

## The aff individualized politics – the 1AC is pure privilege and fails to cause emancipation for the rest of society

John Champagne Associate Professor of English Ph.D. English, Critical and Cultural Studies, University of Pittsburgh M.A. Cinema Studies, New York University The Ethics of Marginality A New Approach to Gay Studies 1995

As might be expected, given my approving citation of Joan Scott's work in the previous chapter, I am extremely wary of the recent tendency in gay and lesbian studies to deploy largely untheorized notions of autobiography and experience. I am particularly suspicious of the eagerness with which the liberal academy has lent its benevolent ear to our stories as of late. Replacing the psychiatrist's couch with, for example, the podium at an academic conference or the pages of a dissertation seems to leave too much the same.<sup>1</sup> I am less certain than some of my colleagues that the casting of ourselves as an object of knowledge for the disciplines of English or film studies is necessarily a gain, political or otherwise. The rapidity with which "queerness" in particular has become grist for the academic mill—evidenced, for example, in the current plethora of "queer" panels and papers at the recent annual meetings of both the Modern Language Association and the Society for Cinema Studies—should at the very least invite us to examine the facility with which the academy manages to interpolate allegedly oppositional cultural practices.<sup>2</sup> In the wake of the work of such theorists as Foucault and Derrida, it is difficult to cling to the idealist precept that knowledge (in this particular instance, knowledge of the Other) is simply made available by the academy for an unproblematic and disinterested use, benevolent or otherwise, even under the guise of the "appreciation" of difference. Add to this questions of the relationship between the humanities and broader political and economic concerns, and it becomes increasingly impossible to maintain a happy outlook concerning the liberal academy's continued pursuit of knowledge of the Other.<sup>3</sup> Additionally, in the current historical moment, practitioners of gay and lesbian studies seems particularly vulnerable to being seduced by the academic star system. The relative newness of the discipline, combined with the liberal academy's desperate attempts to contain the threat of difference by creating and celebrating privileged marginals, has allowed a handful of highly visible scholars in the field to claim their place in the academic pantheon. Unfortunately, as might be expected, the logic of scarcity still prevails, suggesting that the discipline will tolerate only a certain small number of scholars in the field. Although most universities claim, falsely or otherwise, to have nothing like the financial resources necessary to begin programs in gay and lesbian studies in these times of programmatic cutbacks, there are already rumors of an impending turf war between various factions in the emerging discipline. Autobiographical narratives in particular unfortunately make possible, given both this current state of academic affairs as well as U.S. culture's fantasies concerning the lures and powers of the individual personality, a kind of fetishization of the gay and lesbian academic body.<sup>4</sup> They might unwittingly contribute to the continued production of gay and lesbian subjects as marginalized by privileging the personal experiences of only a handful of the chosen few. As Spivak might have it, this placing of token gay and lesbian subjects within the academic star system necessarily obscures the shifting differences and distinctions between representation as proxy and representation as portrait, the gay academic representing, in both his corporeal body and the body of his work, an image that is perhaps unwittingly but necessarily also a politically and economically interested proxy.<sup>5</sup> Gay academic stars perhaps too readily stand in for the interests of an often unspecified otherness (or, rather, an otherness specified exclusively by sexual orientation), an otherness that, if more carefully plotted, would necessarily be crossed by competing interests of class, gender, and race, to name only the most obvious. The token presence of highly visible gay and lesbian scholars might obscure the question of in whose political interests they speak when they claim to be speaking as gay and lesbian.<sup>6</sup> Thirdly, for reasons outlined in the preceding chapter, I am uncomfortable with the continued reliance by identity politics on a strategy of visibility, a strategy that sometimes privileges experiential, testimonial accounts of oppression over intellectual interrogations of positioning, and that seems particularly susceptible to being embraced by the most recent wave of antiintellectual, antitheoretical academicians. The continued holding of the body of "experience" over the head of "theory," as if

