.** Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to **produce** revisions **of** democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class**,** gender**, and** racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; andincreasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenrythat deliberateswith greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Discussions of specific policy-questions is crucial for skills development – we control uniqueness: students already have dogmatic notions about the world – government policy discussions is vital to force engagement with competing perspective to improve social outcomes and break down pre-conceived barriers of what is right – this turns case

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These government or quasi-government think tank simulations often provide very similar lessons for high-level players as are learned by students in educational simulations. Government participants learn about the importance of understanding foreign perspectives, the need to practice internal coordination, and the necessity to compromise and coordinate with other governments in negotiations and crises. During the Cold War, political scientist Robert Mandel noted how crisis exercises and war games forced government officials to overcome ‘‘bureaucratic myopia,’’ moving beyond their normal organizational roles and thinking more creatively about how others might react in a crisis or conflict.6 The skills of imagination and the subsequent ability topredict foreign interests and reactions remain critical for real-world foreign policy makers. For example,simulations of the Iranian nuclear crisis \*held in 2009 and 2010 at the Brookings Institution’s Saban Center and at Harvard University’s Belfer Center, and involving former US senior officials and regional experts\*highlighted the dangers of misunderstanding foreign governments’ preferences and misinterpreting their subsequent behavior. In both simulations, the primary criticism of the US negotiating team lay in a failure to predict accurately how other states, both allies and adversaries, would behave in response to US policy initiatives.7 By university age, students often have a pre-defined view of international affairs, and the literature on simulations in education has long emphasized how such exercises force students to challenge their assumptions about how other governments behave and how their*own*government works.8 Since simulations became more common as a teaching tool in the late 1950s, educational literature has expounded on their benefits, from encouraging engagement by breaking from the typical lecture format, to improving communication skills, to promoting teamwork.9 More broadly, simulations can deepen understanding by asking students to link fact and theory, providing a context for facts while *bringing theory into the realm of practice*.10 These exercises are particularly valuable in teaching international affairs for many of the same reasons they are useful for policy makers: they force participants to ‘‘grapple with the issues arising from a world in flux.’’11 Simulations have been used successfully to teach students about such disparate topics as European politics, the Kashmir crisis, and US response to the mass killings in Darfur.12 Role-playing exercises certainly encourage students to learn political and technical facts\* but they learn them in a more active style. Rather than sitting in a classroom and merely receiving knowledge, students actively research*‘‘*their’’government’s positions and actively argue, brief, and negotiate with others.13 Facts can change quickly; simulations teach students how to contextualize and act on information.14

#### Prefer our evidence because it is more specific to the debate context. Game spaces like debate are distinct from other forms of education and public speaking. There has to be a balance of ground or else one side claims the moral high ground and creates a de facto monologue

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Debate games are often based on pre-designed scenarios that include descriptions of issues to be debated, educational goals, game goals, roles, rules, time frames etc. In this way, debate games differ from textbooks and everyday classroom instruction as debate scenarios allow teachers and students to actively imagine, interact and communicate within a domain-specific game space. However, instead of mystifying debate games as a “magic circle” (Huizinga, 1950), I will try to overcome the epistemological dichotomy between “gaming” and “teaching” that tends to dominate discussions of educational games. In short, educational gaming is a form of teaching. As mentioned, education and games represent two different semiotic domains that both embody the three faces of knowledge: assertions, modes of representation and social forms of organisation (Gee, 2003; Barth, 2002; cf. chapter 2). In order to understand the interplay between these different domains and their interrelated knowledge forms, I will draw attention to a central assumption in Bakhtin’s dialogical philosophy. According to Bakhtin, all forms of communication and culture are subject to centripetal and centrifugal forces (Bakhtin, 1981). A centripetal force is the drive to impose one version of the truth, while a centrifugal force involves a range of possible truths and interpretations. This means that any form of expression involves a duality of centripetal and centrifugal forces: “Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear” (Bakhtin, 1981: 272). If we take teaching as an example, it is always affected by centripetal and centrifugal forces in the on-going negotiation of “truths” between teachers and students. In the words of Bakhtin: “Truth is not born nor is it to be found inside the head of an individual person, it is born between people collectively searching for truth, in the process of their dialogic interaction” (Bakhtin, 1984a: 110). Similarly, the dialogical space of debate games also embodies centrifugal and centripetal forces. Thus, the election scenario of The Power Game involves centripetal elements that are mainly determined by the rules and outcomes of the game, i.e. the election is based on a limited time frame and a fixed voting procedure. Similarly, the open-ended goals, roles and resources represent centrifugal elements and create virtually endless possibilities for researching, preparing, presenting, debating and evaluating a variety of key political issues. Consequently, the actual process of enacting a game scenario involves a complex negotiation between these centrifugal/centripetal forces that are inextricably linked with the teachers and students’ game activities. In this way, the enactment of The Power Game is a form of teaching that combines different pedagogical practices (i.e. group work, web quests, student presentations) and learning resources (i.e. websites, handouts, spoken language) within the interpretive frame of the election scenario. Obviously, tensions may arise if there is too much divergence between educational goals and game goals. This means that game facilitation requires a balance between focusing too narrowly on the rules or “facts” of a game (centripetal orientation) and a focusing too broadly on the contingent possibilities and interpretations of the game scenario (centrifugal orientation). For Bakhtin, the duality of centripetal/centrifugal forces often manifests itself as a dynamic between “monological” and “dialogical” forms of discourse. Bakhtin illustrates this point with the monological discourse of the Socrates/Plato dialogues in which the teacher never learns anything new from the students, despite Socrates’ ideological claims to the contrary (Bakhtin, 1984a). Thus, discourse becomes monologised when “someone who knows and possesses the truth instructs someone who is ignorant of it and in error”, where “a thought is either affirmed or repudiated” by the authority of the teacher (Bakhtin, 1984a: 81). In contrast to this, dialogical pedagogy fosters inclusive learning environments that are able to expand upon students’ existing knowledge and collaborative construction of “truths” (Dysthe, 1996). At this point, I should clarify that Bakhtin’s term “dialogic” is both a descriptive term (all utterances are per definition dialogic as they address other utterances as parts of a chain of communication) and a normative term as dialogue is an ideal to be worked for against the forces of “monologism” (Lillis, 2003: 197-8). In this project, I am mainly interested in describing the dialogical space of debate games. At the same time, I agree with Wegerif that “one of the goals of education, perhaps the most important goal, should be dialogue as an end in itself” (Wegerif, 2006: 61).

### 2

#### **There exists an intrinsic antagonism in debate** –on one side, debate is always shaped by strategy, winning, and debate theory. The other side is the desire to influence a larger public. The aff’s desire to change the debate community is always shaped by the norms of debate. Your aff will never be receptive to the larger public. We should view outside of the academy as more important than our debate spaces

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

Giroux’s concluding words, in which scholars reclaim the promises of a truly global democratic future, echo Ono and Sloop’s construction of scholarship as the politically embedded pursuit of utopia, McKerrow’s academic emancipation of the oppressed, McGee’s social surgery, Hartnett’s social justice scholar, and Fuller’s agent of justice. Each aims to unify the competing elements within the scholarly subject position—scholarly reflection and political agency—by reducing the former to the latter. Žižek’s advice is to consider how such attempts are always doomed to frustration, not because ideals are hard to live up to but because of the impossibility of resolving the antagonism central to the scholarly subject position. The titles “public intellectual” and “critical rhetorician” attest to the fundamental tension. “Public” and “rhetorician” both represent the aspiration to political engagement, while “critical” and “intellectual” set the scholar apart from noncritical, nonintellectual public rhetoric. However, rather than allowing the contingently articulated terms to exist in a state of paradoxical tension, these authors imagine an organic, unavoidable, necessary unity. The scholar is, in one moment, wholly public and wholly intellectual, wholly critical and wholly rhetorical, wholly scholar and wholly citizen—an impossible unity, characteristic of the sublime, in which the antagonism vanishes (2005, 147). Yet, as Žižek predicts, the sublime is the impossible. The frustration producing gap between the unity of the ideological sublime and conflicted experience quickly begins to put pressure on the ideology. This is born out in the shift from the exhilarated tone accompanying the birth of critical rhetoric (and its liberation of rhetoric scholarship from the incoherent and untenable demands of scientific objectivity) to a dispirited accounting for the difficulty of actually embodying the imagined unity of scholarly reflection and political agency. Simonson, for example, draws attention to the gap, noting how, twenty years later, it is hard to resist the feeling that “the bulk of our academic publishing is utterly inconsequential.” His hope is that a true connection between scholarly reflection and political agency may be possible outside of academia (2010, 95). Fuller approaches this conclusion when he says that the preferred path to filling universities with agents of justice is through “scaling back the qualifications needed for tenure-stream posts from the doctorate to the master’s degree,” a way of addressing the antagonism that amounts to setting half of it afloat (2006, 154). Hartnett is especially interesting because while he also insists on the existence of the gap, dismissing “many” of his “colleagues” as merely dispensing “politically vacuous truisms” or, worse, as serving as “tools of the state” and “humanities-based journals” as “impenetrably dense” and filled with “jargon-riddled nonsense,” he evinces a considerable impatience with the audiences he must engage as a social justice scholar (2010, 69, 74–75). In addition to reducing those populating the mass media to a cabal of “rotten corporate hucksters,” Hartnett rejects vernacular criticisms of his activism as “ranting and raving by fools,” and chafes at becoming “a target for yahoos of all stripes” (87, 84). In other words, the gap is not only recognized on the academic side of the ledger but appears on the public side as well; the public (in the vernacular sense of the word) does not yield to the desire of the social justice scholar. Or, as Žižek puts it, referencing Lacan, “You never look at me from the place in which I see you” (1991, 126). More telling still, Hartnett’s main examples of social justice scholars are either retired or located outside of academia (2010, 86). As Simonson suggests, and Hartnett implicitly concedes, it may well be that it really is only outside the academy that there can be immediate, material, political consequences.

