# Speech 1NC Colleyville Semis vs Southlake Carroll 2-5 6PM

## 1

#### Interpretation: At all TOC bid distributing tournaments, debaters must disclose all constructive speech docs open source with highlighting on the NDCA LD wiki within an hour after debating.

#### Violation – Missing every aff and neg round at Colleyville

Graphical user interface, text, application

Description automatically generated

Graphical user interface, application, table, Excel

Description automatically generated

#### A. Debate resource inequities—

Antonucci 5 [Michael (Debate coach for Georgetown; former coach for Lexington High School); “[eDebate] open source? resp to Morris”; December 8; http://www.ndtceda.com/pipermail/edebate/2005-December/064806.html //nick]

a. Open source systems are preferable to the various punishment proposals in circulation. It's better to share the wealth than limit production or participation. Various flavors of argument communism appeal to different people, but banning interesting or useful research(ers) seems like the most destructive solution possible. Indeed, open systems may be the only structural, rule-based answer to resource inequities. Every other proposal I've seen obviously fails at the level of enforcement. Revenue sharing (illegal), salary caps (unenforceable and possibly illegal) and personnel restrictions (circumvented faster than you can say 'information is fungible') don't work. This would - for better or worse. b. With the help of a middling competent archivist, an open source system would reduce entry barriers. This is especially true on the novice or JV level. Young teams could plausibly subsist entirely on a diet of scavenged arguments. A novice team might not wish to do so, but the option can't hurt. c. An open source system would fundamentally change the evidence economy without targetting anyone or putting anyone out of a job. It seems much smarter (and less bilious) to change the value of a professional card-cutter's work than send the KGB after specific counter-revolutionary teams.

#### B. Evidence ethics – open source is the only way to verify before round that cards aren’t miscut – – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### C. Depth of clash – open source allows debaters to come up with more nuanced researched objections

## 2

#### Interp: The affirmative must specify jurisdiction in a delimited text in the 1AC.

#### Jurisdiction is flexible and has too many interps – normal means shows no consensus and makes the round irresolvable since the judge doesn’t know how to compare between types of offense and o/w since it’s a side constraint on decision making – independently turns judicial application.

Maggie **Koerth-Baker, 15** [Maggie Koerth-Baker, (Maggie Koerth, formerly known as Maggie Koerth-Baker, is an American science journalist. She is a senior science editor at FiveThirtyEight and was previously a science editor at Boing Boing and a monthly columnist for The New York Times Magazine.)]. "Who Makes the Rules for Outer Space?." No Publication, 10-30-2005, Accessed 12-13-2021. https://www.pbs.org/wgbh/nova/article/space-law/ // duongie

But while the rules of empire are pretty neatly spelled out in the treaty—no nukes, no planting a flag and claiming anything in space as your country’s territory—the rules of commerce aren’t quite as clear-cut. Now, almost 50 years later, with a private space race underway in the United States, lawyers and politicians are starting to really hash out what it means for a government to be responsible for a corporation and what the fair use of space should look like. With President Barack Obama’s signing of the U.S. Commercial Space Law and Competitiveness Act, it’s a discussion that’s likely to grow more heated. Basics of Space Law A fundamental tenet of space law—the concept of governments being responsible for the work of non-governmental actors—has few, if any, precedents. There are places on Earth that are governed by laws similar to those that govern space—the sea, for instance. But no country is inherently responsible for whatever its citizens do when they’re out in international waters, says Joanne Gabrynowicz, professor of space law at the University of Mississippi and editor-in-chief of the Journal of Space Law . If that were the case, every pirate would technically be a privateer—their buckles swashed with official state approval. But you don’t need anything as exotic as the specter of space privateering to see why government responsibility can be a problem. As it currently stands, two private companies operating in space couldn’t even sue each other without the prior approval of their governments, says Michael Listner, an attorney and the principal of Space Law and Policy Solutions, a legal think tank. Currently, this is an issue that primarily affects the U.S. There are lots of countries with commercial, but not necessarily private, operations in space—Russia, China, Canada, Japan. Commercial entities launch rockets and manage satellites all the time. But in most of those cases, “commercial” basically means “revenue generating,” not “private enterprise,” Gabrynowicz says. Some of the corporations operating in space are government-owned, while others are technically private but operate with levels of government control and government money that would be unfamiliar to Americans, says Fabio Tronchetti, associate professor of law at China’s Harbin Institute of Technology. Government Minders The U.S. has the largest and most important private sector operating in space, from launching people and supplies for NASA to more speculative companies dedicated to space tourism and asteroid mining. Many of those companies would prefer there be less government involvement in their business. For instance, Bigelow Aerospace is a company that designs and builds inflatable pods that humans can live in in orbit—one of their pods will be attached to the International Space Station next year—or on a surface like the moon. For many years, Bigelow had to treat its products, legally, as though it were dealing in arms, wrangling with export controls meant to prevent guns, bombs, and valuable military secrets from being sold to the wrong people, stolen, or accidentally exposed. Even the most innocuous, non-weaponizable parts of their system fell under these controls. At one point, the company was forced to have two government officials watching two guards who were protecting a coffee-table-shaped kickstand for their pod. When the company had technical interchange meetings with partners in Moscow, it had to pay to bring along government minders. “If you dropped an alien in the room and said ‘point to the free country,’ they would have pointed to the Russians because we had two government monitors monitoring our every word,” says Mike Gold, Bigelow’s director of operations and business growth. “We spent hundreds of thousands of dollars on that. I would joke that KGB would spy on you, but at least they had the courtesy to do it for free.” That problem was solved by changes to U.S. export control rules in 2013, but cutting back on regulations still remains a popular mantra in the industry. Among several features of the U.S. Commercial Space Law and Competitiveness Act is the extension of a moratorium on regulation for human spaceflight safety requirements. The bill also leaves open a regulatory hole, wherein the Federal Aviation Administration licenses and monitors launches and re-entries, but there is no federal authority in charge of activities that happen in orbit. Gabrynowicz thinks this is problematic because the U.S. government also has a risk-sharing regime with these companies where it indemnifies them beyond their insurance coverage. The bill extends that, as well. So, she says, the government is responsible for the companies by authority of international law, the government will pay for any particularly large financial damages incurred by the companies, and the government is reducing or not establishing regulations on those companies. To Gabrynowicz, that looks like a moral hazard. Privatizing the Space Race The Outer Space Treaty of 1967 did a good job of keeping the space race between the U.S. and the Soviet Union from devolving into something out of a James Bond movie. But it didn’t do a very good job of planning for future races to claim resources found in space. Article II of the treaty is just 30 words long. It says, “Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.” Today, space lawyers are spending an awful lot of time debating what, exactly, that means. Lawyers are split pretty evenly on whether you can mine an asteroid and profit from it. The debate has been spurred by the handful of companies that have announced an interest in mining asteroids or the moon for minerals and other resources. None of these plans are likely to become reality in the next 20 years. In fact, it’s still debatable whether mining an asteroid is technically feasible or would make financial sense at all. But the companies interested in this business plan—including Planetary Resources and Deep Space Industries—want some kind of assurance that, if they do succeed, they will get to profit off what they dig up. That’s a reasonable request…but it’s assurance that the Outer Space Treaty can’t unequivocally offer. “There’s a spurious argument that, well, the State can’t appropriate, but I can!” Johnson says. “But that’s easily refuted. Property exists as a relationship between citizen and sovereign. You only get property rights based on the State.” We buy and sell property with the help of legal contracts. Those contracts are only real in so much as a state exists to enforce them. At best, say Johnson, Listner, Gabrynowicz, and Tronchetti, you can say that the Outer Space Treaty neither affirms nor denies the right of a private company to mine an asteroid, keep what it mines, and sell those resources for profit. Lawyers, Listner says, are split pretty evenly on whether that means you can do it or you can’t. Which is where the U.S. Commercial Space Law Competitiveness Act comes in, again. One of the most important things the bill does is say, explicitly, that U.S. companies can own and sell resources they mine. But the new law could become a problem, space lawyers say. Essentially, it’s the U.S. trying to unilaterally settle an open question. “It’s really an ideological and intellectual battle,” Listner says. Even more troubling, from the perspective of Gabrynowicz and Tronchetti is the fact that the Space Resource and Utilization Act doesn’t set up any system for licensing those mining activities. Given that the Outer Space Treaty obliges countries to maintain control over companies operating in space, that could be seen as the U.S. refusing to follow international law, Gabrynowicz says. Uncharted Territory Space lawyers can point out many other potential problems with the U.S. Commercial Space Law and Competitiveness Act, but the repercussions depend on what other countries decide to do. Historically, ever since the Outer Space Treaty was signed, countries have worked out their differences off the books, in bilateral negotiations. That happened in 1978, when a Soviet Kosmos satellite, powered by an onboard nuclear reactor, crashed in western Canada. That country initially billed the Soviet Union more than $6 million to cover the costs of cleanup and containment. Ultimately, the two countries came to an agreement where the Soviets paid half that amount and never formally had to acknowledge liability. “More recently, you had a piece of Chinese debris that crashed into a Russian satellite,” Tronchetti says. “Essentially, they just let that go.” So what happens if the United States decides companies can own minerals mined on an asteroid and another country, China say, decides they can’t? “That’s the problem, isn’t it?” Tronchetti says. “Nobody knows. But we should think about international consequences.” Gabrynowicz, for instance, worries that making unilateral decisions about space law could affect efforts to negotiate the rules that manage disputed places here on Earth, like the Arctic, where Russia, the U.S., and other countries are currently jockeying for access to oil and other resources. The geopolitical climate isn’t amenable to a new space treaty. In theory, a new treaty would solve all of these problems. But nobody thinks it would work. The Outer Space Treaty succeeded, Johnson says, because there were really only two parties at the table back then—the U.S. and the Soviet Union. “They just said, ‘Let’s come up with compromise text and then take it to the rest of the world and tell them we’ve agreed. We’re the most important people doing anything in space and everyone else will just go along,’ ” he says. Needless to say, that’s not how things work today. Even just a few years after the passage of the Outer Space Treaty, in 1979, an expanded document known as the Moon Treaty failed to draw any interest from the U.S. or the Soviets. That treaty would have clarified some of the issues the Outer Space Treaty left vague, including banning commercial sale and use of extraterrestrial resources. Only 16 countries are part of the treaty—none of them a major spacefaring nation. The geopolitical climate isn’t amenable to a new space treaty, Johnson says. There are too many stakeholders now and their goals don’t align enough. “The era of treaty making has really been over since the 1980s,” Johnson says. Now, the future of space is in the hands of the diplomats and lawyers who will hash out bespoke compromises in backrooms and boardrooms all over the world.

#### Violation – you don’t.

#### Vote for Stable Advocacy – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement and becomes two ships passing in the night – triggers presumption since the aff wasn’t subject to well researched scrutiny. We lose access to Tech Race DA’s, Asteroid DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### ESspec isn’t regressive or arbitrary – its core topic lit for what happens when the aff is implemented and cannot be discounted from policies that require enforcement to function.

## 3

#### **Interp: Debaters must not defend the hypothetical implementation of an explicit actor or action**

#### Resolved in LD means statement of values

UPitt ND University Of Pittsburgh Communications Services Webteam, copyright 2015-21, "Basic Definitions," Department of Communication , <https://www.comm.pitt.edu/basic-definitions> CHO

Affirmative/Pro. The side that “affirms” the resolution (is “pro” the issue). For example, the affirmative side in a debate using the resolution of policy, Resolved: The United States federal government should implement a poverty reduction program for its citizens, would advocate for federal government implementation of a poverty reduction program. Argument. A statement, or claim, followed by a justification, or warrant. Justifications are responses to challenges, often linked by the word “because.” Example: The sun helps people, because the sun activates photosynthesis in plants, which produce oxygen so people can breathe. Constructive Speech. The first speeches in a debate, where the debaters “construct” their cases by presenting initial positions and arguments. Cross-examination. Question and answer sessions between debaters. Debate. A deliberative exercise characterized by formal procedures of argumentation, involving a set resolution to be debated, distinct times for debaters to speak, and a regulated order of speeches given. Evidence. Supporting materials for arguments. Standards for evidence are field-specific. Evidence can range from personal testimony, statistical evidence, research findings, to other published sources. Quotations drawn from journals, books, newspapers, and other audio-visuals sources are rather common. Negative/Con. The side that “negates” the resolution (is “con” the issue). For example, the negative side in a debate using the resolution of fact, Resolved: Global warming threatens agricultural production, would argue that global warming does not threaten agricultural production. Preparation Time. Debates often necessitate time between speeches for students to gather their thoughts and consider their opponent's arguments. This preparation is generally a set period of time and can be used at any time by either side at the conclusion of a speech. Rebuttal Speech. The last speeches in a debate, where debaters summarize arguments and draw conclusions about the debate. Resolution. A specific statement or question up for debate. Resolutions usually appear as statements of policy, fact or value. Statement of policy. Involves an actor (local, national, or global) with power to decide a course of action. For example, Resolved: The United States federal government should implement a poverty reduction program for its citizens. Statement of fact. Involves a dispute about empirical phenomenon. For example, Resolved: Global warming threatens agricultural production. Statement of value. Involves conflicting moral dilemmas. For example, Resolved: The death penalty is a justified method of punishment. Topic. A general issue to debate. Topics could be “The Civil War,” “genetic engineering,” or “Great Books.”

