# 1NC

## T – Positive Action

#### Unjust refers to a negative action – it means contrary.

Black’s Laws No Date "What is Unjust?" <https://thelawdictionary.org/unjust/> //Elmer

Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

## Fem IR

#### The aff’s trust in distinctions between the “private” and “common” strengthens patriarchal binaries where nature and resources are feminized, leading to never ending abuse and destruction

Sotiropoulou 17

(Irene Sotiropoulou, PhD (Economics), Postgrad Diploma (Development Economics), MA (International & European Studies), LLB (Law); (09/2017 accessed 12-29-2021) “Commons and Private Property as a Patriarchal Trap”; https://www.researchgate.net/publication/323259615\_COMMONS\_AND\_PRIVATE\_PROPERTY\_AS\_A\_PATRIARCHAL\_TRAP)//ckd

What is important: in patriarchy, the propertied thing, that “something” that the owner can use, harvest and abuse or dispose, is by priority the human body and nature, i.e. alive creatures, in many cases very similar to the creature that an owner can be. Well, not all human creatures are very similar according to patriarchy. The patriarchal binaries come into force when ownership and property emerge as an issue: women are supposed to be owned by men, children are supposed to be owned by fathers, black workers are supposed to be owned by the white-owned factory that imposes quasi-slavery working conditions or an entire river ecosystem is supposed to be owned by the state or by the corporation that rules the use of the water that runs through the river (Fraser 2013a, Federici 2004, Borneman 1975, Cassano 2009, Dallacosta & James 1975, Graeber 2006). Particularly, nature in patriarchy is not only objectified and understood as existing for humans and for satisfying their own agenda for survival, artistic expression or for beauty seeking. It is also feminised, so that it can be much easier treated the way women are treated in patriarchy: nature can be propertied by men, used, harvested, abused and then destroyed, as there is “plenty of nature” to proceed with more property owners being receiving what their privilege tells them to expect (BennholdtThomsen et al 1986, Mies & Shiva, Von Werlhof 2007, Sotiropoulou 2017a). 4.2. Common and private property Private property, therefore, is the property that belongs to one person or to one household or to one group of people who, as individuals, have agreed among themselves to own a thing by excluding all other people (like a corporation), and the property is passed down to their patrilineal descendants or relatives with the exclusion of other people or the community. Within this context, I understand the distinction between common and private property as being one more patriarchal binary. In addition, common property is never common enough, either for legal or de facto reasons: a river can be regulated as a common for the people living around or for the state that the river runs through, but not all people have access to the river or even if they have, they do not control what happens with the river, with its fish, with the water used for agricultural or industrial purposes. Even when something is deemed to be a “true” common, like the open sea or open space, the use of the common is practically available to those who have the means to navigate through the open sea or open space and to those who use both the sea and space for disposing their garbage and technological externalities, like accidents with environmental impact. It is not a coincidence that those who are practically able to use the global commons usually belong to social groups that are white, European/AngloSaxon, male, middle or upper class, with ownership of capital and land (Agathangelou & Ling 2006). 6 Why is that? Because even if we “all own the open sea”, the open sea is owned truly by those who have the means of production to travel, fish, extract oil or dispose their waste there. Means of production are owned privately in capitalism and in patriarchy. That is, private property is everywhere, even when the condition or the control of a common is under consideration. Moreover, the common property as an institution and as an idea, allows the establishment of property over nature and bodies. It does not matter that the property is not private or that it is not private yet. Even if it remains common, it is still a property with owners and excluded people, with rights to use, harvest and abuse for some, even if those “some” can be the entire humanity. In addition, it is the “common” that makes private property acceptable at the first place. It is not only that in practice (and in history), we have seen in many cases that the norms and/or legislation turned from regulating the common-propertied bodies (human/nonhuman) to allowing or instituting the exclusive right of the patriarch to those bodies, whether human or nonhuman. The patriarch or the private owner, even if it is a patriarchal substitute like a state, has the right, once a common property comes into existence, to distribute or retain that common property, to exclude from that common property social groups or everyone whom the patriarch/patriarchal substitute does not want to have access to (previously) common or (now) private thing, and to include to its control whomever supports patriarchal rights, like a corrupt politician who gets his share of profit for turning a blind eye to environmental destruction in his area (Mies & Shiva, Bennholdt-Thomsen et al 1988, Pateman 1988, Sugden & Punch 2014). 4.3. Property in patriarchy Historically we have not found any social and economic systems other than patriarchy where land and humans become (common or private) property (Lerner 1986, Mayes 2005, Brosius 2004). However, one would think of patriarchy as a system with property, just for the analytical need to avoid essentialism (like saying that property and patriarchy are the same thing and cannot exist otherwise). In patriarchy, most lands and means of production are owned by men or by patriarchal substitutes, like the state, corporations or women who serve patriarchy in all its aspects. That at some point, ownership might reach a person (man or woman) who is not so patriarchal as patriarchy expects them to be, that does not change the structure of the system as such, despite of the cracks or subversive possibilities that such “unfortunate” coincidence might create (Mayes 2005). Moreover, private property is the default institution concerning economic sharing or economic arrangements. Despite of what the discourse of the commons declares now and then, common property is not the default of a patriarchal system and even if it is at some point in history due to historical conditions that go beyond the usual patriarchal structures, patriarchy will make sure that the common property will be patriarchalised and privatised. 7 Sometimes, the process of patriarchalisation and privatisation go hand in hand. An example is the miri system of common/state lands in the Ottoman Empire, that degenerated as time went by, and as the Empire got more and more patriarchal, militarised and capitalised (Dönmez-Atbaşı & Sotiropoulou 2017). Therefore, privatisation is a systemic trait of patriarchy. Patriarchy is not just the economic system that has private property, but the system that has private property which is aggressively expanding. Privatisation expands formally, informally and through interpretation of the commons as spaces serving private property. Aggressiveness of privatisation is not theoretical only: it uses all types of physical violence to be established, increased, deepened and disseminated (Sotiropoulou 2015, Demsetz 1964, Bennholdt-Thomsen et al 1988, Von Werlhof 2007). Even in the construction of non-tangible properties over previously common goods one can see the violence that was a prerequisite for the private property to be instituted. Knowledge, especially medical knowledge, required a massive witchhunt in Western Europe and United States. The patenting of agricultural genetic material and biopiracy required and still requires colonial violence to exist. The construction of arts and culture or of production of know-how as private properties or even as common properties that need to be managed by certain managers and controlled by certain controllers required the violent exclusion or destruction of artists, communities or entire societies that produced goods, arts or entire cultures in ways that were not compatible with private property and patriarchy (Federici 2004, Mies 1998, Peterson 2003, Ehrenreich & English 1973).