#### Our argument is particularly true to the 1AC – using debate for political purposes tradeoffs with producing tools useful for the public.

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

What does it mean to say rhetoric scholarship should be relevant to democratic practice? A prevailing answer to this question insists that rhetoric scholars are participants in the democratic contest for power just like all other citizens, no more and no less. Drawing on the work of Slavoj Žižek, the argument of this essay is that reducing scholarship to a mode of political agency not only produces an increasingly uninhabitable academic identity but also draws our attention away from producing results of rhetorical inquiry designed to be useful to citizens in democracy. Clinging to the idea that academic practice is a mode of political action produces a fantastic blindness to the antagonism between scholarly reflection and political agency that structures academic purpose. While empirical barriers to the production of rhetorical resources suitable for democratic appropriation undoubtedly exist, ignoring the self-frustrating character of academic desire is no less of an impediment to the production of democratically consequential rhetoric scholarship.

#### **Alternative – Reject the affirmative because of their use of debate as a conception of political agency. We should keep** competing elements of the antagonism in view to understand the limits of debate as political agency in itself

Welsh 12 Scott Department of Communication Appalachian State University (“Coming to Terms with the Antagonism between Rhetorical Reflection and Political Agency”, *Philosophy and Rhetoric,* Vol. 45, No. 1, 2012, Jstor)

In light of Žižek’s account of antagonism, one should not be surprised, however, by the conclusion that broadly effective activism is only possible outside of academia. The failure to unify scholarship and politics was predestined in the symbolic imagination that rendered them unified. Instead, effectively coming to terms with an antagonism means finding ways to keep the competing elements of the antagonism in view—and not simply as “bad” academic pretensions in conflict with “good” political motives. Rather, the two elements that constitute the scholarly subject position, reflective investigation and the production of unavoidable consequences, must be constantly present, each vying for our attention. And, insofar as the two elements are not kept in tension with each other, the scholarly subject position becomes increasingly unbearable, leading to the production of what Žižek calls supplemental ideological fantasies or ready explanations for the gap.

#### The question of institutional support is key to expanding wider base for change and caring for other communities – radical exposures fail

Ruggero 9 E. Colin, The New School for Social Research in New York, Center for Energy and Environmental Policy, University of Delaware, Radical Green Populism: Climate Change, Social Change and the Power of Everyday Practices, 11-11, http://theanarchistlibrary.org/library/e-colin-ruggero-radical-green-populism-climate-change-social-change-and-the-power-of-everyday-p

Radicals must carefully deliberate the development of alternative social institutions and intellectual resources for subversion and, ultimately, change. What will they look like? Self-managed energy systems, car and bicycle shares, farming collectives, green technology design firms, recycling and composting operations, construction and refitting operations...the needs are broad and the possibilities are endless, but each must be carefully considered. What institutions and resources might prove most valuable over the long term? What institutions and resources can help strengthen radical communities? What institutions and resources would other communities be best served by, a particularly important question in the process of broadening the cultural-social unity of a wide social base for change.

### 3

#### Ideen and I advocate statutory restrictions of the President of the United States' war powers authority to conduct offensive cyber operations.

#### A focus on policy is necessary to learn the pragmatic political engagement of powerful institutions – acting without this knowledge is doomed to fail in the face of policy professionals who make the decisions that actually effect outcomes – otherwise you’re politics will get co-opted

McClean ‘1 (David E., “The Cultural Left and the Limits of Social Hope”, Conference of the Society for the Advancement of American Philosophy, <http://www.americanphilosophy.org/archives/past_conference_programs/pc2001/>)

Or we might take Foucault who, at best, has provided us with what may reasonably be described as a very long and eccentric footnote to Nietzsche (I have once been accused, by a Foucaltian true believer, of "gelding" Foucault with other similar remarks). Foucault, who has provided the Left of the late 1960s through the present with such notions as "governmentality," "Limit," "archeology," "discourse" "power" and "ethics," creating or redefining their meanings, has made it overabundantly clear that all of our moralities and practices are the successors of previous ones which derive from certain configurations of savoir and connaisance arising from or created by, respectively, the discourses of the various scientific schools. But I have not yet found in anything Foucault wrote or said how such observations may be translated into a political movement or hammered into a political document or theory (let alone public policies) that can be justified or founded on more than an arbitrary aesthetic experimentalism. In fact, Foucault would have shuddered if any one ever did, since he thought that anything as grand as a movement went far beyond what he thought appropriate. This leads me to mildly rehabilitate Habermas, for at least he has been useful in exposing Foucault's shortcomings in this regard, just as he has been useful in exposing the shortcomings of others enamored with the abstractions of various Marxian-Freudian social critiques. Yet for some reason, at least partially explicated in Richard Rorty's Achieving Our Country, a book that I think is long overdue, leftist critics continue to cite and refer to the eccentric and often a priori ruminations of people like those just mentioned, and a litany of others including Derrida, Deleuze, Lyotard, Jameson, and Lacan, who are to me hugely more irrelevant than Habermas in their narrative attempts to suggest policy prescriptions (when they actually do suggest them) aimed at curing the ills of homelessness, poverty, market greed, national belligerence and racism. I would like to suggest that it is time for American social critics who are enamored with this group, those who actually want to be relevant, to recognize that they have a disease, and a disease regarding which I myself must remember to stay faithful to my own twelve step program of recovery. The disease is the need for elaborate theoretical "remedies" wrapped in neological and multi-syllabic jargon. These elaborate theoretical remedies are more "interesting," to be sure, than the pragmatically settled questions about what shape democracy should take in various contexts, or whether private property should be protected by the state, or regarding our basic human nature (described, if not defined (heaven forbid!), in such statements as "We don't like to starve" and "We like to speak our minds without fear of death" and "We like to keep our children safe from poverty"). As Rorty puts it, "When one of today's academic leftists says that some topic has been 'inadequately theorized,' you can be pretty certain that he or she is going to drag in either philosophy of language, or Lacanian psychoanalysis, or some neo-Marxist version of economic determinism. . . . These futile attempts to philosophize one's way into political relevance are a symptom of what happens when a Left retreats from activism and adopts a spectatorial approach to the problems of its country. Disengagement from practice produces theoretical hallucinations"(italics mine).(1) Or as John Dewey put it in his The Need for a Recovery of Philosophy, "I believe that philosophy in America will be lost between chewing a historical cud long since reduced to woody fiber, or an apologetics for lost causes, . . . . or a scholastic, schematic formalism, unless it can somehow bring to consciousness America's own needs and its own implicit principle of successful action." Those who suffer or have suffered from this disease Rorty refers to as the Cultural Left, which left is juxtaposed to the Political Left that Rorty prefers and prefers for good reason. Another attribute of the Cultural Left is that its members fancy themselves pure culture critics who view the successes of America and the West, rather than some of the barbarous methods for achieving those successes, as mostly evil, and who view anything like national pride as equally evil even when that pride is tempered with the knowledge and admission of the nation's shortcomings. In other words, the Cultural Left, in this country, too often dismiss American society as beyond reform and redemption. And Rorty correctly argues that this is a disastrous conclusion, i.e. disastrous for the Cultural Left. I think it may also be disastrous for our social hopes, as I will explain. Leftist American culture critics might put their considerable talents to better use if they bury some of their cynicism about America's social and political prospects and help forge public and political possibilities in a spirit of determination to, indeed, achieve our country - the country of Jefferson and King; the country of John Dewey and Malcom X; the country of Franklin Roosevelt and Bayard Rustin, and of the later George Wallace and the later Barry Goldwater. To invoke the words of King, and with reference to the American society, the time is always ripe to seize the opportunity to help create the "beloved community," one woven with the thread of agape into a conceptually single yet diverse tapestry that shoots for nothing less than a true intra-American cosmopolitan ethos, one wherein both same sex unions and faith-based initiatives will be able to be part of the same social reality, one wherein business interests and the university are not seen as belonging to two separate galaxies but as part of the same answer to the threat of social and ethical nihilism. We who fancy ourselves philosophers would do well to create from within ourselves and from within our ranks a new kind of public intellectual who has both a hungry theoretical mind and who is yet capable of seeing the need to move past high theory to other important questions that are less bedazzling and "interesting" but more important to the prospect of our flourishing- questions such as "How is it possible to develop a citizenry that cherishes a certain hexis, one which prizes the character of the Samaritan on the road to Jericho almost more than any other?" or "How can we square the political dogma that undergirds the fantasy of a missile defense system with the need to treat America as but one member in a community of nations under a "law of peoples?"The new public philosopher might seek to understand labor law and military and trade theory and doctrine as much as theories of surplus value; the logic of international markets and trade agreements as much as critiques of commodification, and the politics of complexity as much as the politics of power (all of which can still be done from our arm chairs.) This means going down deep into the guts of our quotidian social institutions, into the grimy pragmatic details where intellectuals are loathe to dwell but where the officers and bureaucrats of those institutions take difficult and often unpleasant, imperfect decisions that affect other peoples' lives, and it means making honest attempts to truly understand how those institutions actually function in the actual world before howling for their overthrow commences. This might help keep us from being slapped down in debates by true policy pros who actually know what they are talking about but who lack awareness of the dogmatic assumptions from which they proceed, and who have not yet found a good reason to listen to jargon-riddled lectures from philosophers and culture critics with their snobish disrespect for the so-called "managerial class."