experience were some kind of self-evident answer to the difficult questions posed by poststructuralism, particularly around questions of identity, agency, and the political, is a strategy shared (although shared unevenly) by certain academic critics on the Left as well as the Right. I would only want to add here that such testimonial accounts necessarily rely for their political force on an **unproblematized conflation of the two senses of representation**, a conflation of which Spivak reminds us to be wary. The **testimonial** necessarily **stands in for an experience of oppression “larger” than the individual**, the native informant acting as the vocal and visible representative of the (largely silent, largely invisible) collective. **The testimonial is thus an individual and privileged representation of experience** (portrait) **that works to represent** (by proxy) the **political interests of the group** to which the informant claims to belong. This seems a fairly apt description of, say, a work like Riggs’s *Tongues Untied*. Although it is impossible to separate cleanly and finally these two senses of representation, it is perhaps possible to be (scrupulously) ethically attuned to the problematics engaged in the act of representing. As I have suggested in previous chapters, perhaps only a continuously unfolding deconstruction of one’s privileged position as native informant might complicate and undercut the claims of one’s own experiential account of oppression (representation as portrait) to represent adequately (as proxy) the interests of the Other.

**Their advocacy gets coopted by neoliberalism because they focus on the individual’s agency and self-sufficiency. Gupta 12**

**Rahila Gupta 12, freelance journalist and writer, Has neoliberalism knocked feminism sideways?,**

**<https://www.opendemocracy.net/5050/rahila-gupta/has-neoliberalism-knocked-feminism-sideways>**

**Feminism needs to recapture the state from the neoliberal project** to which it is in hock in order **to make it deliver for women**. It must guard against atomisation and recover its transformative aspirations to shape the new social order that is hovering on the horizon, says Rahila Gupta.¶ How should feminists read our current times? A major economic crisis rocks the developed world. While austerity measures don’t appear to be working across Europe, the mildly Keynesian efforts of Obama to kick-start the US economy have had only a marginal effect. The Occupy movement has gone global and the public disorder in the summer, with more disorder being predicted by the police, is an indication of deep discontent with the system. Yet we have seen an enthusiastic and vibrant third wave of youthful feminism emerge in the past decade. At the rate at which these waves arise, it will be some time before the rock of patriarchy will be worn smooth.¶ **The current phase of capitalism – neo-liberalism** – which began with Thatcher and Reagan in the 1970s, **promotes privatisation and deregulation in order to safeguard the freedom of the individual to compete and consume without interference from a bloated state**. According to David Harvey, a Marxist academic, the world stumbled towards neo-liberalism in response to the last major recession in the 70s when ‘the uneasy compact between capital and labour brokered by an interventionist state’ broke down. The UK government, for example, was obliged by the International Monetary Fund to cut expenditure on the welfare state in order to balance the books. The post-war settlement had given labour more than its due, and it was time for the upper classes to claw these gains back.¶ The fact that second wave feminism and neoliberalism flourished from the 1970s onwards has led some to argue, notably Nancy Fraser, that **feminism ‘served to legitimate a structural transformation of capitalist society’**. I am with Nancy Fraser in so far as she says that **there is a convergence, a coinciding of** second wave **feminism and neo-liberalism, even that feminism thrived in these conditions**. It is well known that **in an attempt to renew and survive, capitalism co-opts the opposition to its own ends**. If part of the project of **neoliberalism** is to shrink the size of the state, it **serves its purpose to co-opt the feminist critique that the state is both paternalistic and patriarchal**. Critiques of the nanny state from the right may chime with feminist concerns. However, the right has little to say about patriarchy. **What is left out of the co-option process is equally significant. The critique of the state mounted by feminists** such as Elizabeth Wilson when state capitalism was at the height of its powers **suited neoliberal capitalists seeking deregulation and a reduced role for the state**.¶ Fraser’s analysis does not explain the current resurgence of feminism at a time when the shine of neoliberalism has faded. **It is not so much that feminism legitimised neoliberalism, but that neoliberal values created a space for a bright, brassy and ultimately fake feminism** - the ‘I really, really want’ girl-power ushered in by the Spice Girls. **This transitional period between second wave and the current wave of feminism (which some commentators characterised as post-feminist) represented the archetypal appropriation of the feminist agenda, shorn of its political context, by neoliberalism**. Incidentally, many of us rejected the label post-feminist because it felt like an attempt to chuck feminism into the dustbin of history and to deny the continuing need for it. In hindsight, there was something different going on in that lull