#### Their method of i-law exacerbates suffering caused by existing hierarchies and allows states to use “one-size-fits-all” policy solutions. Only a feminist analysis can de-center states and increase accountability to break down gendered biases and create specific laws that can combat discrimination.

Hodson and Lavers 19

(Loveday Hodson and Troy Lavers, associate profs. @ Leicester University; (2019 accessed 12-23-2021); “Feminist Judgments in International Law”; HART Publishing; (pg 3-21) https://media.bloomsburyprofessional.com/rep/files/9781509914456sample.pdf)//ckd

Motivated by the English/Welsh project, we recognised that the methodology of re-writing judgments could have particular importance in an international law context. While feminist scholarship and activism is rich in its complexity and diversity and does not represent a single unified approach, feminists are increasingly at the forefront of critical international legal scholarship. Inspired by the ground-breaking work of MacKinnon in Towards a Feminist Theory of the State14 and Chinkin, Wright and Charlesworth’s 1991 article ‘ Feminist Approaches to International Law ’ 15 and subsequent monograph, 16 the challenge of laying bare the patriarchal structures upon which the discipline is founded and its consequent blind-spots has been taken up enthusiastically by a growing number of international scholars. 17 However, feminists have discovered that the obstacles they face are considerable. Their work brings into question the very structure of international law, its methods and values. Decision-making in international law traditionally prioritises abstract logic and hard (formal) law, thereby reducing the potential importance of conciliation, negotiation, soft law and equity. 18 Traditional scholarship in international law also has the State as its key focal point, raising questions about the power of the State, the sovereignty of States and the use of force by States. Consequently, issues of importance to women all too often fall into the blind spots of international law’s gaze. Hilary Charlesworth, for example, has wondered why there is ‘ a whole series of treaties obsessed with straddling stocks, when the use of breast milk substitutes, which is a major health issue for women in Africa, remains subject to voluntary W.H.O. codes ? ’ 19 A feminist international judgments project was therefore both timely and relevant. Indeed, frustrated by the confines of traditional international law, feminists have frequently sought to create alternative spaces in which to express their perspectives. There is a long tradition of feminists responding creatively to the discipline’s narrow confines by reaching beyond them, perhaps most famously in the form of women ’ s tribunals that aim to address the devastating failure of more formal fora to address crimes and gross human rights violations against women. 20 Other examples that have particularly inspired us include Buchanan and Johnson ’ s use of popular film to expose the binaries created in traditional approaches to the sources of international law, 21 and the work of Yoriko Otomo, whose poetry includes Her proper name: a revisionist account of international law , which relates an imagined (absent) account of the signing of the Treaty of Westphalia from the perspective of Maria von Helfenstein (Lady Landgravine): Lady Landgravine, they call me. Madame the Landgravine. They gift me so they can guarantee Manne ’ s humanity, Law ’ s masculinity. Their passage to Life and Immunity seduces with promises of Security. But for me ? What Virtue is left with no body to keep ? 22 Adopting inventive methods has been a crucial part of feminist attempts to disrupt and challenge the discipline’s normative foundations. While the creativity and vision that feminists demonstrate in their engagements with international law continue to inspire and encourage us, in practice, feminists ’ work has arguably struggled to make an impact on mainstream international law and in judicial thinking. International law as a discipline is deeply rooted in patriarchal thought, and it is notoriously dominated by male perspectives. This collection adopts an innovative approach – one that at once engages with and side-lines law ’ s authority – in order to join those eff orts that aim to produce a counter-narrative. Th e weight of international law ’ s norms is such that the simple yet powerful fact that the law might be otherwise can frequently be overlooked. In re-writing key international judgments, we aimed to demonstrate in accessible and meaningful ways possible alternatives to the structural inequalities of traditional international law. Simply creating a space in international law that is dominated by women is remarkable. Aside from the scholarly dominance of male voices, it is very apparent that women are excluded from international decision-making and, in particular, are frequently being overlooked for appointment to international courts and tribunals. According to recent research by Nienke Grossman: [O]n nine of twelve international courts of varied size, subject-matter jurisdiction, and global and regional membership, women made up 20 percent or less of the bench in mid 2015. On many of these courts, the percentage of women on the bench has stayed constant, vacillated, or even declined over time. Women made up a lower percentage of the bench in mid 2015 than in previous years on two-thirds of the courts surveyed. 23 As Grossman rightly concludes, such disparity brings the legitimacy of international tribunals ’ decision-making into question. 24 To some extent, this judgment re-writing project touches on the question of what other tangible differences would follow if gender parity on international benches were achieved, and we acknowledge that women’s participation is a vital subject for international lawyers to address. Nonetheless, this project is premised on the idea that it is not enough to call for gender parity: in seeking decisions that make a tangible difference and that address injustice, we pinned our hopes on self-consciously adopting feminist approaches to international law and judging as a driving force for meaningful change. 25 A further motivation for commencing this project was the opportunity it offered to explore the question of how far (international) law is amenable to feminist ends. 26 From Carol Smart ’ s caution that ‘ law is so deaf to core concerns of feminism that feminists should be extremely cautious of how and whether they resort to law ’, 27 feminists have not been uncritical of law ’ s potential to bring about radical change. Smart’s specific concern is that ‘ in accepting law ’ s terms in order to challenge law, feminism always concedes too much ’. 28 As coordinators of a project that places formal legal process at its centre, we were alive to these concerns yet persisted in the hope that feminist theory and methodology could off er alternative perspectives that illuminate pathways to doing law differently.

