# 1NC

## 1

### 1NC – T

#### Interpretation: “Outer space” starts at 391,000 miles from Earth’s surface.

Stein ‘19 [Vicky Stein; 02-28-2019; “If this space study is right, humans have never left Earth’s atmosphere”; PBS; https://www.pbs.org/newshour/science/if-this-space-study-is-right-humans-have-never-left-earths-atmosphere; Accessed 02-02-2022] AK

Now, a new study from Space Physics redefines the boundaries of our planet, based on overlooked data collected at the end of the last millennium. The report concludes that the edges of the atmosphere actually extend more than 391,000 miles from the planet’s surface, about twice as far as our moon.

This doesn’t mean you can go moonwalking without a spacesuit, said Jean-Loup Bertaux, a study coauthor and planetologist. The hydrogen molecules that make up the outer atmosphere are so sparse that this region is still considered a vacuum. Any spacecraft traveling through it wouldn’t notice a thing or be slowed by drag.

It does mean, however, that humankind has yet to leave the Earth’s atmosphere. The moon, the farthest point ever reached by astronauts, orbits well within the geocorona.

All of this challenges the way we see our planet’s borders. NASA considers a space traveler to be an astronaut when they climb higher than 50 miles above the planet’s surface. The Fédération Aéronautique Internationale, which judges world records for aeronautic travel, uses the Kármán line — set at 100 kilometers above sea level — to denote the “edge of space.”

With this new knowledge, high-powered telescopes on the moon or in Earth’s orbit will also need to account for — and filter out — the geocorona’s bright ultraviolet light when looking out into the universe. This would make it easier to scan the cosmos.

And if those telescopes spot planets out in the galaxy with the same halo that surrounds our Earth, that light could someday be used to locate habitable planets far from our own interstellar front door.

What the researchers did

More than two decades ago, a spacecraft called SOHO — the Solar and Heliospheric Observatory — was suspended halfway between the Earth and the sun, searching the sky for a particular frequency of ultraviolet light known as Lyman-alpha radiation.

“Lyman-alpha is, basically, the color of hydrogen,” Bertaux said. It turns out that the solar system is awash in this color, given hydrogen is the most common element in the universe. As each atom of hydrogen is illuminated by the sun, it emits a Lyman-alpha glow.

Lyman-alpha lies in the far ultraviolet portion of the light spectrum, where human eyes can’t see it. But an instrument on the SOHO spacecraft called SWAN could, and did.

Back in the 1990s, Bertaux directed SWAN’s original and primary mission: to monitor solar wind, a constant barrage of charged particles flowing out of the sun. Bertaux is now at least nominally retired, but in his “free time,” his attention floats back to some of the long-overlooked, side-project data he collected in his 55-year career.

With Igor Baliukin, a physicist at Russia’s Space Research Institute and the study’s lead author, Bertaux delved back into images of the Earth taken by SWAN in 1996, 1997 and 1998.

What they found

Although the existence of the geocorona was well-known even in the early 1960s, according to Bertaux, experts at the time would have estimated that it ended well inside of the lunar orbit.

Bertaux, Baliukin and their team found the geocorona extends more than 50 times the Earth’s diameter away from the planet’s surface.

“When the astronauts were on the moon, they were looking back at the Earth,” Bertaux said, “but they were not thinking that they were indeed inside the atmosphere of the Earth.”

#### Violation: The low-Earth orbit is only 1200 miles away from Earth’s surface – that’s inside.

NASA ‘ND [NASA; No Date; “LEO Economy FAQs”; https://www.nasa.gov/leo-economy/faqs; Accessed 02-02-2022] AK

Low-Earth orbit (often known as LEO) encompasses Earth-centered orbits with an altitude of 2,000 km (1,200 mi) or less. For the purposes of the Commercial Use Policy, low-Earth orbit is considered the area in Earth orbit near enough to Earth for convenient transportation, communication, observation and resupply. This is the area where the International Space Station currently orbits and where many proposed future platforms will be located.

#### Vote neg –

#### 1) Scientific precision – Stein cites the best and most recent science on where the atmosphere ends and outer space begins – anything else is arbitrary and provides no predictable statis point.

#### 2) Limits and ground – including objects inside the atmosphere justifies ridiculous affs like regulating airplanes, banning drones, and removing blimps. That destroys links to core neg generics and makes negating impossible.

## 2

### 1NC – T

#### “Appropriation of outer space” is exclusive and permanent

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13 quoting Smith 92, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Violation: Satellite constellations aren’t appropriation.

Johnson ‘20 [Christopher D. Johnson, “The Legal Status of MegaLEO Constellations and Concerns About Appropriation of Large Swaths of Earth Orbit,” Handbook of Small Satellites, 2020-09-13, p.1337-1358] CT

5.2 No, This Is Not Impermissible Appropriation

An opposite conclusion can also be reasonably arrived at when approached along the following lines. The counter argument would assert that the deployment and operation of these global constellations, such as SpaceX’s Starlink, OneWeb, Kepler, etc., are aligned with and in full conformity with the laws applicable to outer space. These constellations are merely the exercise and enjoyment of the freedom of exploration and use of outer space and do not constitute any impermissible appropriation of the orbits that they transit.

5.2.1 Freedom of Access and Use Permits Constellations

Rather than being a violation of other’s rights to access and explore outer space, the deployment of these constellations is more correctly viewed as the exercise and restrict or impinge on other users of the space domain. Because due regard is therefore displayed for the space domain, and to the interests of others, these constellations do not prejudice or infringe upon the freedoms of use and exploration of the space domain and are therefore not occupation, or possession, much less appropriation.

#### Ground—they shift the controversy from sovereign domination to minute activity. The topic literature is grounded in a debate over sovereign control over space, which means core neg generics are space ownership bad, space democracy bad, not temporary resource extraction or expeditions. Their interp minimizes link uniqueness because our impacts will never be overcome the advantage.

## 3

### 1NC – K

#### With the modern age has come new lies about outer space – the 1AC’s portrayal of space is a communicative fantasy that spectacularizes space, which is already unmaking itself. Entropy will end everything eventually – the aff is a fruitless attempt at survival.

Kriss ‘15 [Sam Kriss; a writer and dilettante surviving in London; 02-02-2015; “Manifesto of the Committee to Abolish Outer Space”; The New Inquiry; https://thenewinquiry.com/manifesto-of-the-committee-to-abolish-outer-space/; Accessed 02-02-2022] AK

We have been lied to, subjected to a cruel and chilly lie, one so vast and total it’s no longer fully perceivable but has turned into the unseen substrate of everyday life. It’s a political lie. They told us that outer space is beautiful.