between the two waves in the 70s and 80s and today; the voice of feminism was being drowned out by its loud, brassy sisters.¶ If the culture of neoliberalism had something to offer women, it was the idea of agency, of choice freely exercised, free even of patriarchal restraints. It emphasised self-sufficiency of the individual while at the same time undermining those collective struggles or institutions which make self-sufficiency possible. The world was your oyster – all you needed to do was compete successfully in the marketplace. The flexible worker, in order to make herself acceptable to the world of work, may even go so far as to remodel herself through cosmetic surgery, all the while under the illusion that she was in control of her life. In her essay on 'Feminism' in a forthcoming book, Oxford Handbook of Political Ideologies, Clare Chambers argues that liberal capitalism is committed to what she calls the 'fetishism of choice'. If women choose things that disadvantage them and entrench differences, it legitimates inequality because the inequality arises from the choices they make. The few women who do well out of the sex industry do not believe that their work entrenches inequality because it is freely chosen, because prostitution is seen as a liberation from the drudgery of cleaning jobs. Choice is their weapon against feminist objections. In their so-called free expression of their sexuality, they are challenging nothing in the neoliberal schema because the work reduces women to the status of meat and commodity.

**Self-care actively trades off with movements/coalitions, which are a better strategy for solving their impacts. Their apolitical strategy normalizes structural barriers.**

**Loewe 12** (B. Loewe, organizer and activist, October 15, 2012, "An End to Self Care", <http://www.organizingupgrade.com/index.php/blogs/b-loewe/item/729-end-to-self-care>)

I'm going to say it. I want to see an end to "self-care." Can we put a nail in self-care's coffin and instead birth a newer discussion of community care?¶ As I most often hear it, self-care stands as an importation of middle-class values of leisure that's blind to the dynamics of working class (or even family) life, inherently rejects collective responsibility for each other's well-being, misses power dynamics in our lives, and attempts to serve as a replacement for a politics and practice of desire that could actually ignite our hearts with a fuel to work endlessly.¶ Talking about how we sustain ourselves, honor our personal needs, and prioritize our well-being in this brusque and brutal world is a huge advance from movement culture generations before. However, centering that conversation on 'self-care' devoid of our place in the collective misses the central point of why we need to care for ourselves. And that is because we must have all of our strength in place to counter the systems which, without our ability to resist and transform, without the self-preservation Audre Lorde describes, would see us destroyed.¶ Yashna Maya Padamsee, in her article Communities of Care, Organizations of Liberation, writes¶ "Talking only about self-care when talking about healing justice is like only talking about recycling and composting when speaking on Environmental Justice. It is a necessary and important individual daily practice- but to truly seek justice for the Environment, or to truly seek Healing for our communities, we need to interrupt and transform systems on a broader level." ¶ Speaking in Phoenix, Arizona in 2009 at a rally for migrant rights, Zack de la Rocha of Rage Against the Machine said in a speech, 'The racism and hatred we are seeing here inflicts in us a collective wound. The only way to heal from those wounds and address those assaults on our dignity is to resist.' If injustice results in collective wounds, healing comes from collective struggle.

## Neoliberalism is the root cause of violence, especially gendered violence— ensure extinction. Shiva 13

Ph.D Quantum Physics @ U of Western Ontario, M.A. Philosophy of Science @ U of Guelph, renown activist (Vandana, "Vandana Shiva: Our Violent Economy is Hurting Women", 1/18/13, <http://www.yesmagazine.org/peace-justice/violent-economic-reforms-and-women>, RSpec)

**Violence against women has taken on new and more vicious forms as traditional patriarchal structures have hybridized with the structures of capitalist patriarchy. We need to examine the connections between the violence of unjust, unsustainable economic systems and the growing frequency and brutality of violence against women.**