#### Framing space as a new province for “mankind” allows inequality to prevail – the aff using space as a scapegoat for existing problems creates a new world that reproduces structural imbalances and gendered dynamics in the formation of space law.

Steer 20

(Cassandra Steer, Mission Specialist with the ANU Institute of Space (InSpace), and a Senior Lecturer at the ANU College of Law specialising in space law, space security and international law; (07-27-2020) “’The Province of all Humankind’ – A Feminist Analysis of Space Law”; https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3670381)//ckd

3. Law and Power in Space The unequal power dynamics of international law are made apparent through the critical lens provided by feminist and TWAIL approaches to international law. But even through slightly less critical lenses, many theories of international law-making will recognize that these processes respond to the demands of international relations at a given point in time, and to the shifts in power dynamics, as different issues or values come to the forefront (Boyle & Chinkin, 2007, p. 1; D’Aspremont, 2010). The assertions of objectivity and neutrality made by the traditional doctrine of sources are therefore laid bare in all sub-branches of international law, including space law. I have argued elsewhere that space law and space politics are determined by the same big players who dominate terrestrial geopolitics: in simple terms, the U.S. first, the EU second, with a counterweight from China and Russia (Steer, 2019, p. 756). As with any other area of international law and international relations, these powerful actors determine how issues are framed and what legal structures are (or are not) put in place. For example, in the year that the OST came into effect, Austria, Iran and Egypt proposed to the UN the establishment of a global space organisation, that could mimic the International Atomic Energy Agency, to monitor space activity and promote the spread of space technology to less-developed countries, in line with the notion that space should be for the benefit and in the interests of all (Moltz, 2014, p. 44). But because this was not in the interests of either of the super-powers, who had a monopoly over space and its governance and who were consumed with their race to the Moon, it did not gain any support from them. Another example is the functioning of the UN Committee on Peaceful Uses of Outer Space (COPUOS), the body under which all five core space treaties were successfully and rapidly negotiated during the Cold War. For many years now, COPUOS has been deadlocked on seeking multilateral solutions to current issues in space, such as the rising concern for weaponization, or access to and sale of natural resources in space. Part of the problem is that it is bound to make decisions by consensus – a process which was intended to ensure equality of all votes among nations, regardless of their relative power. But this only made sense at a time when there were fewer members, and a narrower range of concerns about activities in space, in the mid-twentieth century at the beginning of the space race (Lyall & Larsen, 2018, pp. 16–17). Over time, with more members, it has become more difficult to come to consensus on any issues, and even the adoption of the non-binding Guidelines for the Long-Term Sustainability of Outer Space Activities took over a decade to agree upon (Working Group on the Long-term Sustainability of Outer Space Activities, 2019; Martinez, 2018). Often commentators will point to the fact that there have been no new space treaties since 1979, as evidence that there is no international appetite for new treaties. However as I have previously argued, this represents only the view of certain influential players, namely the U.S. and the allies which are tethered to it, because they are dependent upon it for national security or economic reasons: countries like Australia, Canada, much of the EU and the U.K. (Steer, 2019, p. 756). When the U.S. takes a position, tethered allies will follow suit. Issues where the U.S. position has thoroughly dominated include the rejection of a proposed Treaty for the Prevention of the Weaponization of Outer Space (PPWT), and resolutions before the UN General Assembly on the Prevention of an Arms Race in Outer Space (PAROS). China and Russia have co-sponsored draft PPWT texts before the Conference on Disarmament, but the U.S. has consistently rejected them, due largely to the fact that these proposals come from its greatest opponents. In 2018, the U.S. was the only country to vote no to all four resolutions proposed at the UN General Assembly on PAROS (Report of the First Committee, 2018; Meyer, 2018), and in 2019, the U.S. opposed discussions in a dedicated UN Group of Government Experts on PAROS, where there was general agreement about the need for an arms control treaty for space (Patriota, 2019, p. 757; Steer, 2019). The U.S. position also clashed with the position of the EU on the tail end of the negotiating process working towards a non-binding International Code of Conduct for Outer Space Activities (ICoC) in 2015 (Proposal for an International Space Code of Conduct, Draft, 2014). Despite having supported the initiative at its inception in 2008, the U.S. was unable to force the inclusion of a provision on the right to use force in self-defence, and as a result decided to jettison it’s support (Johnson, 2014; Meyer, 2015). The ICoC also faced pushback from the Global South, but for different reasons. The ICoC had originated as an EU initiative, and in its earliest iterations many developing countries objected to the Euro-centric procedures and selection of issues. To its credit, the EU responded to these critiques with a series of open-ended consultations in various regions of the world, before inviting all members of the UN to attend an international negotiation process in 2015. However, the concerns about process had not been addressed to the satisfaction of Brazil, Russia, India, China and South Africa (BRICS), who stated jointly that “the elaboration of such an instrument should be held in the format of inclusive and consensus-based multilateral negotiations within the framework of the UN” (BRICS Joint Statement, 2015). These countries took the opportunity to assert some power over a process that is typically represented the power imbalance of international law and international relations, and as a result the EU process – and ultimately the ICoC – failed. These examples demonstrate the importance of taking into account the current realities of international relations and international law when seeking to govern space in the twenty-first century. As feminist critiques have shown, law cannot be separated from the political, cultural, economic, and historical context in which it plays out, and in which the nations and people exist who are affected by the law. Already in 1968, the Secretary of the UN at the time, U Thant, warned “that the space age is increasing the gap between the developed and developing areas of the world at an alarming rate” (Note by the Secretary General Report of the Committee on the Peaceful Uses of Outer Space, 1968, p. 10) It is clear from the processes outlined here that certain countries are unwilling to let the power imbalance remain the status quo. This should be applauded, because that status quo keeps many nations out of the space race altogether, and limits the benefits they receive from human activities in space, in spite of the promise of the OST that space shall be the province of all. It is clear, therefore, that the pretenses of international law as being neutral, objective, and universal are false, and that space law is as much an expression of power dynamics as is any other area of law. There is no equality between countries, despite the notion of formal equality as a value underpinning international law, and the status quo is determined by interests of a small handful of countries which have managed to institutionalize the power they held at the close of the Second World War. There is no equal access to space, nor is there distribution of the benefits derived from space, despite this being a promise of the OST. Space is far from being the “province of all mankind”. Indeed, space is even further from being the province of all humankind. Access to, benefits from, and governance over space is the province of an elite few, and within those few there is a gender imbalance which mirrors the geographical imbalance. At the time that the OST was drafted, not only were there no women at the negotiating table, but under the U.S. programme, women were excluded from being able to become astronauts. To become an astronaut, one had to be a military test pilot, a profession from which women were banned (Koren, 2017). There was a strong lobbying campaign, led by highly qualified women pilots, to convince NASA and the White House to allow women to become astronauts (Klein, 2017), and a clandestine “Women in Space” program was bankrolled by the pioneering pilot Jackie Cochran Electronic copy available at: https://ssrn.com/abstract=3670381 DRAFT July 2020 – Do Not Cite 24 (Weitekamp, 2004). In this program, a number of women were selected by Dr. Randolph Lovelace, a contractor to NASA who led the physical tests and training for astronauts, to undergo the exact same training as the men, because he suspected women would be better candidates for space travel, due to our generally lighter weights and lower need for oxygen. A higher percentage of women passed the tests than men, and many of the women performed better than the male trainee astronauts. However, despite the test results, the deeply engrained sexism of the time prevailed. Apparently Lovelace’s motives may have been focused on the need for women as secretaries and assistants in future long-term space habitations (Weitekamp, 2004). When “Women in Space” candidate Jerrie Cobb testified before a congressional subcommittee in 1962, she stated “we seek, only, a place in our nation’s space future without discrimination” (Klein, 2017), but astronaut John Glenn testified that creating a programme to train women astronauts would compromise the race to land on the Moon before the Soviets. Moreover, he argued “the men go off and fight the wars and fly the airplanes and come back and help design and build and test them. The fact that women are not in this field is a fact of our social order.” (Weitekamp, 2004; Klein, 2017). Ultimately the lobbying campaign failed, and the Women in Space program was shut down because NASA did not sponsor it. One year later, the first woman in space was a Soviet woman, Valentina Tereshkova, in March 1963. The Soviets had beaten the Americans in yet another milestone in the space race, ostensibly breaking the glass ceiling for women’s participation. However, she was not to be followed by another woman until 1982, when Svetlana Savitskaya flew on a mission to the Soviet Salyut Space Station. Upon her arrival, Savitskaya was handed an apron by her crewmates, who “joked” that she should get to work in the kitchen. Despite this rude welcome, she went on to perform a series of highly skilled engineering tasks for which she had been trained, including testing a tool for welding in space, and becoming the first woman to undertake a spacewalk (Lewis, 2018). Women are still vastly underrepresented in all STEM careers, and in the entire space sector generally, as well as at all international negotiating tables and in national law-making. It matters, then, a great deal, who has the power to determine the laws and norms applicable to human activity in space. If we are at all serious about the promises of the OST, then this power balance must shift. We must take into account the interests of many more players than just the most geopolitcally influential as we seek new space law and governance solutions to today’s and tomorrow’s space activities. It starts with making explicit that space is not at all “the province of all mankind”, let alone the province of all humanity.

