# 1NC vs Scripps Ranch AS

### 1NC – Off

#### Our interpretation is that the resolution should define the division of affirmative and negative ground and offense. It was *negotiated* and *announced in advance*, providing both sides with a reasonable opportunity to prepare to engage one another’s arguments.

#### ‘Resolved’ preceding a colon indicates a legislative forum.

Blanche Ellsworth 81, English professor at SFSU and M.A. in English from UC Berkeley, 1/1/1981, *English Simplified*, 4th Edition, cc

A colon is also used to separate 3. THE SALUTATION OF A BUSINESS LETTER FROM THE BODY, Dear Sir Dear Ms. Weiner NOTE: In an informal letter, a comma follows the salutation: Dear Mary, Dear Uncle Jack 4. PARTS OF TITLES, REFERENCES, AND NUMERALS. TITLE: Principles of Mathematics: An Introduction REFERENCE: Luke 3:4—13 NUMERALS: 8:15 PM 5. PLACE OF PUBLICATION FROM PUBLISHER Indianapolis: Bobbs-Merrill 6. THE WORD RESOLVED FROM THE STATEMENT OF THE RESOLUTION. Resolved: That this committee go on record as favoring new legislation.

#### Justice implies a desirable departure from the status quo – that means the aff must rectify an injust social interaction

IHS n.d. [(Institute for Humane Studies at George Mason University, non-profit organization that engages with students and professors) “What is Justice?”] JL

One of the most influential accounts of the origin and nature of justice comes from Plato’s Republic. According to Plato’s account, we can think of the principles of justice as mutually agreed to principles for the coordination and structure of social interaction that would benefit all who are subject to them. What those principles are will depend on the society. In addition, there’s a second theory of justice that Plato offers that’s more general. According to this second theory, justice is “each getting what is rightfully theirs and no one getting what is rightfully another’s.” In other words, questions of justice always ask, “Who has a right to what?”

#### Justice is a policy question

Merriam Webster ND [(Mesrriam Webster) “Justice” https://www.merriam-webster.com/dictionary/justice] BC

Essential Meaning of justice

1: the process or result of using laws to fairly judge and punish crimes and criminals

#### “Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

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

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

#### Outer Space is considered anything that sits above the Earth’s atmosphere

Betz 21 [(Eric Betz, Science & tech writer for @Discovermag, @Astronomymag and others), “The Kármán Line: Where does space begin?”, Astronomy, https://astronomy.com/news/2021/03/the-krmn-line-where-does-space-begin, March 5, 2021] SS

These days, spacecraft are venturing into the final frontier at a record pace. And a deluge of paying space tourists should soon follow. But to earn their astronaut wings, high-flying civilians will have to make it past the so-called Kármán line. This boundary sits some 62 miles (100 kilometers) above Earth's surface, and it's generally accepted as the place where Earth ends and outer space begins.

#### Private entities are non-governmental corporations

UpCounsel ND [(UpCounsel is an interactive online service that makes it faster and easier for businesses to find and hire legal help solely based on their preferences. “Private Entity: Everything You Need to Know”, UpCounsel, https://www.upcounsel.com/private-entity#importance-of-private-entities, No Date] SS

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

#### Vote negative to preserve limits and equitable division of ground – the resolution is the most predictable stasis point for debates, anything outside of that ruins prep and clash by allowing the affirmative to pick any grounds for debate. That greenlights a race away from the core topic controversies that allow for robust contestation, which favors the aff by making neg ground inapplicable, susceptible to the perm, and concessionary. Two additional impacts:

#### Accessibility – Cutting negs to every possible aff wrecks small schools, which has a disparate impact on under-resourced and minority debaters. Counter-interpretations are arbitrary, unpredictable, and don’t solve the world of neg prep because there’s no grounding in the resolution

#### Link turns their education offense – getting to the third and fourth level of tactical engagement is only possible with refined and well-researched positions connected to the resolutional mechanism. Repeated debates over core issues incentivize innovative argument production and improved advocacy based on feedback and nuanced responses from opponents.

#### Extra topicality – if they get offense from the method that is beyond the scope of the resolution -- First, Limits - Their interpretation justifies a near infinite amount of affirmatives. Each extra-topical plank changes the nature of the affirmative and requires starkly different case negs. There are also no predictable parameters to dictate what plank will be added. Second, Ground - Extra topicality allows the aff to construct Frankenstein affs with planks that circumvent core negative arguments and artificially inflate solvency. Empirically proven in this debate - their plan is designed to avoid solvency deficits about

#### Prefer our impact: they’ve skewed the game which necessarily comes first because it makes evaluating the aff impossible. The role of individual debate rounds on broader subject formation is white noise – *can you remember what happened in doubles of the Loyola tournament your junior year?* – individual rounds don’t affect our subjectivity, so fairness is the only impact your ballot can resolve. You should presume all their truth claims false because they have not been properly tested

#### They can’t get offense: we don’t exclude them, only persuade you that our methodology is best. Every debate requires a winner and loser, so voting negative doesn’t reject them from debate, it just says they should make a better argument next time.