We need to see how the structures of **traditional patriarchy merge with the emerging structures of capitalist patriarchy to intensify violence against women.** Cyclones and hurricanes have always occurred. But as the Orissa Supercyclone, Cyclone Nargis, Cyclone Aila, Hurricane Katrina, and Hurricane Sandy show, the intensity and frequency of cyclones has increased with climate change. Our society has traditionally had a bias against the girl child. **But the epidemic of female feticide and the disappearance of 30 million unborn girls has taken that bias to new levels of violence and new proportions. And it is into this context of the dynamics of more brutal and more vicious violence against women (and multiple, interconnected forms of violence) that the processes unleashed by neoliberalism are contributory factors. Firstly, the economic model focusing myopically on "growth" begins with violence against women by discounting their contribution to the economy.** The more the government talks ad nauseum about "inclusive growth" and "financial inclusion," the more it **excludes the contributions of women to the economy and society. According to patriarchal economic models, production for sustenance is counted as "non-production."** The transformation of value into disvalue, labour into non-labour, and knowledge into non-knowledge is achieved by the most powerful number that rules our lives, the patriarchal construct of GDP—Gross Domestic Product—which commentators have started to call the Gross Domestic Problem. National accounting systems which are used for calculating growth as GDP are based on the assumption that if producers consume what they produce, they do not in fact produce at all, because they fall outside the production boundary. The production boundary is a political creation that, in its workings, excludes regenerative and renewable production cycles from the area of production. Hence, **all women who produce for their families, children, community, and society are treated as "non-productive" and "economically inactive."** When economies are confined to the marketplace, economic self-sufficiency is perceived as economic deficiency. **The devaluation of women's work, and of work done in subsistence economies of the Global South, is the natural outcome of a production boundary constructed by capitalist patriarchy.** By restricting itself to the values of the market economy, as defined by capitalist patriarchy, **the production boundary ignores economic value in the two vital economies which are necessary to ecological and human survival.** They are the areas of nature's economy, and sustenance economy. In nature's economy and the sustenance economy, economic value is a measure of how the earth's life and human life are protected. Its currency is life-giving processes, not cash or market price. Secondly, **a model of capitalist patriarchy which excludes women's work and wealth creation in the mind, deepens the violence by displacing women from their livelihoods and alienating them from the natural resources on which their livelihoods depend—their land, their forests, their water, and their seeds and biodiversity.** Economic reforms based on the idea of limitless growth in a limited world, can only be maintained by the powerful grabbing the resources of the vulnerable. **The resource grab that is essential for "growth" creates a culture of rape—the rape of the earth, of local self-reliant economies, and of women.** The only way in which this "growth" is "inclusive" is by its inclusion of ever larger numbers in its circle of violence. I have repeatedly stressed that **the rape of the Earth and rape of women are intimately linked, both**

metaphorically in shaping worldviews, and materially in shaping women's everyday lives. The deepening economic vulnerability of women makes them more vulnerable to all forms of violence—including sexual assault.

Thirdly, economic reforms lead to the subversion of democracy and privatization of government. Economic systems influence political systems. The government talks of economic reforms as if it has nothing to do with politics and power. Leaders talk of keeping politics out of economics, even while they impose an economic model shaped by the politics of a particular gender and class.

Neoliberal reforms work against democracy. We have seen this recently with the Indian government pushing through

"reforms" to bring in Walmart through FDI in retail. Corporate-driven reforms create a convergence of economic and political power, a deepening of inequalities, and a growing separation of the political class from the will of the people they are supposed to represent.

This is at the root of the disconnect between politicians and the public that we experienced during the protests that have grown throughout India since the Delhi gang rape. Worse, an alienated political class is afraid of its own citizens. This is what explains the increasing use of police to crush nonviolent citizen protests, as we have witnessed

in Delhi. A privatized corporate state must rapidly become a police state. This is why the politicians must

surround themselves with ever increasing VIP security, diverting the police from their important duties to protect women and ordinary citizens. Fourthly, the economic model shaped by capitalist patriarchy is based on the commodification of everything, including women.