They showed us nebulae, big pink and blue clouds draped in braids of purple stars, always resolving themselves at the pace of cosmic infinity into genital forms, cocks and cunts light years wide. They superimposed puddle-thin quotes over these pictures, so that the galaxies could speak to you in the depths of your loneliness, whispering from across a trackless infinity that you’re so much better than everyone else, because you fucking love science. The words are lies, the colors are lies, the nebulae are lies. These images are collated and pigmented by computers; they’re not a scene you could ever see out the porthole of your spaceship. Space isn’t even ugly; it isn’t anything. It’s a dead black void scattered with a few grey rocks, and they crash into each other according to a precise mathematical senselessness until all that’s left is dust.

Schopenhauer said that we live in the worst of all possible worlds. As ever, he thought he was being far more pessimistic than he actually was. If things were any worse than they are, he wrote, the universe would be impossible; it would collapse into a state of total emptiness and decay. In his cheery sun-soaked self-delusion he didn’t seem to consider that the world is not possible and never was, that this fall into nothing has already happened.

It’s now known that our era, the stelliferous era of galaxies and stars and colorful nebulae that don’t really exist, is vanishingly short. This whole stupid dance will last for, at most, a few trillion years; it was winding down as soon as it started. After that, after the stars have faded and the planets have all fallen from their orbits, there will only be black holes, and even these will decay over time. For unimaginable eons there will only be a few scattered particles sailing across a total void. If two happen to meet, a single positronium atom might form, float briefly, and decay again, and this single atom might be the first thing to happen in the entire universe for millions of years. This is where we’re all headed—in the grand scale of things we’re already there—and it will go on for so long that the age of light and warmth and stars and trees and people will seem like a brief flash around the time of the Big Bang. Already, in the short time since Schopenhauer, the entropic rot has spread, the uniformity, the blanketing, the pollination, the strewing of electronic debris across the void, the people on the moon, the tin-can probes on Mars and Venus and comets.

The Committee to Abolish Outer Space (C.A.O.S.) does not despair at all this. We do not hate outer space, because it’s impossible to hate something that doesn’t exist. When the universe is already in the process of unmaking itself, when this unmaking of itself is the first condition and the final truth of its unreal existence, abolishing it means something very different from destroying it. Our slogans are short and rousing (“Fuck the moon!”), but we intend to abolish outer space out of love.

#### Debate is fundamentally a closed information schema where nothing leaves the room which means the only role of the ballot left is to decide on the ethicality of the debates mode of information exchange and will to meaning. Even if liberatory on the level of contact, on the level form the affirmative is complicit in a mode of communicative imperialism whereby all aspects of life must be calculated and preconfigured through Western semiotic notions of rationality and coherent information exchange.

Ligotti, 12 [Thomas Ligotti, contemporary American philosopher and horror author, THE CONSPIRACY AGAINST THE HUMAN RACE, p. 59-60, Evan]

One who did not balk entirely was the Austrian-born British philosopher Karl Popper, who in The Open Society and Its Enemies (1945) did have a thing or two to say about human suffering. Briefly, he revamped the Utilitarianism of the nineteenth-century British philosopher John Stuart Mill, who wrote: “Actions are right in proportion as they tend to promote happiness, wrong as they tend to promote the reverse of happiness.” Popper remolded this summation of a positive utilitarianism into a negative utilitarianism whose position he handily stated as follows: “It adds to clarity in the fields of ethics, if we formulate our demands negatively, i.e. if we demand the elimination of suffering rather than the promotion of happiness.” Taken to its logical and most humanitarian conclusion, Popper’s demand can have as its only end the elimination of those who now suffer as well as “counterfactual” beings who will suffer if they are born. What else could the “elimination of suffering” mean if not its total abolition, and ours? Naturally, Popper held his horses well before suggesting that to eliminate suffering would demand that we as a species be eliminated. But as R. N. Smart famously argued (Mind, 1958), this is the only conclusion to be drawn from Negative Utilitarianism.

#### To make the world mean something, the will to reality, is the generative point of violence. The attempt to sublimate the Evil of irrationality and mystery terminates in its opposite. We are gorged with meaning and it is killing us. The attempt to enclose the universe within semiotic reality begets implosive violence against all singularities. The communicative form of information devours its own content. The amassing of facts and evidence – and especially truth – only makes the world more unreal.

Artrip and Debrix 14. Ryan E. Artrip, Doctoral Student, ASPECT, Virginia Polytechnic Institute, and Francois Debrix, professor of political science at Virginia Polytechnical Institute, “The Digital Fog of War: Baudrillard and the Violence of Representation,” Volume 11, Number 2 (May, 2014)