#### Fairness and education are voters – debate’s a game, and fairness is necessary to determine the winner of the game, and education is the reason why schools fund debate.

#### Drop the debater – dropping the argument doesn’t rectify abuse since winning T proves why we don’t have the burden of rejoinder against their aff.

#### Use competing interps – reasonability invites arbitrary judge intervention since there’s no consensus as to what’s reasonable.

### 1NC – Off

#### Climate change makes water shortages inevitable – that causes hydro-political conflict escalation which goes nuclear

Jamail 19 [(Dahr, writes for *Truthout* about climate change issues, recipient of the 2008 Martha Gellhorn Prize for Journalism, frequent guest on *Democracy Now!*) “The World Is on the Brink of Widespread Water Wars,” Truth Out, 2/11/2019] JL

Mark’s words should be a call to attention, and a call to action. The plight of farmers in Australia illustrates a larger reality: As planetary temperatures continue to increase and rainfall patterns shift due to human-caused climate disruption, our ability to grow crops and have enough drinking water will become increasingly challenged, and the outlook is only going to worsen.

The most recent United Nations Intergovernmental Panel on Climate Change report warned of increasingly intense droughts and mass water shortages around large swaths of the globe.

But even more conservative organizations have been sounding the alarm. “Water insecurity could multiply the risk of conflict,” warns one of the World Bank’s reports on the issue. “Food price spikes caused by droughts can inflame latent conflicts and drive migration. Where economic growth is impacted by rainfall, episodes of droughts and floods have generated waves of migration and spikes in violence within countries.”

Meanwhile, a study published in the journal Global Environmental Change, looked at how “hydro-political issues” — including tensions and potential conflicts — could play out in countries expected to experience water shortages coupled with high populations and pre-existing geopolitical tensions.

The study warned that these factors could combine to increase the likelihood of water-related tensions — potentially escalating into armed conflict in cross-boundary river basins in places around the world by 74.9 to 95 percent. This means that in some places conflict is practically guaranteed.

These areas include regions situated around primary rivers in Asia and North Africa. Noted rivers include the Tigris and Euphrates, the Indus, the Nile, and the Ganges-Brahmaputra.

Consider the fact that 11 countries share the Nile River basin: Egypt, Burundi, Kenya, Eritrea, Ethiopia, Uganda, Rwanda, Sudan, South Sudan, Tanzania and the Democratic Republic of Congo. All told, more than 300 million people already live in these countries, — a number that is projected to double in the coming decades, while the amount of available water will continue to shrink due to climate change.

For those in the US thinking these potential conflicts will only occur in distant lands — think again. The study also warned of a very high chance of these “hydro-political interactions” in portions of the southwestern US and northern Mexico, around the Colorado River.

Potential tensions are particularly worrisome in India and Pakistan, which are already rivals when it comes to water resources. For now, these two countries have an agreement, albeit a strained one, over the Indus River and the sharing of its water, by way of the 1960 Indus Water Treaty.

However, water claims have been central to their ongoing, burning dispute over the Kashmir region, a flashpoint area there for more than 60 years and counting.

The aforementioned treaty is now more strained than ever, as Pakistan accuses India of limiting its water supply and violating the treaty by placing dams over various rivers that flow from Kashmir into Pakistan.

In fact, a 2018 report from the International Monetary Fund ranked Pakistan third among countries facing severe water shortages. This is largely due to the rapid melting of glaciers in the Himalaya that are the source of much of the water for the Indus.

To provide an idea of how quickly water resources are diminishing in both countries, statistics from Pakistan’s Islamabad Chamber of Commerce and Industry from 2018 show that water availability (per capita in cubic meters per year) shrank from 5,260 in 1951, to 940 in 2015, and are projected to shrink to 860 by just 2025.

In India, the crisis is hardly better. According to that country’s Ministry of Statistics (2016) and the Indian Ministry of Water Resources (2010), the per capita available water in cubic meters per year was 5,177 in 1951, and 1,474 in 2015, and is projected to shrink to 1,341 in 2025.

Both of these countries are nuclear powers. Given the dire projections of water availability as climate change progresses, nightmare scenarios of water wars that could spark nuclear exchanges are now becoming possible.

#### Asteroid mining solves water access – only NEOs are sufficiently proximate and hydrated – independently, storing launch fuel on asteroids reduces space debris – turns case

Tillman 19 [(Nola Taylor, has been published in Astronomy, Sky & Telescope, Scientific American, New Scientist, Science News (AAS), Space.com, and Astrobiology magazine, BA in Astrophysics) “Tons of Water in Asteroids Could Fuel Satellites, Space Exploration,” Space, 9/29/2019] JL

When it comes to mining space for water, the best target may not be the moon: Entrepreneurs' richest options are likely to be asteroids that are larger and closer to Earth.