#### Is means is Definition of is (Entry 1 of 4) present tense third-person singular of BE **dialectal present tense** first-person and third-person singular **of BE** dialectal present tense plural of BE

Webster ND Definition of IS," Merriam Webster, <https://www.merriam-webster.com/dictionary/is> IS

#### Dialectical present tense means logical coherence which implies no implementation

Your Dictionary ND, "Dialectical Meaning," No Publication, <https://www.yourdictionary.com/dialectical> Cho

The definition of dialectical is a discussion that includes logical reasoning and dialogue, or something having the sounds, vocabulary and grammar of a specific way of speaking. An example of something dialectical is a Lincoln Douglass style of debate, where both parties argue a point in a logical order. Of, or pertaining to dialectic; logically reasoned through the exchange of opposing ideas.

#### “BE” is a linking verb, not an action verb so implementation is incoherent

Grammar Monster ND "Linking Verbs," Grammar Monster, <https://www.grammar-monster.com/glossary/linking_verbs.htm> CHO

What Are Linking Verbs? (with Examples) A linking verb is used to re-identify or to describe its subject. A linking verb is called a linking verb because it links the subject to a subject complement (see graphic below). Infographic Explaining Linking Verb A linking verb tells us what the subject is, not what the subject is doing. Easy Examples of Linking Verbs In each example, the linking verb is highlighted and the subject is bold. Alan is a vampire. (Here, the subject is re-identified as a vampire.) Alan is thirsty. (Here, the subject is described as thirsty.)



#### Unjust means “an unjust decision, judgment, or action is not fair or reasonable, or is not done according to accepted legal or moral standards”

That’s Macmillan Dictionary No Date [“unjust”. Macmillan Dictionary. No Date. Accessed 1/23/2022. <https://www.macmillandictionary.com/us/dictionary/american/unjust> //Xu]

#### Definitions use “is” which is present tense per the Grammar Monster definitions above.

#### 1] Limits and Ground - justifies infinite unpredictable aff advantage ground and extra topical enforcement mechanisms which wreck research burdens while spiking core generics.

#### 2] Semantics o/w –

#### a] Precision – they can arbitrarily jettison words which decks ground and preparation because there is no stasis point

#### b] Jurisdiction – the judge doesn’t have the authority to vote aff if it wasn’t legitimate

#### c] Durability – grammatical correctness makes debaters effective academics and professionals

#### d] Legal ed –

Heath 06 Brad, reporter at USA Today. “Small mistakes cause big problems” November 21, 2006. http://usatoday30.usatoday.com/news/nation/2006-11-20-typo-problems\_x.htm IB

In the legislative world**, such** small errors**, while uncommon, can** carry expensive consequences. **In a few cases** around the nation **this year,** typos and **other** blunders have redirected millions of tax dollars or threatened to invalidate new laws.

#### 3] Phil Ed – creates better ethical subjectivity and critical thinking that o/ws on uniqueness to LD, switch to policy and LARP on the water topic – solves all your offense

#### TVA: Read a phil aff that affirms that private appropriation is unjust with a util FW and don’t defend implementation

#### Fairness – a) you conceded the judge will fairly evaluate your argument b) its constitutive to debate as competitive activity that requires objective evaluation

#### Education – a) it’s the only reason why schools fund debate b) it’s the only portable impact to debate

#### Competing interps – 1. Reasonability encourages a race to the margins of what counts as sufficiently fair which incentivizes as much abuse as possible 2. Norm setting – it encourages the most fair rule through debating competing models 3. Judge intervention – Reasonability begs the question of what the judge thinks is sufficient which takes the round out of the debaters hands.

#### Drop the debater – 1. Deterrence – Prevents reading the abusive practice in the future since it’s not worth risking the loss which is k2 norm setting indefensible practices die out 2. TS – Otherwise you’ll read a bunch of abusive practices for the time trade off

#### No rvi

#### [a] Baiting—they’ll bait the theory debate and prep it out—justifies infinite abuse since they’ll get away with unacceptable practices

#### [b] 1AR all-outs—they’ll collapse entirely to theory which crowds out substance and kills education.

#### [c] Chilling effect—people will be scared to read theory since they can lose off of it, so no one will check abuse.

#### [d] Norm-setting—I shouldn’t be forced to keep advocating for a bad norm if I realize it’s bad in the middle of the round.

#### [e] Illogical—doesn’t make sense to win just for being fair.

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier. Norming outweighs A] Constutivism- It’s the constitutive purpose of theory debating B] Sequencing- it’s a pre-requisite to actualizing any other voter like fairness or education

#### No new 1ar theory paradigm issues- A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B] introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

## 4

#### **The world relies on the fundamental opposition to disability to exist – disabled bodies are modeled as the inverse reflection to the normate.**

**Hughes 12** [Bill Hughes (professor of Sociology at Glasgow Caledonian University, BA in sociology from the University of Stirling, PhD in political philosophy from the University of Aberdeen). 2012. Accessed 8/9/20. “Civilising Modernity and the Ontological Invalidation of Disabled People.” <https://link.springer.com/chapter/10.1057/9781137023001_2> //Xu]

The stratifying binary of disability/non-disability and the antagonism of the latter towards the former is mediated and maintained, principally, by the emotion of disgust. Disgust is the bile carried in a discursive complex that Campbell (2008: 153) calls ‘ableism’: ‘a network of beliefs, processes and practices that produces a particular kind of self and body (the corporeal standard) that is projected as perfect, species-typical and therefore essential and fully human’. The body produced by ableism is equivalent to what Kristeva (1982: 71) calls the ‘clean and proper body’. It is the body of the ‘normate’, the name that Rosemarie Garland-Thomson (1997) gives to the body that thinks of itself as invulnerable and definitive. It is the hygienic, aspirational body of civilising modernity. It is cast from the increasingly stringent norms and rules about emotional behaviour and bodily display that mark mundane social relations in the lebenswelt (lifeworld). This curious non-disabled body/self has no empirical existence per se. On the contrary, the body of ableism is a normative construct, an invulnerable ideal of being manifest in the imaginary of ‘modernist ontology, epistemology and ethics’ as something ‘secure, distinct, closed and autonomous’ (Shildrick, 2002: 51). It embraces ‘human perfectibility as a normative physical or psychological standard’ and involves ‘a curious disavowal of variation and mortality’ (Kaplan, 2000: 303). It is what we are supposed to aspire to, to learn to be but can never become. It has no grounding in the material world. It is a ‘body schema, a psychic construction of wholeness that … belies its own precariousness and vulnerability’ (Shildrick, 2002: 79). It is a ‘body divorced from time and space; a thoroughly artificial affair’ (Mitchell and Snyder, 2000: 7), the epitome of civilisation, closed off from any connection with the animal side of humanity and from the ways in which our bodily nature wallows in its carnal improprieties. It is a body aghast at the messiness of existence. Disability is the opposite of this ideal body, its ‘inverse reflection’ (Deutsch and Nussbaum, 2000: 13). The disabled body is or has the propensity to be unruly. In the kingdom of the ‘clean and proper body’, disability is the epitome of ‘what not to be’. As a consequence the disabled body can be easily excluded from the mainstream ‘psychic habitus’ (Elias, 2000: 167). The ‘clean and proper’ – a normative body of delicacy, refinement and selfdiscipline – has powerful social consequences most manifest in its normalising dynamics. It is the standard of judgement against which disabled bodies are invalidated and transformed into repellent objects. It is the emblem of purity that by comparison creates existential unease. It apportions the shame and repugnance that underwrite the civilising process (Elias, 2000: 114–19, 414–21). Through ableism, modernity has been able to structure disability as uncivilised, outside or on the margins of humanity. One of the great books of the science of natural history published under the title Systema Naturae by Linnaeus in 1735 distinguishes between homo sapiens and homo monstrosus. In this classification impairment – at its extreme and highly visible end – is excluded from the human family. The distinction is, in itself, an act of violence and invalidation, an object lesson in transforming difference and ‘defect’ into the abominable. The distinction mobilises the aversive emotions of fear and disgust. Ableism is a cruel teacher. It embodies violence at many levels: ‘epistemic, psychic, ontological and physical’ (Campbell, 2008: 159). It is at its most bellicose when it is mediated by disgust: a mediation invoked mostly in the social fabrication of taboo and most compellingly in a context when the human/animal boundary is under threat. Ableism rests on the effort to eliminate from awareness, chaos, abjection, animality and death: all that civilisation seeks to repress. It encourages us to live in the false hope that we will not suffer and die, to adopt a perspective of invulnerability, to confuse morality with beauty and to see death, pain and disability as the repulsive woes of mortality rather than as the existen- tial basis for community and communication. Kolnai (2004: 74) reminds us that, ‘in its full intention, it is death ... that announces itself to us in the phenomenon of disgust’. Disability, in modernity, has been produced in the ontological household of the abject, as the antithesis of communica- tion and community, in a place that we might on occasion peer into only to ‘choke’ on the unsavoury sights that greet us. Disability is put out, put away, hidden, segregated or transformed into its opposite, covered up by whatever medical or aesthetic techniques are available to achieve this end. Any opportunity that disability might have to take its place at the heart of communication and community is thwarted by the ablest sensibilities that push it back down among the disgusting, the sick, the dead and the dying. In fact, as Elias (2000) suggested, the making of ‘civilised’ community and communication in modernity proceeds by exclusion and interdiction, by cutting out and hiding away whatever causes or might come to inspire angar (choking) or anguista (tightness).

#### The 1AC’s belief of a better future becomes complicit in the logic of rehabilitative futurism that consistently renders the disabled body as ontologically negative.

**Mollow 15**[Anna Mollow(Ph.D. in 2015 from the University of California, Berkeley, Andrew Vincent White and Florence Wales White Scholar, UC Dissertation-Year Fellow, coeditor of Sex and Disability and the co-editor of DSM-CRIP). “The Disability Drive.” University of California at Berkeley. Pg 85-88. Spring 2015. Accessed 3/6/20. <https://digitalassets.lib.berkeley.edu/etd/ucb/text/Mollow_berkeley_0028E_15181.pdf> //Recut Xu from UTDD]

Elsewhere, I have argued that No Future‟s impassioned polemic is one that disability studies might take to heart. Indeed, the figure that Edelman calls “the disciplinary image of the innocent‟Child” is inextricable not only from queerness but also from disability (19). For example, the Child is the centerpiece of the telethon, a ritual display of pity that demeans disabled people. When Jerry Lewis counters disability activists‟ objections to his assertion that a disabled person is “half a person,” he insists that he is only fighting for the Children: “Please, I’m begging for survival. I want my kids alive,” he implores (in Johnson, Too Late 53, 58). If the Child makes an excellent alibi for ableism, perhaps this is because, as Edelman points out, the idea of not fighting for this figure is unthinkable. Thus, when Harriet McBryde Johnson hands out leaflets protesting the Muscular Dystrophy Association, a confused passerby cannot make sense of what her protest is about. “You‟re against Jerry Lewis!” he exclaims (61). The passerby’s surprise is likely informed by a logic similar to that which, in Edelman‟s analysis, undergirds the use of the word “choice” by advocates of legal abortion: “Who would, after all, come out for abortion or stand against reproduction, against futurity, and so against life?” (16). Similarly, why would anyone come out for disability, and so against the Child who, without a cure, might never walk, might never lead a normal life, might not even have a future at all? The logic of the telethon, in other words, relies on an ideology that might be defined as “rehabilitative futurism,” a term that I coin to overlap and intersect with Edelman‟s notion of “reproductive futurism.” If, as Edelman maintains, the future is envisaged in terms of a fantasmatic “Child,” then the survival of this future-figured-as-Child is threatened by both queerness and disability. Futurity is habitually imagined in terms that fantasize the eradication of disability: a recovery of a “crippled” or “hobbled” economy, a cure for society’s ills, an end to suffering and disease. Eugenic ideologies are also grounded in both reproductive and rehabilitative futurism: procreation by the fit and elimination of the disabled, eugenicists promised, would bring forth a better future.” (68-69)

#### Legal domains distorts and renders disabled bodies calculable that is underpinned by the figure of the normative citizen that enacts a regime of truth that disabled bodies are forced to strive towards.