#### The impact is hypermasculine war-making- claims of objectivity are patently flawed because they are based in gendered decision-making

Sjoberg 13

(Laura, total bae, associate professor of Political Science @ University of Florida, University of Chicago; Ph.D., University of Southern California School of International Relations; J.D. Boston College Law School, Gendering Global Conflict: Toward a Feminist Theory of War Chapter: “Relations International and War(s),” Gendered Lenses Look at War(s), googlebooks, JKS)

Feminist scholars have also interrogated the unitary nature of the state, pointing out that efforts to maximize the state's security interests often threaten the security of people inside the state. Specifically, as I discussed in the previous section, the state's most marginalized citizens are often made insecure by state security-seeking, making it clear that a state does not have a single interest in interstate interaction but many that conflict. J. Ann Tickner contends that "an explanation of the historical development of state sovereignty and state identities as they have evolved over time does indeed suggest deeply gendered constructions that have not included women on the same terms as men." This is because, according to Tickner:¶ From the time of their foundation, states have sought to control the right to define political identity. Since their legitimacy has constantly been threatened by the undermining power of subnational and transnational loyalties, states' survival and success have depended on the creation and maintenance of legitimating national identities; often these identities have depended on the manipulation of gendered representation. . . . Drawing on metaphors that evoke matrimonial and familial relations, the nation has been portrayed as both male and female. . . . The sense of community implicit in these family metaphors is deeply gendered in ways that not only legitimate foreign policy practices but also reinforce inequalities between men and women.”¶  ¶ Using these gendered metaphors, the state can, while shoring up its "national interest," both threaten the interest of marginalized citizens inside it and reinforce power inequalities among its groups. Catherine MacKinnon has explained that the "state's structures and actions are driven by and institutionalize strategy based on an epistemic angle of vision" that can "distinguish public from private, naturalize dominance as difference, hide coercion beyond consent, and conceal politics beyond morality.” These structures require a certain standard of behavior from some members of the state,” while suppressing the voices of others altogether.”¶ With these tools, the state can appear unitary by suppressing its diversity and presenting one concept of national interest, autonomous of and not necessarily representative of its citizens. In this understanding, the sovereign state can be "an extension of the separation-minded realist man, also autonomous to various degrees from the diverse 'domestic' interests he-it allegedly exists to protect.” Additionally, states are complicit with gender subordination when they fail to intervene in domestic violence, perpetuate a heterosexist bias in education, exercise discrimination in welfare policies, and operate on patriarchal laws.” ¶ In this conception, the unitary state is a misleading and malignant construction. Two implications for the process of state interaction follow; states that interact often promote unrepresentative interests, and those unrepresentative interests exclude gender, racial, and cultural minorities. In this sense, states' elites often make wars (or fail to) "representing" a limited group or groups among their populations, while claiming full representativeness, effectively rendering a significant portion of their supposed "constituency" invisible in the process of interacting with other states. Empirically, this means that there are a number of levels of interstate interaction, many of which are omitted from process-based notions of dyadic war theorizing. Normatively, it suggests that our conceptions of how states interact (and the content of those interactions) are problematically skewed.¶ Rationality in Interaction This skew is particularly evident in the assumption of rationality." The rationality assumption implies that the knower/actor can separate himself/herself from the “other” in interactions with that other. Feminists have argued that knowledge is always perspectival and political; therefore, states and their leaders’ decisions about how to interact with others are not rational, but informed by their situational and political biases. In this view, the rationality assumption may be seen as at once itself a political bias and obscuring other political biases. As Naomi Scheman argues, perceived rational cost-beneﬁt analysis about war-making and war-fighting should “always be seen as especially problematical when... constructed only by those in positions of privilege... [which provide] only distorted views about the world.”78 In this view, rational calculation is not an objective, attainable, and desirable end, but a partial representation of both interest and actors’ representation of those interests. In this way, through gender lenses, rationality has been seen as importantly incomplete, leaving out signiﬁcant (if not the most significant) factors that go into decision-making.79 In addition to understanding the rationality assumption as partial (and therefore unrepresentative), feminist research has pointed out links between rationality and mascuIinism.8° As Karen Jones notes, advocates of rationality as a guide for interstate interactions“ assume: 1. Available... conceptions of rationality and reason represent genuinely human norms and ideals; 2. The list of norms and ideals contained within available conceptions of rationality and reason are sufficiently complete; and 3. The external normative functions assigned to reason and rationality are unproblematic.82 Looking through gender lenses shows problems with each of these assumptions. Feminists have argued that “the identity of the modern subject-in models of human nature, citizenship, the rational actor, the knowing subject, economic man, and political agency-is not gender-neutral but masculine (and typically European and heterosexua|).”83 This impacts not only how we see the rational subject, but how we predict and understand his decisions, at the state level as well as at the individual level. According to Margaret Atherton, the possibility of rationality has “been used in a disturbing fashion to mark a gender distinction. We have, for example, on the one hand, the man of reason, and, on the other, the woman of passion.”84 In rationality assumptions, traits associated with masculinity are normalized and traits associated with femininity are excluded. The impact is compounded because (masculinized) rationality and its (feminized) alternatives are not on equal playing ﬁelds. As a result, Karen Jones notes that “women’s assumed deficiency in rationality” has been used to exclude both women and knowledge associated with femininity from accepted views of the world.85 The alleged gender neutrality of rationality, then, “is often a covert form of privileging maleness”85 and omission of “what has traditionally counted as ‘feminine.’”87 Still, adding women and values associated with femininity to current concepts of rationality is unlikely to create a gender-neutral concept of rationality.88 This is because, epistemologically, the sovereign rational subject constructs artificial gendered boundaries between rationality and emotion, male and female, and knower and known.89 Among states, those boundaries are not benign. Instead, they breed competition and domination that inspire and foster war(s) and conﬂict(s).90 This competition frequently relies on contrasting the state’s own masculinity to the enemy’s (actual or perceived) femininity. This cycle of genderings is not a series of events but a social continuum. In these gendered relationships, as Zillah Eisenstein argues, “gender differentiation will be mobilized for war and peace,” especially moving forward into the age of an American empire focused on manliness.9‘ Feminists have long argued that competitions between hegemonic masculinities and subordinate masculinities play a role in causing war(s).92 Hidden beneath the assumed independence, rationality, and unity of state interaction leading to war are gendered interstate interactions that cause, constitute, and relate to war and wars. Feminist scholars have recognized the extent to which the preeminence of masculine values dominates (particularly conﬂictual) accounts of interstate interactions, wherein “rational” interactions often become “a self-reproducing discourse of fear, suspicion, anticipated violence, and violence” in which “force is used to checkmate force.”93 Interstate interactions leading to wars often show the gendered nature of war narratives, war logics, and war languages, which produce (and reproduce) gendered cycles of violence.

