### 1AC: FW

#### Moral realism must start by being mind-independent –realism wouldn’t make sense if our moral laws were based on an agent’s cognitive thinking because then moral truths wouldn’t exist outside of the ways we cohere them. Thus, the meta-ethic is substantive moral naturalism.

#### That outweighs on moral disagreement – ethics are regressive in principle since controversy prevents acting on moral laws. Prefer naturalism since there is no philosophical controversy on the correlation between moral facts and natural facts. Pleasure is an intrinsic good.

Moen 16 Ole Martin, PhD, Research Fellow in Philosophy at the University of Oslo. "An Argument for Hedonism." Journal of Value Inquiry 50(2). 2016. https://www.academia.edu/26656561/\_An\_Argument\_for\_Hedonism\_by\_Ole\_Martin\_Moen. PeteZ

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2

The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask what her~~is~~ end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad.

If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### Thus, moral naturalism prima facie justifies hedonism through naturalism, empirical facts that are explained and physically verified from science should be used which only a theory of pain and pleasure can provide since there is a psychological grounding for why they are good and bad. Thus, the standard is consistency with hedonic act utilitarianism

### 1AC – Plan

#### Resolved: The Republic of Korea ought to ban the appropriation of outer space by private entities.

**Targeting private entities comparatively solves better.**

**Salter 20 (**, A., 2020. The Space Review: Outer space needs private law. [online] Thespacereview.com. Available at: <https://www.thespacereview.com/article/4015/1> [Accessed 10 January 2022] Alexander William Salter is an economics professor in the Rawls College of Business at Texas Tech University, the Comparative Economics Research Fellow at TTU’s Free Market Institute, and a Young Voices Contributor.)-rahulpenu

**Outer** **space** **needs** **private** **law**

The Cold War is back, and it’s headed into orbit. American tensions with China and Russia are escalating, especially since Russia’s suspected anti-satellite weapons test. The stakes are nothing less than a peaceful future in space. Operations in orbit and beyond require extraordinary **precision** and **certainty**. Any conflict can seriously hinder operational efficiency for both governments and businesses. Fortunately, there’s a solution that can benefit all parties: Giving **private** **law** a **major** **role** **in** ordering the **cosmos**.

Undoubtedly, space must be governed. But **governance** is **not** the same thing as **government**. The virtue of private law—a body of rules grounded on consensual practices, rather than sovereign authority—is that it can lay the foundations for future space activities, without sparking a governmental scramble to project power. Where the reach of the state ends, private governance begins. It’s worked many times on Earth, and it can work in space.

Undoubtedly, space must be governed. But governance is not the same thing as government.

To see why, we need to understand recent developments in space policy that have raised the stakes of celestial statecraft. NASA recently announced the Artemis Accords, a series of bilateral agreements to establish standards and procedures for future space missions. The Accords are intended to secure buy-in from US allies that are also spacefaring nations, with the goal of cooperating on NASA’s ambitious Artemis program to return humans to the Moon. Russia seemed like a natural partner, due to the successful collaboration with the US on the International Space Station.

Instead, there was a falling out. Russia and China view the Artemis Project and Accords as a space version of NATO: a politically motivated attempt to extend US hegemony. “Frankly speaking, we are not interested in participating in such a project,” said Dmitry Rogozin, the head of Russia’s space agency. Russia sees the US initiative as an attempt to privatize space, which in practice means celestial domination by whoever gets there first. China evidently agrees. Indeed, Rogozin spoke warmly about collaboration with the Chinese, affirming that they’re “definitely our partner.”

This is bad news, but we could **avoid** the dangers of **factionalism** if we use private law to eschew jurisdictional claim-staking in space. Preserving a neutral domain in which the spacefaring nations can interact to mutual advantage would help keep the peace. That much has been understood for over half a century. The 1967 Outer Space Treaty, still the backbone of public international space law, explicitly forbids the extension of government jurisdiction to the heavenly bodies.

Thus alleged privatization by the US, such as a 2015 law guaranteeing US nationals property rights to celestial resources, as well as a recent executive order encouraging the commercial development of space, is perceived as contrary to the spirit of the treaty. America’s space rivals are on high alert to the extension of US sovereignty into space by extralegal means.

Strictly speaking, these US initiatives are consistent with international treaty obligations. Combined with Artemis, they represent significant steps forward in humanity’s journey into space. Nevertheless, Russia and China fear there’s a political motive lurking behind these economic policies. In the interests of peace and cooperation, the US should extend an olive branch not by retreating on Artemis, but by promoting private law.

Spacefaring nations can thrive under this system of governance, but only if states don’t compete for sovereignty. For example, just look at international commerce.

Trade between nations often involves entities from different jurisdictions. If they have a commercial dispute, no national court can hear the case. But this doesn’t mean international commerce is lawless—far from it. These disputes are privately adjudicated and voluntarily enforced by the traders themselves. A private body of self-enforcing law, dating back to the High Middle Ages, evolved to meet the needs of merchants. There are even organizations, such as the International Chamber of Commerce and the International Center for Dispute Resolution, that specialize in arbitrating these conflicts.

The development of a private body of space commercial law is the best way to keep the peace in space. Unlike privatization, private law **doesn’t** **raise** **geopolitical** **red** **flags**.

Much of international commercial law can apply to space. In addition, the Permanent Court of Arbitration already offers guidelines for arbitrating space disputes. But this doesn’t mean only private entities will govern space. States still have an important role to play. For example, spacefaring nations should uphold treaty obligations by policing their nationals, making sure nobody tries to homestead a planet in a fit of hubris. This still leaves plenty of room for non-jurisdictional (and, hence, private) space activity.

The development of a private body of space commercial law is the best way to keep the peace in space. Unlike privatization, private law doesn’t raise geopolitical red flags. In these early years of Space Age 2.0, we must all work to prevent international conflict from stifling space exploration and development. Only then will humanity be free to extend its reach to the stars.