**Campbell 05** [Fiona Kumari Campbell (Adjunct Professor in the Department of Disability Studies at Griffith University). “Legislating Disability: Negative Ontologies and the Government of Legal Identities” in “Foucault and Government of Disability” edited by Shelley Termain, University of Michigan Press, Pg 108-120. 2005. Accessed 9/3/20. <https://www.press.umich.edu/8265343/foucault_and_the_government_of_disability> //Xu]

Sociological inquiry and legal investigation into disability must at some point implicitly return to, and negotiate, matters of “disability” at an ontological level. I say “implicitly” because the predominant forms of sociotherapeutic analysis of disability adopt a reductionist approach, which situates “the problem” of disability at the level of attitudes or bias that lead to devaluation. Seldom is the matter of ontology—in particular, negative ontology—regarded as a paramount focal concern in unpacking disability subjectification. In what follows, I seek to redress this imbalance. In order to do so, I foreground the ontology question. In particular, I discuss disability-negative ontologies and the ways in which these ontologies are inflected in the practices and effects of law. Ontology Wars and the “Unthinkability” of Disability A system of thought . . . is founded on a series of acts of partition whose ambiguity, here as elsewhere, is to open up the terrain of their transgression at the very moment when they mark off a limit. To discover the complete horizon of a society’s symbolic values, it is also necessary to map out its transgressions, its deviants. —marcel detienne, Dionysos Slain Activists with disabilities have placed great trust in the legal system to deliver freedoms in the form of equality rights and protections against discrimination. While these equalization initiatives have provided remedies in the lives of some individuals with disabilities, their subtext of disability as negative ontology has remained substantially unchallenged. It is crucial, however, that we persistently and continually return to the matter of disability as negative ontology, as a malignancy, that is, as the property of a body constituted by what Michael Oliver refers to as “the personal tragedy theory of disability,” a conception in whose terms disability cannot be spoken as anything other than an anathema. On the personal tragedy theory, Oliver notes, “disability is some terrible chance event which occurs at random to unfortunate individuals” (1996, 32). In the terms of the “tragedy theory,” disability is assumed to be ontologically intolerable, that is, inherently negative. This conception of disability underpins most of the claims of disability discrimination that are juridically sanctioned within the welfare state and is imbricated in compensatory initiatives and the compulsion toward therapeutic interventions. Insofar as this conception of disability is assumed, the presence of disability upsets the modernist craving for ontological security. The conundrum of disability/impairment is not a mere fear of the unknown, nor an apprehensiveness toward that which is foreign or strange (the subaltern). Disability and disabled bodies are effectively positioned in the nether regions of “unthought.” For the ongoing stability of ableism,2 a diffuse network of thought, depends upon the capacity of that network to “shut away,” to exteriorize, and unthink disability and its resemblance to the essential (ableist) human self. As Foucault explains: The unthought (whatever name we give it) is not lodged in man [sic] like a shriveled up nature or a stratified history; it is in relation to man, the Other: the Other that is not only a brother but a twin, born not of man, nor in man, but beside him and at the same time, in an identical newness, in an unavoidable duality. (1994, 326) In order for the notion of “ableness” to exist and to transmogrify into the sovereign subject of liberalism it must have a constitutive outside—that is, it must participate in a logic of supplementarity. Although we can speak in ontological terms of the history of disability as a history of that which is unthought, this figuring should not be confused with erasure that occurs due to total absence or complete exclusion. On the contrary, disability is always present (despite its seeming absence) in the ableist talk of normalcy, normalization, and humanness. Indeed, the truth claims that surround disability are dependent upon discourses of ableism for their very legitimation. The logic of supplementarity, which is infused within modernism’s unitary subject and which produces the Other in a liminal space, deploys what we might call a “compulsion toward terror”: a terror, ontological and actual, of “falling away” and “crossing over” into an uncertain void of disease. Such effects of terror may produce instances of disability hate crimes, disability vilification, and disability panic. The manifestations of this terror rarely enter judicial domains, but rather are excluded from law’s permissible inquiry and codification. In short, this erasure forecloses the possibility of pursuing legal remedies through the refusal of law’s power to name and countenance oppositional disability discourses. Disability “harms” and “injuries” are only deemed bonafide within a framework of scaled-down disability definitions (read: fictions) elevated to indisputable truth-claims and rendered viable in law. Law’s collusion with biomedical discourse informs us not only about modes of disability subjectification; in addition, and more importantly, that collusion informs us about what it means to be “human” under the rein/reign of ableism. Thus far, I have discussed (at the center, not the periphery) matters of an ontological character in order to introduce the notion of the ontological terror, that is, the unthought of disability, as a significant actor in the promulgation of ableism with law in liberal society. In the next section, I turn to consider practices of freedom as they are actualized within this ableist regime of law. Chasing Freedom and Autonomy—a Recapitulation of Ableist Subjectivity? An able-bodied and competent person is thus a body with a set of given functions, skills and properties, which are steered by a central command unit—the consciousness—which is situated in the head. Agency, mobility, the ability to communicate verbally, to make discretionary judgments, make decisions and implement them—is thus located in the body and in the self residing in that body. —ingunn moser, Against Normalization Within contemporary Western, neoliberal societies, freedom is held to be an inalienable and inherent right of the atomistic individual citizen. Indeed, the ethos of freedom is a foundation of the politics of our present, a mark and effect of justice and the other virtues of practiced democracy—that is, a measure of a society’s true worth, of the degree to which it is “civilized,” and the extent to which it is “advanced.” People who live in Western neoliberal democracies are seduced into freedom, the utopic dream that holds within itself a promise, that is, the vision of an alternative way of living. For disability activists, in particular, and for many of the other folk who live on the underside of liberalism, the ethos of freedom has performed as a source of emancipation that contains a promise to address “social injury.” As Wendy Brown (1995, 7) reminds us, however, there is a paradox inherent to freedom: the incitement of freedom requires the very structures of oppression that freedom emerges to oppose. In recent times, the practices of freedom have been molded and codified into the apparatus of the welfare state, citizenship, and legal personality. In the terms of this apparatus, freedom is represented as autonomy, where this ideal encompasses the drive toward potential maximization, which invokes the performance of a choosing, desiring, and consuming subject (cf. Foucault 1997). Furthermore, the subject of the neoliberal welfare state is assumed to be an independent center of self-consciousness, who holds autonomy to be intrinsically valuable. In the words of C. B. Macpherson (1964), neoliberalism’s normative citizen is a nominal “possessive individual.” The nominal individual is free in as much as he [sic] is proprietor of his person and capacities. The human essence is freedom from dependence on the will of others, and freedom is a function of possession. . . . Society consists of relations of exchange between proprietors. (Macpherson 1964, 3; emphasis added) Macpherson’s description of the neoliberal subject implies that all people must fit with a regulatory ideal; however, it is probably more correct to say that the thrust of shaping identity under neoliberalism aims for a “best fit,” that is, a normalizing, or morphed approach. The tool of comparison, the arbiter of normativity, is the “benchmark man.” As Margaret Thornton explains it, the paradigmatic incarnation of legality—the normative citizen—represents the standard against whom all others are measured and is invariably white, heterosexual, able-bodied, politically conservative, and middle class (1996, 2). Despite Thornton’s suggestion, techniques of self are usually sought, not imposed, for each of us is enrolled in the task of self-appropriation and selfdesignation. The “free” citizen is one who can take charge of herself, that is, act as her own command center. When the citizen of neoliberal society is defined in terms of self-mastery, it may not be possible for some disabled people to be truly “free” in these contexts, unless some protectionist (i.e., paternalist) strategy or ethics of “care” is employed. In any case, the sovereign liberal subject will not be destabilized until, and unless, we refute “autonomy” as the basis for normative legal theory and revise the meaning of “humanness” in terms of relationality. Until we accomplish these theoretical and political tasks, we will be required to manage or govern “disability” in ways that ensure its presence only minimally disrupts the truth claims of legal discourse and its systematization. Under liberalism, the production and government of disability is facilitated, in part, through its taming into a mere logical and discrete etiological classification and ensuing ontological space. The performative acts of a “logic of identity” reduce the disparity and difference of disabled bodies to an unity (see Foucault 1980b, 117). In law, we find this logic of identity expressed in the ideal of impartiality, which is predicated upon the benchmark legal subject. Although a great deal of feminist literature (Cheah, Fraser, and Grbich 1996; Grbich 1992; Howe 1994; O’Donovan 1997) has critiqued this allegedly impartial figuring of the legal subject, that work has not addressed the ableist underpinnings of that subject. A more thoroughgoing analysis of “legal man” would extend the reasoning of those feminist critiques to incorporate ableism as a key characteristic of rampant masculinist subjectivity. Without ableism, masculinist figurings would (we might say) “lose their balls.” The implications of classifying practices go even deeper than this sort of critique suggests. For the unruly, monstrous, and boundary-breaching qualities of disability must be tamed in ways that distinguish that category from other fluid and leaky categories (such as illness, poverty, and ageing) with which it is associated (see Wendell 1996; Shildrick 1997). Corporeal slippages of the disability kind need containment, a civilized workability for procedural justice, a regulated liberty that produces practices of normality, rationality, and pathology. This regulated liberty is exemplified in the continued use of intelligence tests to separate the “eligible” from the “ineligible” within international and national disability legislation (despite serious concerns about the validity of such tests).4 Nevertheless, disability is not only catachrestic, but it is also contestable. Thus, I submit that matters that should be regarded as ontological in character are inextricably bound up with the politics of inclusion. Linton adds weight to this conclusion when she suggests that insofar as “the term ‘disability’ is a linchpin in a complex web of social ideals, institutional structures, and government policies,” many people have a vested interest in maintaining a tenacious hold on its current meaning, which is “consistent with the practice and policies that are central to their livelihood or their ideologies” (1998, 10). Let us consider what the embeddedness of disability implies for understandings of that category and the ways in which disability figurations are mediated in law. The working model of inclusion is really only successful to the extent that people with disabilities are able to “opt in” or be assimilated (normalized). This model of inclusion assumes that the people who cannot, do not, or otherwise refuse to “opt in,” will developmentally progress toward autonomy over time. Indeed, the governing of liberal unfreedom responds to the problem of what should be done with “governing the remainder,” that is, those who are identified as “less than fully autonomous” (Hindess 2000, 11). Hindess identifies three approaches that are taken to governing “the remainder.” They are (1) a clearing away;5 (2) the compulsion toward disciplinary techniques (such as the normalization principle); and (3) targeting external causes by creating welfare safety nets. In order to institute these sorts of “dividing practices” (Foucault 1983, 208) of subjectivity, the aberrant subject may be extinguished (either before or after birth); be “reappraised” (for instance, fabricated as a “rehabilitated person”); become nearly able-bodied (via a morphed passing); or become benevolently transfigured into a “deserving” welfare recipient supra the economy. Law plays an exacting and explicit role in this subjectifying activity of government. Legal intersections/interventions facilitate this subjectifi- cation by allocating and regulating populations into fixed and discrete ontological categories (such as disability, gender, sex, and race) in order that the subjects assigned to these categories can be rendered visible and calculable (Foucault 1976, especially 135–59; 1994). The fixity of disability (which is assumed to be a pregiven property of human bodies) within both legislative and case law not only establishes the boundaries of permissible inquiry; in addition, it establishes the legal fiction of “disability” in the first place. It is this reification of disability (which is based more often than not on biomedical technologies and ascriptions) that reinforces the centrality of the ableist body and the terms of its negotiation. The formulations of disability that disability activists often engage, and which are enshrined in disability related law, in effect discursively entrench and thus reinscribe the very oppressive ontological figurings of disability that many of us would like to escape. Alternative renderings of disability, if they are not able to “fit” such prescribed “fictions,” are barred from entry into legal and other discourses. Consider, for instance, the instructions given in a recent staff survey produced by the Equity Section of Queensland University of Technology (2000). You should answer “yes” to question 2 only if you are a person with a disability which is likely to last, or has lasted two or more years. Please note that if you use spectacles, contact lenses or other aids to fully correct your vision or hearing, you do not need to indicate that you are a person with a disability, and would answer “no.” (Emphasis added) As we can see, defining disability in terms of what it “is” and “is not” performs an emblematic function that re-cognizes