When we stopped the WTO in Seattle, our slogan was, "Our world is not for sale." An economics unleashed by economic liberalization—an economics of deregulation of commerce, of privatization and commodification of seeds and food, land and water, women and children—degrades social values, deepens patriarchy, and intensifies violence against women.

Economic systems influence culture and social values. An economics of commodification creates a culture of commodification, where everything has a price, and nothing has value. The growing culture of rape is a social externality of economic reforms.

We need to institutionalize social audits of the neoliberal policies which are a central instrument of patriarchy in our times. If there was a social audit of corporatizing our seed sector, 270,000 farmers would not have been pushed to suicide in India since the new economic policies were introduced. If there was a social audit of the corporatization of our food and agriculture, we would not have every fourth Indian hungry, every third woman malnourished, and every second child wasted and stunted due to severe malnutrition.

India today would not be the Republic of Hunger that Dr. Utsa Patnaik has written about. The victim of the Delhi gang rape has triggered a social revolution. We must sustain it, deepen it, expand it. We must demand and get speedy and effective justice for women. We must call for fast-track courts to convict those responsible for crimes against women. We must make sure laws are changed so justice is not elusive for victims of sexual violence. We must continue the demand for blacklisting of politicians with criminal records. We must see the continuum of different forms of violence against women, from female feticide to economic exclusion and sexual assault. We need to continue the movement for the social reforms needed to guarantee safety, security, and equality for women,

building on the foundations laid during India's independence movement and continued by the feminist movement over the last half-century. The agenda

for social reforms, social justice, and equality has been derailed by the agenda of "economic reforms" set by capitalist patriarchy. And while we do all this we need to change the ruling paradigm that reduces society to economy, the economy to the market, and is imposed on us in the name of "growth."

Society and economy are not insulated from each other. The processes of social reforms and economic reforms can no longer be separated. We need economic reforms based on the foundations of social reforms that correct the gender inequality in society, rather than aggravating all forms of injustice, inequality, and violence. Ending violence against women

needs to also include moving beyond the violent economy to nonviolent, sustainable, peaceful, economies that give respect to women and the Earth.

**The alternative is a radical grassroots movement centered around class.**

**Rickford '16**

Russell Rickford is an associate professor of history at Cornell University. "The Fallacies Of Neoliberal Protest." African American Intellectual History Society. September 24, 2016. <http://www.aaihs.org/the-fallacies-of-neoliberal-protest/JJN>

Sisters and brothers: I'm delighted that you are mobilizing. Your demonstration reflects your recognition that the escalating crisis of racial terrorism requires a firm and uncompromising response. Your protest in the face of daily atrocities is a sign of your humanity and your determination to live in peace, freedom, and dignity. But as we demonstrate, we must take pains to avoid certain tactical and