#### The alternative is to reject the aff in favor of an ontological revisionism that deconstructs the myth of the masculine western subject. This is a politics that destabilizes the masculine subject by revealing how its false universality underwrites gender violence globally

Youngs 04

(Gillian, Professor of Digital Economy at the University of Brighton, Feminist International Relations: a contradiction in terms? Or: why women and gender are essential to understanding the world ‘we’ live in\*, International Affairs, 80, pgs 77-80, JKS)

This discussion will demonstrate, in the ways outlined above, the depth and range of feminist perspectives on power—a prime concern of International Relations and indeed of the whole study of politics. It will illustrate the varied ways in which scholars using these perspectives study power in relation to gender, a nexus largely disregarded in mainstream approaches. From feminist positions, this lacuna marks out mainstream analyses as trapped in a narrow and superficial ontological and epistemological framework. A major part of the problem is the way in which the mainstream takes the appearance of a pre- dominantly male-constructed reality as a given, and thus as the beginning and end of investigation and knowledge-building. Feminism requires an ontological revisionism: a recognition that it is necessary to go behind the appearance and examine how differentiated and gendered power constructs the social relations that form that reality. ¶ While it may be empirically accurate to observe that historically and contemporaneously men have dominated the realms of international politics and ¶ economics, feminists argue that a full understanding of the nature of those realms must include understanding the intricate patterns of (gendered) inequalities that shape them. Mainstream International Relations, in accepting that because these realms appear to be predominantly man-made, there is no reason to ask how or why that is the case, stop short of taking account of gender. As long as those who adhere to this position continue to accept the sufficiency of the appearances and probe no further, then the ontological and epistemological limitations will continue to be reproduced. ¶ Early work in feminist International Relations in the 1980s had to address this problem directly by peeling back the masculinist surface of world politics to reveal its more complex gendered (and racialized) dynamics. Key scholars such as Cynthia Enloe focused on core International Relations issues of war, militarism and security, highlighting the dependence of these concepts on gender structures—e.g. dominant forms of the masculine (warrior) subject as protector/conqueror/exploiter of the feminine/feminized object/other—and thus the fundamental importance of subjecting them to gender analysis. In a series of works, including the early Bananas, beaches and bases: making feminist sense of international politics (1989), Enloe has addressed different aspects of the most overtly masculine realms of international relations, conflict and defence, to reveal their deeper gendered realities.3 This body of work has launched a powerful critique of the taboo that made women and gender most invisible, in theory and practice, where masculinity had its most extreme, defining (and violent) expression. Enloe’s research has provided one of the most comprehensive bodies of evidence for the ontological revisionism required of mainstream International Relations, especially in relation to its core concerns. ¶ When Enloe claimed that ‘gender makes the world go round’,4 she was in fact turning the abstract logic of malestream International Relations inside out. This abstract logic saw little need to take theoretical and analytical account of gender as a social force because in practical terms only one gender, the male, appeared to define International Relations. Ann Tickner has recently offered the reminder that this situation persists: ‘During the 1990s, women were admitted to most combat positions in the U.S. military, and the U.S. president appointed ¶ the first female secretary of state, but occupations in foreign and military policy- making in most states remain overwhelmingly male, and usually elite male.’5 ¶ Nearly a decade earlier, in her groundbreaking work Gender in International Relations: feminist perspectives on achieving global security,6 she had asked the kinds of questions that were foundational to early feminist International Relations: ‘Why is the subject matter of my discipline so distant from women’s lived experiences? Why have women been conspicuous only by their absence in the worlds of diplomacy and military and foreign policy-making?’ Tickner, like Enloe, has interrogated core issues in mainstream International Relations, such as security and peace, providing feminist bases for gendered understanding of issues that have defined it. Her reflection on what has happened since Gender in International Relations was published indicates the prominence of tensions between theory and practice. ‘We may have provided some answers to my questions as to why IR and foreign policymaking remain male-dominated; but breaking down the unequal gender hierarchies that perpetuate these androcentric biases remains a challenge.’7 ¶ The persistence of the overriding maleness of international relations in practice is part of the reason for the continued resistance and lack of responsiveness to the analytical relevance feminist International Relations claims. In other words, it is to some extent not surprising that feminist International Relations stands largely outside mainstream International Relations, because the concerns of the former, gender and women, continue to appear to be subsidiary to high politics and diplomacy. One has only to recall the limited attention to gender and women in the recent Afghanistan and Iraq crises to illustrate this point.8 So how have feminists tackled this problem? Necessarily, but problematically, by calling for a deeper level of ontological revisionism. I say problematically because, bearing in mind the limited success of the first kind discussed above, it can be anticipated that this deeper kind is likely to be even more challeng- ing for those in the mainstream camp. ¶ The second level of ontological revisionism required relates to critical understanding of why the appearance of international relations as predominantly a sphere of male influence and action continues to seem unproblematic from mainstream perspectives. This entails investigating masculinity itself: the nature of its subject position—including as reflected in the collective realm of politics— and the frameworks and hierarchies that structure its social relations, not only in relation to women but also in relation to men configured as (feminized) ‘others’ ¶ because of racial, colonial and other factors, including sexuality. Marysia Zalewski and Jane Parpart directly captured such an approach as ‘the “man” question in international relations’.9 I would like to suggest that for those sceptical about feminist International Relations, Zalewski’s introductory chapter, ‘From the “woman” question to the “man” question in International Relations’, offers an impressively transparent way in to its substantive terrain.10 Reflecting critically on the editors’ learning process in preparing the volume and working with its contributors, both men and women, Zalewski discusses the various modifications through which the title of the work had moved. These included at different stages the terms ‘women’, ‘masculinity’ and ‘feminism’, finally ending with ‘the “man” question’—signalling once again, I suggest, tensions between theory and practice, the difficulty of escaping the concrete dominance of the male subject position in the realm of international relations. ¶ The project’s starting point revealed a faith in the modernist commitment to the political importance of bringing women into the position of subjecthood. We implicitly accepted that women’s subjecthood could be exposed and revealed in the study and practice of international relations, hoping that this would also reveal the nature of male dominance and power. Posing the ‘man’ question instead reflects our diminishing belief that the exclusion of women can be remedied by converting them into subjects.11 ¶ Adding women appeared to have failed to ‘destabilize’ the field; so perhaps critically addressing its prime subject ‘man’ head-on could help to do so. ‘This leads us to ask questions about the roles of masculinity in the conduct of international relations and to question the accepted naturalness of the abundance of men in the theory and practice of international relations’ (emphasis added).12 ¶ The deeper level of ontological revisionism called for by feminist Inter- national Relations in this regard is as follows. Not only does it press beyond the appearance of international relations as a predominantly masculine terrain by including women in its analysis, it goes further to question the predominant masculinity itself and the accepted naturalness of its power and influence in collective (most significantly state) and individual forms.