### Case

#### topics of cyber-security get ceded to “technical experts” that destroys meaningful policy deliberation

Shane 12, (Peter M. Shane, Jacob E. Davis and Jacob E. Davis II Chair in Law, Moritz College of Law, The Ohio State University, Cybersecurity Policy as if "Ordinary Citizens" Mattered: The Case for Public Participation in Cyber Policy Making, I/S: A JOURNAL OF LAW AND POLICY, Vol. 8, No. 2, 2012, http://moritzlaw.osu.edu/students/groups/is/files/2012/02/9.Shane\_.pdf)

Were Gallup to poll the American people on the question, "What is cybersecurity?" it seems a fair guess that the following answers would be the most common: "Something to do with computer safety," "Preventing identity theft," and "I don't know." Few would likely refer to anything like "the body of technologies, processes and practices designed to protect networks, computers, programs and data [and the critical infrastructures on which they rely] from attack, damage or unauthorized access."1 Yet, the likely poll answers and the more encompassing formal definition have something in common. All would probably suggest to the everyday citizen that the question, "How shall we pursue cybersecurity?" is a question best left to experts-preferably experts with computer science or engineering degrees.¶ The total abdication of cybersecurity policy to "experts," however, has been, and continues to be, a profound mistake. Given the ubiquity of computer networks and our reliance as a society on their integrity and robustness, the quality of cybersecurity is an issue that affects everyone's interests. Excluding the general public from any¶ meaningful voice in cyber policymaking removes citizens from¶ democratic governance in an area where our welfare is deeply¶ implicated. Further, as the papers in this volume amply testify, the¶ "technologies" and the "processes" entailed in cybersecurity are costly,¶ likely requiring significant public investment.2 Cybersecurity builds on "practices" that include routines and procedures in the hands of¶ ordinary individual computer users.3 Mobilizing citizen backing for the requisite public investment in cybersecurity, and even more for the common commitment to adopt responsible computing habits, will be substantially more difficult if people have virtually no understanding of what they are being asked to do or to support.¶ Finally, the concern over decision-making competence is easy to overstate. The design of cybersecurity involves technical choices requiring specialized competence, just as does the implementation of environmental policy, biomedical research policy, or, for that matter, counterinsurgency strategy in Afghanistan. But the design of cybersecurity also implicates a series of choices among competing values and priorities that are the ordinary stuff of politics. The lay public's inability to address strictly technical or expert questions does not mean it is incompetent to weigh competing policy answers to the general question, "What should the government do?"4¶ Indeed, I would argue that an administration explicitly committed to unprecedented levels of both transparency and collaborations should regard cybersecurity as offering an ideal opportunity to engage the public more meaningfully in policy deliberation than has so far been the American norm. Models abound, both in other nations' use of citizen consultations to involve the public in technology-related policy making and in U.S. experience with citizen consultation in environmental decision making.6 Not only do such models offer the prospect of improving our cyber policy posture through public engagement, but meaningful citizen engagement in this area of complex decision making could provide a pivotal model for how to deepen the meaning of citizenship in the digital age.

#### Voting neg means that people are already smart enough to not need your aff. Reception-theory proves representations don’t “create reality”. Audiences are smart enough to reach their own conclusions.

Kraus ’89 et al – Sidney Kraus is a professor in the Department of Communication at Cleveland State University and Dennis Giles is also in the Department of Communication at Cleveland State University. *Political Psychology*, Vol. 10, No. 3 (Sep), pp. 522-3 http://www.jstor.org/stable/3791366

Edelman assumes (like the early Frankfurt School) that viewers/auditors of the spectacle (here, the political spectacle) have only two choices they can accept the terms (rules) of the game or reject them. There is no room for a negotiated reading of political discourse or the appropriation of political "problems" by individuals to serve their interests-their legitimate wellbeing as they define it. In this theory, spectators/participants are presented with a crude dualism: accept it all, reject it all. Ignored in the discussion a re the so-called" cultural" studies published during the past decade [e.g., Hall (1980), Morely (1980, 1981), Radway (1984, 1986), Fiske (1986), Giles (1986); cf. two recent studies not available to Edelman: Steiner( 1988), and Giles (1989)],which have extended" reception theory" [e.g., Iser (1978), Suleiman and Crosma (1980), Jauss (1982) with an introduction by Paul de Man)]. This major theoretical perspective of culture, literary, film and television studies in the United States and Britain rejects the notion of a universally passive appropriation of a text on its own terms (political or otherwise) to explore the actual pragmatics of the act of viewing/reading a "spectacle." These studies present alternatives to the either/or stance of Edelman. While assuming that any practice of discourse constructs its own illusionary" world"( in Nelson's terms) and is potentially mystifying, these critics stress the ability and freedom of viewers/auditors and spectators/participants to construct their "own" meanings( like Edelman's). This developing body of theory and analysis posits and describes the ability of viewers of the "spectacle" to negotiate the meaning of texts-to read and realize (Iser's term) meanings which often diverge from the "dominant" readings preferred by the political and media institutions.

#### Russia, Israel, and the US prove – a devastating cyberwar is inevitable. Attacks shut down the grid and defenders can’t solve

Baker 11, Denial of Service, BY STEWART BAKER, Stewart Baker is a former official at the U.S. Department of Homeland Security and the National Security Agency. He practices law at Steptoe & Johnson in Washington | SEPTEMBER 30, 2011, http://www.foreignpolicy.com/articles/2011/09/30/denial\_of\_service?page=0,0

No one seriously denies that cyberwar is coming. Russia pioneered cyberattacks in its conflicts with Georgia and Estonia, and cyberweapons went mainstream when the developers of Stuxnet sabotaged Iran's Natanz uranium-enrichment plant, setting back the Islamic Republic's nuclear weapons program more effectively than a 500-pound bomb ever could. In war, weapons that work get used again.¶ Unfortunately, it turns out that cyberweapons may work best against civilians. The necessities of modern life -- pipelines, power grids, refineries, sewer and water lines -- all run on the same industrial control systems that Stuxnet subverted so successfully. These systems may be even easier to sabotage than the notoriously porous computer networks that support our financial and telecommunications infrastructure.¶ And the consequences of successful sabotage would be devastating. The body charged with ensuring the resilience of power supplies in North America admitted last year that a coordinated cyberattack on the continent's power system "could result in long-term (irreparable) damage to key system components" and could "cause large population centers to lose power for extended periods." Translated from that gray prose, this means that foreign militaries could reduce many of U.S. cities to the state of post-Katrina New Orleans -- and leave them that way for months.¶ Can the United States keep foreign militaries out of its networks? Not today. Even America's premier national security agencies have struggled to respond to this new threat. Very sophisticated network defenders with vital secrets to protect have failed to keep attackers out. RSA is a security company that makes online credentials used widely by the Defense Department and defense contractors. Hackers from China so badly compromised RSA's system that the company was forced to offer all its customers a new set of credentials. Imagine the impact on Ford's reputation if it had to recall and replace every Ford that was still on the road; that's what RSA is experiencing now.¶ HBGary, another well-respected security firm, suffered an attack on its system that put thousands of corporate emails in the public domain, some so embarrassing that the CEO lost his job. And Russian intelligence was able to extract large amounts of information from classified U.S. networks -- which are not supposed to touch the Internet -- simply by infecting the thumb drives that soldiers were using to move data from one system to the next. Joel Brenner, former head of counterintelligence for the Office of the Director of National Intelligence, estimates in his new book, America the Vulnerable, that billions of dollars in research and design work have been stolen electronically from the Defense Department and its contractors.¶ In short, even the best security experts in and out of government cannot protect their own most precious secrets from network attacks. But the attackers need not stop at stealing secrets. Once they're in, they can just as easily sabotage the network to cause the "irreparable" damage that electric-grid guardians fear.

#### OCOs key to deterrence and strengthen defensive capabilities

NRC 9, National Research Council of the National Academies, Committee on Offensive Information Warfare, 2009 www.lawfareblog.com/wp-content/uploads/2013/01/NRC-Report.pdf

Recommendation 8: The United States should maintain and acquire effective cyberattack capabilities. Advances in capabilities should be continually factored into policy development, and a comprehensive budget accounting for research, development, testing, and evaluation relevant to cyberattack should be available to appropriate decision makers in the executive and legislative branches. The committee believes that it would be unwise policy to eschew cyberattack under all circumstances. For those instances in which the use of cyberattack is warranted, the United States should have at its disposal the most effective and flexible cyberattack technologies and supporting infrastructure possible—systems that can operate on the time scales required, with the necessary command and control (including selfdestruct when necessary and appropriate), guided by the best possible intelligence information, with a high probability of mission success and a low risk of collateral damage. Accordingly, in addition to a robust and significant effort for research, development, testing, and evaluation to strengthen U.S. cyber defensive capabilities, the committee believes that the United States should continue to invest in the development and acquisition of effective and highly flexible cyberattack capabilities. In addition to providing operational utility, such capabilities may strengthen deterrence against cyber adversaries. Lastly, increased knowledge of cyberattack technologies will contribute to the knowledge base supporting development of improved defensive capabilities, assuming that mechanisms can be found to promote crossfertilization among the researchers in the relevant areas. If and when new policy emerges that calls for a deemphasis of cyberattack capabilities, the U.S. investment can be scaled back at that time. The committee recognizes precedents from history in which the momentum built up by a large-scale development and procurement plan made changes in policy more difficult to accomplish. Nevertheless, it believes that acquiring many kinds of cyberattack weaponry is relatively inexpensive compared to traditional large-scale weapons acquisition efforts, and thus policy changes would be easier to effect. In addition, even if international agreements are made to restrict the use of cyberattack, nations must prepare for the possibility that non-signatories (e.g., non-state actors, or recalcitrant states) or “cheating” states will not abide by the provisions of any such agreement—and for the United States to not be prepared to compete successfully in such a world is unacceptable. Finally, it is important for the United States to have a comprehensive view of the effort among all of the relevant stakeholders to develop and acquire cyberattack capabilities. Some responsible party within the executive branch, perhaps an office within the Office of Management and Budget, should have a cross-agency view into overall amounts being spent on acquisition of cyberattack capabilities and the details of how individual agency budgets are being spent. Overall levels of spending and the relevant detail should be available, on a classified basis as necessary, to appropriate congressional decision makers. (Recommendation 8 is not a plea for centralized direction of the acquisition effort, but rather one for information to help policy makers understand the overall effort.)