programmatic errors that often plague progressive protest in a neoliberal age. What is neoliberalism? Neoliberalism is a vicious but cunning form of capitalism. And like all varieties of capitalism, it rests on a foundation of white supremacy. Neoliberalism's goals are not merely privatization and the decimation of unions and the social safety net. It also seeks to manage the social order and ensure the continued political dominance of the ruling class by absorbing social threats. Sisters and brothers, YOUR opposition to racist state terror is a major threat to the normal functioning (and thus the hegemony) of the neoliberal regime. To neutralize this threat and destabilize the most rebellious segments of the population, the corporate power structure aggressively propagates certain false assumptions among the public. Let's examine these fallacies: Fallacy Number One: Dialogue and Awareness The managers of the status quo hate resistance. So they try to guide any dissent that arises into "safe" channels. You will notice a proliferation of forums, discussions, and meetings organized by system administrators and devoted to "dialogue" and "awareness." The premise of such efforts is that the problem of racial unrest stems from misunderstandings among rational and well-meaning parties. Thus communication and moral suasion—rather than pressure politics—is the answer. Fallacy Number Two: The Appeal to Authority In our technocratic society, we are conditioned to believe that experts and officeholders hold the answers to social problems. Supposedly these professionals are able to mediate between contending groups and interests. We are taught to endlessly petition established authorities for relief, never realizing that such gatekeepers are themselves instruments of the status quo. Fallacy Number Three: The Myth of the Disembodied Voice Part of capitalism's response to grassroots opposition is to assure the distressed that their "voice" is heard. That the authorities who "hear" you also enable your brutalization is immaterial. The point is to convince you of your continued stake in the system. It is to guide you toward the politics of representation and away from the politics of resistance. Of course, there are other fallacies employed by the oppressor to confuse the oppressed. The fallacy of inclusion v. transformation, for example. Or the fallacy of "diversity" v. genuine antiracism. We are taught to be patriotic, to be patient, to strive to embody the very values of peace and goodwill that this society defiles. These and other myths only perpetuate the system. They leave intact our society's basic power relations. And they cause us to police ourselves and to seek interpersonal reconciliation rather than confront structural racism and oppression. Truth is, we don't need "diversity" training. We don't need focus groups. We don't need consultants and experts. We don't need the apparatus of our oppression—racial capitalism itself—to rationalize and regulate our dissent. The logic and techniques of the corporate world won't end the slaughter of black people, or the dispossession and degradation of indigenous people, or the transformation of the entire Global South into a charred landscape of corpses and refugees. We need an uncompromising, multiracial, grassroots movement against white supremacy, endless war, and vicious corporate capitalism. We need to build solidarity with the resistance in Charlotte, Standing Rock, and Puerto Rico. We need to join the rebellions of workers and the colonized all over the world. This is a human rights struggle. And it will be waged in the streets, not in boardrooms, the halls of Congress, or other strongholds of global capital.

**Interpretation: the affirmative must only garner offense from Public trust Doctrine**

**Violation: they garner offense from Setcol**

**PTD is the simplest method + solves the majority of impacts**

**Babcock 2019** (Hope M. Babcock, "The Public Trust Doctrine, Outer Space, and the Global Commons: Time to Call Home ET," Syracuse Law Review, Vol. 69, No. 2, 2019, <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=3219&context=facpub>) //neth

The doctrine also appears to be infinitely malleable. Original uses of the doctrine were restricted to only that "aspect of the public domain below the low-water mark on the margin of the sea and the great lakes, the waters over those lands, and the waters within rivers and streams of any consequence,"<sup>520</sup> and covered only traditional uses of those lands, like fishing and navigation.<sup>521</sup> Over time, the scope and application of the doctrine broadened to protect more public resources and different uses.<sup>522</sup> Thus, the doctrine expanded to protect new trust resources, such as dry sand beaches, inland lakes, groundwater, dry riverbeds, and wildlife,<sup>523</sup> and passive uses of those resources, like scientific study.<sup>524</sup> The original link to navigable water and tidelands disappeared.<sup>525</sup> Supporters of the doctrine successfully advocated that it be applied to "wildlife, parks, cemeteries, and even works