Such an expectation about the ontological “location” of the objects, subjects, stakes, and processes of today’s virulent war is generative of another expectation: that of the so-called self-evident violence of war and, by extension, of anything that socially and politically is said to matter for and about the demos (since virulent/virtual war is an all-encompassing, or all-swarming, “geopolitical reality”). In other words, what the so-called objects and subjects of today’s virtual/virulent war expect “their” war to represent is what ensures a disposition towards violence (a violence of “the global,” perhaps, as Baudrillard intimates) that may well be the result of attempts at securing a will to meaning, a will to make sense of things, and a will to be of political objects and subjects that today takes place or, rather, is intensified in virtual and digital modalities of representation and mediation. Part of the critical stake of this essay is to “locate” the violence/virulence of contemporary warfare not just in its empirical geopolitical “events,” but rather in the representational domain inside which those so-called events are expected to make sense, that is to say, in the always already preemptively belligerent and aggressive realm of representation (where the challenge is to produce and impose meaning at all costs). II. The Fog of War The claim about a certain quality of reality or even realism to new digital informational or communicative technologies has played a formative role in the global staging of several recent social and political conflicts. In both the Arab Spring and the Occupy movements of 2011, for example, digital technologies were celebrated for their real-time capacity and their subversive (democratic) potentials. The virtue of reporting “from the ground” of the event itself was championed as a matter of authenticity. There was a common sense that “truth” would finally be able to speak from its “real” source (the demos itself?). Not only is there a prevalent uncritical (even if sometimes well-intentioned) faith in new media and their digital technologies today, but, more importantly, there is often an impulse of liberation. Yet, this impulse is stifled by its faith in representation. The hope for openness, transparency, immediacy, and indeed liberation is so tethered to the real (and to the will to reality) that it ends up being negative or, at least, self-defeating. It often becomes evident that the so-called democratic uses of new media technologies—particularly in terms of reporting violent war events or conflicts of allegedly great concern/importance to the global demos—are, far from producing a clearer picture of an objective event, contributing to an ever thickening fog of meaning and truth. These new media technologies in and of themselves are not the object of our critique here. Moreover, we are not interested in “clearing the fog” of the real or war. Again, our critical intervention in this essay has more to do with deploying perspectives that may expose the violent dispositions of the contemporary mythos of war (and revealing the complicit role of the digitalized demos in the intensification of this mythos) than with attempting to clear the way for a different ethos about everyday reality, digitalized media, and the prevalence of warfare in political representations. In fact, part of our argument is also to suggest that the various cultural, political, and ethical mechanisms that seek to clear the fog of the real (and war) often end up reproducing it. The lure to criticize and debunk reality often requires that another real, another certainty, another dominant meaning, or indeed another democratic necessity be established through the same means and techniques, and media, that had to be challenged in the first place (thus, the simulacrum continues to proliferate its reality-effects). Behind the widespread “global” celebration of digitalized technologies for their newly found representational capabilities and accuracies, there lies the idea that, perhaps following a collective disgust with the dealings of Western media outlets as more or less uncritical props for the social/economic/ethical status quo in the past several decades, disseminated and “democratized” media technologies can de-mystify the world, lift its aura in a way, or perhaps “dig deeper” into the “truth” than, say, what the media networks involved in reporting news (including war news) in the 1980s and 1990’s (the famous CNN effect) ever could do. Because these technologies are far more in real-time than news networks, they are also generally thought to be able to evade oppressive/repressive censorship of particular corporate/class/state/ideology interests. But even more than escaping filters, digital representations today are often thought to be able to eliminate all of the ambiguities born of time. Thus, we (members of the public/demos) want to believe that mediation can be removed. And we want to subscribe to the view that any distortion occurring between an event and its perception/memory, or between the “actual” and its account, can evaporate. By reducing to the virtually infinitesimal or invisible the filter/screen between the image that represents and the real that is and, furthermore, by placing the productive responsibilities for the image into the hands of the user (literally into the digits), the digital establishes itself as something capable of demolishing the “malicious” surface of appearances to reveal a meaningful density of truth through the quasi-immediate interface. This is the dream of immediacy rediscovered and perhaps finally realized. At a most basic level of analysis, the risk involved in pointing to this desire for mediatized or digitalized immediacy would be to undermine the visual evidence of the violent/virulent occurrence of the omnipresence of war. For example, could we have deployed a critique of the US military’s and the US government’s use of torture in the War on Terror were it not for the seemingly unfiltered “shock and awe” of the Abu Ghraib photos? Again, from the point of view of the ethos of virtual/virulent war, the lure of digitalized immediacy has its uses (and, possibly, benefits, too, even for the demos). But, from the perspective of war’s mythos, it must be said that the “truth” about war and war operations cannot be fully revealed because representation, no matter how immediate or seemingly unmediated, always works by imposing some meaning onto things/events that are made visible/representable. Consider the role played by digital media in the Boston Marathon bombing in April 2013. Within a matter of minutes of the blasts, even before the smoke could clear the scene, images and videos of terror taken from spectators’ mobile devices circulated through cyberspace. Everything was seemingly captured in that instant. The horror that drew so many people to capture images through their smart phones seems to speak on its own; it needs no commentary, no meaning to be given to it. In fact, it appears to have no mediation, no appropriation or narrativizing, no contextualizing either. That is precisely why smart phones are so apt at giving us such images, such representations, such “pure” meanings about things. Especially, such a horrifying violence, it is said, needs no commentary, no sense to be made of it. An immeasurable violence is done to the violated when one tries to make sense of the senseless (Agamben, 1999). Yet, as Baudrillard had already pointed out in his remarks on the Gulf War, “everything which is turned into information becomes the object of endless speculation, the site of total uncertainty. We are left with the symptomatic reading on our screens of the effects of the war, or the effects of discourse about the war, or completely speculative strategic evaluations” (Baudrillard, 1995: 41). In their digital representation, images of war and images of terror are dissolved into their own information. Information (what the image/event wants to tell us, to reveal, allegedly) already infiltrates the tweeted or texted image/scene (of horror, of war) with an urgency of signification and meaning. Images of horror cannot make sense, perhaps must not be made sense of, and yet they somehow beg for meaning, for circulation, or for propagation, in the hope that they may reveal something to someone. Thus, the digitalized mediation of the image, even in its instantaneity, still takes place. Images—or whatever event might have been “caught”—must succumb to a will to information, to a will to meaning, even if it is falsely affirmed that what is digitally rendered needs no commentary. Put differently, the image levels the event it represents by entering into a mass/global indifferent exchange, into a virulent global (representational) circulation that murders singularity or, indeed, the moment of trauma (on this question of the erasure of trauma, see Debrix, 2008: 4-5; Edkins, 2003: 37-38). The enigmatic singularity of the event—which, for Baudrillard, was once a precondition for any sort of historical transition—gives way to an endlessness of representation, whether such representation appears to have a clear ethical or political purpose/signification or not. It is in this always operative tendency of rendered appearances to yield meaning (even if their meaning is to be information-worthy), not in the image or event itself, that we situate the conditions of possibility and reproducibility for the ever-thickening representational fog and for the violence/virulence of images, or better yet, of appearances. To make war or, as the case may be, the terror event mean something—even in some of the most immediate reactions often designed to evoke injustice or, indeed, incomprehension—is the generative point of violence, the source of representation as a virulent/virtual code and mode of signification. Baudrillard writes, “Everywhere one seeks to produce meaning, to make the world signify, to render it visible.” He adds, “We are not, however, in danger of lacking meaning; […] we are gorged with meaning and it is killing us” (Baudrillard, 1988: 63). Indeed, the Western world—increasingly, the global—has found itself with a proliferation of meanings and significations in the late 20th and early 21st centuries. It is as if the so-called crisis of nihilism (thought to be characteristic of much critique and philosophical suspicion throughout the 20th century) later on produced something of the opposite order. The mass violence of the 20th century inaugurated not a complete void of despair or meaninglessness, but instead a flood of meaning, if not an overproduction of it. Baudrillard refers to this frantic explosion of meaning/signification as “a panic-stricken production of the real and the referential, above and parallel to the panic of material production […]” (Baudrillard, 1983: 7). Here, Baudrillard describes a mode of production of a different kind, not motivated by class interests or exploitation of value, but by an automated, perhaps viral, abreaction to the empty core or disenchantment of things and the world: that is to say, the degree to which things seem to lack a singular center of gravity or have lost a justifiable reference to the real world, and yet each thing that “matters” is also an attempt to get at reality as a question of accumulation (of meaning), circulation (of signs), and filling up of all interstitial spaces of communication and value. The end result is an over-abundance of signs and images of reality, something that culminates in what Baudrillard calls hyperreality—things appear more real than reality itself.

#### You goody two shoes propagate life and reason like any fascist. Prefer not life, not reason, and not the good. Affirm your own death, for their propagation of life and reason is much more violent than material dispossession, erecting a violent binary between life and death. The will to die preserves the possibility of singularity.