#### Goes nuclear

Hunkovic 9Lee J. Hunkovic -- professor at American Military University, 09, [“The Chinese-Taiwanese Conflict Possible Futures of a Confrontation between China, Taiwan and the United States of America”, American Military University, p.54]

**A war between China**, Taiwan **and the U**nited **S**tates **has the potential to escalate into a nuclear conflict and a third world war**, therefore, **many countries other than the primary actors could be affected by such a conflict, including Japan, both Koreas, Russia, Australia, India and Great Britain,** if they were drawn into the war, as well as all other countries in the world that participate in the global economy, in which the United States and China are the two most dominant members. If China were able to successfully annex Taiwan, the possibility exists that they could then plan to attack Japan and begin a policy of aggressive expansionism in East and Southeast Asia, as well as the Pacific and even into India, which could in turn create an international standoff and deployment of military forces to contain the threat. In any case, **if China and the U**nited **S**tates **engage in** a full-scale **conflict, there are few countries** in the world **that will not be** economically and/or militarily **affected by it.** However, China, Taiwan and United States are the primary actors in this scenario, whose actions will determine its eventual outcome, therefore, other countries will not be considered in this study.

#### Turn - Moving away from security creates new challengers and increases the risk of war

Doran, 99 (Charles, Professor of International Relations at Johns Hopkins University's School of Advanced International Studies, Survival, 1999, Summer, p. 148-9, proquest)

The conclusion, then, is that the probability of major war declines for some states, but increases for others. And it is very difficult to argue that it has disappeared in any significant or reliable or hopeful sense. Moreover, a problem with arguing a position that might be described as utopian is that such arguments have policy implications. It is worrying that as a thesis about the obsolescence of major war becomes more compelling to more people, including presumably governments, the tendency will be to forget about the underlying problem, which is not war per se, but security. And by neglecting the underlying problem of security, the probability of war perversely increases: as governments fail to provide the kind of defence and security necessary to maintain deterrence, one opens up the possibility of new challenges. In this regard it is worth recalling one of Clauswitz's most important insights: A conqueror is always a lover of peace. He would like to make his entry into our state unopposed. That is the underlying dilemma when one argues that a major war is not likely to occur and, as a consequence, one need not necessarily be so concerned about providing the defences that underlie security itself. History shows that surprise threats emerge and rapid destabilising efforts are made to try to provide that missing defence, and all of this contributes to the spiral of uncertainty that leads in the end to war.

#### Critical interrogations fail - We should study specific solutions to specific problems – The critique of security consigns us to academic irrelevance and decimates politics

Walt 91 (Stephen, Professor at the University of Chicago, *International Studies Quarterly* 35)

Yet the opposite tendency may pose an even greater danger. On the whole, security studies have profited from its connection to real-world issues; the main advances of the past four decades have emerged from efforts to solve important practical questions. If security studies succumbs to the tendency for academic disciplines to pursue “the trivial, the formal, the methodological, the purely theoretical, the remotely historical–in short, the politically irrelevent” (Morgenthau, 1966:73), its theoretical progress and its practical value will inevitably decline.

In short, security studies must steer between the Scylla of political opportunism and the Charybdis of academic irrelevance. What does this mean in practice? Among other things, it means that security studies should remain wary of the counterproductive tangents that have seduced other areas of international studies, most notably the “post-modern” approach to international affairs (Ashley, 1984; Der Derian and Shapiro, 1989, Lapid, 1989). Contrary to their proponents’ claims, post-modern approaches have yet to demonstrate much value for comprehending world politics; to date, these works are mostly criticism and not much theory. As Robert Keohane has noted, until these writers “have delineated...a research programe and shown...that it can illuminate important issues in world politics, they will remain on the margins of the field” (Keohane, 1988:392). In particular, issues of war and peace are too important for the field to be diverted into a prolix and self-indulgent discourse that is divorced from the real world. Because scientific disciplines advance through competition, we should not try to impose a single methodological monolith upon the field. To insist that a single method constitutes the only proper approach is like saying that a hammer is the only proper tool for building a house. The above strictures are no more than a warning, therefore; progress will be best served by increased dialogue between different methodological approaches (Downs, 1989).

#### Alt fails - abandoning security impossible

Kavka ’87 (Gregory S., Prof – UC Irvine, Moral Paradoxes of Nuclear Deterrence, p. 86-87)

The lesson of the kidney case seems to be that one can, at most, actively impose substantially lesser risks or harms on other innocent people to protect oneself. Can this lesson be applied to national as well as individual self-defense? One might contend that it cannot be, appealing for support to the hallowed ought-implies-can principle. According to that principle agents, including nations, can only be obligated to act in ways they are capable of acting. But, it may be suggested, nations are **literally incapable** of refraining from taking steps believed to be necessary for national defense, even if these impose horrible risks or harms on outside innocents. For any government that failed to undertake the requisite defensive actions (e.g., any government that abandoned nuclear deterrence) would be quickly ousted and replaced by a government willing to under take them.

#### Terrorism is a threat- their critique replicates the logic preceding the attacks on Britain- this turns the case and ensures the aff results in massive terrorist attacks

Jones ‘6 (The commentariat and discourse failure: language and atrocity in Cool Britannia International Aff airs 82: 6 (2006) 1077–1100 © 2006 The Author(s). Journal Compilation © 2006 Blackwell Publishing Ltd/The Royal Institute of International Aff airs DAVID MARTIN JONES AND M. L. R. SMITH)