the relationships between impairment and disability and civil society. I will consider these relationships further in later sections of this chapter. For the moment, let us turn our attention to the matter of legal remedies, in general, and “social injury” claims (strategies), in particular. Social Injury—a Transgressive or Recuperative Tool? Freedom is neither a philosophical absolute nor a tangible entity but a relational and contextual practice that takes shape in opposition to whatever is locally and ideologically conceived as unfreedom. —wendy brown, States of Injury Feminist legal scholars have attempted to rework and engage with liberalism, that is, to move away from a focus on procedural rights that do not effect substantive change. One feminist strategy that has gained currency is mobilization of the concept of “social injury,” a theoretical device that translates once privatized injuries into collectivist raced, sexed, and disabilized domains from which to make claims to social and legal remedies (Howe 1990; Brown 1995; Howe 1997; Thornton 2000). In this section, I consider the arguments that Wendy Brown and Margaret Thornton have advanced with respect to these oppositional strategies of legal engagement. In order to motivate their arguments in this context, Brown and Thornton variously draw upon Nietzsche’s concept of ressentiment (see Nietzsche 1969, 20, 36, and passim). In the opening pages of States of Injury: Power and Freedom in Late Modernity, Brown asks: “What kinds of domination are enacted by practices of freedom?” (1995, 6). With respect to the social injury project, we can ask: what kinds of domination does the social injury project (as a practice of freedom) enact? The evolution of antidiscrimination law has in fact led to the codification of injury, victimhood, and dependency within an overall context of docile subject positions. An analysis of social injury involves the development of a righteous critique of power from the perspective of the injured. Such an analysis delimits a specific site of blame by constituting certain sovereign subjects (and events) as responsible for the “injury” of social subordination that other subjects experience (Brown 1995, 27). As Brown notes, the “social injury” project establishes certain harms as “morally heinous in the law.” Exactly which “harms” does the social injury project recognize? That is, what kinds of “harm” have legitimacy before the law? I would argue that with respect to disability an uncritical approach to social injury has (at best) established certain authenticated sites and specific instances of “disability discrimination” as harm.6 The discovery of these “harms” has not, however, been extended to the identification of “ableism” as their very font.7 In short, disability discrimination is an outcome of the practices of ableism, not their cause. The conditions of engagement within the emancipatory project require that “the injured” relinquish their investment in a harmed politicized identity in order to be free. But does it work that way? What kinds of ontologies of disability does the social injury project require disabled people to trade in, renegotiate, and maintain? I contend that the use of legal mechanisms to structure political demands is an act of self-subversion that enforces an internalized ableism. The political identity of disability (i.e., “the disabled citizen”) within law not only contributes to an essentialized and exteriorized ontology; in addition, it normalizes and delimits “disability” in order to make it regulative. Following Brown, we can say that the language of (disability) recognition in law “becomes the language of unfreedom,” that is, “a vehicle of subordination through individualization, normalization, and regulation, even as it strives to produce visibility and acceptance” (1995, 66). In other words, the inscription of certain figurations of legal disability requires that disabled people’s “experiences” be regulated within the confines of juridical formations, which ultimately foreclose any alternative perspectives. Furthermore, this form of procedural justice conveys the message that in order to be free within neoliberal societies, disabled people must submit to the strictures of ableist renderings of disability in law, that is, renderings of disability as a personal tragedy. Thornton (2000) offers an optimistic reading of a politics of ressentiment. Although the picture of a politics of ressentiment that Thornton paints might at ‹rst appear attractive in its treatment of disability subjectification, she fails to adequately consider the impact of negative ontologies of disability upon the formations of disability subjectivities in law. In a critical review of Australia’s Disability Discrimination Act of 1992 (DDA), Thornton concludes that neoliberalism and its shift from equal opportunities to equal responsibilities provides evidence that disabled people can only be assimilated (accommodated) if they replicate their benchmark confreres and do not make too many economic demands on the system. As Thornton puts it: “Neo-liberalism is discomforted by prophylactic measures that are perceived as impediments to the freedom to pursue profits” (2000, 19). Indeed, the tensions that arise due to the necessity to work on the “unproductive” disabled body in order to make it “productive” in a recessionist economy grow increasingly evident. Despite this rather disastrous situation, Thornton maintains that not all is lost because a politics of ressentiment allows people with disabilities to “come out” about disability discrimination and thereby enact positive images of disability. Thornton claims that the focus of ressentiment produces a groundswell of dissatisfaction on the part of people with disabilities, where such sentiment can be deployed as a positive force. Thornton recognizes that ressentiment can produce emotions (such as passivity and fear) other than righteous anger; however, she suggests that these other emotions can be attributed to, and are a consequence of, the vulnerability of a person who speaks from an institutionalized context (2000, 20). I am not convinced by this argument. Disabled people who are confined by an institutional location are not the only ones to display emotions of antipathy, ambivalence, and fear. I would argue that all people with disabilities confront the daily challenges of internalized ableism when negotiating daily existence in a world that erases our value, though these challenges always vary in their degree and form.8 Contra Thornton, I am inclined to propose that neoliberalism’s engagement with minority identities provokes a politics of ressentiment on behalf of the “majority.” We need only remind ourselves of the cries of “special rights,”9 legislative rollbacks, and reactive campaigns, both in Australia and the United States. We might find that there are limits to securing equalization protections within the law and social policy, especially in a political climate where the mantras of selfreliance and mutual obligation are increasingly invoked, and complaints about “compassion exhaustion” are often articulated. Although well intentioned, the promotion of social injury strategies may easily result in unintended consequences, such as an increase in disability resentment and hate crimes. The growing number of appeals made to disability-related antidiscrimination legislation might, as Thornton suggests, contribute to the emergence of a new way to think about citizenship, a new way in which disabled people have “the tenacity and conviction” to believe that they are justified in complaining about discrimination (2000, 22). Yet, disabled people’s complaints must be funneled into the denunciatory processes of reductionist and single-cause classifications, which are interpreted both within and outside law through a paradigm of ableism. To be sure, possibilities for resistance to this bureaucratic machinery always exist; however, there is also the threat that a positive politics of ressentiment will be chipped away and unraveled by legal prescriptions of disability and foregoing remedies, which foreclose oppositional renderings of disability and play into (provoke) the internalized ableism of the complainant. Is the concept of “social injury” (allegedly a device of social change) actually recuperative of the structures of liberalism? Or does that concept transgress those structures? As a tool of opposition, the “social injury” approach appears to offer a way out of the loop of discriminatory practices. One ought, however, to be suspicious of a practice that contributes to the elasticity and inclusiveness of the liberal polis. The enduring strength of liberalism lies in its capacity to rewrite and repair the edge of its domain and recuperate any flaws that may expose its fundamentalist and ableist basis/bias. Thus far, I have attempted to problematize the uncritical insertion of “disability” into the neoliberalist project of freedom claims prior to an examination of the benchmark legal subject and the relationship of that subject to disability as negative ontology. In addition, I have considered the strategy of advancing complaints on the basis of claims to “social injury,” as well as the limitations of that approach given the overwhelming deployment of internalized ableism. The fact remains that disability is not regarded as a neutral category. To the contrary, it is value laden and underpinned by a theory of tragedy that makes possibilities of “pride” difficult (if not impossible) to generate. Disability as Inherently Negative? Deafness is increasingly an outlaw ontology, a hunted existence, an experience or way of being that, by definition, evades the biopolitics of the new eugenics. Some believe that deafness has always been an outlaw ontology, but whose fugitive status was generally ignored. How long this fugitive will keep evading the capture is increasingly in question. —owen wrigley, The Politics of Deafness In A Fragment on Government (1776), utilitarian philosopher Jeremy Bentham coined the term legal fiction to refer to the fables and willful falsehoods committed for the purpose of “stealing legislative power, by and for hands, which could not, or durst not, openly claim it,—and, but for the delusion thus produced, could not exercise it” (1990, 118; emphasis added). For Bentham, in other words, the effects of these “legal fictions” are illusions that produce a sense of debility in the very subjection of individuals, as well as the sense of trust and faith that they put in law to deliver “justice.” Thus, Bentham concludes: [F]or the more prostrate that debility, the more flagrant the ulterior degree of depredation and oppression, to which they might thus be brought to submit. Of the degree of debility produced, no better measure need be given, than the fact of men’s being in this way made to regard falsehood, as an instrument, not only serviceable but necessary to justice. (1990, 18; emphasis added) With respect to disability, it would seem that such “legal fictions” give rise to a false or distorted ontology, which is formulated on the basis of biomedical realism, and in whose terms disability is construed as a lack or negative valence. The “fiction” in this case is the suggestion that a negative ontology of disability coupled with a biomedical orientation toward disability prescriptions and evaluative rankings is necessary (i.e., a prerequisite) for the efficient administrative management and legal delimitation of “disability.” A poignant example of the continuing recitation of this kind of legal fiction of disability can be found in the introduction to a special journal issue guest-edited by Melinda Jones and Lee Ann Basser Marks (2000). According to these authors, Most people with disabilities would share the view that being disabled is not a desirable state to be in, and even agree that disability should, where possible, be prevented. However, the suggestion that this carries negative implications about the entitlement to rights, or the values, respect and dignity of people with disabilities, should be resisted. While it may seem paradoxical, it is essential to meet the challenge of truly valuing those who are disabled at the same time as taking action to prevent or limit disability. (2000, 2; emphasis added) The pursuit of legal liberal rights discourse that Jones and Basser Marks encourage is deployed within the context of a negative ontological framework of disability and an assumed permissibility to performatively enact injurious speech. Insofar as Jones and Basser Marks ground their arguments in this context on an a priori assumption that disability is not to be countenanced, they bear testimony to the pervasive and normalizing effects of such negative formulations as key to the maintenance of ableist rationalities; in addition, these authors reveal the recuperative and totalizing tendencies and tensions in the flawed logic of ableist liberalism (see Foucault 1980a, 98). This logic allows the rhetoric of rights to “have it both ways,” that is, to simultaneously hold out the promise of equalization and to reinscribe negative ontologies of disability that continually produce and effect subordination. The very inclusiveness of the neoliberal conception of “citizenship” hinges upon governing disability according to an ethics of normalization and minimization. The individual of Western neoliberalism is an increasingly commodified entity. Within neoliberal societies, individuals are increasingly packaged and marketed (like inanimate objects) in terms of their respective “use-values” that become a measure of their respective worth. 10 Recent technological “advancements” hold out the possibilities of “elevating” the bodies (and minds) of individuals designated as disabled to the level of “nearly able.” Thus, we could argue that “enhancing” and “perfecting” technologies are really means with which to assimilate by way of morphing ableism. 11 A technological dynamic of morphing creates the illusion (that is, an appearance) that the “disabled” body transmogrifies into the “normal” body, effecting a corporeal recomposition and re-formation of subjectivity. Though this sort of fantastic reimaging occurs at an ontological level, the violence of some technological applications is profoundly direct and immediate. Robert Carver writes: Footbinding was a method to attract a good husband and secure a happier life. At the speech and hearing clinic, I was trained to bind the mind of my daughter. Like the twisting of feet into lotus hooks, I was encouraged to force her deaf mind into a hearing shape. I must withhold recognition of her most eloquent gestures until she makes a sound, any sound. I must force her to wear hearing aids no matter how she struggles against them. The shape of a hearing mind is so much more attractive. (1990, n.p.) In fact, an inducement to cooperate with treatments, surgery, and fittings may not be necessary due to the enduring hegemonic compulsion toward ableist normativity. Individuals with disabilities (and, in many cases, their families) develop a sense of responsibilization, a sense of correct ethical conduct, that is, a “regime of truth” about what it is to be a “proper” citizen. These judgments about the “correct” way in which to conduct oneself are often shaped by (or, despite) one’s awareness of the ontological, epistemological, and political effects of resistance or transgression against such prescriptions (cf. Foucault 1988, 1997). In this regard, let us briefly consider a juridical move made within the U.S. context, but which could easily be replicated in the Australian context in which I am writing, namely, the introduction of the legal category of voluntary/elective/chosen disability.