A recent study suggested that roughly 1,000 water-rich, or hydrated, asteroids near our planet are easier to reach than the lunar surface is. While most of these space rocks are only a few feet in size, more than 25 of them should be large enough to each provide significant water. Altogether, the water locked in these asteroids should be enough to fill somewhere around 320,000 Olympics-size swimming pools — significantly more than the amount of water locked up at the lunar poles, the new research suggested.

Because asteroids are small, they have less gravity than Earth or the moon do, which makes them easier destinations to land on and lift off from. If engineers can figure out how to mine water from these space rocks, they could produce a source of ready fuel in space that would allow spacecraft designers to build refuelable models for the next generation of satellites. Asteroid mining could also fuel human exploration, saving the expense of launching fuel from Earth. In both cases, would-be space-rock miners will need to figure out how to free the water trapped in hydrated minerals on these asteroids.

"Most of the hydrated material in the near-Earth population is contained in the largest few hydrated objects," Andrew Rivkin, an asteroid researcher at Johns Hopkins University Applied Physics Research Laboratory in Maryland, told Space.com. Rivkin is the lead author on the paper, which estimated that near Earth asteroids could contain more easily accessible water than the lunar poles.

According to the United Nations Office for Outer Space Affairs, more than 5,200 of the objects launched into space are still in orbit today. While some continue to function, the bulk of them buzz uselessly over our heads every day. They carry fuel on board, and when they run out, they are either lowered into destructive orbits or left to become space junk, useless debris with the potential to cause enormous problems for working satellites. Refueling satellites in space could change that model, replacing it with long-lived, productive orbiters.

"It's easier to bring fuel from asteroids to geosynchronous orbit than from the surface of the Earth," Rivkin said. "If such a supply line could be established, it could make asteroid mining very profitable."

Hunting for space water from the surface of the Earth is challenging because the planet's atmosphere blocks the wavelength of light where water can be observed. The asteroid warming as it draws closer to the sun can also complicate measurements.

Instead, Rivkin and his colleagues turned to a class of space rocks called Ch asteroids. Although these asteroids don't directly exhibit a watery fingerprint, they carry the telltale signal of oxidized iron seen only on asteroids with signatures of water-rich minerals, which means the authors felt confident assuming that all Ch asteroids carry this rocky water.

Based on meteorite falls, a previous study estimated that Ch asteroids could make up nearly 10% of the near-Earth objects (NEOs). With this information, the researchers determined that there are between 26 and 80 such objects that are hydrated and larger than 0.62 miles (1 km) across.

Right now, only three NEOs have been classified as Ch asteroids, although others have been spotted in the asteroid belt. Most NEOs are discovered and observed at wavelengths too short to reveal the iron band that marks the class. Carbon-rich asteroids, which include Ch asteroids and other flavors, are also darker than the more common stony asteroids, making them more challenging to observe.

Although Ch asteroids definitely contain water-rich minerals, that doesn’t necessarily mean that they will always be the best bet for space mining. It comes down to risk. Would an asteroid-mining company rather visit a smaller asteroid that definitely has a moderate amount of water, or a larger one that could yield a larger payday but could also come up dry?

"Whether getting sure things with no false positives, like the Ch asteroids, is more important or if a greater range of possibilities is acceptable with the understanding that some asteroids will be duds is something the miners will have to decide," Rivkin said.

In addition to estimating the number of large, water-rich asteroids might be available, the study also found that as many as 1,050 smaller objects, roughly 300 feet (100 meters) across, may also linger near Earth. Their small bulk will make them easier to mine because their low gravity will require less fuel to escape from, but they will produce less water overall, and Rivkin expects that the handful of larger space rocks will be the first targets.

"It seems likely that the plan for these companies will be to find the largest accessible asteroid with mineable material with the expectation that it will be more cost-effective than chasing down a large number of smaller objects," Rivkin said. "How 'accessible' and 'mineable material' and 'cost-effective' are defined by each company is to be seen."

## 1NC – Case

### Underview

#### Don’t be skeptical –

#### Authenticity testing --

#### Answered by framework – reasons why our arguments are good but we don’t need to win bc no burden of rejoinder

#### If we disprove negate – no proactive to affirm

### 1NC – Framing

**The standard is maximizing expected wellbeing**

**First, pleasure and pain are intrinsically valuable. People consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues**.** This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values**.** If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable**.** You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes**:** “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

**Moreover, *only* pleasure and pain are intrinsically valuable. All other values can be explained with reference to pleasure; Occam’s razor requires us to treat these as instrumentally valuable.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