**1AC---Tensions ADV**

#### South Korea’s space industry is fueled by the private sector – tech transfers and official statements.

**Si-Soo 21** [Park Si-Soo, 9-8-2021, Park Si-soo covers space industries in South Korea, Japan and other Asian countries. Park worked at The Korea Times — South Korea's leading English language newspaper — from 2007 to 2020. He earned a master’s degree in science journalism from Korea Advanced Institute of Science and Technology and a bachelor’s degree in business from Hanyang University. "South Korea to spend $593 million on public-to-private transfer of rocket technologies," SpaceNews, <https://spacenews.com/south-korea-to-spend-593-million-on-public-to-private-transfer-of-rocket-technologies/> accessed 1/12/2022] Adam

SEOUL, South Korea – Starting next year, South Korea’s government will transfer state-owned space launch vehicle technologies to domestic aerospace companies in a move to help them penetrate an expanding global space launch market. To that end, the government will spend 687 billion won ($593 million) from 2022 through 2027, [said the Ministry of Science and ICT, Sept. 7.](https://www.msit.go.kr/bbs/view.do?sCode=user&mId=113&mPid=112&pageIndex=&bbsSeqNo=94&nttSeqNo=3180691&searchOpt=ALL&searchTxt=)

Korea Aerospace Research Institute (KARI) — a state-run space technology developer that has played a central role in developing the nation’s first domestic space launch vehicle, KSLV-2 — will be responsible for the public-to-private transfer, according to the ministry. KSLV-2, nicknamed Nuri, is a three-stage liquid-propellant rocket capable of sending a 1.5-ton satellite into low Earth orbit. The rocket is set to make its first demonstration flight in October from Naro Space Center in Goheung, the only launch site in South Korea.

The transfer will be done in a way KARI and selected companies do joint development and launch tests.

“The time has come to make a departure from state-led development of space launch vehicles toward one in which the private sector plays an expanded and more active role,” said [Yong Hong-taek, the science ministry’s vice minister,](https://english.msit.go.kr/eng/contents/cont.do?sCode=eng&mPid=19&mId=22) in the statement.

The policy reconfirms the government’s commitment to accelerating public-to-private transfer of space technologies. It comes as SpaceX and other innovative private companies play increasingly important roles in the global space industry. In the first move of this kind, since May, KARI and Korea Advanced Institute of Science and Technology (KAIST) have transferred their satellite-manufacturing technologies to a handful of major aerospace companies here.

While the science ministry didn’t  identify the companies that would benefit from the latest tech transfer, the most likely beneficiaries include [Hanwha Aerospace](https://spacenews.com/hanwha-aerospace-bets-big-on-space-business/), [Innospace](https://biz.chosun.com/industry/company/2021/08/26/B73DAPWKMBFAHCPFK2ME6NM6H4/?utm_source=naver&utm_medium=original&utm_campaign=biz), [Perigee Aerospace](https://spacenews.com/backed-by-samsung-south-korean-startup-perigee-aims-for-2020-maiden-launch/) and [Korean Air](https://spacenews.com/south-koreas-top-airline-to-develop-propellant-tank-for-smallsat-launcher/).

Hanwha is a major rocket engine developer here, which contributed to KSLV-2’s development with engine assembly and supply of key components. Innospace is a hybrid rocket startup, and Perigee is developing a methane-fueled smallsat launcher. Korea Air, South Korea’s biggest airline, is developing technologies to launch small satellites from its Boeing 747-400 cargo planes — the same way Virgin Orbit launches customers’ satellites into orbit.

**Development is rapid.**

**Whan-Woo 21** Yi Whan-Woo, 10-03-2021, "Space race heats up in Korea's private sector ," koreatimes, <https://www.koreatimes.co.kr/www/tech/2021/10/693_316355.html> //rahulpenu + Jay

Space race heats up in Korea's private sector Korean companies are capitalizing on their exclusive areas of expertise to join the private-sector space race, with Hanwha Group and Korea Aerospace Industries (KAI) specialized in satellites and rockets, LIG NEx1 in navigation systems and Korean Air in aircraft design and manufacturing. The country's private space tech industry is still in its nascent stage compared to that of the United States, which has made tangible progress as seen from commercial space flights by SpaceX, Blue Origin and Virgin Galactic. Korea spent $412 million in space research and development in 2018, according to OECD data. The U.S. topped the list with $26.3 billion, followed by France with $3.42 billion and the United Kingdom with $2.4 billion. When it comes to the level of technological development, Korea was at 60 percent of the U.S. level in 2019, while China was at 89 percent and Japan at 86 percent, according to data compiled by the U.S. National Technical Information Service (NTIS). Against this backdrop, the Korean government is lowering barriers for private companies of all sizes to enter the space tech industry. The government is also is seeking to transfer technology and knowhow on projectile development for commercial purposes. A joint decision in May to terminate U.S. guidelines that have long restricted Korea's development of missiles has allowed individual firms to develop space launch vehicles. All of these steps are apparently right on track. Morgan Stanley projects the global space industry will generate more than $1 trillion in revenue by 2040, up from $350 billion in 2018. The Ministry of Trade, Industry and Energy also sees the space tech industry as full of promise and ranks it as the second-most-lucrative business after semiconductors. "For the private sector to take the initiative in the space race, the government should recognize private companies as investment partners," said An Hyung-jun, a principal researcher at the Korea Institute of Science and Technology (KIST), a government-affiliated, multi-disciplinary research lab. The Federation of Korean Industries (**FKI), a business lobby group, suggested launching a Korean version of NASA and increasing government spending on the space industry** to help more private companies step in. Hanwha, KAI, LIG Nex1 compete for lead Hanwha Group is assessed by multiple sources as the most active when it comes to the commercial aerospace business. The conglomerate in March launched an aerospace taskforce called "Space Hub" led by Kim Dong-kwan, the corporate owner family's heir apparent and the eldest son of group chairman Kim Seung-youn. The taskforce consists of aerospace engineers from affiliates. Among the affiliates is defense and IT arm Hanwha Systems, which announced a $300 million investment in the London-based satellite communications company OneWeb in August. The investment allows Hanwha Systems to acquire an 8.8 percent stake in OneWeb that aims to establish a global internet network using a fleet of 648 low-Earth-orbit satellites by next year. The satellites will provide high-speed and low-latency internet services around the world and could power internet-of-things devices for future services. Another affiliate, Hanwha Aerospace, participated in the development of "Nuri," Korea's first domestically developed space rocket that successfully completed a first-stage engine combustion test early this year. Hanwha Aerospace also acquired a 30 percent stake in satellite manufacturer Satrec Initiative, a domestic firm known for manufacturing small and medium-size Earth observation satellites. Making satellites as small and light as possible is considered a key to their commercialization. Hanwha Aerospace is also involved in developing liquid-propellant engines for the Korea Space Launch Vehicle (KSLV) and other components like turbo pumps, valves and thrust vector control systems. KAI oversees the assembly and system integration of the Nuri rocket with roughly 270,000 parts supplied by more than 300 domestic companies. KAI signed a contract with SpaceX to develop the "No. 4" next-generation, medium-sized satellite. KAI plans to send four midsize satellites into orbit by 2025 and SpaceX rocket will carry the No. 4. The deal with SpaceX took KAI a step closer to developing and launching a 500-kilogram standard satellite platform. LIG Nex1, a defense contractor, is at the center of the $3 billion Korean Positioning System, a project aimed at building the domestic version of a global positioning system. The project is critical as Korea plans to start running autonomous flying taxis by 2035, relying on precise satellite navigation that the current GPS can't offer. If successful, Korea will join the U.S., Russia, Europe, China, India and Japan that have their own satellite networks for high-precision positioning, navigation and timing. Korean Air, the country's flag carrier, began a feasibility study in cooperation with Seoul National University to use large commercial aircraft for "air launching," the practice of releasing a rocket, missile, parasite aircraft or other aircraft payload from a mother ship or launch aircraft The study aims to figure out how to apply core technologies to the project, annual operating costs, and aircraft modification in order to develop an air-launch system with the Boeing 747-400. Air launch, which happens at an altitude of 12 kilometers, is less affected by weather conditions that often deter ground launches. It is believed to be cost-efficient, as it does not need ground construction and maintenance.