#### The alternative is unwavering pessimism – only a refusal of the world can disrupt the current notion of optimism – voting neg is a refusal of progress.

**Selck 16**[Michael L Selck(B.S., Southern Illinois University – Carbondale). “Crip Pessimism: The Language of Dis/ability and the Culture that Isn’t.” Southern Illinois University Carbondale. Jan 2016. Accessed 3/16/20. <https://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1845&context=gs_rp> //Recut Xu]

The disabled are dying and with them dis/abled culture is being eradicated. In the time between formulating this project and its completion already too many disabled souls have been taken from this world, including pivotal disability studies influences for this research. I barely had enough time to mourn the loss of disability advocate and inspiration porn critic Stella Young before grieving the loss of disability studies exemplar Tobin Siebers. Attached to the grief I feel as a result of the fading disability studies community is the perpetual grief I harbor since my disabled Father’s suicide and in turn the grief concomitant to the claiming of a disabled identity. I choose to start out this project with grief because it communicates the tenor of this research; this is not the disability studies project of inspiration or utopia. My entry point to the disability studies dialogue is riddled with grief, anger, and pain and it is as such that this project plots a course of disability research that attempts to make a space free from the ideological constraints of optimism. The language surrounding dis/ability is highly political. Entire words, phrases, and identities are stretched between, in, and out of the nexus of dis/ability. The choice, for instance, to include a backslash in the word dis/ability represents for Goodley (2014) a desire to delineate and expand each of the categories in the face of global neoliberalism. My initial research inquired about the impact of dis/abled terms and phrases. I went to interrogate rhetoric like “special education”, “handicapable”, and one of the most glaringly overused insults in the American education system “retard”. The scholarship I was coming up with was plentiful but was for the most part located entirely outside of intercultural communication programs like the one I was attending. For the most part the few and far between intercultural communication projects about dis/ability I was able to locate were without modal complexity and didn’t bear semblance to so many of my own experiences. I was beginning to notice a layer of optimism that has been communicatively imprinted upon the negotiation of dis/abled identity. The angst started to manifest as I questioned if I was in the correct field or if dis/ability even was ‘cultural’. I felt a very real cultural erasure of dis/ability in academia and ultimately that glaring lack of consideration is what pushed me to performance studies. I first worked to close the apparent research gap by crafting a collaborative performance titled Under the Mantle (UTM), which put dis/ability, communication scholarship, and pessimist philosophy on stage. The larger purpose of this research report is to antagonize the erasure of dis/ability from communication studies by autoethnographically analyzing the crip-pessimist performance art project Under The Mantle. This research report will first detail the components of the theoretical work that was drawn on to create UTM. Next I offer a literature review to demonstrate the combination of optimism and neglect dis/ability has undergone in intercultural communication models. Following that section I mark my shift to performance methods as I explain how narrative autoethnography can illuminate cultural misconceptions regarding the dis/abled. In the last sections of this report I offer a textual analysis of the performance UTM and analyze three significant arguments of the instillation before concluding. Contextualizing Critical Dis/Ability Theory Often used interchangeably, critical disability theory (CDT) and critical disability studies (CDS) contest dis/ablism (Goodley, 2011, 2014; Devlin & Pothier, 2006; Hosking, 2008). There are several unique additions made to CDS with every new instantiation. Scholars in European countries and Canada attend to the theory, with United States academics often underrepresented. There are three concurrent themes of CDT that I will synthesize in this section with some dis/ability studies authors claiming there are as many as seven themes of CDT (Hosking, 2008). In the introduction to their edited collection of dis/ability essays, Richard Devlin and Dianne Pothier (2006) present three themes of CDT as, first, to highlight the unequal status to which persons with disabilities are confined; second, to destabilize necessitarian assumptions that reinforce the marginalization of persons with disabilities; and third, to help generate the individual and collective practical agency of persons with disabilities in the struggles for recognition and redistribution. (p. 18, emphasis mine) Already the connections between the CDT and the critical communication paradigm are visible as each respectively forefronts notions of power, privilege, identity, and agency. Outlined in more detail, the first theme of CDT argues that there is systemic micro and macro level discrimination against bodies with disabilities. To some critical communication scholars, this theme might be obvious, but it seldom is when “the resulting exclusion of those who do not fit able-bodied norms may not be noticeable or even intelligible” (Delvin & Pothier, 2006, p. 7). As the bumper sticker on my laptop proudly disclaims, “Not all disabilities are visible,” which necessarily adds a level of nuance and complexity to the way that dis/ability studies attend to the prospect of discrimination and violence. Often times, “social organization according to able-bodied norms is just taken as natural, normal, inevitable, necessary, even progress” (Delvin & Pothier, 2006, p. 7). It might be true that the lack of collaborative work between critical communication studies and dis/ability studies is because neoliberalism is supremely effective at rebranding marginalized oppression as a marker of its progress. The implications of this assertion are dire but essential to the basis of crip-pessimism. Theoretical approaches based in pessimism and skepticism are often necessary to distinguish the instruments of self destruction that have been mistaken for those of self betterment. Thus, a key question remains, what is regarded as progress and to whom does it count? The politics of progress call for the second tenet of CDT, which is a destabilization of neoliberal practices that strip power and agency from bodies with disabilities. Devlin and Pothier (2006) use the language of “anti-necessitarian” (p. 2), which refers to the efficacy of social organizations and an unflinching skepticism of liberalism. For Shildrick and Price (1999), “disabled bodies call into question the ‘giveness’ of the ‘natural body’ and, instead, posit a corporeality that is fluid in its investments and meanings” (p. 1). Anti-necessitarian logics ask questions that remain innocuous to the critical communication paradigm. Can the architectural proliferation of stairs and multiple levels on buildings be attributed to neoliberalism and active disablism? If stairs seem to focus too exclusively on physical impairments, then what about the sensitivity of the building’s lighting, acoustics, and spatiality? Finally, if neoliberalism fights to protect its grand narrative of progress then is the social exclusion of bodies with disabilities necessary for the day-to-day operation of our globalized world? As Donaldson (2002) posits: “theories of gendered, raced, sexed, classed, and disabled bodies offer us critical languages for ‘denaturalising’ impairment’” (p. 112) at the level of the subjective and inter-subjective. The third theme of CDT is to attend to the agency of bodies with disabilities in the struggle for recognition. One key element of extending agency to the disabled is the use of social experience. Experience is subjective “but experience remains intimately connected to political and social existence, and therefore individuals and societies are capable of learning from their experiences” (Siebers, 2008, p. 82). Though absolutely necessary, it is not enough to write treatises on the oppression of the disabled over time. Academics, theorists, intercultural trainers, and storytellers alike should be aware of the constant risks of representation. Representation and context are at the core of critical disability studies. The notion of agency is as unstable as the notions of dis/ability. There is no one-size-fits-all human rights based approach that will be suitable to address all disabled experiences, as the theoretical call for crip-pessimism will remind us. Instead of a universal abstract Rawlsian concept of social justice, CDS “attend(s) to the relational components of dis/ablism” (Goodley, 2011, p. 159). By a Rawlsian concept of social justice I mean a model that relies on distributive justice with utopist equality at its core. Where utopist equality projects highlight human sameness to the point of purity. CDT unavoidably invites a discussion about difference into the folds as postmodern and post-structural thinkers position the self as defined constantly in relation to others. Therein lies the difference between an equality model and a justice model of social identity. Often in the attempt to open up spaces for reconsidering self and other, CDS celebrates disability as a positive identity marker. This essay offers a strong argument of caution that the inclusion of CDS in critical communication studies might rely too heavily on celebrations of disabled identity. Nothing better demonstrates that reliance on celebrating identity than the myriad language choices used to describe a disabled identity including: differently-abled, special needs, person with disability, disabled person, temporarily able-bodied, and others. Often, ablebodied audiences have a tendency to sensationalize the presence of disability in a space that has not traditionally welcomed it. Examples of this are highlighted by the increasingly popular discussion of ‘inspiration porn’ (Young, 2014) and Hollywood’s representation of disability. The tendency is to inspirationalize the disabled for achieving tasks that would not be celebrated if they were accomplished by an unimpaired body. Crossing the street, showing up on time, entering a building by oneself are all tasks profoundly routine to the non-disabled and yet simultaneously cherished as markers of progress for the disabled. Philosophical pessimism is articulated next as a way to temper the risk of sensationalizing dis/ability. The theories ultimately fuse together like orchids and wasps to generate the larger theme of crip-pessimism. Philosophical Pessimism Throughout the 19th century pessimism was one of the most popular intellectual and philosophical strains, crossing countries and continents. Authors such as Rousseau, Leopardi, Schopenhauer, and Nietzsche overwhelmingly created and lead the spirit of pessimism. Contemporarily however, the word ‘pessimism’ is pejorative and describes a body’s emotional discontent rather than intellectual engagement with the world. Dienstag (2009) writes, “Since pessimism is perceived more as a disposition than as a theory, pessimists are seen primarily as dissenters from whatever the prevailing consensus of their time happens to be, rather than as constituting a continuous alternative” (p. 3). Power is responsible for ontological shifts, and during shifts some populations benefit while others are harmed. The turn in thinking about pessimism from an intellectual position to an emotional state has been particularly gratuitous for bodies with disabilities. I come to pessimism because of my experience with disability. My anxiety disorder comes with an exteriority of anti-social behavior that has branded me pessimistic. The concern for my anxiety in public situations is often commented on as overly critical, negative, narcissistic, and most often pessimistic. I experience an anxious state of becoming different, and after years of failing to rehabilitate my sameness to able-bodied standards, I have come to a comfort with pessimism. I choose to include pessimism as a theoretical crutch to avoid communication studies’ sensationalism of disability. I imagine that when critical communication studies does bridge the dis/ability research gap that it might, at least initially, extend some neoliberal logics at the expense of CDS. This might manifest by scholars simply asserting disabled personhood where it does not institutionally, culturally, or individually exist. I find that CDT and philosophical pessimism combine in unique and valuable ways, particularly around tensions of personhood, abstract ideal humanism, and neoliberalism. Neoliberalism should be understood as “the superiority of individualized, market-based competition over other modes of organization. This basic principle is the hallmark of neo-liberal thought— one with old roots that lay partly in Anglo economics and partly in German schools of liberalism” (Mudge, 2008, p. 706-707). There are four components of pessimism outlined by Joshua Foa Dienstag (2006) in his book Pessimism: Philosophy, Ethic, Spirit that I wish to explore difference through. They are as following that: (1) time is a burden, (2) history is ironic, (3) human existence is absurd, and finally (4) resignation or affirmation. To write about pessimism necessarily involves questions of time, temporality, and history. The development of philosophical pessimism, specifically, the theories regarding the burden of time-consciousness, begins with difference. For the pessimist, the concept of time begets a differentiation between human and animal. Being a dog-owner myself, I have heard the colloquial aphorism that dogs, as all animals, have no concept of time. Pessimists understand time consciousness as a unique, but ultimately loathsome, trait of the human condition. Even in projects that appear to be geared toward sameness there are always unperceived and neglected populations. For example, even the U.S. constitution alleges persons of color were (and still are often) racially subjugated as property instead of considered to be fully human. The notion of difference is at the center of the pessimist’s position on time-consciousness because the philosophy accepts that the conditions of our existence are subject to relentless unpredictable change. “To the pessimists, however, the human condition is existentially unique— its uniqueness consisting precisely in the capacity for time-consciousness” (Dienstag, 2009, p. 20). For the pessimist nothing is ever the same, everything is always different, and to inhabit linear time means that everything in existence is always rushing off into the past. The advent of human time consciousness is also what leads the pessimist to find the course of history to be ironic. History is ironic for the pessimist because progress is always related to a greater set of unperceived consequences. As suggested above, philosophical pessimism acknowledges that change occurs; technologies develop and improve over time. Pessimists ask if those improvements are related to a greater set of costs that are not immediately recognizable. (Dienstag, 2006, p. 25) Similar to critical disability theory, pessimism interrogates power and privilege. Pessimists rely on the logic of difference to chart consequences. Consequences go unperceived because they occur across populations with disproportionate access to power, populations that are often culturally unintelligible. For instance, the massive boom in mobile technologies like cell phones and laptops has created vast pits of ‘e-waste’ in Africa, surges in child labor, and conflict over rare earth minerals (Vidal, 2013). Pessimists use difference to tease out the distinction between the instruments of suffering and those of betterment. The third philosophical pessimistic position is that human existence is absurd. The absurdity of existence “is illustrated by the persistent mismatch between human purposes and the means available to achieve them: or again, between our desire for happiness and our capacity to encounter or sustain it” (Dienstag, 2006, p. 32). Difference is built upon exanimations of power, which is both fluid and transferable but ultimately permanent. Classical western philosophy has an optimistic pragmatism built into it that posits there must be an answer to our questions. Alternatively, the pessimist embraces uncertainty, ambiguity, and intersubjectivity. Pessimism encourages a sense of comfort around the idea of multiple, coexistent, and perhaps competing histories. Neoliberal optimism is the logic of conflict as materially reconcilable, rather than antagonistically irreconcilable. The fourth and final tenet of pessimism that we are to examine asks what we are to do about our dire human condition. There are multiplicities of rationales that ultimately inform the pessimistic dualism to either resign from life or affirm it entirely. I defer to an existential or Nietzschean pessimism that recognizes suffering is inevitable for two reasons. First, human time-consciousness necessitates an awareness of our impending death. Second, mutually assured value systems will always intersubjectively exist. The choice to affirm life in its entirety is a pessimistic choice. Embracing life as both miserable and beautiful, fleeting and enduring, validates the perpetually fragmented subject seeking a world that exists beyond good and evil and instead just is.

#### We should get to negate the aff’s scholarship and performance –

#### 1] Solves clash – their model makes criticizing the 1AC as a holistic object impossible – link turns all their offense – disentangling the aff’s thought process from it’s political project is ideological irresponsibility and makes rigorous testing impossible.

#### 2] Info-processing – takes massively large amounts of targeted research – that forces disabled students to either overwork themselves which causes psychic burnout or disassociate to become hyper-productive ala autistic CompSci workers.

#### 3] Spillover – voting aff doesn’t pass the plan but the scholastic endeavors in are deployed in debate impact our subjectivity.

# AC

## FW

#### Presumption/permissibility negates – a] real world policies require positive justification before being adopted b] Unjust[[1]](#footnote-1) is “contrary to conscience or morality or law” so they need to prove the negative obligation c] resolved[[2]](#footnote-2) indicates “firmly determined” which means they proactively did something, to negate that means that they aren’t resolved

#### Ethics must be certain and non-arbitrary – blurry guidelines allows agents to arbitrarily opt out which renders any action permissible.