#### The K comes first - policies are constituted by and produce subjects, not blanket assessments of outcomes and impacts. The ROB is to interrogate the gendered nature of the 1AC as a research project

Bacchi 16

(Carol, University of Adelaide, Adelaide, South Australia, Australia, (2016): Policies as Gendering Practices: Re-Viewing Categorical Distinctions, Journal of Women, Politics & Policy, DOI: 10.1080/1554477X.2016.1198207, JKS)

One important constitutive effect is how we are produced as subjects through the problematizations implicit in such texts, a process described as “subjectification” (Bacchi 2009, 16–17). For example, Foucault (1980) argues that specific problematizations of sexuality (e.g., sexuality as moral code, sexuality as biological imperative) create “subject positions” that enjoin people to become particular kinds of sexual subjects (see Howarth and Griggs 2012, 308). Marston and McDonald (2006) describe how individual subjects are produced in specific policy practices “as worker-citizens in workfare programs, as parent-citizens in child and family services or consumer-citizens in a managerial and marketized mixed economy of welfare” (3). Given the proliferation of practices, the formation of one’s subjectivity is an ongoing and always incomplete process: “the doer/subject/person is never fixed, finally as a girl or a woman or whatever, but always becoming or being” (Jones 1997, 267). Subjectification effects therefore are neither deter- mined nor predictable. People sometimes take up subject positions in ways that challenge hierarchical relations. For example, the discourse of rights creates as one possible positioning that of the human rights advocate. Moreover, as practices “through which things take on meaning and value” (Shapiro 1988, xi), policies have material (lived) effects, shaping the possibilities for people’s and peoples’ lives (Bacchi 2009, 16–18). Policies achieve these constitutive effects through discursive practices, which comprise the “conditions of emergence, insertion and functioning” of discourses (Foucault 1972b, 163), and hence bridge a material-symbolic distinction (Bacchi and Bonham 2014). A particular conception of power underpins an understanding of policies as constitutive practices. Power is conceptualized as productive rather than as simply repressive. Power is not considered to be something people possess (e.g., “he or she has power”) but as a capacity exercised in the production of subjects and objects (Heller 1996, 83). This productive or generative view of power does not conclude that power and resistance are necessarily equal in their effects, however. Such a conclusion would deny the hierarchies by which the organization of discourse takes effect (see Howarth and Griggs 2012, 310). This understanding of policy as constitutive of subjects and objects sits in sharp contrast to conventional views of the policy process, which, in the main, can be characterized as reactive. That is, in general, policy is considered to be a response to some condition that needs to be ameliorated or “fixed.” Policies are conceived as “reactions” to “problems.” By contrast, the understanding of policy offered in this article portrays policies as constitutive or productive of (what are taken to be) “problems,” “subjects,” and “objects” (Allan 2010, 14). It follows that it is no longer adequate to think in terms of conventional policy “outcomes,” understood as the results or “impacts” of government actions. New questions are required, such as the following: What does the particular policy, or policy proposal, deem to be an appropriate target for intervention? What is left out? How does the shape of the proposal affect how people feel about themselves and the issue? And how does it produce them as particular kinds of subjects?