**That ensures aggressive space racing with noko.**

**Ryall 21** Julian Ryall, 10-21-2021, "South Korea space rocket test prompts fear of arms race with North," DW, <https://www.dw.com/en/south-korea-space-rocket-test-prompts-fear-of-arms-race-with-north/a-59572929> //Jay

South Korea space rocket test prompts fear of arms race with North Tensions between Seoul and Pyongyang have grown in recent months. South Korea's failed test of its first-ever homegrown rocket has prompted worries of a new arms race. A rocket is launched in a cloud of smoke and flame from a launch pad with the ocean in the background South Korea has launched a Nuri rocket from the launch pad of its Naro Space Center in Goheung, South Korea Shortly after 5 p.m. local time (0800 UTC) on Thursday, South Korea launched its first domestically produced rocket from the Naro Space Center in the northeastern county of Goheung. All three stages of the liquid-fueled Nuri rocket, which cost around 2 trillion won ($1.7 billion, €1.46 billion), worked but the rocket reportedly failed to complete the mission of delivering a test satellite into orbit. South Korean President Moon Jae-in said the rocket reached an altitude of 700 kilometers (435 miles), and that the 1.5 ton payload separated successfully. However, Moon said that "putting a dummy satellite into orbit remains an unfinished mission." Despite the test being unable to fulfill its task of putting a satellite into orbit, the launch comes as South Korea is locked into a growing rivalry with North Korea over technological advances in weaponry. South Korean President Moon Jae-in called the test an "excellent accomplishment,'' taking South Korea a step further toward a space launch program. People wait to watch the launch of the Nuri rocket, the first domestically produced space rocket in Goheung, South Korea Many South Koreans gathered to watch the launch of the country's first homegrown space rocket North Korea submarine missile test was planned, experts think South Korea's launch of the Nuri rocket has long been planned. Analysts said it was no coincidence that North Korea on Tuesday carried out what it claims was the first launch of a ballistic missile from a submerged submarine (SLBM). The test launch was conducted off the naval base on the west coast of the peninsula. It was the eighth time that the North has carried out a missile launch this year. It also coincided with the five-day Seoul International Aerospace and Defense Exhibition, where South Korean President Moon Jae-in was pictured in a flight suit and in the cockpit of a domestically produced FA-50 fighter jet. Speaking to reporters, Moon said it is imperative for South Korea to build up its defenses: "A strong defense capability is always aimed at ensuring peace." "The Republic of Korea seeks to build a smart and strong armed forces based on state-of-the-art technology," he added. North justifies military buildup Exactly one week earlier, North Korean leader Kim Jong-un attended a defense development exhibition in the North's capital Pyongyang to mark the 76th anniversary of the founding of the Workers' Party, issuing a similar justification for his own military buildup. "We must be powerful for our coming generations as well," the state-run Korea Central News Agency (KCNA) quoted Kim as saying. "That is our first and foremost task." "The military danger facing our state daily to the military tension prevailing around the Korean peninsula is different from 10 or five, even three years ago," he said. Kim blamed "the unstable situation in the region" on the United States. a new type of a submarine-launched ballistic missile (SLBM) being test-fired from waters North Korea confirmed it had tested a new type of submarine-launched ballistic missile In late September, the North tested what it claimed was an advanced new hypersonic missile. US defense analysis suggests that Pyongyang may resume underground nuclear tests or fire a long-range ballistic missile within the next year. Both would be violations of United Nations Security Council resolutions. But Pyongyang insists that its military developments are purely defensive and necessary as its enemies — primarily the US, South Korea and Japan — remain committed to overthrow of the Kim regime. Those countries deny that they are planning a regime change in North Korea. But they all point out that they cannot sit by as a nuclear-armed and deeply unpredictable neighbor continues to build out its military capabilities. South Korea tested its own submarine-launched ballistic missile recently, and is investing heavily in improved equipment on land, sea and air. Significantly, the Korean navy is pushing ahead with plans to build the nation's first aircraft carrier. Meanwhile, discussions are also underway about the possibility of developing a nuclear-powered submarine. North Korea 'careful not to cross red lines' "The North just tested its first hypersonic missile and has now launched an SLBM, so it seems that they are showing the South and the rest of the world just what they can do," said June Park, a political economist with Princeton University. "South Korea cannot just sit by and let that happen, so the Seoul defense show is a chance to demonstrate, 'we also have the ability to defend ourselves,'" she told DW. Robert Dujarric, co-director of the Institute of Contemporary Asian Studies at the Tokyo campus of Temple University, says there has been an uptick in saber-rattling after a period of relative restraint on the Korean Peninsula. But he said Pyongyang is very aware where the "red line" lies. "Ever since the armistice at the end of the Korean War in 1953, we have seen these periodic bouts of development of new weapons in the North — such as nuclear tests and then intercontinental ballistic missile launches — but the North has been very careful to not go too far, to not cross any red lines," he said. "They have caused small-scale border incidents and been provocative and made a nuisance of themselves — but they have never gone too far as they know that crossing that red line would bring down a massive US retaliation," he said. Are we seeing a new arms race on the Korean Peninsula? Just a phase? "I think we are in that cycle again, and it must be remembered that it is one thing to parade a new missile through Pyongyang or to carry out a test launch, but it's an entirely different thing to fire one of these things in an operational situation," Park explained. Unfortunately, says Park, the North's development of nuclear weapons gives the South little leeway in where to advance its own military capabilities in the years to come. South Korean people are split almost half-and-half on the question of whether or not to develop a domestic nuclear deterrent, she said. Should that happen, however, the reverberations would be felt far beyond North Korea and could arguably destabilize the entire northeast Asian region, where Russia, China and Japan are also major powers, Park explained.