Robinson 12. Andrew Robinson, political theorist and activist based in the UK, “An A to Z of Theory | Jean Baudrillard: The Rise of Capitalism & the Exclusion of Death” Ceasefire Magazine, March 30, 2012, <https://ceasefiremagazine.co.uk/in-theory-baudrillard-2/>

Symbolic exchange – or rather, its suppression – plays a central role in the emergence of capitalism. Baudrillard sees a change happening over time. Regimes based on symbolic exchange (differences are exchangeable and related) are replaced by regimes based on equivalence (everything is, or means, the same). Ceremony gives way to spectacle, immanence to transcendence. Baudrillard’s view of capitalism is derived from Marx’s analysis of value. Baudrillard accepts Marx’s view that capitalism is based on a general equivalent. Money is the general equivalent because it can be exchanged for any commodity. In turn, it expresses the value of abstract labour-time. Abstract labour-time is itself an effect of the regimenting of processes of life, so that different kinds of labour can be compared. Capitalism is derived from the autonomisation or separation of economics from the rest of life. It turns economics into the ‘reality-principle’. It is a kind of sorcery, connected in some way to the disavowed symbolic level. It subtly shifts the social world from an exchange of death with the Other to an eternal return of the Same. Capitalism functions by reducing everything to a regime based on value and the production of value. To be accepted by capital, something must contribute value. This creates an immense regime of social exchange. However, this social exchange has little in common with symbolic exchange. It ultimately depends on the mark of value itself being unexchangeable. Capital must be endlessly accumulated. States must not collapse. Capitalism thus introduces the irreversible into social life, by means of accumulation. According to Baudrillard, capitalism rests on an obsession with the abolition of death. Capitalism tries to abolish death through accumulation. It tries to ward off ambivalence (associated with death) through value (associated with life). But this is bound to fail. General equivalence – the basis of capitalism – is itself the ever-presence of death. The more the system runs from death, the more it places everyone in solitude, facing their own death. Life itself is fundamentally ambivalent. The attempt to abolish death through fixed value is itself deathly. Accumulation also spreads to other fields. The idea of progress, and linear time, comes from the accumulation of time, and of stockpiles of the past. The idea of truth comes from the accumulation of scientific knowledge. Biology rests on the separation of living and non-living. According to Baudrillard, such accumulations are now in crisis. For instance, the accumulation of the past is undermined, because historical objects now have to be concealed to be preserved – otherwise they will be destroyed by excessive consumption. Value is produced from the residue or remainder of an incomplete symbolic exchange. The repressed, market value, and sign-value all come from this remainder. To destroy the remainder would be to destroy value. Capitalist exchange is always based on negotiation, even when it is violent. The symbolic order does not know this kind of equivalential exchange or calculation. And capitalist extraction is always one-way. It amounts to a non-reversible aggression in which one act (of dominating or killing) cannot be returned by the other. It is also this regime which produces scarcity – Baudrillard here endorses Sahlins’ argument. Capitalism produces the Freudian “death drive”, which is actually an effect of the capitalist culture of death. For Baudrillard, the limit to both Marx and Freud is that they fail to theorise the separation of the domains they study – the economy and the unconscious. It is the separation which grounds their functioning, which therefore only occurs under the regime of the code. Baudrillard also criticises theories of desire, including those of Deleuze, Foucault, Freud and Lacan. He believes desire comes into existence based on repression. It is an effect of the denial of the symbolic. Liberated energies always leave a new remainder; they do not escape the basis of the unconscious in the remainder. Baudrillard argues that indigenous groups do not claim to live naturally or by their desires – they simply claim to live in societies. This social life is an effect of the symbolic. Baudrillard therefore criticises the view that human liberation can come about through the liberation of desire. He thinks that such a liberation will keep certain elements of the repression of desire active. Baudrillard argues that the processes which operate collectively in indigenous groups are repressed into the unconscious in metropolitan societies. This leads to the autonomy of the psyche as a separate sphere. It is only after this repression has occurred that a politics of desire becomes conceivable. He professes broad agreement with the Deleuzian project of unbinding energies from fixed categories and encouraging flows and intensities. However, he is concerned that capitalism can recuperate such releases of energy, disconnecting them so they can eventually reconnect to it. Unbinding and drifting are not fatal to capitalism, because capitalism itself unbinds things, and re-binds things which are unbound. What is fatal to it is, rather, reversibility. Capitalism continues to be haunted by the forces it has repressed. Separation does not destroy the remainder. Quite the opposite. The remainder continues to exist, and gains power from its repression. This turns the double or shadow into something unquiet, vampiric, and threatening. It becomes an image of the forgotten dead. Anything which reminds us of the repressed aspects excluded from the subject is experienced as uncanny and threatening. It becomes the ‘obscene’, which is present in excess over the ‘scene’ of what is imagined. This is different from theories of lack, such as the Lacanian Real. Baudrillard’s remainder is an excess rather than a lack. It is the carrier of the force of symbolic exchange. Modern culture dreams of radical difference. The reason for this is that it exterminated radical difference by simulating it. The energy of production, the unconscious, and signification all in fact come from the repressed remainder. Our culture is dead from having broken the pact with monstrosity, with radical difference. The West continues to perpetrate genocide on indigenous groups. But for Baudrillard, it did the same thing to itself first – destroying its own indigenous logics of symbolic exchange. Indigenous groups have also increasingly lost the symbolic dimension, as modern forms of life have been imported or imposed. This according to Baudrillard produces chronic confusion and instability. Gift-exchange is radically subversive of the system. This is not because it is rebellious. Baudrillard thinks the system can survive defections or exodus. It is because it counterposes a different ‘principle of sociality’ to that of the dominant system. According to Baudrillard, the mediations of capitalism exist so that nobody has the opportunity to offer a symbolic challenge or an irreversible gift. They exist to keep the symbolic at bay. The affective charge of death remains present among the oppressed, but not with the ‘properly symbolic rhythm’ of immediate retaliation. The Church and State also exist based on the elimination of symbolic exchange. Baudrillard is highly critical of Christianity for what he takes to be a cult of suffering, solitude and death. He sees the Church as central to the destruction of earlier forms of community based on symbolic exchange. Baudrillard seems to think that earlier forms of the state and capitalism retained some degree of symbolic exchange, but in an alienated, partially repressed form. For instance, the imaginary of the ‘social contract’ was based on the idea of a sacrifice – this time of liberty for the common good. In psychoanalysis, symbolic exchange is displaced onto the relationship to the master-signifier. I haven’t seen Baudrillard say it directly, but the impression he gives is that this is a distorted, authoritarian imitation of the original symbolic exchange. Nonetheless, it retains some of its intensity and energy. Art, theatre and language have worked to maintain a minimum of ceremonial power. It is the reason older orders did not suffer the particular malaise of the present. It is easy to read certain passages in Baudrillard as if he is bemoaning the loss of these kinds of strong significations. This is initially how I read Baudrillard’s work. But on closer inspection, this seems to be a misreading. Baudrillard is nostalgic for repression only to the extent that the repressed continued to carry symbolic force as a referential. He is nostalgic for the return of symbolic exchange, as an aspect of diffuse, autonomous, dis-alienated social groups. Death plays a central role in Baudrillard’s theory, and is closely related to symbolic exchange. According to Baudrillard, what we have lost above all in the transition to alienated society is the ability to engage in exchanges with death. Death should not be seen here in purely literal terms. Baudrillard specifies early on that he does not mean an event affecting a body, but rather, a form which destroys the determinacy of the subject and of value – which returns things to a state of indeterminacy. Baudrillard certainly discusses actual deaths, risk-taking, suicide and so on. But he also sees death figuratively, in relation to the decomposition of existing relations, the “death” of the self-image or ego, the interchangeability of processes of life across different categories. For instance, eroticism or sexuality is related to death, because it leads to fusion and communication between bodies. Sexual reproduction carries shades of death because one generation replaces another. Baudrillard’s concept of death is thus quite similar to[Bakhtin’s concept of the grotesque](http://ceasefiremagazine.co.uk/in-theory-bakhtin-2/). Death refers to metamorphosis, reversibility, unexpected mutations, social change, subjective transformation, as well as physical death. According to Baudrillard, indigenous groups see death as social, not natural or biological. They see it as an effect of an adversarial will, which they must absorb. And they mark it with feasting and rituals. This is a way of preventing death from becoming an event which does not signify. Such a non-signifying event is absolute disorder from the standpoint of symbolic exchange. For Baudrillard, the west’s idea of a biological, material death is actually an idealist illusion, ignoring the sociality of death. Poststructuralists generally maintain that the problems of the present are rooted in the splitting of life into binary oppositions. For Baudrillard, the division between life and death is the original, founding opposition on which the others are founded. After this first split, a whole series of others have been created, confining particular groups – the “mad”, prisoners, children, the old, sexual minorities, women and so on – to particular segregated situations. The definition of the ‘normal human’ has been narrowed over time. Today, nearly everyone belongs to one or another marked or deviant category. The original exclusion was of the dead – it is defined as abnormal to be dead. [“You livies hate us deadies”](http://www.youtube.com/watch?v=kDsiv3D9Idg&t=8m26s). This first split and exclusion forms the basis, or archetype, for all the other splits and exclusions – along lines of gender, disability, species, class, and so on. This discrimination against the dead brings into being the modern experience of death. Baudrillard suggests that death as we know it does not exist outside of this separation between living and dead. The modern view of death is constructed on the model of the machine and the function. A machine either functions or it does not. The human body is treated as a machine which similarly, either functions or does not. For Baudrillard, this misunderstands the nature of life and death. The modern view of death is also necessitated by the rise of subjectivity. The subject needs a beginning and an end, so as to be reducible to the story it tells. This requires an idea of death as an end. It is counterposed to the immortality of social institutions. In relation to individuals, ideas of religious immortality is simply an ideological cover for the real exclusion of the dead. But institutions try to remain truly immortal. Modern systems, especially bureaucracies, no longer know how to die – or how to do anything but keep reproducing themselves. The internalisation of the idea of the subject or the soul alienates us from our bodies, voices and so on. It creates a split, as Stirner would say, between the category of ‘man’ and the ‘un-man’, the real self irreducible to such categories. It also individualises people, by destroying their actual connections to others. The symbolic haunts the code as the threat of its own death. The society of the code works constantly to ward off the danger of irruptions of the symbolic.