#### 1] Paradox of induction.

Black’s quotes Hume [Brackets Original. David Hume (Scottish Enlightenment philosopher, historian, economist, librarian and essayist). “The Paradox of Induction”. Black’s Academy. No Date. Accessed 12/18/21. <https://www.blacksacademy.net/pages/px-015-pxqekj-paradox-induction.php> //Xu]

The paradox of induction is the problem that in all scientific reasoning we form conclusions, called laws, that are of a general nature; however, the evidence we have for those laws is based upon particular experiences. For example, we form the conclusion that all rays of light will be bend as the pass from air into glass, but we have only ever observed a finite number of instances of this law. On further reflection we see that there is no necessary connection between something happening on one occasion and the same thing happening in like circumstances on another occasion. We are not directly acquainted with the “power” behind events that ensures the uniformity of nature throughout space and time.

#### 2] External Worlds –

Chapman summarizes Descartes 14 [Andrew Chapman (lecturer in philosophy at the University of Colorado, Boulder). “External World Skepticism”. 1000-Word Philosophy: An Introductory Anthology. 6 FEBRUARY 2014. Accessed 12/11/21. <https://1000wordphilosophy.com/2014/02/06/external-world-skepticism/> //Xu]

You’re being deceived by a very powerful evil demon right now. This demon has the ability to manipulate your sensory impressions such that it will seem to you that things are some way when they are not that way at all. Accordingly, things are actually nothing like P. For example, suppose it seems to you as though you are in a room with a table and chair in it and that you are reading from a computer screen, etc. If (1) is true, then you actually are in a room with a table and chair in it and you are reading from a computer screen, etc. If (2) is true, then you are not in a room with a table and chair in it and you are not reading from a computer screen, etc. If (2) is true, things are very different from how they seem to you to be.1 \*Footnote 1\* 1 If the evil demon scenario is too far-fetched for you, imagine that you are dreaming or that you are hallucinating or even that you are in a laboratory and your visual cortex is being stimulated by electrodes. \*Paragraph Following the First\* Philosophers call (2) a skeptical scenario. In skeptical scenarios, you are radically misled, deceived, or bamboozled by your evidence in such a way that how things seem to you is different from how things actually are. Perhaps the most famous propounder of skeptical scenarios in the history of philosophy is René Descartes (1596-1650) in his Meditations on First Philosophy (1641). In the Meditations, Descartes considers that he might be dreaming or that he might be being deceived by the evil demon from our scenario (2) above. Hollywood has made much of skeptical scenarios in movies like Total Recall, The Matrix, and Inception. So back to our original question: Which of (1) or (2) is best supported or best justified by its seeming to you that P? If you’re being honest with yourself, you’ll conclude that how things seem equally well supports (1) and (2). From your internal, first-personal perspective, either of (1) or (2) could be true given how things seem to you. And if that weren’t bad enough, here comes the kicker: If both (1) and (2) are equally well supported by your evidence, how can you ever possibly know anything about the world outside your own skin? This is the problem of external world skepticism, perhaps the central problem of modern epistemology.

#### 3] Bonini’s Paradox

Wikipedia [Brackets Original. This card summarizes summarizes Dutton and Starbuck. John M. Dutton (He enrolled in Harvard Business School in 1955, graduated with an M.B.A. in 1957, taught at Purdue University Krannert School of Industrial Engineering in Lafayette, ris research included organizational behavior, computer simulation of human behavior, history of business technology, progress-principal studies, and strategic changes in the energy industry) and William Haynes Starbuck (graduated from Harvard University and the Carnegie Institute of Technology. He is an organizational scientist who has held professorships in social relations, sociology, business administration, and management). “Bonini's paradox”. Wikipedia. No Date. <https://en.wikipedia.org/wiki/Bonini%27s_paradox> //Xu]

In modern discourse, the paradox was articulated by John M. Dutton and William H. Starbuck[2] "As a model of a complex system becomes more complete, it becomes less understandable. Alternatively, as a model grows more realistic, it also becomes just as difficult to understand as the real-world processes it represents".[3] This paradox may be used by researchers to explain why complete models of the human brain and thinking processes have not been created and will undoubtedly remain difficult for years to come. This same paradox was observed earlier from a quote by philosopher-poet Paul Valéry, "Ce qui est simple est toujours faux. Ce qui ne l’est pas est inutilisable".[4] ("A simple statement is bound to be untrue. One that is not simple cannot be utilized."[5]) Also, the same topic has been discussed by Richard Levins in his classic essay "The Strategy of Model Building in Population Biology", in stating that complex models have 'too many parameters to measure, leading to analytically insoluble equations that would exceed the capacity of our computers, but the results would have no meaning for us even if they could be solved.[6] (See Orzack and Sober, 1993; Odenbaugh, 2006)

#### 4] Action Theory – any action contains infinite number of consequences without a nonarbitrary stopping point

#### infinite amount of pleasure and pain in the world

**Bostrom ’08** (Bostrom, Nick [Professor at University of Oxford, director of Oxford’s Future of Humanity Institute, PhD from London School of Economics]. The Infinitarian Challenge to Aggregative Ethics. 2008. http://www.nickbostrom.com/ethics/infinite.pdf)

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed. **Current data suggests a flat or open universe**, although the final verdict is pending. **If the universe is either open or flat, then it [that] is spatially infinite at every point in time and the model entails that it contains an infinite number of galaxies, stars, and planets**. There exists a common misconception which confuses the universe with the (finite) ‘observable universe’. But **the observable part**—the part that coulsd causally affect us—**would be just an infinitesimal fraction of the whole**. Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]. **Many cosmologists believe that our universe is just one in an infinite ensemble of universes** (a multiverse), **and this adds to the probability that the world is canonically infinite**; for a popular review, see [2]. The “many worlds” of the Everett version of quantum physics, however, would not in any obvious way amount to the relevant kind of infinity; both because whether the “world”-count reaches infinity or merely a large finitude might be an artifact of convenient formalism rather than reflecting of physical reality, and also because the ethical significance of each Everettian “world” should, plausibly, be weighted by its associated measure (amplitude squared), which is a normalized; see e.g. [3].

#### Explanatory Gap –

Tye 21 [Michael Tye (Professor of Philosophy at the University of Texas at Austin). “Qualia”. Stanford Encyclopedia of Philosophy. First published Wed Aug 20, 1997; substantive revision Thu Aug 12, 2021. Accessed 1/23/22. <https://plato.stanford.edu/entries/qualia/#Explangap> //Xu]

Our grasp of what it is like to undergo phenomenal states is supplied to us by introspection. We also have an admittedly incomplete grasp of what goes on objectively in the brain and the body. But there is, it seems, a vast chasm between the two. It is very hard to see how this chasm in our understanding could ever be bridged. For no matter how deeply we probe into the physical structure of neurons and the chemical transactions which occur when they fire, no matter how much objective information we come to acquire, we still seem to be left with something that we cannot explain, namely, why and how such-and-such objective, physical changes, whatever they might be, generate so-and-so subjective feeling, or any subjective feeling at all.

#### Evolution link - biological ability to access morality excludes disabled people – and Richard Dawkins supports eugenics

It is well established that modern biological theory conjectures that **organisms are** the **result of evolutionary competition.** In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness

#### PATHOLOGIZATIOIN LINK - blum says that people who don't experience pleasure properly are mentally ill and need to be cured which re-rentrenches normative violence

Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust.

## Adv

#### 1AC Song and Bloom’s valorization of “cooperation and sustainability” and “opportunity to return to the spirit of internationalism” is bad –

#### 1] Its a trojan horse for instilling militaristic control – this managerial lens renders nature and humanity fungible.

Craven 19 [Matt Craven (Professor of International Law, SOAS University of London, United Kingdom). “‘Other Spaces’: Constructing the Legal Architecture of a Cold War Commons and the Scientific-Technical Imaginary of Outer Space”. European Journal of International Law, Volume 30, Issue 2, May 2019, Pages 547–572, Accessed 1/12/22. <https://academic.oup.com/ejil/article/30/2/547/5536739> //Xu]

* link t/s case – conceptualizing of commons imposes exploitation
* reps matter – shift in conceptiaoztaoins

With these considerations in mind, Argentina, France and Poland submitted a proposal in the following year,110 leading the legal sub-committee of COPUOS to embark upon a ten-year project to draft what was to become the, largely abortive, Moon Treaty of 1979. Whilst much of the text of the Moon Treaty tracked the parallel provisions in the Outer Space Treaty, the main area of contention concerned the question of resource exploitation. As early as 1967, the Argentinian representative, Aldo Armando Cocca, had argued that the wealth and natural resources of the moon and other celestial bodies could be used ‘solely for the benefit of mankind as a whole’,111 and had subsequently submitted a draft agreement to COPUOS proclaiming such resources to be the ‘common heritage of all mankind’.112 What this was generally understood to mean was not that outer space resources should be free from ownership or exploitation (as an early Soviet draft proposed113) but, rather, that, as and when they were exploited, it should be for the benefit of the entirety of humanity.114 From that point on, the debate stabilized around two alternative schemes: whether, on the one hand, states should be entitled to exploit the resources individually subject only to an obligation to distribute the benefits ‘to all’ or whether, in the alternative, the exploitation of resources was only to take place through the medium of an international regime/agency and, pending its establishment, be subject to a moratorium.115 The final agreement offered support for both positions.116 On the one hand, it declared the moon and its natural resources to be the common heritage of mankind and that the resources ‘in place’ should not become the property of any state, international organization, non-governmental entity or natural person. It also committed parties to ‘undertake to establish an international regime’ to govern exploitation as soon as it became feasible.117 On the other hand, by limiting the prohibition on ownership of surface and subsurface resources to those ‘in place’, it offered the possibility that they might nevertheless be claimed once removed. The absence of a vaunted ‘moratorium’ on extraction, furthermore, was to suggest that exploitation might proceed subject only to the principle of ‘equitable sharing’ until the moment at which the international regime came to be established.118 In the end, however, the Moon Treaty remained largely unratified as many of its vocal opponents in the USA objected to the way in which it appeared to inaugurate a ‘system of international socialism’,119 foreclosing ‘the commercial uses of outer space by American enterprise’.120 What is worth bringing out here is not the surface-level disagreement as to the relationship between collective and individual modes of extraction or, indeed, the way in which an ‘east–west adversarialism’ appeared to have given way to a dynamic of ‘north–south resource disparity’ but, rather, to the conditions under which the formation of the outer space commons was to appear.121 In the first place, as the Nigerian representative in COPUOS noted, the language of the ‘common heritage of mankind’ had facilitated a subtle shift from a language of exploration to that of exploitation.122 Outer space was no longer simply a site of speculative scientific endeavour or open to projects of exploration and discovery, but it had become a resource or, indeed, as Myres McDougal and others were to explain, a myriad of resources of varying kinds, in which everything from solar radiation, magnetic and gravitational forces, wave lengths, geostationary locations123 through to meteors tracking through the solar system came to be conceptualized in terms of their ultimate ‘value’ or ‘utility’.124 Once again, thus, one sees the presence of a particular technological rationality undergirding the outer space regime, in which the natural and human environments were to be understood to be the objects of an instrumental reasoning that concerned itself with how they might be manipulated, controlled, exploited and, ultimately, commodified, and in which the technology through which those ends were to be both conceived and achieved (space rockets, probes, telescopes, satellites, planetary rovers and so on) would take the form of a passive, neutral, medium – as mere machines and mechanisms or as ways of doing things.125 The embrace of this rationality may, on the face of it, be seen to have been utterly perverse: the ultimate outcome of a desire to avoid a competitive stripping of the resources of the moon and other celestial bodies, resolving itself in the creation of a regime in which that objective, and that way of thinking about our planetary environment, was not just dominant but also subordinate to everything else. The technology through which those projects were to be made thinkable, furthermore, was clearly only ‘neutral’ to the extent that one could separate its existence from the fact of its (largely exclusive) possession and control by two violent, competitive, superpowers.126 As Marcuse observed, however, that same rationality – common to both Western and Soviet state forms127 – cut deeper than this. On the one hand, the technologies of mass communication, surveillance and warfare were to profoundly shape the perception, experience and apprehension of everyday life, creating a ‘technological reality’ of an ‘object world’ conceived ‘as a world of instrumentalities’.128 On the other hand, however, that same rationality would serve to alienate the subject from their life world through their incorporation into the ‘technological community of the administered population’.129 The domination of nature that technology appeared to enable was thus only one side of a formation that had, as its complement, a human domination propagated through the technological ‘administration’ of the subject and the manufacture of human desires, needs and interests.130 To the extent, then, that the Moon Treaty embraced this rationality, it was one that was ultimately pacifying in effect, swallowing up and repulsing all alternatives, bringing all within the sway of the same totalitarian tendency. In the second place, and as an apparently countervailing measure, was the idea that access to, and the use of, outer space resources should be subject to an international regime, the ‘purposes’ of which were set out in Article 11(7). Just as the International Telecommunication Union managed the ‘technical’ distribution of wavelengths and frequencies, allocating slots in the geostationary orbit, and just as the World Meteorological Organization coordinated the collection and dissemination of meteorological data, so also it was envisaged that the resources of the moon should similarly be subject to the oversight of an international regime of rational administration. The anticipated regime, it was explained, would concern itself with the ‘orderly and safe development of the natural resources’, their ‘rational management’, ‘the expansion of opportunities in the use of those resources’ and an ‘equitable sharing of the benefits’. The model of administration imagined here was one clearly designed to displace the possibility of unrestricted pillage or of primitive accumulation, and the language deployed elicited a sense of distance from precisely those ideas. No mention is made of the practices of extraction, commodification or exploitation that might be enabled; rather, it is faintly suggested, the moon might be ‘improved’ through its ‘development’, terraformed perhaps into a site fit for tourism or colonization? Yet, by the same token, the arrangements seemed to be concerned merely with the transfiguration of relations of power into bureaucratic technique and, in doing so, maintained in place the very same conditions that underpinned the practices to which it was opposed. Certainly, it was clearly envisaged that a further agreement would follow, setting out in more detail the administrative arrangements required for the purposes of the ‘equitable sharing of benefits’. Certainly, it was also possible that such arrangements might include the transfer of technology, the sharing of science and the distribution of profits. But no measure of administration could avoid the observation that the regime was to authorize in space precisely the same operations that had been productive of the material inequalities on earth, albeit this time it was ‘colonization’ or ‘conquest’ in the name of humanity (‘mankind’) rather than some small subset of the same. Finally, and related to this, the very ‘commonness’ of humanity to which the regime gave expression was ultimately a vestigial one. Humanity was to be represented here, not as a universal community of free-willing subjects or as a set of values – of rights or needs – but, rather, through the mediate category of material ‘interests’; the exploration and use of the moon, as Article 4 puts it, ‘shall be carried out for the benefit and in the interests of all countries’. What humanity had in common, thus, and what defined it once one took away the categories of rule and ownership, was a fluid, economy of ‘interests’,131 the fulfilment of which was always more or less and which was open to be bargained, traded, sacrificed and exchanged. These ‘interests’ assumed the same metaphorical function of assets and liabilities in double-entry bookkeeping – as abstract quantities capable of being compiled, indexed, managed, balanced and administered in the same way as the material resources to which they appeared to relate. Whilst undoubtedly central to the foundations of both capitalism132 and liberal democratic thought,133 they bespoke, in the same measure, of a natural social mechanism or instinct that transcended time and place, that was universally operable and ascribable equally to ‘future generations’ as much as to those of the present. They were/are, in that sense, always ‘common’ and everywhere present, even if the plea to ‘commonness’ would frequently arrive in the form of a demand for their moderation. Their function, however, has been to rationalize social relations, describe their operative mechanics and authorize sovereignty, all in a manner akin to the market – in which human life, qua interests, is the formal subject matter of processes of transaction and exchange. If then the ultimate telos of the regime was to turn, by some bewitching magic, something that was not capable of being owned into something that might become so (through its removal), so also it seemed to imagine that this was also the case with respect to the category of ‘humanity’ that it ushered into existence. Humanity comes to be expressed, ultimately, in a metaphorically commodified form of life identified in and through its relationship to the resources over which it seeks to have control. To be human is to partake of the ‘interests’ in the resources of the moon and other planetary bodies in which all are deemed to share. Just as outer space was a site in which the distinction between peace and war became blurred so as to make warfare itself an illegible part of the regime, so also we might observe, in this context, another similar construction. Here, the regime takes on the character of that which it seeks to prevent or avoid – a system of resource extraction and of primitive accumulation, through which every other relationship humankind might have with the outer space environment, and, indeed, with itself, comes to be mediated. As the instrumental object of a regime of management that has the ‘use’ of nature as its operative configuration, outer space becomes enmeshed within the one-dimensional dynamics of the total administrative state that was central to its formation and, with it, the very meaning of what it is to be human in space.