I think several things should be said in response to Moore’s challenge to hedonists. First, **I do not think the burden of proof lies on hedonists to explain why the additional values are not intrinsic values. If someone claims that X is intrinsically valuable, this is a substantive, positive claim, and it lies on him or her to explain why we should believe that X is in fact intrinsically valuable.** Possibly, this could be done through thought experiments analogous to those employed in the previous section. Second, **there is something peculiar about the list of additional intrinsic values** that counts in hedonism’s favor**: the listed values have a strong tendency to be well explained as things that help promote pleasure and avert pain.** To go through Frankena’s list, life and consciousness are necessary presuppositions for pleasure; activity, health, and strength bring about pleasure; and happiness, beatitude, and contentment are regarded by Frankena himself as “pleasures and satisfactions.” The same is arguably true of beauty, harmony, and “proportion in objects contemplated,” and also of affection, friendship, harmony, and proportion in life, experiences of achievement, adventure and novelty, self-expression, good reputation, honor and esteem. Other things on Frankena’s list, such as understanding, **wisdom, freedom, peace, and security, although they are perhaps not themselves pleasurable, are important means to achieve a happy life, and as such, they are things that hedonists would value highly.** **Morally good dispositions and virtues, cooperation, and just distribution of goods and evils, moreover, are things that, on a collective level, contribute a happy society, and thus the traits that would be promoted and cultivated if this were something sought after.** To a very large extent, the intrinsic values suggested by pluralists tend to be hedonic instrumental values. Indeed, pluralists’ suggested intrinsic values all point toward pleasure, for while the other values are reasonably explainable as a means toward pleasure, pleasure itself is not reasonably explainable as a means toward the other values. Some have noticed this. Moore himself, for example, writes that though his pluralistic theory of intrinsic value is opposed to hedonism, its application would, in practice, look very much like hedonism’s: “Hedonists,” he writes “do, in general, recommend a course of conduct which is very similar to that which I should recommend.”24 Ross writes that “[i]t is quite certain that by promoting virtue and knowledge we shall inevitably produce much more pleasant consciousness. These are, by general agreement, among the surest sources of happiness for their possessors.”25 Roger Crisp observes that “those goods cited by non-hedonists are goods we often, indeed usually, enjoy.”26 What Moore and Ross do not seem to notice is that their observations give rise to two reasons to reject pluralism and endorse hedonism. The first reason is that if **the suggested non-hedonic intrinsic values are potentially explainable by appeal to just pleasure and pain** (which, following my argument in the previous chapter, we should accept as intrinsically valuable and disvaluable), **then—by appeal to Occam’s razor—we have at least a pro tanto reason to resist the introduction of any further intrinsic values and disvalues. It is ontologically more costly to posit a plurality of intrinsic values and disvalues, so in case all values admit of explanation by reference to a single intrinsic value and a single intrinsic disvalue, we have reason to reject more complicated accounts.** **The fact that suggested non-hedonic intrinsic values tend to be hedonistic instrumental values does not, however, count in favor of hedonism solely in virtue of being most elegantly explained by hedonism; it also does so in virtue of creating an explanatory challenge for pluralists.** The challenge can be phrased as the following question: **If the non-hedonic values suggested by pluralists are truly intrinsic values in their own right, then why do they tend to point toward pleasure and away from pain?**27

**Moral uncertainty means preventing extinction should be our highest priority.  
Bostrom 12** [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]  
These reflections on **moral uncertainty suggest** an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ **Our present understanding of axiology might** well **be confused. We may not** nowknow — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet **be able to imagine the best ends** of our journey. **If we are** indeedprofoundly **uncertain** about our ultimate aims,then we should recognize that **there is a great** option **value in preserving** — and ideally improving — **our ability to recognize value and** to **steer the future accordingly. Ensuring** that **there will be a future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain** a lot of **value.** To do this, we must prevent any existential catastrophe.

**Reducing the risk of extinction is always priority number one.   
Bostrom 12** [Faculty of Philosophy and Oxford Martin School, University of Oxford.], Existential Risk Prevention as Global Priority.  Forthcoming book (Global Policy). MP. http://www.existenti...org/concept.pdfEven if we use the most conservative of these estimates, which entirely ignores the   possibility of space colonization and software minds, **we find that the expected loss of an existential   catastrophe is greater than the value of 10^16 human lives**.  **This implies that the expected value of   reducing existential risk by a mere one millionth of one percentage point is at least a hundred times the   value of a million human lives.**  The more technologically comprehensive estimate of 10  54 humanbrain-emulation subjective life-years (or 10  52  lives of ordinary length) makes the same point even   more starkly.  Even if we give this allegedly lower bound on the cumulative output potential of a   technologically mature civilization a mere 1% chance of being correct, we find that the expected   value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth   a hundred billion times as much as a billion human lives. **One might consequently argue that even the tiniest reduction of existential risk has an   expected value greater than that of the definite provision of any ordinary good, such as the direct   benefit of saving 1 billion lives.**  And, further, that the absolute value of the indirect effect of saving 1  billion lives on the total cumulative amount of existential riskâ€”positive or negativeâ€”is almost   certainly larger than the positive value of the direct benefit of such an action.

