## **OFF**

#### **Interp: Debaters must respond at the time of the online flip result if asked about the content of the possible pro or con they may read by their opponent.**

#### **Violation: We emailed before the flip came out. They still haven’t responded.**

#### **Vote NEG:**

#### **1. Prep and clash---forces us to make a flip decision in the dark since we don’t know if the aff or neg is new or on the wiki, and leaves us guessing at whether we’ll have prep vs the aff/neg they choose.**

#### **2. No offense for disclosure bad – they disclose on the wiki but didn’t give us a response at the flip---the only offense was forcing us to make a flip decision in the dark---proves any responses are in bad faith**

#### **Fairness is a voter. 1. Testing – if they were unfair we were skewed in responding which means you cant evaluate their truth claims 2. They concede its authority via speech times and tournament procedure**

#### **Drop the debater – 1. Deterrence – Prevents reading the abusive practice in the future since it’s not worth risking the loss which is k2 norm setting indefensible practices die out. 2. Time Skew – Otherwise they would read a bunch of abusive practices for the time trade off and then win on substance**

#### **Competing interps – Reasonability encourages a race to the margins of what counts as sufficiently fair which incentivizes as much abuse as possible**

#### **No RVI – 1. Logic---teams shouldn’t win for being fair because otherwise you are rewarded for the bare minimum 2. Baiting---it incentivizes teams to be infinitely abusive and prep out theory which means abusive practices are never checked since debaters are worried about losing theory 3. Topic Ed---if we realize we are wrong we get back to substance debate**

#### **Theory and disclosure outweighs everything else in the round---it’s a unique question of pre-round practices which prevents the ability for teams to engage in round.**

## **OFF**

#### **Interpretation: The affirmative must only garner offense off of the hypothetical implementation of the resolution.**

**Violation: They don’t.**

#### **Comparing benefits and harms is best for clash and argument refinement, which is a prerequisite.**

**Fairclough and Fairclough, 18**—emeritus Professor of Linguistics at Lancaster University AND School of Humanities and Social Sciences, University of Central Lancashire (Norman and Isabela, “A procedural approach to ethical critique in CDA,” Critical Discourse Studies Volume 15, 2018 - Issue 2, 169-185, dml) [CDA=critical discourse analysis]