### Wipeout

#### “Extinction” is a decision rule -- it solves future generations of nonhuman suffering

Sittler-Adamczewski 16 Thomas M. Sittler-Adamczewski (University of Oxford). “Consistent Vegetarianism and the Suffering of Wild Animals.” Journal of Practical Ethics. OXFORD UEHIRO PRIZE IN PRACTICAL ETHICS 2015-16. December 2016. JDN. http://www.jpe.ox.ac.uk/papers/consistent-vegetarianism-and-the-suffering-of-wild-animals/

Ethical consequentialist vegetarians believe that farmed animals have lives that are worse than non-existence. In this paper, I sketch out an argument that wild animals have worse lives than farmed animals, and that consistent vegetarians should therefore reduce the number of wild animals as a top priority. I consider objections to the argument, and discuss which courses of action are open to those who accept the argument. Many consequentialists are vegetarian because they care about the harm done to farmed animals. Some consequentialists may be vegetarian because of environmental concerns, and others for non-consequentialist reasons, but these are not my main focus here. More precisely then, ethical consequentialist vegetarians believe that farmed animals have lives so bad they are not worth living, so that it is better for them not to come into existence. Vegetarians reduce the demand for meat, so that farmers will breed fewer animals, preventing the existence of additional animals. If ethical consequentialist vegetarians1 believed that animals have lives that are unpleasant but still better than non-existence, they would focus on reducing harm to these animals without reducing their numbers, for instance by supporting humane slaughter or buying meat from free-range cows. I will argue that if vegetarians were to apply this principle consistently, the suffering of wild animals would dominate their concerns, and would plausibly lead them to support reducing the number of wild animals, for instance through habitat destruction or sterilisation. SUFFERING IN NATURE, AND ITS IMPLICATIONS If animals like free-range cows have lives that are not worth living, almost all wild animals could plausibly be thought to also have lives that are worse than non-existence. Nature is often romanticised as a well-balanced idyll, so this may seem counter-intuitive. But extreme forms of suffering like starvation, dehydration, or being eaten alive by a predator are much more common in wild animals than farm animals. Crocodiles and hyenas disembowel their prey before killing them (Tomasik 2009). In birds, diseases like avian salmonellosis produce excruciating symptoms in the final days of life, such as depression, shivering, loss of appetite, and just before death, blindness, incoordination, staggering, tremor and convulsions (Michigan Department of Natural Resources). While a farmed animal like a free-range cow has to endure some confinement and a premature and potentially painful death (stunning sometimes fails), a wild animal may suffer comparable experiences, such as surviving a cold winter or having to fear predators, while additionally undergoing the aforementioned extreme suffering (Tomasik 2013). Wild animals do experience significant pleasure, for instance when they eat, play, have sex, or engage in other normal physical activity. One reason to suspect that on average this pleasure is outweighed by suffering is that most species use the reproductive strategy of r-selection, which means that the overwhelming majority of their offspring starve or are eaten shortly after birth and only very few reach reproductive age (Horta 2010; Ng 1995). For instance, ‘in her lifetime a lioness might have 20 cubs; a pigeon, 150 chicks; a mouse, 1000 kits’ (Hapgood 1979), the vast majority of which will die before they could have had many pleasurable experiences. Overall, it seems plausible that wild animals have worse lives than, say, free-range cows. If vegetarians think it’s better for the latter not to exist, they must believe the same thing about wild animals. A second important empirical fact is that wild animals far outnumber farmed animals. Using figures from the FAO, Tomasik estimates that the global livestock population is 24 billion (including 17 billion chicken) (Tomasik 2014). I restrict my count of wild animals to those at least as complex as chicken or small fish, which vegetarians clearly believe do have moral weight. Using studies of animal density in different biomes, Tomasik estimates conservatively that there are at least [60 Billion] 6\*10^10 land birds, [600 Billion] 10^11 land mammals, and [60 trillion] 10^13 fish. Animals in each of these categories alone are several times more numerous than livestock. If wild animals’ well-being is indeed below the threshold for a life worth living, and the above numbers are remotely correct, the scale of wild animal suffering is vast. As Richard Dawkins writes, ‘During the minute it takes me to compose this sentence, thousands of animals are being eaten alive; others are running for their lives, whimpering with fear; others are being slowly devoured from within by rasping parasites; thousands of all kinds are dying of starvation, thirst and disease.’ (Dawkins 1996) If they accept the premises so far, consistent vegetarians should focus on preventing the existence of as many wild animals as possible, since even a small reduction in the global number of wild animals would outweigh the impact of ending all livestock production. For example, they could reduce animal populations by sterilising them, or by destroying highly dense animal habitats such as rainforests. It may even be the case that vegetarians should react to this argument by eating more meat, since feeding livestock requires more surface area for agriculture, and fields contain far fewer wild animals per square kilometre than other biomes such as forests (Matheny and Chan 2005, 585). Of course, to the extent that it is more difficult to reduce wild animal populations than farm animal populations, vegetarians should focus more resources on the latter. But it seems implausible that it would be over a hundred times more difficult to achieve the same proportional reduction, which is what would be needed to reverse my conclusion that wild animal suffering dominates. There could be some simple ways, for instance, for vegetarians to reduce habitat sizes: supporting the construction of large parking lots, or donating to a pro-deforestation lobby. In the final paragraph, I touch upon the issue of how most effectively to reduce wild animal suffering.

#### Non-human suffering is the largest impact -- in quantity and severity.

Moen 16 Ole Martin Moen (University of Oslo, Centre for the Study of Mind in Nature). “The ethics of wild animal suffering.” Etikk i praksis. Nord J Appl Ethics (2016), 91–104. JDN. <http://www.olemartinmoen.com/wp-content/uploads/TheEthicsofWildAnimalSuffering.pdf>