## Case

### Advantage 1

#### Kessler syndrome is media hype – no risk

Von Fange 17

Daniel von Fange (systems engineer. Fond of charts), 5-21-2017, "Kessler Syndrome is Over Hyped," braino, http://braino.org/essays/kessler\_syndrome\_is\_over\_hyped/, // HW AW

Kessler Syndrome is overhyped. A chorus of online commenters greet any news of upcoming low earth orbit satellites with worry that humanity will to lose access to space. I now think they are wrong. What is Kessler Syndrome? Here’s the popular view on Kessler Syndrome. Every once in a while, a piece of junk in space hits a satellite. This single impact destroys the satellite, and breaks off several thousand additional pieces. These new pieces now fly around space looking for other satellites to hit, and so exponentially multiply themselves over time, like a nuclear reaction, until a sphere of man-made debris surrounds the earth, and humanity no longer has access to space nor the benefits of satellites. It is a dark picture. Is Kessler Syndrome likely to happen? I had to stop everything and spend an afternoon doing back-of-the-napkin math to know how big the threat is. To estimate, we need to know where the stuff in space is, how much mass is there, and how long it would take to deorbit. The orbital area around earth can be broken down into four regions. Low LEO - Up to about 400km. Things that orbit here burn up in the earth’s atmosphere quickly - between a few months to two years. The space station operates at the high end of this range. It loses about a kilometer of altitude a month and if not pushed higher every few months, would soon burn up. For all practical purposes, Low LEO doesn’t matter for Kessler Syndrome. If Low LEO was ever full of space junk, we’d just wait a year and a half, and the problem would be over. High LEO - 400km to 2000km. This where most heavy satellites and most space junk orbits. The air is thin enough here that satellites only go down slowly, and they have a much farther distance to fall. It can take 50 years for stuff here to get down. This is where Kessler Syndrome could be an issue. Mid Orbit - GPS satellites and other navigation satellites travel here in lonely, long lives. The volume of space is so huge, and the number of satellites so few, that we don’t need to worry about Kessler here. GEO - If you put a satellite far enough out from earth, the speed that the satellite travels around the earth will match the speed of the surface of the earth rotating under it. From the ground, the satellite will appear to hang motionless. Usually the geostationary orbit is used by big weather satellites and big TV broadcasting satellites. (This apparent motionlessness is why satellite TV dishes can be mounted pointing in a fixed direction. You can find approximate south just by looking around at the dishes in your northern hemisphere neighborhood.) For Kessler purposes, GEO orbit is roughly a ring 384,400 km around. However, all the satellites here are moving the same direction at the same speed - debris doesn’t get free velocity from the speed of the satellites. Also, it’s quite expensive to get a satellite here, and so there aren’t many, only about one satellite per 1000km of the ring. Kessler is not a problem here. How bad could Kessler Syndrome in High LEO be? Let’s imagine a worst case scenario. **An evil alien intelligence chops up everything in High LEO, turning it into 1cm cubes of death orbiting at 1000km, spread as evenly across the surface of this sphere as orbital mechanics would allow. Is humanity cut off from space? I’m guessing the world has launched about 10,000 tons of satellites total.** For guessing purposes, I’ll assume 2,500 tons of satellites and junk currently in High LEO. If satellites are made of aluminum, with a density of 2.70 g/cm3, then that’s 839,985,870 1cm cubes. A sphere for an orbit of 1,000km has a surface area of 682,752,000 square KM. So there would be one cube of junk per .81 square KM. If a rocket traveled through that, **its odds of hitting that cube are tiny - less than 1 in 10,000**. **So even in the worst case, we don’t lose access to space.** Now though you can travel through the debris, you couldn’t keep a satellite alive for long in this orbit of death. Kessler Syndrome at its worst just prevents us from putting satellites in certain orbits. In real life, there’s a lot of factors that make Kessler syndrome even less of a problem than our worst case though experiment. Debris would be spread over a volume of space, not a single orbital surface, making collisions orders of magnitudes less likely. Most impact debris will have a slower orbital velocity than either of its original pieces - this makes it deorbit much sooner. Any collision will create large and small objects. **Small objects are much more affected by atmospheric drag and deorbit faster**, even in a few months from high LEO. Larger objects can be tracked by earth based radar and avoided. The planned big new constellations are not in High LEO, but in Low LEO for faster communications with the earth. They aren’t an issue for Kessler. Most importantly, all new satellite launches since the 1990’s are required to include a plan to get rid of the satellite at the end of its useful life (usually by deorbiting) So the realistic worst case is that insurance premiums on satellites go up a bit. Given the current trend toward much smaller, cheaper micro satellites, this wouldn’t even have a huge effect. **I’m removing Kessler Syndrome from my list of things to worry about.**

### Solvency

#### The term global commons leads to a false sense of security which exploits whatever is supposedly being protected

**Clancy 98** (The Tragedy of the Global Commons, Spring 1998, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1136&context=ijgls> pecial Assistant to the Deputy Secretary of State, US Department of State, Indiana Journal of global legal studies)//HWLND

The inherent problem in this communal property is the idea put forth byGarrett Hardin in his 1968 article entitled The Tragedy of the Commons." Hardin theorized that in communal property systems, each individual enjoys the benefit of exploiting the resource to its maximum, while the cost of this increased utilization is spread out over all users. Consequently, there is incentive for individual over exploitation. Applying this theory to global expanses shows that "the disadvantage inherent in this doctrine is that nations are free to make maximum use of resources because no outside mechanism exists to force their acceptance of external costs, either the cost of resource degradation or the cost of resource depletion."'" Much like the herding commons depicted in Hardin's essay, global commons are susceptible to overuse. 19 This problem is indeed a serious one. Global commons become, in effect, a target for over exploitation. Moreover, critics have addressed the problems of free riders and the Prisoner's Dilemma in dealing with commons.2 " The end result is the same, however. These global commons fall victim to the predatory interest of individual exploiting nations.