#### The only alternative is to join the Committee to Abolish Outer Space. The complete abolition of outer space brings the cosmos back to where it belongs – the realm of mythology and radical otherness. This type of radical mimicry reframes how we understand and perceive outer space.

Kriss ‘15 [Sam Kriss; a writer and dilettante surviving in London; 02-02-2015; “Manifesto of the Committee to Abolish Outer Space”; The New Inquiry; https://thenewinquiry.com/manifesto-of-the-committee-to-abolish-outer-space/; Accessed 02-02-2022] AK

The Committee to Abolish Outer Space has existed for a long time—possibly forever. The movements we founded over the centuries had different names and different leaders, but all of them were in some way part of our war against the stars. Only now are we making ourselves public—behind frail masks—because the danger is almost upon us. For all our great age and our knowledge of certain secrets, we are not powerful. We are few, and hunted, and scared, but in our weakness we will conquer. C.A.O.S. sets out these five guiding principles:

1 Humanity will never colonize Mars, never build moon bases, never rearrange the asteroids, never build a sphere around the sun.

2 There will never be faster-than-light travel. We will not roam across the galaxy. We will not escape our star.

3 Life is probably an entirely unexceptional phenomenon; the universe probably teems with it. We will never make contact. We will never fuck green-skinned alien babes.

4 The human race will live and die on this rock, and after we are gone something else will take our place. Maybe it already has, without our even noticing.

5 All this is good. This is a good thing.

We have a program, closely guarded through the centuries. At one time it was the hidden book of the Sumerian heresiarchs, later the mystics of Europe were dimly aware of it as the Holy Grail:

1 First we will abolish the moon, that smug sack of shit in the sky, our constant condescending stalker. This should be the easiest step: People have set foot on its surface, and come back, and eventually they stopped going there; they realized how utterly dull it is.

2 Next we will overthrow the fascist institution of the sun, finally achieving the dream of all great revolutionary movements in history.

3 We will disestablish the planets, one by one, leaving them to vanish with Pluto into death. We will sweep up the dusty nebulae, plug up the black holes, drink up the Milky Way, tear down the Great Wall brick by brick.

4 Comets, asteroids, space dust, quantum foam: no more.

5 Finally, when our victory is almost complete, we will abolish low earth orbit, the black depths of the oceans, the wildernesses of the poles, the pulsing core of the human psyche.

We said earlier that for us to abolish something does not mean to destroy it. Once the cosmos was thought to be painted on the veil of the firmament, or to be some kind of divine metaphor, a flatness inscribed with thousands of meaningful stories. Since then it’s become outer space, a grotesque emptiness. Space is a site of desecration, an emptiness in which one moves, and moving into space means closing down any chances for Earth. C.A.O.S. is not interested in setting up limits. We want to create a future, not one of tin cans dodging rocks in a void, but a future for human life. To do this we must abolish outer space with all its death and idiocy, and return the cosmos to its proper domain, which is mythology, so that when we look up it will be in fear and wonder, and the knowledge that we live in a world that is not possible.