### Top level

#### Vote neg on presumption – aff does nothing to resolve issues

### Futurism

#### The aff is a performative fantasy of overcoming drive by identifying with it – your author

**Mollow 15** [(Anna, PhD Candidate at University of California, Berkeley.) “The Disability Drive by Anna Mollow A dissertation submitted in partial satisfaction of the requirements for the degree of Doctor of Philosophy in English in the Graduate Division of the University of California, Berkeley” Spring 2015] BC

If the drive won‟t stop doing us, is it possible that we can allow it to do us differently? In the last paragraph of this dissertation, on the day that it is due, I feel as if I should leave you with a message to take home: perhaps a user‟s guide to the drive, a method for learning to love this thing that won‟t leave us. If I were a queer antisocial theorist, I might propose that we shout out, loud and proud, something like this: “We‟re here! We‟re queer! We are the drive! And you‟ll never get used to us!” But such a call, we saw in Chapter 1, performs a fantasy of overcoming the drive by identifying with it (if you can‟t beat it, join it); and the drive is not a force that can be overcome. Were I to articulate my own version of a saying evoking the feeling of the drive, it would go more like this: “Come on; we‟re late; let‟s go—oh no, where are my keys!?” To be clear, I am the last person who should offer advice about handling the loss of one‟s keys. I know the recommendations—stay calm; breathe; retrace your steps—but rarely do I heed them. For me, it‟s closer to: Panic! Berate self! Look for someone to blame! I have no guide for getting over this set of reactions, but I do want to say this: “The Disability Drive” has been an invitation to think collectively about the ways that, when we feel we cannot bear the psychic or social equivalents of losing our keys (keys potentially serving as metaphors for other objects, the loss of which might be more devastating), the impetus to blame someone else can harden into a fixed idea, a truth that one refuses to relinquish. We have analyzed multiple examples of this process: fat people stigmatized as “compulsive eaters,” feminists caricatured as anti-sex identitarians, and chronically ill people dismissed as “hysterical.” If this dissertation has a moral, it is this: the intolerable feeling that arises when we lose keys, control, or other objects that we think we need in order to believe in our selves, originates not from outside us but from within. This is the drive: it always has its keys in hand. We are not done with the drive.

#### Utopianism is necessary --- their theory comes from a position of privilege that serve no practical application.

Ruti 17—Professor of critical theory and of sexual diversity studies at the University of Toronto [Mari, *The Ethiscs of Opting Out: Queer Theory’s Defiant Subjects*, New York: Columbia University Press, p. 88-93]