The term ‘discourse ethics’ is Habermas’s (Fairclough & Fairclough 2012: 30-34), but we are using it here in a general sense: for the view that an **adequate framework for ethical evaluation** and **critique must include the comparison** and **evaluation of different arguments for different lines of action** in a process of deliberation. Such assessments of arguments pose difficult problems, and deliberation is by no means guaranteed to produce consensus. Nevertheless, deliberation can **contribute to the quality of ethical critique** by ensuring that a **wide range of arguments are considered** in making decisions, that all alternatives are **taken into account** and **thoroughly criticized**, and that people have to (at least) **moderate their own partialities** in evaluating a range of arguments collectively. To illustrate this, we shall refer to two ethically contentious political decisions and the courses of action which they led to. The first is the decision by the British Prime Minister Tony Blair to advocate Britain’s participation in the invasion of Iraq in 2003 (we have discussed this in Fairclough & Fairclough 2012: 96-97). The second is the decision by the German Chancellor Angela Merkel to open Germany’s borders to the refugees coming from the Middle East in the autumn of 2015. In so doing, we will illustrate the relevance of ethical critique from all three of the major ethical positions: deontological, consequentialist and virtue ethics. CDA and practical argumentation CDA is mainly concerned with critical analysis of discourse which is **oriented to action**, including political discourse, but also managerial, organisational and other forms of discourse. The **primary activity** in such discourse is **practical argumentation**, argumentation over action, over **what is to be done** (e.g. **what policies should be adopted**). Practical argumentation should accordingly be the **primary analytical focus** in CDA (Fairclough & Fairclough 2012). This **does not exclude other** familiar **forms of analysis** (such as **analysing representations**) but subsumes them. The point of representing (or ‘framing’) an issue in a particular way is to **create particular public attitudes** and **opinions**, and thus **legitimize** or **facilitate a particular course of action**. Critique of discourse is the focal concern for CDA, but critique of discourse is by no means exclusive to CDA. On the contrary, critique of discourse is a normal part of all discourse. It is a **normal part of everyday practical argumentation**: people **find reasons in favour** and **against proposals for action**, they **consider alternatives**, **adopt them** or **discard them**, and so on. A course of action **worthy of being adopted** is **one that has withstood criticism**. Agents may decide to discard proposals either because they are **likely to be instrumentally inadequate** in relation to the goals they are supposed to achieve, or because they find them **ethically problematic**, for example because the values or goals they are motivated by are unacceptable. Ethical critique is a concern for CDA at three levels: as an aspect of agents’ reasoning, for example as an aspect of politicians’ deliberation over what policy to adopt; as an aspect of the normative critique of those deliberative practices which CDA carries out; as an aspect of the critique that CDA itself is open to. There are therefore three main places where ethical values come into the picture: what values are arguers (e.g. politicians) arguing from? what are the values that CDA analysts are espousing, from the perspective of which they are evaluating the arguments of those arguers? what are the values of other critics (including critics of CDA)? CDA is itself a form of discourse, which is specialized for academic critique of social actions, events, practices and structures, with a focus on discourse. It can itself be viewed as a **form of practical argumentation** (Fairclough 2013), open to the **same critical questions** that it directs at the discourse it subjects to critique. CDA practitioners are bound by an obligation to address ethical evaluations that are critical of their work. Moreover, the ethical judgement which is part of the normative critique carried out in CDA **does not come out of thin air**, but is built upon elements drawn selectively from ethical judgement and critique in public discourse. And CDA needs to rethink its own critique in response to shifts in public discourse and political reality, such as the emergence of controversy over ‘political correctness’ (Fairclough 2003). We have argued that the **primary focus** of critical analysis in CDA should be **practical argumentation** and **deliberation** (Fairclough & Fairclough 2012). This was based upon a claim about the character of political discourse, which we saw as primarily concerned with the question of **what is to be done**. Deliberation is an abstract genre in which **(alternative) proposals are being tested**. The **framework** for critical analysis of **practical argumentation** and **deliberation** which we have developed since 2012 provides CDA with an **effective way of evaluating** and **critiquing discourse** from an **ethical point of view**. One of its strengths is that it allows **different approaches** to thinking about ethical questions (deontological, consequentialist and virtue ethics) to be combined within an **ethical deliberative procedure for achieving impartiality**. In a more recent version of this framework (Fairclough, I. 2016, 2018), deliberation is modelled as a critical procedure designed to **filter out those practical conclusions** (and corresponding decisions) that **would not pass the test of critical questioning**. Two distinct argument schemes are involved in deliberative activity types: an argument from goals, circumstances and meansgoal relations, and an argument from (negative or positive) consequences. Proposals are **tentatively supported** by **practical arguments from goals**, and are **tested in the light of their potential consequences**, via **practical arguments from consequence**. Goals are generated by various sources of normativity, and these can be what conventionally is called ‘values’, but can also be obligations, rights and duties. Critical questioning seeks to **expose potential negative consequences** of proposals and thus evaluate them in terms of their **acceptability** or **reasonableness**: if the consequences are **on balance unacceptable** for those affected, then it would be **more reasonable not to engage in the proposed course of action**. Unacceptable consequences are **critical objections** which can **conclusively rebut a proposal**. Where two or more proposals survive critical testing, one may be **chosen as the better proposal** on nonarbitrary grounds (e.g. being simpler to enact). In our view, the **most significant perspective** in the light of which proposals are to be tested is a **consequentialist** one (Fairclough & Fairclough 2012, Fairclough, I. 2016). The term ‘consequence’ is however used here broadly to refer to several types of states-of-affairs: the goals of the proposed action (the intended consequences); the potential unintended consequences (or risks) involved; various known and predictable impacts, including impacts on institutional, social facts. If a proposal is **likely to result in a situation** that is illegal or **unjust**, then the proposal can be **evaluated as unacceptable** from both a **consequentialist ethics** and a **deontological ethical position**. Our framework can therefore **accommodate** deontological **ethical issues** within a **broader consequentialist perspective**. By inquiring into the motives of action, the framework can also accommodate a virtue-ethical perspective.