Rather than accept the existence of a clear and present Islamist threat to western secularism and democracy after the 9/11 attacks, such critical thinking moved the discursive goal posts. Critical thinkers and opinionators argued instead that western governments deliberately exaggerated the threat to curtail legitimate dissent and civil liberties.46 In his bestselling book Dude, Where’s My Country? Michael Moore popularized this view, maintaining: ‘There is no terrorist threat. Why has our government gone to such absurd lengths to convince us our lives are in danger? The answer is nothing short of their feverish desire to rule the world, fi rst by controlling us, and then, in turn, getting us to support their eff orts to dominate the rest of the planet.’47 More measured academic commentary termed the propensity of liberal democratic governments to exaggerate the terrorist threat the ‘politics of fear’. Governments, they maintained, conjured the spectre of Islam and catastrophic terror attacks for illiberal purposes. The politics of fear persuaded the gullible masses to accept an illegitimate extension of state power under the rubric of counterterror policy. These measures eroded personal freedoms and restricted civil liberty. The UK government proposals to introduce identity cards, extend detention of terrorist suspects without trial and curtail expression of views calculated to infl ame racial hatred crystallized the new authoritarianism. The politics of fear also facilitated a contentious foreign policy legitimating the 2003 invasion of Iraq, on the grounds of necessary pre-emptive military action against all potential sources of threat and instability.48 Critics thus maintained that ‘Islamist terror’ constituted an all-purpose political bogeyman. Media commentary reinforced the politics of fear hypothesis. ‘So, a climate of fear it is,’ declared Jackie Ashley in the Guardian in March 2004: ‘Everywhere you turn, there is another gray-faced public fi gure telling you that a major terrorist attack is coming … and there is nothing we can do except trust our leaders.’49 In a similar, but academic, vein, security analyst Bill Durodié declared that ‘Insecurity is the key driving concept of our times. Politicians have packaged themselves as risk managers’ in order to pacify ‘a demand from below for protection’.50 The BBC series The Power of Nightmares, screened in the United Kingdom in early 2005, encapsulated this critical understanding for a wider audience.51 Advertising the series, the BBC News website in April 2005 announced: ‘The Power of Nightmares explores how the idea that we are threatened by a hidden and organized network is an illusion. It is a myth that has spread unquestioned through politics, the security services and the international media.’ Pre-publicity presented the threat as a ‘fantasy’ which ‘politicians then found restored their power and authority in a disillusioned age’, and argued somewhat mysteriously: ‘Those with the darkest fears became the most powerful.’52 If before 7/7 the politics of fear increasingly influenced mainstream media commentary, it also dominated UK and US campuses. The Guardian, sampling informed opinion prior to the screening of The Power of Nightmares, confi rmed the orthodoxy that the security bureaucracy and politicians constructed terrorism in order to pursue the politics of fear and repression.53 Adam Roberts, Professor of International Relations at Oxford University, observed that for governments the terror threat is of ‘absolute cosmic signifi cance’, legitimating an ‘anything goes’ attitude towards its defeat. For the historian Linda Colley, ‘States and their rulers expect to monopolise violence, and that is why they react so violently to terrorism.’ Given that there had been only one attack in Europe since 9/11, in Madrid in March 2003, Bill Durodié contended that the ‘reality [of the Al-Qaeda threat to the west] has been essentially a one-off ’.54 Nor was the evolving consensus confi ned to academic and media comment. Such views found support both among members of parliament and from common lawyers. In January 2005 Charles Kennedy, the leader of the Liberal Democrats, Britain’s third largest political party, asserted in his ‘New Year message’: A clear division is emerging in British politics: the politics of fear versus the politics of hope. Labour is counting on the politics of fear, ratcheting up talk of threat, crime and insecurity, while the Conservatives are re-working their populist scares about asylum and the European ‘menace’. Look at how Labour, with the support of the Conservatives, has undermined trust in the political process by its spin and reliance on external threats.55 Suspicion of a government policy based on the politics of fear similarly infl uenced legal decisions with respect to deportation or extradition orders for suspects wanted in third countries for terror-related off ences.56 More particularly, the law lords questioned the government’s authority to detain without trial non-British terror suspects resident in the UK, like Abu Qatada. In December 2004, the highest appellate court found Qatada’s detention illegal. One of the law lords, Lord Bingham, maintained that the government’s powers of detention ‘discriminate on the ground of nationality or immigration status’,57 while Lord Hoff man found that ‘The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these.’58 Those who criticized the government for its political exploitation of the threat, however, failed to recognize that their rejection of the politics of fear was also politically motivated. For the politics of fear itself resulted in highly politicized threat assessments couched in the language of balance, neutrality and concern for an abstract standard of law that transcended short-term political contingencies. Thus, in his judgment on the detention of non-UK citizens, Lord Hoff man argued that ‘fanatical groups’ ‘do not threaten the life of the nation’. He continued: ‘Terrorist crime, serious as it is, does not threaten our institutions of government or our existence as a civil community.’59 Hoff man asserted as constitutional fact what could only be an expression of faith. In an analogous vein, the security analyst Bill Durodié discounted the pretensions of Islamism’s UK franchise. After the conviction of the Algerian Kamel Bourgass in 2005 for murder and conspiracy to commit a public nuisance using poisons and explosives, including ricin, Durodié dismissed Al-Qaeda as a ‘conspiracy of dunces’. Assessing the ‘sheer naivety and incompetence of all these so-called al- Qaeda operatives’ like Bourgass, Richard Reid, the ‘dim-witted shoe bomber who had trouble with matches’, and Sajid Badat, ‘the Gloucester loner who bottled out of emulating Reid’, Durodié asserted: ‘If that is the best of what the supposed massed ranks of al-Qaeda have to off er after three years [i.e. after 9/11] … we should have little to fear. But the media, politicians and the police have sought to portray the situation diff erently.’60 The London bombs disproved the politics of fear hypothesis and exposed the evaluations of law lords like Hoff man and security analysts like Durodié. The facts, expressed in the toll of civilian lives, demonstrated that the government’s perception had been more acute than that of its critics. But its detractors portrayed government attempts to counter the threat of terror and heighten the state of public vigilance as an insidious plot to undermine democratic values.61 As Frank Furedi observed, those who believed in the politics of fear met one conspiratorial claim—that the government was using the threat of Islamic terror to weaken basic freedoms—with a counterconspiracy—that there wasn’t much of a threat to begin with.62 Hence, the politics of fear determined its own preferred policy response, namely, the practice of complacency. Rather than engaging in a debate about the proportionality of response to a home-grown threat of Islamist terror, those who detected the politics of fear lurking behind every government pronouncement instead presented the security predicament in the very reductionist terms of which they accused those who claimed to be exaggerating the threat. In other words, the proponents of the politics of fear played the politics of fear themselves.63 Indeed, the thesis required fear—in this case, fear of a creeping authoritarian dystopia—to sustain it. In this way, a reasonable public policy concern about counterterrorist measures eroding established legal rights rapidly degenerated into a one-dimensional caricature of government policy not far removed from paranoid post-9/11 movies like V for Vendetta (2006). Furthermore, the wider commentariat’s acceptance of the politics of fear had far from trivial consequences. Mainstream politicians, the liberal press, television, academics and the courts gave it wide currency as a more objective response to the post-9/11 environment. Its premise, fear, discounted the threat and denigrated any serious attempt to evaluate the actual character and extent of the problem, asserting, without empirical basis, its more insightful assessment of the situation. Lord Walker, the single dissenting law lord in the 8 to 1 judgment in favour of Qatada in December 2004, expressed the inherent danger contained in this politics of complacency, well before the 7/7 attacks. Walker found that It is certainly not the court’s function to substitute for the British Government’s assessment any other assessment of what might be the most prudent or most expedient policy to combat terrorism. When a state is struggling against a public emergency threatening the life of the nation, it would be rendered defenceless if it were required to accomplish everything at once, to furnish from the outset each of its chosen means of action with each of the safeguards.64 The politics of complacency, by contrast, denied the existence of a ‘public emergency’. To the extent that a threat existed, it was attributed largely to government exploitation and overreaction, which had constructed a Muslim out-group.65 Consequently, for the West, the Islamist threat was an ‘enemy of its own making’.66 The rhetoric in response to both the 7/7 attacks and the subsequent revelation of plots and conspiracies in London refl ects a strategic misunderstanding that confuses limited tactical ability with limited political goals. The semantic laxity that informed discussion of the terrorist threat reinforced this misconception. Terrorism is a tactic practised as part of a strategy in war, but it is not a material phenomenon in itself. The lax terminology and distorted meanings attached to the phenomenon created the epistemological foundations of discourse failure. This failure enabled Islamist extremists to exploit the fault-lines in liberal, multicultural societies like Britain, which tolerated or ignored their evolving global campaign to engineer an apocalyptic confrontation with secular modernity. Prior to July 2005, the British authorities recognized only one theatre of the ‘war against terrorism’, which required confronting the Islamist threat externally. Yet since 9/11 Al-Qaeda has rapidly mutated, evolving via the Internet a largely home-grown jihadist strategy to infi ltrate and attack the cosmopolitan western cityscape. A coherent response therefore demands the pursuit of a far more vigorous strategy at home. In particular, it requires abandoning the prevailing view that the domestic threat is best prosecuted as a criminal conspiracy. It demands instead a total strategy to deal with a totalizing threat. This means recognizing that there is an existential threat, unencumbered by the politics of fear, root causes and denial that for too long has impeded its eff ective prosecution. An adequate strategy requires, moreover, a multifaceted response that goes beyond law enforcement. This does not mean imposing arbitrary regimes of detention without trial. What it does require, however, is enhanced means of intelligence-gathering, both technical and human, together with a coherent set of government policies addressing education, welfare, asylum, immigration and culture in order to safeguard a sustainable civil association. The evidence demonstrates the existence of a physical threat, not merely the political fear of a threat. The implementation of a coherent set of social policies confronting the threat at home recognizes that securing state borders and maintaining internal stability is the fi rst task of responsible government, responsible media and a responsible public education sector, both secondary and tertiary. For without the basis of security, necessarily premised upon the inculcation of a shared political culture, the conditions for political pluralism and liberal democracy gradually disappear. This requires a return to the Hobbesian verities of sovereignty, which, despite the illusion of post-Cold War cosmopolitan multiculturalism and the elitist dream of a post-national constellation, represents the only secure basis for liberal democratic order.

## 2NC

### Welsh

#### There’s also a form of dismissiveness to just “reading” these arguments in debate for “exposure” – it’s a cheap substitute that creates an unstable compromises – prevents effective reflection and reaction

Welsh 13, Scott, Department of Communication Appalachian State University, “Giving Way on One’s Desire: Response to Fuller,” Philosophy and Rhetoric, Volume 46, Number 1, pp. 114-121 February 2013 http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/philosophy\_and\_rhetoric/v046/46.1.welsh.html

Might we say that academics work amid a broader competition to enact particular policies, just as internal campaign pollsters work amid those directly competing to win elections? Hence, are not both academics and internal campaign pollsters “in” the contest but not “of ” the contest? Might we say that faithful service to either of the two demands it? In Slavoj Žižek’s language (following Lacan), attempting to cut the corner, to directly engage in the contest, would be an example of what he calls “giving way” on one’s “desire” (1989, 117–18). In the language of my prior article, it is an example of refusing the challenge that constitutes the antagonism, in this case, the antagonism between reflection and action that constitutes the academic subject position. Recall, however, that antagonism does not mean simple opposition. Rather, it points to a state of affairs in which an ideology or subject position unavoidably contains elements that are in tension. And “tension” is the right word because it can mean both pressing together and pulling apart. Antagonism, in Žižek’s sense, means inseparability paired with incommensurability (to be a politically effective internal campaign pollster one must forswear politics). At his most esoteric, Žižek writes that antagonisms do not exist in what he calls “the real” (which can mean something like reality in the absence of symbols), because antagonisms are products of language (2005, 249–54). No word or set of words can say everything, and what is left unsaid in any moment will continue to torment what is said, creating the experience of antagonism—or an anxiety-producing need to say two different things at the same time (1991, 154; 1989, 21, 43, 49; 1994, 21, 26). Yet, while both things must be said, those two things, within language, always manifest as in tension with each other (in the world but not of the world, wholly God and wholly man, the mysteries of the sublime). [End Page 115] Effacing an antagonism by reducing the saying of one thing to the saying of another—and acting as if it “resolves” the antagonism—entails giving way on one’s desire. It is the construction of a cheap substitute when what is needed is not exactly the real thing itself, but the pursuit of the real thing. Hence, the pursuit of the real thing entails refusing to take a shortcut to one’s desire (1989, 117–18; 1993, 60). The very idea of an “academic as public intellectual” is just such a shortcut. In it’s material manifestation, it is an unstable, unsatisfying compromise that is wholly committed to neither reflection nor action. And, because it is neither one nor the other, it also cannot be both.