**North Korea sees the South’s launches as a double standard – that emboldens the regime and increases aggression.**

**Parry 21** [Richard Lloyd Parry, Richard Lloyd Parry has lived since 1995 in Tokyo, where he is the Asia editor of The Times. He has reported from 29 countries, including Afghanistan, Iraq and North Korea, and has been named Foreign Correspondent of the Year Asia Editor, 10-21-2021, "South Korea heightens tensions with space launch," The Times, [https://www.thetimes.co.uk/article/south-korea-heightens-tensions-with-space-launch-jb8mnwwdp accessed 1/12/2022](https://www.thetimes.co.uk/article/south-korea-heightens-tensions-with-space-launch-jb8mnwwdp%20accessed%201/12/2022)] Adam

South Korea launched a domestically built rocket into space today in a breakthrough that will embolden North Korean accusations of hypocrisy. The three-stage KSLV-II Nuri entered orbit after being launched from the Naro Space Centre on a small island off the country’s southwest coast, although it failed in its final task — putting into orbit a dummy satellite. Even so, it was a welcome half-success after years of setbacks and failures. The mission is likely to be seized upon by [North Korea](https://archive.is/o/a0crs/https:/www.thetimes.co.uk/article/north-korea-demands-end-to-joint-military-exercises-amid-further-missile-tests-hgwhg3jwf) as an example of double standards. Beginning in 1998 the North fired off a series of what it called civilian rockets, which were denounced by the US and South Korea as a front for developing long-range missiles. These predictions turned out to be correct and North Korea now has an arsenal of ballistic missiles, including weapons with the range to potentially strike the mainland United States. South Korea says its programme is intended for nothing more than launching civilian satellites. It was a nervous day for South Korea. In 2010 an earlier version of the Nuri exploded two minutes after take off, and until this afternoon the failure rate for the country’s rockets was 70 per cent. The launch was postponed by an hour as engineers checked valves in the rocket — among its three million separate parts. But just after 5pm local time the Nuri lifted off smoothly into clear skies and jettisoned its first and second stages on schedule. The launch confirms South Korea as only the seventh country in the world to have developed a domestic space vehicle that can carry a payload heavier than a tonne, after China, France, India, Japan, Russia and the United States. However, Nuri failed to launch its 1.5-tonne dummy satellite of steel and aluminium, which was supposed to have been placed into a low earth orbit of 600km to 800km. “It’s very difficult for newcomers to achieve this,” President Moon said at the Space Centre after the launch. “But we achieved it, with no help from other countries.” A version of the Nuri was successfully launched in 2013, though its first stage was manufactured in Russia. There is no immediate prospect that South Korea will convert its rocket technology to military use. It already has short and medium-range ballistic missiles although it is bound by an agreement with its US ally to limit these in range to 800km. Last month South Korea joined the small group of countries able to fire ballistic missiles from a submarine. With a range of 500km, the Hyunmoo 4-4 missile fired from a 3,000-tonne Dosan Ahn Chang-ho class submarine has all of North Korea within its range. But when North Korea carried out its [own submarine missile launch](https://archive.is/o/a0crs/https:/www.thetimes.co.uk/article/north-korea-tests-unidentifed-ballistic-missile-lw5fh0t8k) this week, the South expressed its “regret” and the US condemned the action. “To criticise [North Korea] for developing and test-firing the same weapon system as the one the US possesses or is developing is a clear expression of double standards and it only excites our suspicion about the ‘authenticity’ of its statement that it does not antagonise [North Korea],” a spokesman in Pyongyang said.

#### Soko complicates the space race---sends a signal of prolif to noko and allies.

Clarke et al. 21 (, C., Lee, S. and Woolnough, M., 2021. China isn't the only nation preparing for war in space. A small neighbour flew 'under the radar'. [online] Abc.net.au. Available at: <https://www.abc.net.au/news/2021-10-22/korea-china-india-space-race-military-flex/100547832> [Accessed 12 January 2022] Carrington Clarke is the ABC's Seoul Correspondent, covering East Asia for the network. He works across digital, television and radio. He's held a range of roles at the ABC including as a reporter with ABC Investigations, the flagship current affairs television program 7.30 and as a reporter and presenter with The Business. He previously worked at SKY News as a reporter and presenter. Before making the transition to journalism he worked as an economist.)-rahulpenu

Asia is in the midst of a space race, but it's not just about exploration. It's also a military flex