Let me put some of my cards on the table right away: I think that **this critique** misses its mark quite drastically in the sense that, whatever **faith** Munoz and Dean might have **in new social collectivities**, they do not**, as Edelman implies, support liberal humanism's dreams of redemption through greater inclusion; they do not believe that simply allowing previously marginalized subjects to enter the existing system would miraculously conjure away the system's problems**. Quite the contrary**, both are deeply critical of the homonormative quest for social respectability that characterizes much of liberal gay and lesbian politics**. In Cruising Utopia (2009), **Munoz** in fact **explicitly condemns homonormative gays and lesbians who allow themselves to be seduced by the material and symbolic rewards of neoliberal capitalism**. One could of course point out that Edelman could not have known in 2006 what Munoz was going to say in a book that was published three years later. But this does not change the fact that **Edelman's accusation** rings false **for the simple reason that it is aimed at two progressive critics who are so well versed in the basics of posthumanist theory that they in many ways take the demise of the humanist self for granted**. **I cannot think of a single critic within queer theory who naively endorses the sovereign subject of liberal humanism**. **If anything**-as I have already noted and will discuss in greater detail in the next chapter-**the field, like the rest of American progressive theory, seems to be caught up in a** compulsive cycle **of needing to repeatedly expunge this subject even when** very little of it remains. Furthermore, **the idea that utopian thinking is by definition liberal, that there is no room for utopianism within posthumanist paradigms, is an indication of the extent to which certain strands of posthumanist theory have solidified into** lifeless patterns **that** no longer serve a critical function; in such instances, **the** monotonous repetition **of** poststructuralist dogmas**-in Edelman's case, "hopefulness bad, negativity good"** (**which**, notably, **has** the same **starkly binaristic structure** as Butler's "autonomy bad, relationality good")-**serves to** bar alternative perspectives **that might revitalize contemporary theory by** allow**ing us to** think beyond bad-good archetypes. In this sense, **Munoz's statement regarding Edelman's "well-worn war chest of poststructuralist pieties"** (2009, 10) **is right on target**, as is his rebuke of **the "various romances of negativity"** that **have, within queer theory, become so predictable as to be** "resoundingly anticritical" (12). If Edelman's accusations against Munoz are relatively easy to dismiss, the reverse is not the case, for **Munoz's indicts Edelman for perpetuating a clandestine-and therefore all the more** insidious-form **of white gay male identity politics: a politics that flees from the (supposedly) contaminating impact that a consideration of gender, racial, economic, and global inequalities might have on queer theory and that refuses to recognize that the white gay male subject is just as "identitarian" as any other subject**. Munoz asserts that the only reason Edelman is able to dodge the specter of identity politics is that, in Edelman's work, white masculinity falsely configures-as it has always done-the "universal;' "neutral" subject position that (seemingly) resides beyond identitarian concern. More generally speaking, Munoz believes that **antisocial queer theories "**reproduce **a** crypto-universal white gay subject **that is** weirdly atemporal**"** (2009, 94). Hiram Perez makes an analogous point when he criticizes not only the ways in which **whiteness, in the work of many white gay men, "makes itself transparent"** (2005, 187) **but also the ways in which poststructuralist rhetoric is used to level charges of essentialism against anyone who dares to call attention to this problem**. Along the same lines, Halberstam rails against the "invisible identity politics of white gay men," adding that when "white men (gay or straight) pursue the interests of white men (gay or straight), there's a heap of trouble for everyone else" (2006, 231). **Munoz adds a final blow when he concludes that "imagining a queer subject who is abstracted from the sensuous intersectionalities that mark our experience . . . is** a ticket whose price most cannot afford**"** (2009, 96). The battle lines are thus clearly drawn between those-(some) white gay men-for whom sexuality is the sole axis of theoretical investigation and those for whom sexuality is just one among many such axes. **Munoz does not pull his punches**, notoriously **calling**-in the course of the PMLA exchange-**the antisocial thesis "the gay white man's last stand"** (2006, 825). In Cruising Utopia, he in turn argues that Edelman "anticipates and bristles against his future critics with a precognitive paranoia'' by predicting that some identitarian critics might contest his polemic by arguing that it is "determined by his middle-class white male positionality" (2009, 95). Munoz's candid assessment of Edelman's efforts to inoculate himself against this critique is that it "does not do the job'' (95). **The stakes of Munoz's accusation are high, revolving around the question of** who can afford **to relinquish all hope of a better future in the way that Edelman's rendering of queer negativity**-with includes the derisive critique of the child as a sentimental emblem of reproductive futurity that I mentioned in chapter 1-**calls for**. Munoz suggests that only those who "have" a future in the first place have the luxury of flirting with the idea of rejecting it; conversely, **those whose futures are concretely (empirically) threatened are** unlikely to advocate **the annihilation of these futures**. More specifically, Munoz contends that **it would be** disastrous **to** "hand over futurity **to** normative white reproductive futurity," arguing that **the fact that this version of futurity is currently winning "is** all the more reason **to call on a** utopian political imagination **that will** enable us to glimpse another time **and place: a 'not-yet' where** queer youths of color actually get to grow up**"** (2009, 95-96). In this manner, Munoz alerts us to the fact that **while Edelman elevates the child to an icon of reproductive futurity,** "the future" has never been the province of all children; that is, though Munoz agrees with the broad outlines of **Edelman's critique** of reproductive futurity, he reminds us that this critique does not apply **to the** vast majority **of the world's children, that "racialized kids, queer kids, are not the sovereign princes of futurity''** (95). Like Edelman, Munoz admits that the world as it stands is "not enough" (2009, 96), not able to offer adequate resources for subjective flourishing. But in his view, **the way to deal with the world's insufficiency and messiness is** not to reject the future wholesale but rather to reconfigure its parameters. **This**, Munoz asserts, **can only be done by resurrecting "various principles of hope that are, by their very nature, relational"** (94). As he elaborates, **relationality may not always be "pretty," "but the option of simply opting out of it, or describing it as something that has never been available to us, is imaginable** only if **one can frame queerness as a** singular abstraction **that can be subtracted and isolated from a larger social matrix"** (94).

### Engagement good

**Policy analysis good –makes disability studies relevant**

Dodd ‘16 (Steven, Division of Health Research, Lancaster University, “Orientating disability studies to disablist austerity: applying Fraser’s insights,” March 2016, *Disability & Society*)

Issues like this might seem distant from the concerns of disability studies, but one of the lessons of disablist austerity has been that **disabled people’s political struggle can be swept up in much broader processes of crisis and political-economy.** **If a greater number of disability studies scholars were concerned with the detail of policy along with the broader economic imperatives** driving disability policy, **the field would be a more formidable opponent of disablist austerity, better able to criticise its underlying rationale and the logic behind particular reforms, as well as formulate alternative policy proposals.** **At present, disability studies often neglects analysis of policy detail** (with notable exceptions such as Roulstone [2015]), **while the majority of research into the impacts of austerity is left to lay experts, charities, pressure groups, activists and disabled people’s organisations** (see earlier Introduction to this article).

Taking my cue from Fraser’s analysis of feminism, I argue that disability studies requires a means of responding to the significance of capitalist crisis without returning to economistic approaches that subsume non-economic factors within accounts built upon the assumed deterministic power of economic forces. To develop an understanding of the crisis of capitalism that conceptualises crisis as a social process, involving a wealth of non-economic factors, Fraser turns to the work of Polanyi (1944). Polanyi’s theory of crisis is ‘less about economic breakdown in the narrow sense than about disintegrated communities, ruptured solidarities and despoiled nature’ (Fraser 2013, 228).