#### Charity cannibalism is a voter. Without it, the West would collapse out of shame.

**Baudrillard ‘94** (Jean Baudrillard. *The Illusion of the End* translated by Chris Turner. Cambridge: Polity (1994))

We have long denounced the capitalistic, economic exploitation of the poverty of the 'other half of the world' [l'autre monde] . We must today denounce the moral and sentimental exploitation of that poverty - charity cannibalism being worse than oppressive violence. The extraction and humanitarian reprocessing of a destitution which has become the equivalent of oil deposits and gold mines. The extortion of the spectacle of poverty and, at the same time, of our charitable condescension: a worldwide appreciated surplus of fine sentiments and bad conscience. We should, in fact, see this not as the extraction of raw materials, but as a waste-reprocessing enterprise. Their destitution and our bad conscience are, in effect, all part of the waste-products of history the main thing is to recycle them to produce a new energy source. We have here an escalation in the psychological balance of terror. World capitalist oppression is now merely the vehicle and alibi for this other, much more ferocious, form of moral predation. One IJlight almost say, contrary to the Marxist analysis, that material exploitation is only there to extract that spiritual raw material that is the misery of peoples, which serves as psychological nourishment for the rich countries and media nourishment for our daily lives. The 'Fourth World' (we are no longer dealing with a 'developing' Third World) is once again beleaguered, this time as a catastrophe-bearing stratum. The West is whitewashed in the reprocessing of the rest of the world as waste and residue. And the white world repents and seeks absolution - it, too, the wasteproduct of its own history. The South is a natural producer of raw materials, the latest of which is catastrophe. The North, for its part, specializes in the reprocessing of raw materials and hence also in the reprocessing of catastrophe. Bloodsucking protection, humanitarian interference, Medecins sans frontieres, international solidarity, etc. The last phase of colonialism: the New Sentimental Order is merely the latest form of the New World Order. Other people's destitution becomes our adventure playground. Thus, the humanitarian offensive aimed at the Kurds - a show of repentance on the part of the Western powers after allowing Saddam Hussein to crush them - is in reality merely the second phase of the war, a phase in which charitable intervention finishes off the work of extermination. We are the consumers of the ever delightful spectacle of poverty and catastrophe, and of the moving spectacle of our own efforts to alleviate it (which, in fact, merely function to secure the conditions of reproduction of the catastrophe market) ; there, at least, in the order of moral profits, the Marxist analysis is wholly applicable: we see to it that extreme poverty is reproduced as a symbolic deposit, as a fuel essential to the moral and sentimental equilibrium of the West. In our defence, it might be said that this extreme poverty was largely of our own making and it is therefore normal that we should profit by it. There can be no finer proof that the distress of the rest of the world is at the root of Western power and that the spectacle of that distress is its crowning glory than the inauguration, on the roof of the Arche de la Defense, with a sumptuous buffet laid on by the Fondation des Droits de l'homme, of an exhibition of the finest photos of world poverty. Should we be surprised that spaces are set aside in the Arche d'Alliance\* for universal suffering hallowed by caviar and champagne? Just as the economic crisis of the West will not be complete so long as it can still exploit the resources of the rest of the world, so the symbolic crisis will be complete only when it is no longer able to feed on the other half's human and natural catastrophes (Eastern Europe, the Gulf, the Kurds, Bangladesh, etc.). We need this drug, which serves us as an aphrodisiac and hallucinogen. And the poor countries are the best suppliers - as, indeed, they are of other drugs. We provide them, through our media, with the means to exploit this paradoxical resource, just as we give them the means to exhaust their natural resources with our technologies. Our whole culture lives off this catastrophic cannibalism, relayed in cynical mode by the news media, and carried forward in moral mode by our humanitarian aid, which is a way of encouraging it and ensuring its continuity, just as economic aid is a strategy for perpetuating under-development. Up to now, the financial sacrifice has been compensated a hundredfold by the moral gain; But when the catastrophe market itself reaches crisis point, in accordance with the implacable logic of the market, when distress becomes scarce or the marginal returns on it fall from overexploitation, when we run out of disasters from elsewhere or when they can no longer be traded like coffee or other commodities, the West will be forced to produce its own catastrophe for itself, in order to meet its need for spectacle and that voracious appetite for symbols which characterizes it even more than its voracious appetite for food. It will reach the point where it devours itself. When we have finished sucking out the destiny of others, we shall have to invent one for ourselves. The Great Crash, the symbolic crash, will come in the end from us Westerners, but only when we are no longer able to feed on the hallucinogenic misery which comes to us from the other half of the world.

#### They are stuck inside the argument room, constantly deliberating about what should happen outside the court-house without ever leaving it.

Schlag ’03 (Pierre; Byron White Professor of Law at the University of Colorado; 2003; "A Reply--The Missing Portion"; University of Miami Law Review; https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=1532&amp;context=articles; accessed 4-6-2019; SM) \*edited in brackets to be gender-neutral