The space race has never purely been about planting a nation's flag on an object in space or benign scientific discovery. It's always had a military and strategic dimension. For almost half a century, as the US and Russia competed for dominance above Earth, both superpowers spent billions exploring space weapons, like death rays fired from rocket ships. Yet while the cold war ended some 30 years ago, some fear that a new space race may be a sign the world is poised to enter another arms race too. This time, however, it won't just be limited to global superpowers. "The reality is that militarisation — and, if you like, democratisation — of space technologies, means that there are going to be more and more entrants into the area," said Brett Biddington, a space policy expert based in Canberra. "The rocket that can launch a nuclear weapon is very, very similar to the rocket that can launch a satellite to do observations for weather." Today, the pool of countries deploying huge amounts of cash to stake out their claims in the skies above is growing larger. China, India and Japan have already started to demonstrate both the ambition and technological skills necessary to be considered space powers. This week, **South** **Korea** revealed that it too wants to be taken seriously on the global stage, **refusing** **to** **be** **left** behind in the race to space. The launch of the gleaming South Korean space rocket Nuri, the first fully domestically produced space launch vehicle, was supposed to be a moment of national pride for the country. The result was mixed. The rocket launched successfully but the dummy satellite it carried didn't make it into orbit. Still, South Korean President Moon Jae-in promised a "**Korea** **space** **age**" and said his country's ambitions would not be thwarted. How South Korea 'flew under the radar' While its neighbour North Korea is more widely known for its nuclear weaponry, South Korea has been quietly working on **developing** its own **military** **capability**. In recent years, the country has increased its military spending, earmarking roughly $US85 billion ($113 billion) in funding for arms improvements between 2020 and 2024. But Dr Biddington said the launch of Nuri was a significant milestone for South Korea because "launching a launch vehicle is a really difficult thing to do". "South Korea has a long and quite distinguished space heritage. It set up its space agency in 1989," he said. "I feel like it's been flown under the radar, so to speak. "It's just quietly developed capabilities and used those capabilities without wanting to unduly upset any of its neighbours." Dr Biddington suggested the launch was also a sign that **South** **Korea** **now** wants to **assert** its **independence** not only **to** its **rivals** but also to its **allies**. "It's also a **message** **to** the neighbours of Korea, maybe **North** **Korea** especially," he said. "But also it's a comment to Japan and to China and to Russia, and even the United States that Korea has quietly and patiently developed capabilities that allow it to stand on its own two feet when it comes to its interest in outer space."

The space race and the arms race

**Nuri's** launch comes at a **time** **of** **heightened** tensions **in** the region with a full-blown arms race in action. Koreans have become accustomed to projectiles being launched from their peninsula. On Thursday, North Korea showed off its new Submarine Launched Ballistic Missile (SLBM) only a month after South Korea had shown off its own version. But it's not just confined to the peninsula, with reports this week suggesting China had tested a new 'hypersonic missile' that utilises space rocket technology to create a potentially devastating weapon. China dismissed the reports but Chang Young-keun, a missile expert at the Korea Aerospace University, said it was almost certain what China deployed was a weapon. "They definitely tested a hypersonic vehicle, not a space rocket," he said. Against such a backdrop, South Korea is not hiding that its space program has major military implications. "When we improve our civilian space technology, we also improve our military space technology," said Professor Chang. This week the country welcomed hundreds of international delegates to its major arms fair, the Aerospace and Defence Expo or ADEX. It was jam-packed with theatrics: Fighter jets manoeuvring overhead, drawing giant love hearts in the sky with their contrails as delegates below chowed down on **smoky** **Texas** **grill** and **burgers**. South Korean President Moon Jae-in made his own surprise visit to the event in the back of a fighter jet, urging the country to redouble its efforts to become a global defence leader. "The goal of building strong defence power is always to foster peace," he told the crowd.

The benefit of a space race

South Korea may not yet have its own dedicated 'Space Force' like the US, but it has made clear that **space** is **crucial** **to** its **defence**. However, there are also legitimate civilian and scientific motivations for its ambitions for a space industry. South Korea's capacity to launch its own rockets is a critical step for reaching goals like a national 6G cellular network and a sovereign radio navigation system like the American GPS. Lee Hyung-mok, who is a professor emeritus in physics and astronomy at Korea National University, said he and his fellow scientists were excited about the opportunity to use these rockets. He said they will help transport observation equipment outside the earth's atmosphere, allowing them to better understand our universe. Such a discovery doesn't come cheap and Professor Lee said he recognises that space travel can be expensive. He also said he knows that national defence is often an easier way to get the government to loosen the public purse strings. "Maybe the government decided to spend a huge amount of money because of the military importance," he said. Although competition might be spurring further investment in space, he still worries about where it might lead. "What I really hope is that instead of competing too much, it's better to collaborate," he said. "So in many areas, they try to work together." But he said within Asia, no-one is in that "mood" yet.

#### Continued development spurs competition, security fears, and perceived nuclearization.

Lee 21 [Jeong-Ho Lee, Bloomberg Government Reporter, SNU graduate, Kings College PHD Student 10-20-2021, "South Korea to Launch New Rocket as Arms Race Builds Across Asia," Bloomberg, <https://www.bloomberg.com/news/articles/2021-10-20/south-korea-to-launch-new-rocket-as-arms-race-builds-across-asia>] //Jay

South Korea is set to launch a home-developed Nuri rocket Thursday, showing global powers a leap in aerospace technology that can be used for both commercial and military purposes. President Moon Jae-in plans to watch the launch of the three-stage liquid-fuel rocket carrying a 1.5-ton dummy payload, which is set for liftoff at about 4 p.m. local time from the Naro Space Center on the country’s southern coast. South Korea sees the program as bolstering its competitiveness in 6G communications and helping it place more eyes in the sky as rival North Korea adds to its arsenal, including intercontinental ballistic missiles. The launch comes months after the U.S. removed limits on South Korea’s rocket development in place since the Cold War. South Korea has recently made advances in both its military missile capabilities and civilian program, playing catchup with more advanced space programs in China and Japan. While South Korea doesn’t have a nuclear arms program, support for them is higher among the public than in Japan -- another U.S. ally dependent on America for deterrence, where opposition is strong after America dropped two atomic bombs at the end of World War II. One of the top contenders for South Korea’s presidential race next March, conservative Hong Joon-pyo, told Bloomberg in September it might be time for the country to have nuclear weapons. That could add a twist to the Nuri program, which is currently for civilian use. U.S. ‘Naive’ About Kim Talks, Leading South Korea Candidate Says “If you just replace the satellite with a warhead, South Korea’s rocket becomes an ICBM,” said Cheon Seong-whun, a former security strategy secretary of South Korea’s presidential Blue House. Washington has welcomed the advances in South Korea’s space program. The Seoul government in May joined NASA’s Artemis program, which plans to return humans to the lunar surface. The 1.5-ton satellite on Nuri is expected to enter into orbit about 600 to 800 kilometers (375 to 500 miles) above the Earth. It would be a major advancement over South Korea’s two-stage Naro space vehicle built with domestic and Russian technology, which was hit by delays and two failed launches before a successful flight in 2013. South Korea has invested approximately $1.8 billion into the project since 2010, well before Moon took office in 2017. South Korea eventually plans to send a spaceship to the moon by 2030, after aiming to send a probe there for more than a decade. Just hours before Moon witnessed the test of South Korea’s new submarine-launched ballistic system last month, North Korea test-fired ballistic missiles off a train for the first time. On Tuesday, Kim Jong Un’s regime fired off its first missile from a submarine in about five years. China on Saturday sent three astronauts to its Tiangong space station, while its reported launch of a hypersonic missile into orbit has raised concerns that U.S. rivals are quickly neutralizing the Pentagon’s missile defenses even as it invests tens of billions of dollars in upgrades. As regional security concerns heat up, South Korea has been pushing to fully activate its “425 Project” of high-resolution surveillance satellites as early as next year. The program would have civilian and military applications to watch the Korean Peninsula including North Korea -- and possibly China.