### Case

#### It’s better to force the President to openly violate the law – Congressional action is critical to confirming the democratic character of the state

Lederman 7 Marty, Deputy Assistant Attorney General in the Department of Justice’s Office of Legal Counsel, appointed by President Obama in January 2009. Served as an Attorney Advisor in OLC from 1994 to 2002, Associate Professor of Law at Georgetown, Balkinization, 1-9, http://balkin.blogspot.com/2007/01/in-electoral-dreams-begin.html

But even if it would be difficult to enforce such a law does not mean it shouldn't be enacted. A situation in which the President must openly violate the law, and spend unappropriated funds, in order send more troops to Iraq, wouldn't be such a bad thing as opposed to the alternative, at least in terms of political accountability. And it certainly is no justification for Congress to abandon its constitutional role. Indeed, it's important for Congress to step up to the plate here not only because the practical stakes are so high, but also precisely because the President is so dismissive of ordinary checks and balances. It's hard to improve here on Josh Marshall's comments this morning: The way this is "supposed" to work is that when the president takes a dramatic new direction like this he consults with Congress. That way, some relative range of agreement can be worked out through consultation. National unity is great. Or at least that's the theory. But here we have a case where the president's party has just been thrown out of power in Congress largely, though not exclusively, because the public is fed up with the president's lies and failures abroad. (Indeed, at this point, what else does the Republican party stand for but corruption at home and failure abroad? Small government? Please.) The public now believes the war was a mistake. Decisive numbers believe we should start the process of leaving Iraq. And the public is overwhelmingly against sending more troops to the country. The country's foreign policy establishment (much derided, yes, but look at the results) is also overwhelmingly against escalation. And yet, with all this, the president has ignored the Congress, not consulted the 110th Congress in any real way, has ignored the now longstanding views of the majority of the country's citizens and wants to plow ahead with an expansion of his own failed and overwhelmingly repudiated policy. The need for Congress to assert itself in such a case transcends the particulars of Iraq policy. It's important to confirm the democratic character of the state itself. The president is not a king. He is not a Stuart. And one more Hail Mary pass for George W. Bush's legacy just isn't a good enough reason for losing more American lives, treasure and prestige.

#### Hackers using cyber weapons now and it’ll become a normal part of future military operations – China will use in the future

Lorber ’13 Eric, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. Journal Of Constitutional Law 15.3 <https://www.law.upenn.edu/live/files/1773-lorber15upajconstl9612013>.

In what some journalists called the "world's first cyberwar," hackers linked to the Russian government attacked Estonian government websites and infrastructure in April and May of 2007. In a series of attacks lasting approximately one month, Russian-linked hackers, responding to the removal of a Soviet statue in a port city, "came close to shutting down the country's digital infrastructure, clogging the Web sites of the president, the prime minister, Parliament and other government agencies, staggering Estonia's biggest bank and overwhelming the sites of several daily 26 newspapers." The attackers used a network of "bots"—computers slaved to master servers and spread as widely as the United States and Vietnam—to overload Estonia's networks and shut down its ability to process 27 information. These Denial of Service ("DoS") and Distributed Denial of Service ("DDoS") attacks had a substantial effect on Estonia that went beyond making it impossible for Internet users to browse government websites; by attacking bank sites, the hackers were able to shut down online services and cause significant losses for financial firms. Though Russia denied any link to the hackers, many in the cyber community—as well as in 29 Estonia—believed the Russian government was responsible. The incident raised two primary points of concern among national security officials and analysts around the world. First, though cyberattacks to steal information have been occurring for a long time (popularly dubbed "cyber exploitation"), many thought this episode represented the first time a nation had employed a large-scale cyberattack to disable or destroy another 31 country's infrastructure. Second, compared to many other nations, experts considered Estonia to be particularly well prepared to deal with cyberattacks, as the government had teams and plans in place that actively confronted 32 each intrusion throughout the episode. However, the Estonian attacks represented only one type of OCO undertaken in the past five years and likely the least damaging to the 33 intended target. In that case, though hackers were able to disrupt financialservices and government websites, the long-term damage—to say nothing of 34 the kinetic effects such as actual destruction—was limited. Other countries have begun to use OCOs in more complex ways, particularly in conjunction with military operations. In 2008, during the Russian-Georgian war, the Russians—or Russian citizens operating with government approval—used denial of service attacks to disable government websites and prevent the 35 Georgian authorities from providing information to the public. In addition, the attacks made it more difficult for the government to transmit data to international observers and convince other countries of the magnitude of the Russian military assault. The Russians also linked their OCOs with traditional kinetic operations for added effect; cyberattacks disrupted military communications between Georgian units and decreased the effectiveness of the Georgian defensive response. According to military analyst David Hollis: "This appear[ed] to be the first case in history of a coordinated cyberspace domain attack synchronized with major combat actions in the other warfighting domains (consisting of Land, Air, Sea, and Space)." Further, analysts believe that this tight linkage between kinetic and cyber operations will become standard operating protocol in future military operations. In addition, the Israelis reportedly linked their cyber and kinetic operations—and plan to do so in the future—in conflicts against regional adversaries. In 2007, the Israelis launched Operation Orchard, a strike against a purported nuclear reactor being built in Syria with North Korean 40 help. Israeli aircraft penetrated Syrian airspace without detection or attack from Syria's air defense network. Analysts believe that the Israelis were able to slip into Syrian airspace with non-stealthy aircraft due to a cyberattack—perhaps in the form of a kill switch that Israeli saboteurs placed inside electronics delivered to Syria—that disabled the air defense 42 network. Given the success of this operation, and particularly the fact that no Israeli aircraft were lost, many analysts believe that the Israelis will use a similar strategy if they decide to attack Iranian nuclear facilities. The likelihood of future combatants deploying advanced cyberattacks alongside more traditional military forces is not limited to Israel and Russia. Notably, the Chinese have developed extensive OCOs designed to slow down deployments of U.S. troops into the Pacific theater in case of a U.S.-Chineseconflict and to reduce their effectiveness once deployed, principally by 44 attacking U.S. communication nodes.

#### US is increasing OCO capabilities and in the lead to counter China, Russia, and North Korea – will comply with international rules

Michaels 4/21, Jim, USATODAY, April 21, 2013 "Pentagon expands cyber-attack capabilities" www.usatoday.com/story/news/nation/2013/04/21/pentagon-expanding-offensive-cyber-capabilities/2085135/

WASHINGTON – The U.S. military is increasing its budget for cyber-warfare and expanding its offensive capabilities, including the ability to blind an enemy's radar or shut down its command systems in the event of war, according to two defense officials. In the 2014 defense budget released last week, the money allocated for cyber-operations rose to $4.7 billion, up from $3.9 billion. Much of that additional money is going into the development of offensive capabilities, usually referred to as computer network attacks, according to budget documents. Officials say these are capabilities — including targeting military computer networks — that a commander might need in a conflict and would be used only in accordance with the law of armed conflict. The expansion is a recognition that cyber-war will probably at least be part of any future conflict. In recent years, the Pentagon has spent hundreds of millions of dollars on building cyber-capabilities, an effort that has gained urgency as China, Russia, North Korea and other nations have been using cyberspace to attack adversaries or steal secrets. "When you look at the strategic landscape from our perspective, it's getting worse," Army Gen. Keith Alexander, the head of Cyber Command, testified recently to Congress. U.S. officials say they have a range of sophisticated cyber-attack capabilities should they be needed by commanders in a conflict. The skills are perishable and require constant honing, the defense officials said. "From everything I'm told, we're as good as anybody and probably better," said Martin Libicki, a cyber-warfare analyst at Rand. The Air Force, for example, has been developing systems designed for the "exfiltration of information while operating within adversary information systems," according to budget documents. The Air Force declined to release details on the program, saying it was classified. Next year, the Air Force plans to spend $14 million to research and develop offensive cyber-capabilities, budget documents show, while it plans to devote about $5.8 million to research for cyber-defense. Cyber-attacks are often difficult to trace. A cyber-attack on Iranian nuclear facilities in 2010 damaged centrifuges at the Natanz uranium enrichment facility. No one has claimed responsibility for the attack, but the United States and Israel are suspected. Defense officials are careful to say they are not "militarizing" cyberspace and are only developing options available to commanders in the event of war. When privacy concerns are raised, they are usually centered around the government's defensive mission because it can involve extracting information sent over the Internet, Libicki said. The Pentagon's role in cyber-security is limited to defending the nation, the Pentagon said. Intelligence agencies and Homeland Security play a role in cyber-security operations, including efforts to counter the theft of trade secrets. Alexander has said routine theft of intellectual property would generally not be considered an act of war. A major attack on infrastructure, however, could be considered such an act. The Pentagon is nearing completion of a revised set of "rules of engagement" that will help field commanders determine how and when to use the new cyber-capabilities, the Pentagon said. The rules will be secret. The strategy is backed by the development of a new cyber-force. By 2016, the Pentagon plans to be able to field more than 100 teams. The teams will be divided into three categories: defending military networks, damaging the capabilities of enemy networks and helping to defend the nation's infrastructure. The Pentagon said it will comply with internationally accepted rules of warfare when using cyber-tactics. Such rules include a concept that responses should be proportional.