#### **The only viable solution is targeted and technical policy---critique and retreat into individualized resistance tactics collapses in the face of institutions.**

**Cuellar** & Huq **22** [Mariano-Florentino (Tino) Cuéllar—a law professor and public servant with broad experience in international and domestic policy, the justice system, education, and philanthropy—is the president of the Carnegie Endowment for International Peace. Aziz Z. Huq is the Frank and Bernice J. Greenberg Professor of Law and the Mark Claster Mamolan Teaching Scholar at the University of Chicago. "The Democratic Regulation of Artificial Intelligence.” https://knightcolumbia.org/content/the-democratic-regulation-of-artificial-intelligence]

**Scholars** in law, information technology, and sociology have been active on these questions. During the past five years, a lively cottage industry has emerged to condemn the effect of new technologies (including, but not limited to **AI**) in terms of democracy, **power** (both economic and political), **race**, and liberal notions of individual **autonomy**. Just as the definition of AI is occasionally sketched with a cloudy and imprecise line, so the normative case against its adoption is often painted with broad, evocative brushstrokes instead of pointillist precision. But even an impressionistic argument can land with a punch. So in 2015, Frank **Pasquale** powerfully warned that “authority is increasingly expressed **algorithmically**,” while Bernard **Harcourt** cautioned against becoming “dulled to the perils of **digital transparency**,” a risk that remained “largely invisible to democratic theory and practice.” More recently, Shoshana Zuboff condemned tech and social media companies having “scraped, torn, and taken” the very stuff of “human nature” itself. Focusing on a different cluster of equality-related concerns, Ruha Benjamin has sounded an alarm about “biased bots, altruistic algorithms, and their many coded cousins” that produce what she calls “coded inequity” or the “new Jim Code.” And Carl Benedikt Frey has explored the possibility that up to 47 percent of American jobs could be “susceptible to automation” thanks to advances in AI. Each of these critiques picks up on an important **normative concern**. Yet not all of them are defined with the **precision** or **clarity** needful to pursue an **effective treatment**.

**Surprisingly** absent from these critiques, moreover, is any **serious engagement** with the question of how an effective public response would be formalized or **implemented**. Harcourt, at one extreme, seems to **shrug off casually** the very **possibility of democratic** intervention entirely in favor of **individual efforts** to “**diminish our own visibility**” and just “**encrypt better**.” Zuboff, meanwhile, looks to an underspecified “law” as a remedy but doesn’t fill in any details of what effective regulation might look like, or whence it might come. Other commentators provide little further clarity. To immerse oneself in this literature is to be overwhelmed by a sense of moral and **political dissolution** without a **commensurate remedy** in view. It is to be brushed with a vague sense of democracy’s inadequacy without any analysis of how democracy functions or founders.

We are far from persuaded that the project of democratic **regulation of AI** should be **abandoned** in **anticipation of its failure**. We acknowledge difficult threshold questions of what counts as a democratic arrangement in the first instance. But let us put those to one side and assume we’re talking about “democracy” as that word is used in the demotic to capture the form of governance practiced in the United States, at least since the civil rights movement opened the franchise across the color line.

Democracies today, as identified in common parlance, are deeply marred by economic **inequality**, party **polarization**, polluted public sphere, and the like. They all face seemingly overwhelming challenges—from geostrategic competitors in autocracies, from economic catastrophes, from viral pathogens, or from internal atrophy of political cultures. All too often, even a legitimately democratic response will be **confused**, incomplete, regressive, tardy, or even evasive. Democracies, if they prevail, do so by **muddling through**, rather than rushing to clasp quick triumphs.

In consequence, Harcourt may well be right to associate at least the initial democratic reaction to crisis with “apathy,” “complacency,” and even “despotism.” But this is **no cause to abandon** the project of collective, democratic regulation altogether; it is also no reason for caution-to-the-winds optimism about the prospects for some vague sort of anarchic cyberlibertarian Utopia. At the same time, we think that it is not enough to call for **new “law**” as Zuboff does without thinking **carefully** about the **frictions** and **constraints** on the actual **implementing institutions** that we have on hand. We fear that in the absence of a **careful analysis** of how democratic regulation of **AI** might **proceed** on the ground, the most likely outcome will be **governance** through private, corporate instruments, such as Facebook’s “Supreme Court.” However great our respect for certain members of that body, its substitution of democratic regulation by corporate simulacra operating beyond the shadow of democratically created law raises for us difficult normative questions about the legitimacy and political economy of private regulatory power in the digital technologies space.