FALSE EMPOWERMENT (No. 1) From the very first day, law school training leads law students to **believe** that judicial decisions produce **important consequences** for the social order. The **presumption** is that the words of the judge (if they are well crafted) will effectively produce a **social reality** that corresponds roughly with the **words uttered**. But what **reason** is there to **believe this**?3 FALSE EMPOWERMENT (No. 2) The endlessly repeated question in first year, **"What should the court do?"** leads law students to believe that courts respond to the **force of the better argument**. This would be tolerable if one added two provisos: 1. The **better argument** often means **little more** than the one the courts are **predisposed to believe**; and 2. In the phrase "force of better argument" it's important to attend not just to the "better" part, but to the other term as well. FALSE EMPOWERMENT (No. 3) Law students first learn of many complex social and economic realities through the medium of case law. What they learn is thus the **law's vision** of these economic and social realities. Not surprisingly, there is an almost magical correspondence between legal categories and social or economic practices. This magical fit leads law students (later to become law professors) to have an extremely **confident view** of the **efficacy of law**. Many law students are cured of this belief-structure by a stay in the legal clinic or by law practice.4 There is one group of people, however, who are generally **not cured** of this **belief-structure** at all, but whose faith is actually intensified. These are the people who hold prestigious judicial clerkships where an emotional proximity to and identification with their judge ("my judge") leads to an even greater confidence in the efficacy of law. These people are frequently chosen **to teach in law schools**. FALSE EMPOWERMENT (No. 4) False empowerment can be disempowering. It can also lead to pessimism and despair. PESSIMISM, DESPAIR, ETC. (No. 1) Many people react to a **loss of faith** in law or legal studies with **despair** or pessimism. But this is the despair and pessimism that comes from giving up a naYve or a romantic vision of law and/or legal studies. The onslaught of this despair and pessimism is a **good** thing. It is like the thirty-something who realizes that he is mortal and that life is brief. Generally, this is not welcome news. At the same time, it may help prevent a life spent in **Heideggerian dread**, tanning salons, or the interstices of footnote 357. PESSIMISM, DESPAIR, ETC. (No. 2) When the academic **loses faith in law** or legal studies, typically that person is most **troubled** because she [they] has **lost the framework** that makes her [their] **academic project possible**. But so what? Isn't the **demand** that law **conform to an academic project** arguably a **selfish one**? THE CON, THE JOKE, AND THE IRONIC TRUTH The Con: In the courtroom, the appellate judge is typically seated behind an elevated bench. On the classroom blackboard the appellate judge is chalked in above the plaintiff and the defendant. This is both a reflection and a reinforcement of the belief that the appellate judge is an intellectually and politically privileged legal actor. The Joke: In actuality, the appellate judge is a person who **operates** in conditions of **severe information deficits** and whose outlook is thoroughly **manipulated** by **professional rhetoricians**. Very often he has [they have] little or **no understanding** of the configurations of the **social field** to which his rulings will **apply**. What's more, this is a person who is prohibited from **talking about the social field**, except with a highly restricted number of people. The Ironic Truth: On the other hand, because we believe the appellate judge is a particularly **privileged intellectual** and **political actor**, we contribute to **making him so**. A CRUEL HOAX Legal intellectuals like to believe that law is an **intelligent enterprise**. They like to believe that the law offers an interesting vocabulary, grammar, and rhetoric through which to think about the world and law itself. This is **naive**. The **political demand** that law be **efficacious** means that law must track, must indeed **incorporate popular beliefs** about social and economic identities, causation, linguistic meaning, and so forth. (Those beliefs are often **intellectually bereft**.) THE ARGUMENT ROOM The **argument room** is a place where academic advocates go to **argue passionately** about **law** and **politics**. (Apologies to Monty Python.) Within the room, arguments are **won** and **lost**; **triumphs** and **defeats** are had. But generally, **no one outside the room** pays much attention to what goes on **inside the room**. Sometimes there is seepage and fragments of the conversations are heard outside the room. Participants most often spend their time arguing about **what should happen outside the room**. This they call "**knowledge**" or "understanding" or "jurisprudence" or "**scholarship**" or "**politics**." The one thing that generally cannot be talked about **inside the room** is the **construction of the room** itself. POLITICS (No. 1) For progressive **legal thinkers**, politics is a "**theoretical unmentionable**": The concept "politics" does a **great deal of theoretical work** and yet its **identity** remains generally **immune from scrutiny**. The categories (right, left) and the **fundamental grammar of politics** (progress, reaction, and so forth) generally go unquestioned. Oddly, while everything else seems to be contingent, conditional, contextual, and so on, the categories of politics seem to be oddly **stable**, nearly transcendent. Strangely, this occurs at a time when the categories, left and right (and even politics itself), seem increasingly fragile and non-referential. Still, this is an intensely political time-political not in the sense of significant social contestation (not much of that) nor in the sense of ideological struggle (not happening much either). Rather, political in the sense of very significant reorganizations and reallocations of power, wealth, and so on.5 Capital (for lack of a better term) is in a period of rapid self-reorganization in which it increasingly regiments precincts of life previously offering some resistance to its grammar-to wit: time, family, media, public space, wilderness, and so forth. The point is not that these precincts were immune to capital before, but rather that capital is advancing at such an **intense rate** to bring about a **significant disruption** and a **qualitative change** in these precincts. This change is manifest not only in the colonization of new precincts, but in the self-**organization of capital** (new financial vehicles) and, of course, in new **literary** and **intellectual** forms (postmodernism as both symptom and diagnosis). Meanwhile, the old categories, the old grammar, the old answers, seem to have lost some of their hold. The right is **intellectually stagnant**. And the left is, as a social presence, **ontologically challenged**. Indeed, in the United States, we seem at present to have **several right wings** and **no left wing**. This does not mean that "politics" as a social category is necessarily dead. It might mean simply that we (and others) **have not understood**, have not grasped, have not articulated its **new configurations**. What would be required on the intellectual level is a **re-evaluation** not only of the conventionally articulated **categories**, but of the **social** and **economic** ontology. At its best, postmodernism (and there has been a lot of bad reactionary and nostalgic postmodernism) is an attempt to trigger such a re-evaluation. Progressives, understandably, strive to protect their categories, grammar, and self-image from these challenges. But this is not without cost. POLITICS (No. 2) To argue in favor of political positions is sometimes political. But it is not always political. Sometimes taking up a political argument is political and sometimes it has no consequences whatsoever. One cannot know beforehand. But it is a serious mistake to suppose that arguing in favor of a political position is in and of itself political. Very often in the legal academy, to argue for a political (or normative) position is **not political** at all. It simply triggers a **scholastic**, highly stereotyped **meta-discourse** about whether the **arguments advanced** are sound, accurate, **should be adopted**, or the like. A PROBLEM FOR THE LEFT Traditionally, the left has **defended the victims** of capitalism, imperialism, and racism. Indeed, this is an important part of what it means to be "on the left." Meanwhile, in the university, scholarly attention depends upon the production of new exciting ideas and research agendas. This poses a problem for the left: the **victims** of capitalism, imperialism, and racism **remain the same**. The **political-intellectual defenses** advanced on **behalf of victims** remain the **same**. This leads to a certain sense of weariness and dfjA vu-stereotyped arguments, standard rhetorical moves. A tendency to fight the same old fights. Machines. This is a problem. A PROBLEM FOR PROGRESSIVE LEGAL THINKERS As the author of Laying Down the Law, it just isn't clear to me that law is the sort of thing that is endlessly perfectible. At times it seems to me that law is a lot like **military strategy**. You can try making **military strategy** the best it **can be** (maybe you should). But when you get done it's **still going to be military strategy**. In that context it would be a good thing to have a few people (I volunteer) to be less than completely enthralled by military strategy. The same would go for law. It could be that law is objectionable in important respects because, well... it's law. If you are going to **mediate social contradictions** through a **linguistically normalized system** of **organized institutional force** (e.g., law) you should not **expect** the results to be **pretty** (no