#### Zero-days vulnerability market means rogue states and terrorists have access to OCOs

Gjelten 13, Tom Gjelten, Jan/Feb 2013, “First Strike: US Cyber Warriors Seize the Offensive,” World Affairs, http://www.worldaffairsjournal.org/article/first-strike-us-cyber-warriors-seize-offensive

In the past, the main market for these vulnerabilities was software firms themselves who wanted to know about flaws in their products so that they could write patches to fix them. Big companies like Google and Microsoft employ “penetration testers” whose job it is to find and report vulnerabilities that would allow someone to hack into their systems. In some cases, such companies have paid a bounty to freelance cyber researchers who discover a vulnerability and alert the company engineers. But the rise in offensive cyber operations has transformed the vulnerability market, and hackers these days are more inclined to sell zero-days to the highest bidder.¶ In most cases, these are governments. The market for back-door exploits has been boosted in large part by the burgeoning demand from militaries eager to develop their cyber warfighting capabilities. The designers of the Stuxnet code cleared a path into Iranian computers through the use of four or five separate zero-day vulnerabilities, an achievement that impressed security researchers around the world. The next Stuxnet would require the use of additional vulnerabilities. “If the president asks the US military to launch a cyber operation in Iran tomorrow, it’s not the time to start looking for exploits,” says Christopher Soghoian, a Washington-based cybersecurity researcher. “They need to have the exploits ready to go. And you may not know what kind of computer your target uses until you get there. You need a whole arsenal [of vulnerabilities] ready to go in order to cover every possible configuration you may meet.”¶ Not surprisingly, the National Security Agency—buying through defense contractors—may well be the biggest customer in the vulnerability market, largely because it pays handsomely. The US military’s dominant presence in the market means that other possible purchasers cannot match the military’s price. “Instead of telling Google or Mozilla about a flaw and getting a bounty for two thousand dollars, researchers will sell it to a defense contractor like Raytheon or SAIC and get a hundred thousand for it,” says Soghoian, now the principal technologist in the Speech, Privacy and Technology Project at the American Civil Liberties Union and a prominent critic of the zero-day market. “Those companies will then turn around and sell the vulnerability upstream to the NSA or another defense agency. They will outbid Google every time.”¶ The government customers may be intelligence or law enforcement agencies who need to know about software vulnerabilities in order to hack into the computers and phones of suspected criminals or intelligence targets. Private companies who have been repeatedly penetrated and are looking to retaliate may also be customers. The vulnerability market has developed to such a point that entire security companies are now devoting themselves exclusively to the discovery and sale of these exploits. Some deal strictly with US government agencies or the defense contractors that act on their behalf, but other companies (and individuals) deal with foreign buyers as well. Perhaps the most prominent is Vupen, a French security firm that sells exploits to a variety of governments.¶ According to the Vupen website, the company sees itself as “the leading source of advanced vulnerability research.” It describes its role as providing “government-grade exploits specifically designed for the intelligence community and national security agencies to help them achieve their offensive cyber security and lawful intercept missions. . . . Our offensive and exclusive exploits take advantage of undisclosed zero-day vulnerabilities discovered by Vupen researchers and bypass all modern¶ security protections.”¶ Vupen executives note that they do business only with government agencies, not private buyers, and that the company “has chosen to comply” with European and international regulations restricting technology exports (emphasis added). They say they will not do business in countries subject to US or international sanctions. But the idea of a private company openly boasting of its business record selling hacker secrets and bypassing security protections seems odd at a time when so much of the cybersecurity community is focused on defending computer networks and boosting security protections. And the company’s hint that its compliance with international standards is voluntary, not required, underscores the possibility that other dealers in the shadowy vulnerability market may be willing to sell to more questionable clients.¶ Soghoian, the ACLU technologist, is among those who say the vulnerability market needs some regulation, such as mandatory reporting of sales transactions. Like other critics, he warns of the possibility that a zero-day vulnerability or some other exploit sold with no questions asked may end up in the wrong hands and get used in an attack on financial institutions or critical infrastructure assets. “The existence of this market is¶ terrifying,” he says. Offensive operations in cyberspace have expanded so rapidly in recent years that legal, regulatory, and ethical analyses have not kept up. The development of the zero-day market, the inclination of some private companies to mimic the Pentagon by going on the offense rather than continuing to depend on defensive measures to protect data, the design and development of cyberweapons, and the governmental use of such weapons against unsuspecting targets all raise serious and interesting questions, and the answers are far from obvious.¶ Given the destructive use to which they could be put, the lack of transparency in the buying and selling of zero-days may be problematic. The consequence could be the development of a global cyber arms bazaar, where criminals or terrorist groups could potentially find tools to use. The US government regulates the export of sensitive technologies out of a fear that adversaries could use them in a way hostile to US interests, but whether such restrictions apply to the sale of zero-day vulnerabilities is not entirely clear. Current law restricts the export of “encryption commodities and software that provide penetration capabilities that are capable of attacking, denying, disrupting, or otherwise impairing the use of cyber infrastructure or networks.”¶ Does that language cover the possibility that some researcher or broker may try to sell a back-door exploit, or even a cyberweapon, to a foreign agent who could put it to destructive use? “I think it does cover the export of some kinds of cyberweapons,” says Washington lawyer Roszel Thomsen, who helped write the regulations and specializes in export control law. But other specialists are not convinced.

#### Unrestrained OCOs are key to military strategy—any efforts at restrictions are doomed to fail and backfire.

Baker 11, Denial of Service, BY STEWART BAKER | SEPTEMBER 30, 2011, http://www.foreignpolicy.com/articles/2011/09/30/denial\_of\_service?page=0,0

American lawyers' attempts to limit the scope of cyberwar are just as certain to fail as FDR's limits on air war -- and perhaps more so.¶ It's true that half a century of limited war has taught U.S. soldiers to operate under strict restraints, in part because winning hearts and minds has been a higher priority than destroying the enemy's infrastructure. But it's unwise to put too much faith in the notion that this change is permanent. Those wars were limited because the stakes were limited, at least for the United States. Observing limits had a cost, but one the country could afford. In a way, that was true for the Luftwaffe, too, at least at the start. They were on offense, and winning, after all. But when the British struck Berlin, the cost was suddenly too high. Germans didn't want law and diplomatic restraint; they wanted retribution -- an eye for an eye. When cyberwar comes to America and citizens start to die for lack of power, gas, and money, it's likely that they'll want the same.¶ More likely, really, because Roosevelt's bargain was far stronger than any legal restraints we're likely to see on cyberwar. Roosevelt could count on a shared European horror at the aerial destruction of cities. The modern world has no such understanding -- indeed, no such shared horror -- regarding cyberwar. Quite the contrary. For some of America's potential adversaries, the idea that both sides in a conflict could lose their networked infrastructure holds no horror. For some, a conflict that reduces both countries to eating grass sounds like a contest they might be able to win.¶ What's more, cheating is easy and strategically profitable. America's compliance will be enforced by all those lawyers. Its adversaries' compliance will be enforced by, well, by no one. It will be difficult, if not impossible, to find a return address on their cyberattacks. They can ignore the rules and say -- hell, they are saying -- "We're not carrying out cyberattacks. We're victims too. Maybe you're the attacker. Or maybe it's Anonymous. Where's your proof?" Even if all sides were genuinely committed to limiting cyberwar, as they were in 1939, history shows that it only takes a single error to break the legal limits forever. And error is inevitable. Bombs dropped by desperate pilots under fire go astray -- and so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Iran's uranium-enrichment centrifuges. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson of all this for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. The country has advantages in traditional war that it lacks in cyberwar. Americans are not used to the idea that launching even small wars on distant continents may cause death and suffering at home. That is what drives the lawyers -- they hope to maintain the old world. But they're being driven down a dead end.¶ If America wants to defend against the horrors of cyberwar, it needs first to face them, with the candor of a Stanley Baldwin. Then the country needs to charge its military strategists, not its lawyers, with constructing a cyberwar strategy for the world we live in, not the world we'd like to live in.¶ That strategy needs both an offense and a defense. The offense must be powerful enough to deter every adversary with something to lose in cyberspace, so it must include a way to identify attackers with certainty. The defense, too, must be realistic, making successful cyberattacks more difficult and less effective because resilience and redundancy has been built into U.S. infrastructure.¶ Once the United States has a strategy for winning a cyberwar, it can ask the lawyers for their thoughts. But it can't be done the other way around.