**Exclusion isn’t inevitable—other countries and fluid identities prove it’s contingent—reform is empirically effective but we need more of it to combat discrimination**

**Malhotra 14**

Ravi Malhotra, Law & Society 48.4 (2014): 986-989, Review of Righting Educational Wrongs: Disability Studies in Law and Education, http://search.proquest.com.proxy.library.georgetown.edu/docview/1660170810?pq-origsite=summon&accountid=11091

The volume opens with an engaging and powerful essay by Arlene Kanter on the relationship between law and disability studies. She effectively communicates for the uninitiated differences between a medical approach to disablement and a social model approach, as well as the various nuances in social model theory. Citing the seminal work of Robert Cover (1986), she also capably illustrates the importance of using appropriate language when writing and speaking about disability to dismantle discriminatory attitudes toward people with disabilities (p. 14). She provides three compelling reasons why disability studies ought to be of value to legal scholars. First, disability is an **open-ended category** that can affect anyone at any time. As Kanter correctly notes, people with disabilities are the fastest growing minority group in the world (p. 28). Second, disability is too often omitted from policy discussions on diversity, on university campuses and elsewhere (p. 31). While Kanter is undoubtedly accurate in describing the **American** legal and political context, I should note that some countries, such as Canada, have included disability as a long established legal criterion for what is known as affirmative action in the United States and it is **very much** part of the conversations around diversity and inclusion in universities and employment. Finally, she suggests that disability studies **shed light** on the values of our legal system through narratives and **jurisprudence**. From veterans to circus freaks to grassroots advocates for accessibility, the stories of people with disabilities **require retelling**. The role of the long forgotten League of the Physically Handicapped in **challenging exclusion from government relief** during the Great Depression is just one illustration (p. 32). Kanter might have added that the analysis of narratives of people with disabilities, and its relationship to identity and law has become a pivotal focus of some legal scholars (Engel and Munger 2002; Malhotra and Rowe 2014). She is right, however, to note that disability law extends to a surprisingly broad range of fields, **forcing scholars to reconsider their perspectives** on issues ranging from criminal law to guardianship law to the constitutional legal issues that have bitterly divided the Supreme Court in its consideration of the applicability of the Americans with Disabilities Act (ADA) to the States.

Thomas M. Skirtic and J. Robert Kent provide an interesting and compelling meditation on Martha Nussbaum's capabilities approach in the context of IDEA (Nussbaum 2006). Nussbaum developed the capabilities approach as an intervention in the debates surrounding Rawlsian liberal theory. Skirtic and Kent persuasively argue, however, that she fails to fully appreciate how individualized education programs (IEPs) mandated by IDEA have become largely symbolic, while there has been a far greater emphasis on ensuring that school boards conform to standardized testing regimes imposed by legislatures through the No Child Left Behind Act. They also rightly suggest that Nussbaum does not adequately support principles of inclusion for students with disabilities (pp. 76-80). Other chapters are equally stimulating. Mark Weber makes a valuable contribution in analyzing the role of parents of children with disabilities in **education litigation**. He suggests that parents, who most often do not share a disability with their children, sometimes favor segregated settings in an attempt to avoid harassment or because the local school board provides no other option. While a greater role for children with disabilities is recognized in the context of transition to adulthood, Weber suggests this could be **applied more widely** in the IEP process to **give a greater voice to disabled youth** (p. 212). A chapter by Alicia Broderick on the ethics of expert testimony in inclusion litigation under the IDEA is especially challenging for readers new to disability politics, as she raises philosophical questions about the meaning of what constitutes an expert and wades into the debates surrounding facilitated communication. Space constraints preclude a summary of every chapter but I found the volume consistently erudite and enjoyable.

Overall, Kanter and Ferri have produced a highly readable and thoughtful anthology which will be of **great use** to legal scholars. One area that I think warrants future attention is the role played by teachers' unions in the accommodation process. There is a rich and controversial history on the questionable role played by many American trade unions during the long struggle against Jim Crow (Flill 1998). It stands to reason that teachers' unions, often overwhelmed with their own struggles, did not necessarily always enthusiastically support inclusion of students with disabilities. Scholars working at the intersection of **disability studies, law, and education** are **ideally placed** to analyze this history. The editors might have also divided the book into sections. Nonetheless, this volume poses many questions for future generations of scholars to answer and deserves to be read widely.