matter how humane or contextual you get along the way). LAW AS A WHITE MALE PRODUCTION It seems worthwhile to have a few people focus on the production side of law's equations-how is this law produced, what versions of self does it enact, how does it reproduce itself, how does it achieve rhetorical supremacy, how does it mediate its various crises, etc. etc. etc. In my work-the construction of the subject, anti-disciplinarity, the critique of normativity, the enchantment of reason, the politics of form, the aesthetics-I have been concerned with these kinds of questions. I think there is a politics to that-however incomplete, unfinished, elliptical, underdetermined, and open-ended it might be.6 POLITICS AS ARROGANCE As a legal thinker, I believe in trying to do something that has intellectual, political, or aesthetic value. Any one of the three would be just great-a real success, something worthy of respect. This is especially so because, given the institutional paths laid out by the legal academy, it's pretty easy to strike out.7 But if one has a choice, which should one pursue? Perhaps it depends upon where one thinks one can advance, say, or do something worthwhile. This will depend upon a person's talents and field as well as his/her estimation of context and possibilities. From this standpoint it seems odd that someone should feel authorized to say: "You should do LEGAL THOUGHT AS ARROGANCE The **belief** is that the **future of the free world**, the **maintenance of the rule of law**, the **welfare of the republic**, the liberation of oppressed peoples, the direction of the Court, the legitimacy of the Florida election, hangs on a **law professor's next article**. This is the esprit serieux gone nuts. The most **significant effect** of this belief is to **arrest thought** and end the **play of ideas** necessary for **creativity**. SERIOUS AND NOT (No. 1) Yes, legal interpretation sometimes takes place in a field of pain and death.9 But that hardly means that legal studies takes place in a field of pain and death. It is a residual objectivism that enables legal academics to believe that when they write about law-what it is or what it should be-they are somehow engaged in the same enterprise as judges. They're not. It is not that legal scholarship is without consequence. It's just that the **institutional** and **rhetorical contexts** are **sufficiently different** that the **consequences** are **different as well.** SERIOUS AND NOT (No. 2) There is an **important**, indeed **foundational**, category mistake that sustains American legal thought-it is the **supposition** that because academics and judges deploy the same vocabulary and **the same grammar**, they are involved in largely **the same enterprise**. I just don't think **that's true** My own view is that legal academics are but **one social group** (among many) competing for the **articulation** of **what law is**. Judges are another. Social movements, corporations, public interest groups, administrative officials, criminals, etc., are some of the others. ° For most of the history of the American law school, academics have **anointed judges** as **privileged speakers of law**. In turn, legal academics have adopted the **habits**, forms of **thought**, and **rhetoric of judges**-thereby accruing to themselves the **authority** to say **what the law is.** Legal academics **legitimate their claim** to say **what the law is** by **fashioning law** as an **academic discipline** requiring **expertise**. Legal academics then hold themselves out as possessing this expertise. Among those critical theorists who seek to contest this expertise, one can distinguish two approaches. One approach is to try to reveal the emptiness of the claims to expertise among the legal intelligentsia and to reveal how these claims nonetheless gain power. Another approach is to try to relocate the authority to say what the law is among those who have been excluded. I do not see these approaches as antithetical, but rather as complementary. Furthermore, both approaches will in fact reinscribe, will performatively reinforce, precisely the sort of rhetorics and hierarchies they contest. No way around that. I think critical thinkers all do this-though in different ways. And it's certainly worthwhile pointing out how it is being done. ' At the same time, no one is safe or immune from this sort of criticism. SERIOUS AND NOT (No. 3) To learn to laugh at what is taken seriously, but is not serious, is a serious thing to do. To take seriously what is not, is a drag. A PROBLEM FOR PROGRESSIVES Progressives wish to pursue a politics that is efficacious. This means keeping track both of the social context in which progressivism articulates itself (on the side of the subject), and the social context in which progressivism seeks to register its results (on the side of the object). But this work of reconnaissance-a work that is necessarymay bring unwelcome news: namely that progressivism unmodified is no longer a terribly cogent project. Choices will have to be made: to defend progressive thought against this unwelcome news or to put the identity of progressive projects at risk by encountering this unwelcome news. FORMALISM (OR PIERRE MENARD'S LAW REVIEw ARTICLE) Formalism is virtually an inexorable condition of legal scholarship in the following sense: a legal academic generally writes scholarship **outside the social pressures** of what a lawyer would call real stakes, real clients, or **real consequences**. The **failure of an argument** in the pages of the **Stanford Law Review** is generally very different from the **failure of an argument** in a brief or an **opinion**. The **difference in context** changes the **character** and **consequences** of the acts-even if the authors use exactly **the same words**. BINARY AND NOT (INSIDERIOUTSIDER, IMMANENT/TRANSCENDENT, MIND/BODY ETC. ETC. ETC.) It's one thing to deploy oppositional binarism to describe the broad structures of a text. It's quite another to adopt binarism as an intellectual lifestyle choice.12 Oppositional binarism has a special hold/appeal in American law precisely because: 1) law is often identified with what appellate courts say it is; and 2) by the time a case gets to an appellate court, the reductionism of litigation and the binary structure of the adversarial orientation has reduced the dispute to an either/or (e.g., liberty vs. equality or formal equality vs. substantive equality, and so on). But .... Oppositional binarism flounders because law does not have fixed, uncontroversial grids. Hence, for instance, the notion that a person is an insider or an outsider just doesn't track with much of anything (except perhaps the author's own formalism). If one thinks about it, a person is an insider in this respect (he's white) but an outsider in that respect (he's working class) and then an insider with respect to his pedigree (he went to Columbia) but really an outsider within his insider Columbia status because he was profoundly alienated from the Columbia social scene and blah blah blah. After a while (very soon, actually) the insider/outsider distinction loses its hold. The point is, unless you happen to have a well-formed, non-overlapping fixed grid (and this would be a very strange thing for a critical theorist to have!), oppositional binarism (like everything else) ultimately collapses. Interestingly, there was a moment of slippage in the history of critical legal studies (or perhaps the fem-crits) when binary oppositionalism slid from a heuristic into (of all things) a metaphysic! THE MACHINES In Keith Aoki's comic strip, the agents of R.E.A.S.O.N. and P.I.E.R.R.E. fight each other in a comically clich6d fashion. It is Nick Fury jurisprudence. And there is something strikingly right about that (however humbling it may be for me and others). One of the things that happens in the Nick Fury comic strips (as in Keith Aoki's contribution) is that the antagonists deploy machines against each other. In legal thought, we have a lot of machines in operation.1 3 By this I mean that a great deal of so-called legal thought is not really thought at all-but the **deployment** of a **series of rhetorical operations** over and over again to **perform actions** (usually **destructive in character**) on other peoples' texts or persons. Every argument tends to become a **machine**. Over time, legal academics tend to **become their own arguments**. Then, of course, they **become their own machines**. At that point, it's time to **move on**. This is why there is **hope**.

## 4

### 1NC – P

Plan flaw -- the plan text says “low eath” – vote neg on presumption since that doesn’t mean anything. Hold them to the text of the plan. Voter for real world education – poorly worded advocacies destroy their potential.

## Case

#### No warrant for why ALL sats disappear because of Kessler – have a high burden of proof since one sat disappearing won’t wreck military readiness.

**Probability – 0.1% chance of a collision.**

Alexander William **Salter**, **Economics Professor at Texas Tech**, **’16**, “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221 \*numbers replaced with English words

The probability of a collision is currently **low**. Bradley and Wein estimate that the **maximum probability** in LEO of a collision over the lifetime of a spacecraft remains **below one in one thousand**, conditional on continued compliance with NASA’s deorbiting guidelines.3 However, the possibility of a future “snowballing” effect, whereby debris collides with other objects, further congesting orbit space, remains a significant concern.4 Levin and Carroll estimate the average immediate destruction of wealth created by a collision to be approximately $30 million, with an additional $200 million in damages to all currently existing space assets from the debris created by the initial collision.5 The expected value of destroyed wealth because of collisions, currently small because of the low probability of a collision, can quickly become significant if future collisions result in runaway debris growth.