**Causes East Asian war---escalation, miscalc, and cyberattacks.**

**Sukin and Dalton 21** Lauren Sukin, 10-26-2021, (Lauren Sukin is a Ph.D. candidate at Stanford University’s department of political science and a pre-doctoral fellow at the Center for International Security and Cooperation. Toby Dalton is a senior fellow at, and co-director of, the Nuclear Policy Program at the Carnegie Endowment for International Peace.)"Why South Korea Shouldn’t Build Its Own Nuclear Bombs," War on the Rocks, <https://warontherocks.com/2021/10/why-south-korea-shouldnt-build-its-own-nuclear-bombs/> //Jay

Lind and Press also point to alliance credibility challenges as a reason why South Korea should build its own nuclear weapons. They are certainly not alone in warning that U.S. nuclear credibility may be crumbling, yet there is plenty of evidence indicating the political and military foundations of the U.S.-South Korean defense relationship remain strong. Recent public opinion surveys by the Chicago Council for Global Affairs showed that 62 percent of Americans support the use of U.S. military forces to defend South Korea against a North Korean attack. This is matched by attitudes in South Korea, where the public also continues to express high levels of support for, and confidence in, the alliance. A September 2021 Asan Institute poll, for example, showed 78 percent support for maintaining or strengthening the U.S.-South Korean alliance. Proponents of a South Korean nuclear weapons program argue, however, that South Koreans are no longer confident in the United States — they point to high levels of public support for nuclear proliferation (70 percent in the recent Asan poll) and concerns that South Korea’s military alone is not sufficient to deter North Korea (72 percent, according to Asan). But deeper research paints a more nuanced picture of the credibility challenge. For example, research by Lauren Sukin found that, in 2019, 58 percent of South Korean survey respondents believed the United States would use nuclear weapons to defend South Korea from a North Korean nuclear attack. Other work shows robust U.S. public support for the nuclear security guarantee to South Korea. Scholars have similarly found that the U.S. public is willing to use nuclear weapons, including against North Korea, and even when there is a high risk of nuclear retaliation. So the claim by Lind and Press that “South Korea can’t be sure it can depend on its U.S. ally for protection” seems overblown. This is not to argue that concerns about alliance credibility have no basis. Building confidence in the alliance among the South Korean public is an ongoing challenge, made much harder in the wake of the Trump administration’s extortionate approach to alliance burden-sharing negotiations. South Koreans were also alarmed in 2017 that President Donald Trump’s “fire and fury” might result in a war they did not want. Yet, neither of these are problems are fundamentally about the reliability of U.S. promises to aid South Korea in a security crisis. Rather, they point to a need for better alliance political and military cohesion, especially coordination about contingencies involving North Korea that could escalate to use of nuclear weapons. In sum, alliance credibility problems are real but not as severe as many have suggested, and nuclear weapons are far from a clear remedy for the problems that persist. **Would Nuclear Weapons Improve South Korean Security?** Even if the alliance problems were as profound as some analysts contend — and if South Korean nuclear proliferation did not somehow make them worse — a South Korean decision to acquire nuclear weapons would not necessarily improve Seoul’s security against North Korea or China, as advocates have claimed. Indeed, a lot would depend on how North Korea and China would react to South Korean proliferation. South Korean nuclear weapons may not be especially useful politico-military tools against China. U.S. nuclear threats against China during the Korean War did not dissuade Beijing from continuing to fight. Nor has China hesitated to leverage its conventional military strength in territorial contests with nuclear-armed India. China’s ongoing modernization of its nuclear forces — whether by constructing missile silos or testing hypersonics — suggests Beijing may view the survivability and effectiveness of its arsenal as vital for deterring the United States, especially in the Taiwan Strait. Would South Korean nuclear weapons dissuade Beijing from undertaking coercive operations against Seoul? It seems unlikely. If anything, South Korean proliferation could plausibly invite more **coercive Chinese economic and military pressures** if Beijing interpreted Seoul’s nuclear arsenal as a direct challenge to its regional aspirations. Vis-à-vis China, then, South Korea could wind up counterintuitively less secure with nuclear weapons than without them. South Korean nuclear weapons could similarly make the situation with North Korea much more dangerous. Already, joint U.S.-South Korean military exercises, which Pyongyang calls “exercises for a nuclear war,” have repeatedly prompted North Korea to issue aggressive rhetoric, engage in cross-border provocations, and conduct missile tests. In the face of a South Korean nuclear weapons program, it would be unreasonable to expect North Korea to take no countervailing actions. For example, it seems likely that South Korean proliferation could cause N**orth Korea to further augment** its nuclear arsenal, posture its nuclear weapons for first use, or take greater risks to gain the upper hand in an escalating military crisis. After all, even the United States, with its far superior nuclear arsenal, has had limited success deterring or compelling North Korea. Moreover, even if South Korean nuclear weapons likely would deter large-scale violence by China or North Korea, they could make the threat of low-level conflict escalation greater than it already is today. This is especially important in the Indo-Pacific context, where the most prevalent threats and sources of crisis escalation — such as China’s overflights of contested territory or North Korea’s offensive use of **cyber** capabilities — exist far below the nuclear threshold. The “stability-instability paradox” of nuclear weapons suggests that, although mutual possession of nuclear weapons may reduce the chances of nuclear war, it may, at the same time, make conventional wars and militarized crises more likely, as well as incentivize greater risk taking at lower levels. A more moderated version of this argument suggests that nuclear weapons may not necessarily make low-level conflict more likely, but neither do they prevent it. For instance, a nuclear-armed South Korea could be emboldened to respond more aggressively to North Korean provocations with proactive deterrence or “quid pro quo plus” military operations, the inherent escalation risks of which are intended to dissuade North Korea in the first place. Facing perceived “use or lose” pressures, North Korea may be quicker to cross certain **escalation** thresholds, such as the use of long-range rocket systems, as it seeks escalation dominance. The potential for these action-reaction dynamics to spiral into a race up the escalation ladder is clear. To be certain, this potential is already present, but it seems likely to worsen if South Korea possessed nuclear weapons. Reaction times during moments of crisis would be shorter, tensions higher; **miscommunication** and misperception easier, and nuclear use more accessible. South Korean proliferation could, then, make conflict more likely at worst and fail to deter it at best.