If you have an open wound, a fractured bone, or terminal cancer, you suffer. But how do wounds, bone fractures, and cancers feel for animals such as sparrows, rabbits, and bears? Theoretically, it is possible that it does not feel like anything at all, because animals might not be conscious. Perhaps animals are just complicated machines, more like clocks and cars than like humans. Though it is difficult to establish conclusively that animals really are conscious, however, it is also increasingly difficult to see why rejecting consciousness in animals is any more reasonable than rejecting consciousness in other human beings. Although solipsism at the species level might make sense within religious contexts where humans are taken to have originated separately from all other animals, it coheres well with neither neuroscience nor evolution. Comparing ourselves to sparrows, rabbits, and bears, we may observe that we have the same kind of neurons, the same main brain parts, and the same pain pathways (C and A delta fibers) that they have. Sparrows, rabbits, and bears, moreover, react to noxious stimuli the same way we do, and they stop doing so when anesthetized (see Griffin & Speck 2004; Dawkins 2015). Since we and other animals are genetically, neurologically, and functionally very close, we would need weighty evidence to conclude that, despite these similarities, humans work in fundamentally different ways from other animals: humans consciously, animals non-consciously.1 Increased understanding of animal consciousness helped spur the animal ethics movement. Keeping animals in small cages, castrating them without anesthetics, and branding them with glowing irons—practices that, if performed on humans, would land the perpetrator in prison for decades—are common farming practices around the world. Millions of farm animals live and die under such conditions. Opposing human disregard for animal welfare, Peter Singer (1990) famously argues that just as we have gradually expanded our circle of moral concern to encompass ethnic groups other than our own, and finally humanity as a whole, we should further expand it to include other sentient species. According to Singer, it is suffering as such that is bad, and it is bad whoever experiences it. Though the animal ethics movement is commendable, its circle of moral concern has hitherto expanded almost exclusively to captive animals. With very few exceptions—most notably, David Pearce and Jeff McMahan, whom I shall discuss in detail below—animal ethicists have failed to adequately take into account the suffering of animals living in the wild. Wild animals, however, vastly outnumber captive animals, and arguably, billions of wild animals live lives that are even more painful and distressing than those of their captive counterparts. Though it might well be difficult to alleviate suffering in the wild, and comparatively easier to alleviate suffering caused by humans, disregarding wild animal suffering from the outset involves a form of anthropocentrism that, sadly, enjoys wide acceptance even among those who purport to oppose the doctrine. We might dub this the second anthropocentrism. While traditional anthropocentrics are concerned only with human suffering, anthropocentrics of the second kind are concerned only with human-caused suffering. I will suggest, however, that if we take suffering as such to be bad (roughly along the lines that Singer does), it is unclear why the species membership of those who cause the suffering is morally relevant while the species membership of those who suffer is not. My aim in this paper is not to sway those who are indifferent to animal welfare. Rather, my aim is to make those who are concerned with animal welfare more concerned with the welfare of wild animals. Moreover, I shall exclusively discuss welfarist concerns, so if there are other grounds to care for animals, they lie beyond the scope of this paper. My discussion is limited to mammals and birds, the reason for which is that these are the animals whose ability to suffer is least disputed. If fish, amphibians, reptiles, and/or invertebrates can also suffer, my conclusion is amplified. The empirical side Let me start by defending three empirical claims: (1) that there are vastly more wild than captive animals; (2) that wild animals have the same capacity to suffer as captive animals; and (3) that many, perhaps most, wild animals suffer at least as much as their captive counterparts. These are all empirical claims that say nothing about the value significance of wild animal suffering. As such, we should accept or reject these claims irrespective of our ethical views. How many captive animals are there? According to the Food and Agriculture Organization of the United Nations (2014), the total number of livestock in the world is—at any given time—roughly 25 billion, the majority of which are chicken, followed by ducks, cattle, and sheep. Although this figure leaves out pets and laboratory animals, let us take for granted, for the sake of convenience, that the number of livestock is roughly representative of the number of captive animals. How many wild animals are there? According to Brian Tomasik’s (2014a) estimations, which are generated from research data on the typical prevalence of various animals in various environments coupled with data on the global prevalence of these environments, there are—at any given time—between 60 and 200 billion birds and between 100 and 1,000 billion mammals. If we assume the middle estimate for both birds and mammals, there are, at any given time, 700 billion wild birds and wild mammals combined. This is roughly 25 times the number of birds and mammals in captivity. (If we were to include in our estimates fish, amphibians, reptiles, and invertebrates, which are rare in human captivity but very prevalent in the wild, we would end up with thousands of times more wild than captive animals.) A further empirical premise is that wild animals have the same ability to suffer as captive animals. By this I simply mean that if you tear the skin of both a wild and a captive animal, there is no compelling reason to believe that this would hurt more for the captive animal than for the wild animal. In fact, if we were to conclude that there is a difference between the two, we should probably conclude that while captive animals are more docile (due to drugs and lack of stimulation), wild animals remain sharp and focused. Let us assume, however, that the ability to suffer is the same, or roughly the same, in captive and wild animals. How much do wild animals actually suffer? Very likely, some wild animals suffer very little. Some live long and peaceful lives, have few natural enemies, and have ample supplies of food. When they die, moreover, many animals die quick and painless deaths. The fact that some lives in the wild are pleasant, however, does not contradict the fact for billions of wild animals, life is filled with suffering. One prominent source of suffering is predation. Every day, millions of animals are eaten alive, and though some of them are killed quickly, larger animals will often stay alive for minutes or hours before they die of blood loss, suffocation, drowning, or internal bleeding from poisoning (Tomasik 2014b). While some become paralyzed, and are likely to feel nothing, others feel excruciating pain. Predation is a very visible cause of suffering. In response to this, Tyler Cowen (2003) and Jeff McMahan (2010) have argued that if we can easily prevent a predator attack, we have at least a pro tanto moral reason to do so. In their view, the way predators kill their prey is often so gruesome that if a human were to treat animals similarly, we would have strong reasons to intervene – and for the animal that is eaten alive, the species membership of the attacking predator is likely to matter very little. Though this is an important observation, I think Cowen and McMahan fail to appreciate that suffering caused by predation is likely to account for only a small fraction of the total suffering in nature. Though death from predation might be the most violent and visible cause of suffering, deaths from disease and parasites tend to be more drawn out in time. The same is true of deaths from droughts, floods, and freezing. Life in the wild is also a constant quest for nutrition; at any given time, thousands of animals are in the process of starving to death. Though there is no agent responsible for this suffering, and though it might be hard for us to detect it, the suffering is nonetheless real and prevalent. When a parent animal starves or freezes to death, gets eaten, or dies from disease, its young offspring will often face an equally painful death. This borders on an important point, namely that most suffering in nature is likely to be endured by very young individuals. The reason is not primarily that many parent animals die (although that is also the case), but that most wild animals give birth to many more offspring than are likely to reach adulthood. While humans normally give birth to just one child per year, and provide extensive care to each child (this is called the Kselection strategy), many animals follow a different reproductive strategy: they give birth to dozens or hundreds of offspring every year, and care very little for each individual (the r-selection strategy). These strategies both work to spread the parents’ genes in the population, but the r-selection strategy—which is most common in smaller animals—leads to enormous amounts of suffering because of the very large number of young individuals that are left to starve to death or get eaten, either by their stronger siblings or by other predators (for an elaboration, see Horta 2010). If the average female in a given animal population gives birth to 50 offspring every year—and the population size remains stable year after year—then the majority of individuals in that population will be individuals dying before reaching adulthood. If we grant that animals become conscious shortly after birth, as we assume to be the case with humans, their deaths will often involve pain, and since their lives are very short, they will have very few good things in life to weigh up for all that is bad. For these reasons, Richard Dawkins is almost certainly correct when he writes: The total amount of suffering per year in the natural world is beyond all decent contemplation. During the minute that it takes me to compose this sentence, thousands of animals are being eaten alive, others are running for their lives, whimpering with fear, others are being slowly devoured from within by rasping parasites, thousands of all kinds are dying of starvation, thirst and disease (Dawkins 1995: 131-32). Wild animal suffering is mostly invisible to us. Humans never see the vast majority of wild animals, and those that are seen by us are predominantly healthy and moving. We do not see the young individuals starving to death or the adult individuals being devoured by parasites, and we must keep in mind that even if we saw them, their suffering would often not be apparent to us. While we have evolved to pick up pain cues from other human beings, we are much worse at picking up pain cues from non-human animals, especially those that are genetically remote from us. Moreover, many animals hide signs of weakness and disease to avoid attracting predators (including humans) looking for easy prey. When Thomas Hobbes wrote that life, in the state of nature, is “solitary, poor, nasty, brutish, and short,” he meant human life (Hobbes 1651/1996: XIII.9). It seems, however, that the description is also fitting for the lives of many non-human animals. Because of the brutality of wildlife, one could even make the provocative case that a typical life in the wild is even more painful and distressing than a typical life in human captivity. Although factory farming is often grotesque, animals in captivity are seldom killed in ways that draw out their deaths over several minutes or hours; they are not exposed to predators until they are slaughtered; they typically have access to sufficient amounts of food and water; and the temperature tends to be comfortable. Concerning larger animals, such as cattle, individuals with serious Moen, O.M. Etikk i praksis. Nord J Appl Ethics (2016), 91–104 95 diseases will often be euthanized. For this reason, it is not clear that the average life in the wild is filled with any less suffering than the average life in captivity. However, even if wild animals do, on average, suffer less than captive animals, the sheer number of wild animals is still so overwhelming that the majority of suffering on Earth almost certainly takes place among animals living in wild nature.

#### Extinction ends human-caused suffering and death of non-human animals---this outweighs any value to humanity---AND we access it even if the process is slow, because societal breakdown ends this suffering in the short term

May 18 – Dr. Todd May, Professor of Philosophy at Clemson University, PhD in Philosophy from Penn State University, MA in Psychology from Duquesne University, “Would Human Extinction Be a Tragedy?”, The New York Times, 12-17, https://www.nytimes.com/2018/12/17/opinion/human-extinction-climate-change.html

There are stirrings of discussion these days in philosophical circles about the prospect of human extinction. This should not be surprising, given the increasingly threatening predations of climate change. In reflecting on this question, I want to suggest an answer to a single question, one that hardly covers the whole philosophical territory but is an important aspect of it. Would human extinction be a tragedy?

To get a bead on this question, let me distinguish it from a couple of other related questions. I’m not asking whether the experience of humans coming to an end would be a bad thing. (In these pages, Samuel Scheffler has given us an important reason to think that it would be.) I am also not asking whether human beings as a species deserve to die out. That is an important question, but would involve different considerations. Those questions, and others like them, need to be addressed if we are to come to a full moral assessment of the prospect of our demise. Yet what I am asking here is simply whether it would be a tragedy if the planet no longer contained human beings. And the answer I am going to give might seem puzzling at first. I want to suggest, at least tentatively, both that it would be a tragedy and that it might just be a good thing.

To make that claim less puzzling, let me say a word about tragedy. In theater, the tragic character is often someone who commits a wrong, usually a significant one, but with whom we feel sympathy in their descent. Here Sophocles’s Oedipus, Shakespeare’s Lear, and Arthur Miller’s Willy Loman might stand as examples. In this case, the tragic character is humanity. It is humanity that is committing a wrong, a wrong whose elimination would likely require the elimination of the species, but with whom we might be sympathetic nonetheless for reasons I discuss in a moment.

To make that case, let me start with a claim that I think will be at once depressing and, upon reflection, uncontroversial. Human beings are destroying large parts of the inhabitable earth and causing unimaginable suffering to many of the animals that inhabit it. This is happening through at least three means. First, human contribution to climate change is devastating ecosystems, as the recent article on Yellowstone Park in The Times exemplifies. Second, increasing human population is encroaching on ecosystems that would otherwise be intact. Third, factory farming fosters the creation of millions upon millions of animals for whom it offers nothing but suffering and misery before slaughtering them in often barbaric ways. There is no reason to think that those practices are going to diminish any time soon. Quite the opposite.

Humanity, then, is the source of devastation of the lives of conscious animals on a scale that is difficult to comprehend.

To be sure, nature itself is hardly a Valhalla of peace and harmony. Animals kill other animals regularly, often in ways that we (although not they) would consider cruel. But there is no other creature in nature whose predatory behavior is remotely as deep or as widespread as the behavior we display toward what the philosopher Christine Korsgaard aptly calls “our fellow creatures” in a sensitive book of the same name.

If this were all to the story there would be no tragedy. The elimination of the human species would be a good thing, full stop. But there is more to the story. Human beings bring things to the planet that other animals cannot. For example, we bring an advanced level of reason that can experience wonder at the world in a way that is foreign to most if not all other animals. We create art of various kinds: literature, music and painting among them. We engage in sciences that seek to understand the universe and our place in it. Were our species to go extinct, all of that would be lost.

Now there might be those on the more jaded side who would argue that if we went extinct there would be no loss, because there would be no one for whom it would be a loss not to have access to those things. I think this objection misunderstands our relation to these practices. We appreciate and often participate in such practices because we believe they are good to be involved in, because we find them to be worthwhile. It is the goodness of the practices and the experiences that draw us. Therefore, it would be a loss to the world if those practices and experiences ceased to exist.

One could press the objection here by saying that it would only be a loss from a human viewpoint, and that that viewpoint would no longer exist if we went extinct. This is true. But this entire set of reflections is taking place from a human viewpoint. We cannot ask the questions we are asking here without situating them within the human practice of philosophy. Even to ask the question of whether it would be a tragedy if humans were to disappear from the face of the planet requires a normative framework that is restricted to human beings.

Let’s turn, then, and take the question from the other side, the side of those who think that human extinction would be both a tragedy and overall a bad thing. Doesn’t the existence of those practices outweigh the harm we bring to the environment and the animals within it? Don’t they justify the continued existence of our species, even granting the suffering we bring to so many nonhuman lives?

To address that question, let us ask another one. How many human lives would it be worth sacrificing to preserve the existence of Shakespeare’s works? If we were required to engage in human sacrifice in order to save his works from eradication, how many humans would be too many? For my own part, I think the answer is one. One human life would be too many (or, to prevent quibbling, one innocent human life), at least to my mind. Whatever the number, though, it is going to be quite low.

Or suppose a terrorist planted a bomb in the Louvre and the first responders had to choose between saving several people in the museum and saving the art. How many of us would seriously consider saving the art?

So, then, how much suffering and death of nonhuman life would we be willing to countenance to save Shakespeare, our sciences and so forth? Unless we believe there is such a profound moral gap between the status of human and nonhuman animals, whatever reasonable answer we come up with will be well surpassed by the harm and suffering we inflict upon animals. There is just too much torment wreaked upon too many animals and too certain a prospect that this is going to continue and probably increase; it would overwhelm anything we might place on the other side of the ledger. Moreover, those among us who believe that there is such a gap should perhaps become more familiar with the richness of lives of many of our conscious fellow creatures. Our own science is revealing that richness to us, ironically giving us a reason to eliminate it along with our own continued existence.

One might ask here whether, given this view, it would also be a good thing for those of us who are currently here to end our lives in order to prevent further animal suffering. Although I do not have a final answer to this question, we should recognize that the case of future humans is very different from the case of currently existing humans. To demand of currently existing humans that they should end their lives would introduce significant suffering among those who have much to lose by dying. In contrast, preventing future humans from existing does not introduce such suffering, since those human beings will not exist and therefore not have lives to sacrifice. The two situations, then, are not analogous.

It may well be, then, that the extinction of humanity would make the world better off and yet would be a tragedy. I don’t want to say this for sure, since the issue is quite complex. But it certainly seems a live possibility, and that by itself disturbs me.

1. https://www.vocabulary.com/dictionary/unjust [↑](#footnote-ref-1)
2. https://www.google.com/search?q=resolved+definition&rlz=1C1CHBF\_enUS877US877&oq=resolved+definition&aqs=chrome..69i57.2078j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-2)