## 1NR

### Limits

#### This middle ground most effectively resolves their exclusion arguments

Biesta ‘9 Gert Biesta et al 9, professor of Education and Director of Research at the School of Education, University of Stirling, Susan Verducci , Assistant Professor at the Humanities Department at San José State University, and Michael S. Katz, professor of philosophy and education at San Jose State, Education, Democracy and the Moral Life, 2009, p. 105-107

This example not only shows why the issue of inclusion is so prominent in the deliberative model. It also explains why the deliberative turn has generated a whole new set of issues around inclusion. The reason for this is that deliberation is not simply a form of political decision-making but first and foremost a form of political communication. The inclusion question in deliberative democracy is therefore not so much a question about who should be included - although this question should be asked always as well. It is first and foremost a question about who is able to participate effectively in deliberation. As Dryzek aptly summarises, the suspicion about deliberative democracy is "that its focus on a particular kind of reasonable political interaction is not in fact neutral, but systematically excludes a variety of voices from effective participation in democratic politics" (Dryzek, 2000, p.58). In this regard Young makes a helpful distinction between two forms of exclusion: external exclusion, which is about "how people arc [actually] kept outside the process of discussion and decision-making", and internal exclusion where people are formally included in decision-making processes but where they may find, for example, "that their claims are not taken seriously and may believe that they are not treated with equal respect" (Young, 2000, p.55). Internal exclusion, in other words, refers to those situations in which people "lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (ibid.) which can particularly be the outcome of the emphasis of some proponents of deliberative democracy on "dispassionate, unsituatcd, neutral reason" (ibid. p.63). To counteract the internal exclusion that is the product of a too narrow focus on argument, Young has suggested several other modes of political communication which should be added to the deliberative process not only to remedy "exclusionary tendencies in deliberative practices" but also to promote "respect and trust" and to make possible "understanding across structural and cultural difference" (ibid. p.57). The first of these is greeting or public acknowledgement. This is about "communicative political gestures through which those who have conflicts . .. recognize others as included in the discussion, especially those with whom they differ in opinion, interest, or social location" (ibid., p.61; emphasis in original). Young emphasises that greeting should be thought of as a starting-point for political interaction. It "precedes the giving and evaluating of reasons" (ibid., p.79) and does so through the recognition of the other parties in the deliberation. The second mode of political communication is rhetoric and more specifically the affirmative use of rhetoric (ibid., p.63). Although one could say that rhetoric only concerns the form of political communication and not its content, the point Young makes is that inclusive political communication should pay attention to and be inclusive about the different forms of expression and should not try to purify rational argument from rhetoric. Rhetoric is not only important because it can help to get particular issues on the agenda for deliberation. Rhetoric can also help to articulate claims and arguments "in ways appropriate to a particular public in a particular situation' (ibid., p.67; emphasis in original). Rhetoric always accompanies an argument by situating it "for a particular audience and giving it embodied style and tone" (ibid., p.79). Young's third mode of political communication is narrative or storytelling. The main function of narrative in democratic communication lies in its potential "to foster understanding among members of a polity with very different experience or assumptions about what is important" (ibid., p.71). Young emphasises the role of narrative in the teaching and learning dimension of political communication. "Inclusive democratic communication", so she argues, "assumes that all participants have something to teach the public about the society in which they dwell together" and also assumes "that all participants are ignorant of some aspects of the social or natural world, and that everyone comes to a political conflict with some biases, prejudices, blind spots, or sterco-types" (ibid., p.77). It is important to emphasise that greeting, rhetoric and narrative are not meant to replace argumentation. Young stresses again and again that deliberative democracy entails "that participants require reasons of one another and critically evaluate them" (ibid., p.79). Other proponents of the deliberative model take a much more narrow approach and see deliberation exclusively as a form of rational argumentation (e.g. Bcnhabib, 1996) where the only legitimate force should be the "forceless force of the better argument" (Habermas). Similarly, Dryzck, after a discussion of Young's ideas,1 concludes that argument always has to be "central to deliberative democracy" (Dryzek, 2000, p.7l). Although he acknowledges that other modes of communication can be present and that there are good reasons to welcome them, their status is different "because they do not have to be present" (ibid., emphasis added). For Dryzek, at the end of the day, all modes of political communication must live up to the standards of rationality. This does not mean that they must be subordinated to rational argument “but their deployment only makes sense in a context where argument about what is to be done remains central” (ibid., p.168).

#### 4. Studies prove—depth is better than breadth.

Arrington 09 (Rebecca, UVA Today, “Study Finds That Students Benefit From Depth, Rather Than Breadth, in High School Science Courses” March 4)

A recent study reports that high school students who study fewer science topics, but study them in greater depth, have an advantage in college science classes over their peers who study more topics and spend less time on each. Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. "Depth Versus Breadth: How Content Coverage in High School Courses Relates to Later Success in College Science Coursework" relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. The study will appear in the July 2009 print edition of Science Education and is currently available as an online pre-print from the journal. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic.

## 2NR

### A2 Abelism Discourse

#### Disability rhetoric doesn’t reinforce ableism and rejecting it doesn’t solve- their linguistic gymnastics just papers over oppression

Pierce 2012 (Samantha Pierce, founder and Executive Director of NeuroDiversity Consulting, a firm dedicated to special needs families and educating parents and the community at large about neurodiversity, March 17, 2012, http://www.neurodiversityconsulting.org/1/post/2012/03/person-first-language-the-r-word-and-other-linguistic-gymnastics.html)

In sociology there is a theory, called the Sapir-Whorf thesis (also known as linguistic relativity) , which claims “people see and understand the world through the cultural lens of language.” (Macionis, 2011)\* To put it another way, language creates reality. Since Edward Sapir and Benjamin Whorf first put forth their theories on the relationship between language and reality in the first half of the last century sociologists have come to the conclusion that language doesn’t determine reality in any strict sense. For my part I think our language reflects our reality rather than genuinely creates it. But we still act as if we believe that language creates reality.¶ Consider the terms used to describe people with developmental disabilities. First we had imbeciles, morons, idiots. All originated as clinical terms to describe the developmentally disabled. We now know them as throw away insults used by young and old alike. In the span of a few decades we have seen the term “retarded”, once a clinical descriptor for those with developmental delays, degenerate into an insult so grave that there is a movement to stamp out the use of the word. It’s called the euphemism treadmill where new terms are developed to replace old terms that have come to be seen as derogatory. Even the term “special needs” seems to be taking its turn on the euphemism treadmill for some. ¶ All of this brings to me to the person, or people, first language movement. “People-first language is a form of linguistic prescriptivism in English, aiming to avoid perceived and subconscious dehumanization when discussing people with disabilities, as such forming an aspect of disability etiquette.” The idea is basically to name the person first and the descriptor of their condition second. In English we usually do things the other way round. Such tinkering with English sentence structure is seen by some as a good thing for the disabled. It is an effort to create a reality where the personhood of the disabled is valued and respected. In essence it is an attempt to apply the Sapir-Whorf thesis in its language creates reality form.¶ Advocates of person first language claim that we should embrace person first language “To ensure inclusion, freedom, and respect for all.” I agree with some of the sentiments expressed in the above linked article, such as,¶ “The real problem is never a person’s disability, but the attitudes of others! A change in our attitudes leads to changes in our actions. Attitudes drive actions.”¶ But I am more than a bit skeptical that acts of linguistic gymnastics will make any forward movement towards better treatment of and greater respect for the disabled. Unless we work to change attitudes about the disabled within our culture and within our society it’s not going to matter what clumsy, politically correct term is dreamed up next to gloss over the fact that the disabled are greatly devalued in our culture.¶ Person, or people, first language hinges on the idea that a person is a person first and their disability is secondary to their personhood. Now the problem with this kind of thinking is why anyone would think that identifying someone with their disability somehow denies their personhood. Another problem with person first language is that despite the fact that many of the disabled themselves reject the use of person first language and the reasoning behind it other, often nondisabled people, keep pushing for its use. In researching this article I found very few references among supporters of person first language to the opinions of the disabled about person first language (the two references were from Wikipedia and About.com.¶ One can find any number of articles, papers, and blog posts (add this one to that number), some written by the disabled and some not, pointing out the fatal flaws and clumsiness of person first language. Dr. C Edwin Vaughan wrote in his article People-First Language: An Unholy Crusade, ¶ I wonder if the proponents of people-first language believe that putting disabled people first on the printed page accomplishes anything in the real world? Does it alter attitudes, professional or otherwise, about disabilities? What is their evidence? The awkwardness of the preferred language calls attention to a person as having some type of "marred identity" (Goffman, 1963). But the misconceptions that diminish the lives of disabled people must still be countered directly.¶ In 1993 Kenneth Jernigan wrote, The Pitfalls of Political Correctness: Euphemisms Excoriated, which was published, and republished, in the Braille Monitor, a journal published by the Nation Federation of the blind. In his article he states,¶ As civilizations decline, they become increasingly concerned with form over substance, particularly with respect to language.¶ Euphemisms and the politically correct language which they exemplify are sometimes only prissy, sometimes ridiculous, and sometimes tiresome. Often, however, they are more than that. At their worst they obscure clear thinking and damage the very people and causes they claim to benefit.¶ The blind have had trouble with euphemisms for as long as anybody can remember, and late twentieth-century America is no exception. The form has changed (in fact, everything is very "politically correct"), but the old notions of inferiority and second-class status still remain. The euphemisms and the political correctness don't help. If anything, they make matters worse since they claim modern thought and new enlightenment.¶ Jernigan further went on to write in a resolution adopted by the National Federation of the Blind,¶ We believe that it is respectable to be blind, and although we have no particular pride in the fact of our blindness, neither do we have any shame in it. To the extent that euphemisms are used to convey any other concept or image, we deplore such use. We can make our own way in the world on equal terms with others, and we intend to do it.¶ In 1999 Joy Johnston wrote of the National Federation of the Blind’s response to person first language,¶ “That one sentiment alone provides the blind community with more empowerment than a thousand politically correct slogans could ever provide.”¶ In the same article we find,¶ What PC [political correctness] proponents fail to understand in their good-hearted mission is that changing the words a person speaks does not change the thoughts in their minds or the feelings in their heart. It's merely a surface solution that does not change the reality of what it is to be a female, a black man, or a disabled person in this society one iota.¶ Stop and consider the following: person with femaleness; person with maleness; person with blackness; person with deafness; person with blindness. All of these characteristics are an intrinsic part of an individual, you can’t separate them from the person. Person first language implies that personhood cannot coexist with disability. It stems from the erroneous assumption that acknowledging the important role that a disability plays in an individual’s life diminishes one’s personhood. What it communicates is the impression that one doesn’t really believe in the disabled individual’s personhood. The proliferation of person first language despite strong opposition to it from the disabled themselves certainly points to the devaluation of the disabled. Clearly “we” think “we” know what is better for “them” than they do never mind what they actually have to say for themselves.