#### East Asian war escalates and outweighs.

Tan 15 (January, Andrew Tan, Associate Professor PhD (Sydney), M Phil (Cambridge), B Soc Science (Hons) (NUS), BA (NUS) School of Social Sciences, “Security and Conflict in East Asia”, Google Books, pgs. 3-4)

The **high tensions in East Asia**, the highest since the end of the Second World War **have led to** fears of open conflict **involving the states in the region as well as extra-regional powers, in particular the USA**. By early 2013 **tensions between North Korea on the one hand, and South Korea, the USA and Japan**, on the other, had deterior**ated to their worst level since the end of the Korean War** in 1953, **sparking feats of an accidental war due to North Korea’s brinkmanship and political miscalculation** (ICC 2013a). **Tensions between the People's Republic of China and Japan were also at their highest since the end of the Second World War**, due to their dispute over the Diaoyu/Senkaku lslands (Hughes 2013). More seriously, **China, the USA and North Korea possess** nuclear weapons**, and Japan has always been regarded as a** threshold nuclear power, **as it possesses plutonium stocks generated through its power industry, ballistic missile capability and the technology to rapidly transform itself into a significant nuclear weapons power should it choose to do so** (Rublee 24110: (12-(>3). **South Korea could also be forced to** develop its own nuclear weapons **if the threat from a hostile aggressive and unpredictable North Korea continues to grow** as it develops its nuclear, chemical and biological weapons capabilities, and uses them to coerce South Korea (New York Times 2013). The impact of any regional conflict in East Asia will be significant and global. **Any conflict in this region would involve not only states in the region and US allies from further afield, but also** quickly escalate into a nuclear conflict, **given the superiority that the USA enjoys in terms of conventional warfare capabilities over North Korea, and to a diminishing degree, China**, thus **forcing them to resort to non-conventional means, such as nuclear weapons, in any major conﬂict**. Indeed, the US strategy of Air-Sea Battle, which involves attacking China’s surveillance, intelligence and command systems, are likely to be interpreted by China as attempts to disarm its nuclear strike capability and could thus lead to a quick and unwanted escalation into a nuclear conflict (Schreer 2013). Moreover, today **the centre of the global economy no longer resides in Europe or North America but in Asia, in particular, East Asia**. Indeed, **three of the key actors in the region, namely the USA, China Japan, are also the three largest economies in the world**, with South Korea ranked 15th in global terms, according to the World Bank. Any conflict in East Asia will therefore have a profound, global economic impact. Furthermore, **the fact that any conﬂict could escalate into a major war,** including nuclear war**, means that conflict in East Asia will have** global implications **as well as** uncertain consequences for the international system.

#### Nuclear war causes extinction

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf> //Re-cut by Elmer

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about **20 percent** for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species) as well as destroying the delicate interwoven techno-structure on which latter-day 'civilization' has come to depend. Temperatures would drop to below those of the last ice-age for up to 30 years as a result of the lofting of up to 180 million tonnes of very black soot into the stratosphere where it would remain for decades. 15. Though human ingenuity and resilience shouldn't be underestimated, human survival itself is arguably problematic, to put it mildly, under a 2000+ warhead USA/Russian federation scenario. 16. The Joint Statement on Catastrophic Humanitarian Consequences signed October 2013 by 146 governments mentioned 'Human Survival' no less than 5 times. The most recent (December 2014) one gives it a highly prominent place. Gareth Evans’ ICNND (International Commission on Nuclear Non-proliferation and Disarmament) Report made it clear that it saw the threat posed by nuclear weapons use as one that at least threatens what we now call 'civilization' and that potentially threatens human survival with an immediacy that even climate change does not, though we can see the results of climate change here and now and of course the immediate post-nuclear results for Hiroshima and Nagasaki as well.

### 1AC: Method

#### 1] Debate is imperfect, but only our interpretation can harness legal education to understand the law’s strategic reversibility paired with intellectual survival skills.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem **into manageable components**. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

#### 2] Transformative politics must adapt to the realities of implementation – critique alone cannot overcome existing juridical limitations

Carisa R. Showden 12, Assistant Professor of Political Science at the University of North Carolina, Greensboro, "Theorising maybe: A feminist/queer theory convergence," 2012, Feminist Theory 13(1), pp. 3-25