of fine art,”<sup>526</sup> while arguing more recently its application to the atmosphere.<sup>527</sup> A doctrine that imposes a perpetual duty on the sovereign to preserve trust resources, prevents their alienation for private benefit, assures public access to them, and can be invoked by anyone seems particularly useful as a management tool in outer space.<sup>528</sup> The fact that public access to trust resources is so central to the doctrine makes it reflective, not contradictory, of international space law’s bar against appropriation of outer space and of the principle of space being the “province of all mankind.”<sup>529</sup> It avoids the problems of alienation and exclusion associated with any of the management approaches associated with some form of private property and requires neither the creation of a new administrative authority nor the presence of a close-knit group of like-minded people.<sup>530</sup> Members of the public, both rich and poor, can invoke and enforce the doctrine as easily as the sovereign.<sup>531</sup> It is cost effective to the extent that no separate apparatus is required to implement it, and the doctrine has shown itself to be highly adaptable and innovative as different needs arise.<sup>532</sup> It could also fill the gap in international law with respect to managing celestial property. Therefore, of all the management approaches studied here, the PTD seems the most suited to keep order in space until a regulatory regime is imposed. However, the doctrine provides no incentives for development of trust resources; rather, it might be used to limit or curtail that development, making it an imperfect, perhaps even counter-productive solution by itself to the extent that such development might be beneficial.<sup>533</sup> Modifying the doctrine to allow limited use of private property management approaches, like tradable development claims, might buffer that effect—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property, enabled by application of the PTD. CONCLUSION “Only a legal system that accommodates both the human need for resources and the necessary preservation of mankind’s common heritage can fulfill these criteria.”<sup>534</sup> The future is now with regard to the development of outer space and its resources—it is no longer a question of whether humans will engage in these activities, but how soon they will. Technically advanced countries and private commercial enterprises are probing outer space and preparing for landing on an asteroid or the moon to extract their resources.<sup>535</sup> Speculators are selling deeds to the moon’s surface and preparing to exploit the tourism potential that space offers.<sup>536</sup> But, the legal framework for managing these initiatives is almost nonexistent.<sup>537</sup> International treaties came into being before all this activity began in earnest and national laws that might apply are stunted by jurisdictional quandaries like the absence of national boundaries in outer space.<sup>538</sup> Thus, there is an urgency to figure out how to control what happens in outer space before its resources are irreparably damaged or permanently monopolized by powerful countries and individuals. In the absence of regulation, much of the current debate centers on what property regime should be applied in outer space.<sup>539</sup> The assumption is that by only allowing private property rights in space, countries and commercial enterprises will undertake the risks and costs of space development.<sup>540</sup> However, unless international space law changes, it may prevent this from happening. If it changes, strong management controls will be necessary to prevent destruction or over-consumption of celestial resources, as well as monopolization and competitive behavior by participants, which could lead to hostilities and inequities. This Article examines various private property regimes, including those of less than full fee ownership, to see if any would avoid the conflict with the international prohibition on appropriation of outer space and its resources. It concludes that none will because each retains the right to exclude and each is insensitive to the treaties’ equity concerns. In contrast, considering outer space to be common is consistent with international space law in both respects. Hypothesizing that private property in outer space may yet prevail, this Article investigates different private property management approaches, such as the right of first possession, lotteries, and tradable development rights, to see if any would be cost effective, easy to implement and equitable, and would also prevent over-consumption, monopolization or the slide into rivalrous behavior. The Article concludes that each comes up short in some respect. Social norms as a management tool for property held in common, although compliant with international law, are also not up to the task. Instead, although ancient, the PTD, with its malleability, easy and cost-effective implementation and enforcement, non-consumption principle, and consistency with the goals that animate international space treaties, seems best suited to the task of protecting the public’s interests in the global commons that is outer space as it has done for centuries in Earth-bound commons. But, as its principal terrestrial use has been to protect trust resources from development, the doctrine needs some modification to encourage development of celestial resources. Hence, this Article suggests that modifying the PTD to allow the application of private property management tools, like tradable development rights, will not only allow development, but also will assure that when it happens, it will not be just profitable for a few, but will also be sustainable and equitable.

## **Standards**

**1 – limits – there are infinite definitions of what private appropriations of outer space could. Your model justifies infinite affs and kills the neg's ability to engage – we can't be expected to prep for each of these affs – kills fairness bc big schools will always have access to more prep and kills education bc we won't be able to have substantive discussions on the aff.**

**2 – predictability – PTD was a core aff when college policy debated a similar topic – proves that it's at the core of the topic AND it's what most debaters will prep against – teams use past instances of similar topics as a starting point for prep. And our model is better for small schools bc it means there's already answers to the aff disclosed on the college policy wiki**

## **Voters –**

**1 -- Fairness – you need fairness to evaluate debate rounds – the judge needs to vote for the better debater not the better cheater. Unfair advantages in debate rounds make decisions illegitimate and hurt our ability to access real world skills. If they try to go for “fairness bad” then just vote neg because it means you're under no obligation to evaluate their arguments fairly.**

**2 – education – it's a voter because it's the reason schools fund debate and the only portable skills we gain from debate are a result of education – knowing how to discuss the merits of broad policy options has more real world implications than knowing how to go for an rvi or knowing how to defend policies that are so obscure they'd never be passed.**