Sex radicals assert that criminalising prostitution restricts women’s sexual freedom by contributing to the stigma surrounding prostitution specifically and sex more generally. Many further argue that sex has multiple meanings depending upon the context in which it is engaged, but that legal and regulatory schemes flatten nuance, thereby promoting a singular meaning of sex for all citizens.28 And while I, too, would insist that sex acts can have multiple meanings, the interpretive limits imposed by the historically and culturally specific contexts in which they take place must always be borne in mind. We need to take seriously the sex radical critiques of existing juridical limits on sexual activities and cultural norms of ‘good womanhood’. But we should also remember, as legal scholar Jane Scoular writes, that sex work should be viewed with ambivalence: ‘It is an activity which challenges the boundaries of heterosexist, married, monogamy but may also be an activity which reinforces the dominant norms of heterosexuality and femininity’ (2004: 348). Because sex and sex work have many meanings, but those meanings and the ability to deploy them are restricted by the material conditions under which prostitutes labour (and clients and outsiders come to understand sexuality), the sex radicalism perspective needs to be amended to fit more clearly within a Foucauldian power frame. Note the convergence of feminist and queer epistemologies here. On the queer hand, sex does not have to reveal anything about one’s core identity, and sex is a mode of transgression. But on the feminist hand, sex is about power, subordination is part of sex, and sometimes that subordination is problematic. Because of its affinities with both queer theory and feminism, this ‘sex-positive queer feminism’ is feminism as ‘maybe’: a qualified endorsement of sexual practices as politically resistant but fully within the definition of feminism as a theory of subordination and hegemonic heterosexuality. This theory can provide located, specific, non-universal norms of sexual resistance by excavating specific sites of sexual and political practice in order to see how subordination works in the particular location under study and what might count as resistance within these contexts given differentiated practices, conceptual frameworks, and material resources. These excavations need not assume in advance that because the practice involves commercialisation, or sexual interactions, or men, that it will be bad or good for women. By remaining agnostic on this question, sex-positive queer feminism might be better able to locate resources that can facilitate resistance without assuming that equality or non-subordination is universally required for it. One danger of such local analyses is in potentially failing to see systemic links between practices in multiple sites. These links are important, and radical feminism has produced compelling analyses of these imbricated structures. But structural links are not the same as practices of power that precisely map onto each other in their intentions and effects. Both the linkages, and the differences, are important in developing a theory of freedom and equality. In the frame of our two narratives of the sex/gender wars, while there are obvious affinities between queer theory and sex-positive feminist theory, they are, fundamentally, different bodies of arguments. If we revive sex radicalism, we are continuing the first story, not the second. Even if we think of sex-positive feminism as the queering of feminist theory, it is not queer through and through: it is animated by its brief for F; and while it has a more complicated relationship to the function of subordination – questioning the linear through-line posited by radical feminism from heterosexual intercourse to women’s civil rights, political standing, and social welfare – it still has a theory of subordination and harm. Pro-sex feminism can, finally, stay within the heterosexual frame (M/F) without assuming its totality. As feminism, sex radicalism starts from the assumption that M/F is a significant, though not exclusive, feature of sexuality and power relations, but still contests the epistemic rigidity that dominance feminism proclaims for ‘sex’. One does not need to go all the way to queer theory to get the epistemic critique of dominance feminism. It is possible to know something about sex that is outside the dominance feminist frame and still carry a brief for F. Theory, politics, and prostitution One way to think about sex-positive queer feminist norms is that they are multiple and therefore must be balanced. To balance them one must consider the various constraints on subjects in practice. If what is required to realise particular norms (anti-subordination or sexual autonomy or economic stability) is different practices in similar institutions, and if the norms most needed for resistance are also variable, then one resulting argument is that some situations of prostitution are more ethically defensible than others. A sex-positive queer feminism then leads us to think about sex generally and prostitution specifically as multiple; rather than ‘prostitution’ we are led to think about ‘prostitutions’. This is problematic, perhaps, from a legal perspective, which, as I noted above, might be one reason why Halley and others argue that MacKinnon’s work ‘won’ the legal feminist sex wars. But politics and policy can be (slightly) more nuanced and context-sensitive. Here sex-positive queer feminism needs to be (warily) more governance-oriented. It needs to infuse prostitution policy with a different ethics – to take the norms it brings to queer theory and make them work for women, to fight the subordination produced by stigmatising ‘deviant’ sex as well as the subordination produced by poverty and coercion into sex. The epistemological shift I am endorsing matters ethically for public policy debates, even recognising the inconsistent relationship between a policy’s goals and its actual material effects, as these debates create frameworks of understanding and subjectification.

#### 3] Reject monocausal explanations of the world: they ignore complexity/are the product of epistemic closure

Sil and Katzenstein, 10(Rudra, PoliSci@Penn, Peter J., Gov@Cornell, Analytic Eclecticism in the Study of World Politics: Reconfiguring Problems and Mechanisms across Research Traditions Perspectives on Politics, Vol. 8, No. 2 (June 2010), pp. 411-431) // recut CVHS SR

This is not the first call for something resembling eclecticism. In addition to Lindblom and Cohen, numerous scholars have issued pleas for a more practically useful social scienceor, following Aristotle, a "phronetic" social science oriented more toward social commentary and political action than toward inter-paradigm debates.3 In international relations, prominent scholars, some even identified with particular research traditions, have acknowledged the need for incorporating elements from other approaches in order to fashion more usable and more comprehensive forms of knowledge. For example, Kenneth Waltz, whose name would become synonymous with neo realism, argued in his earlier work: "The prescriptions directly derived from a single image [of international rela tions] are incomplete because they are based upon partial analyses. The partial quality of each image sets up a tension that drives one toward inclusion of the others . . . One is led to search for the inclusive nexus of causes."4 An ardent critic of realist theory, Andrew Moravcsik, would have to agree with Waltz on this point: "The outbreak of World Wars I and II, the emergence of international human rights norms, and the evolution of the European Union, for example, are surely important enough events to merit comprehensive explanation even at the expense of theoretical parsimony."5 Similarly, in an important symposium on the role of theory in comparative politics, several prominent scholars emphasized the virtues of an "eclectic combination" of diverse theoretical perspectives in making sense of cases, cautioning against the excessive "simplifications" required to apply a single theoretical lens to grasp the manifold complexities on the ground.6 As far as programmatic statements go, these views are all consistent with the spirit of analytic eclecticism. Whether these positions are readily evident in research practice, how ever, is quite another matter. For the most part, social scientific research is still organized around particular research traditions or scholarly communities, each marked by its own epistemic commitments, its own theoretical vocabulary, its own standards, and its own conceptions of "progress." A more effective case for eclectic scholarship requires more than statements embracing intellectual pluralism or multicaiisal explanation. It requires an alternative understanding of research practice that is coherent enough to be distinguishable from conventional scholarship and yet flexible enough to accommodate a wide range of problems, concepts, methods, and causal arguments. We have sought to systematically articulate such an understanding in the form of "analytic eclecticism," emphasizing its pragmatist ethos, its orientation towards preexisting styles and schools of research, and its distinctive value added in relating aca demic debates to concrete matters of policy and practice. Below, we first offer a brief discussion of the benefits and limitations of research traditions and consider how analytic eclecticism complements existing traditions by seeking to leverage and integrate conceptual and theoret ical elements in multiple traditions. In the next three sec tions, we elaborate on three distinguishing features of eclectic scholarship: its pragmatist ethos; its open-ended approach to identifying problems; and its expansive under standing of causal mechanisms and their complex inter actions in diverse contexts. We then consider a small sample of work in comparative politics and international rela tions that illustrates the combinatorial potential of eclec tic scholarship. The conclusion considers the risks and costs of analytic eclecticism, but views these as acceptable in light of the potential gains of accommodating eclectic approaches that complement and engage tradition-bound research in the social sciences.7 (412)