### Disability drive

#### There is no justification for psychoanalytic theory

Robinson 5 — Andrew Robinson, Ph.D. in Political Theory at the University of Nottingham, 2005 (“The Political Theory of Constitutive Lack: A Critique,” Theory & Event, Volume 8, Issue 1, Available Online to Subscribing Institutions via Project Muse)

Lacanian analysis consists mainly of an exercise in projection. As a result, Lacanian "explanations" often look more propagandistic or pedagogical than explanatory. A particular case is dealt with only in order to, and to the extent that it can, confirm the already-formulated structural theory

. Judith Butler criticizes Zizek's method on the grounds that 'theory is applied to its examples', as if 'already true, prior to its exemplification'. 'The theory is articulated on its self-sufficiency, and then shifts register only for the pedagogical purpose of illustrating an already accomplished truth'. It is therefore 'a theoretical fetish that disavows the conditions of its own emergence'52. She alleges that Lacanian psychoanalysis 'becomes a theological project' and also 'a way to avoid the rather messy psychic and social entanglement' involved in studying specific cases 53. Similarly, Dominick LaCapra objects to the idea of constitutive lack because specific 'losses cannot be adequately addressed when they are enveloped in an overly generalised discourse of absence... Conversely, absence at a "foundational" level cannot simply be derived from particular historical losses'54. Attacking 'the long story of conflating absence with loss that becomes constitutive instead of historical'55, he accuses several theorists of eliding the difference between absence and loss, with 'confusing and dubious results', including a 'tendency to avoid addressing historical problems, including losses, in sufficiently specific terms', and a tendency to 'enshroud, perhaps even to etherealise, them in a generalised discourse of absence'56. Daniel Bensaid draws out the political consequences of the projection of absolutes into politics. 'The fetishism of the absolute event involves... a suppression of historical intelligibility, necessary to its depoliticization'. The space from which politics is evacuated 'becomes... a suitable place for abstractions, delusions and hypostases'. Instead of actual social forces, there are 'shadows and spectres'57.

#### Alt fails to produce social change

Robinson 5 [Andrew Robinson, Ph.D. in Political Theory at the University of Nottingham, 2005, “The Political Theory of Constitutive Lack: A Critique,” Theory & Event, Volume 8, Issue 1, Available Online to Subscribing Institutions via Project Muse]

There is more than an accidental relationship between the mythical operation of the concept of "constitutive lack" and Lacanians' conservative and pragmatist politics.Myth is a way of reducing thought to the present: the isolated signs which are included in the mythical gesture are thereby attached to extra-historical abstractions.On an analytical level, Lacanian theory can be very "radical", unscrupulously exposing the underlying relations and assumptions concealed beneath officially-sanctioned discourse. This radicalism, however, never translates into political conclusions: as shown above, a radical rejection of anti-"crime" rhetoric turns into an endorsement of punishment, and a radical critique of neo-liberalism turns into a pragmatist endorsement of structural adjustment. It is as if there is a magical barrier between theory and politics which insulates the latter from the former. One should recall a remark once made by Wilhelm Reich: 'You plead for happiness in life, but security means more to you'133. Lacanians have a "radical" theory oriented towards happiness, but politically, their primary concern is security. As long as they are engaged in politically ineffectual critique, Lacanians will denounce and criticize the social system, but once it comes to practical problems, the "order not to think" becomes operative. This "magic" barrier is the alibi function of myth. The short-circuit between specific instances and high-level abstractions is politically consequential. A present evil can be denounced and overthrown if located in an analysis with a "middle level", but Lacanian theory tends in practice to add an "always" which prevents change. At the very most, such change cannot affect the basic matrix posited by Lacanian theory, because this is assumed to operate above history. In this way, Lacanian theory operates as an alibi: it offers a little bit of theoretical radicalism to inoculate the system against the threat posed by a lot of politicized radicalism 134.In Laclau and Mouffe's version, this takes the classic Barthesian form: "yes, liberal democracy involves violent exclusions, but what is this compared to the desert of the real outside it?"The Zizekian version is more complex: "yes, there can be a revolution, but after the revolution, one must return to the pragmatic tasks of the present".A good example is provided in one of Zizek's texts.The author presents an excellent analysis of a Kafkaesque incident in the former Yugoslavia where the state gives a soldier a direct, compulsory order to take a voluntary oath - in other words, attempts to compel consent.He then ruins the impact of this example by insisting that there is always such a moment of "forced choice", and that one should not attempt to escape it lest one end up in psychosis or totalitarianism135.The political function of Lacanian theory is to preclude critique by encoding the present as myth. There is a danger of a stultifying conservatism arising from within Lacanian political theory, echoing the 'terrifying conservatism' Deleuze suggests is active in any reduction of history to negativity136.The addition of an "always" to contemporary evils amounts to a "pessimism of the will", or a "repressive reduction of thought to the present".Stavrakakis, for instance, claims that attempts to find causes and thereby to solve problems are always fantasmatic137, while Zizek states that an object which is perceived as blocking something does nothing but materialize the already-operative constitutive lack138.While this does not strictly entail the necessity of a conservative attitude to the possibility of any specific reform, it creates a danger of discursive slippage and hostility to "utopianism" which could have conservative consequences.Even if Lacanians believe in surplus/contingent as well as constitutive lack, there are no standards for distinguishing the two.If one cannot tell which social blockages result from constitutive lack and which are contingent, how can one know they are not all of the latter type?And even if constitutive lack exists, Lacanian theory runs a risk of "misdiagnoses" which have a neophobe or even reactionary effect.To take an imagined example, a Lacanian living in France in 1788 would probably conclude that democracy is a utopian fantasmatic ideal and would settle for a pragmatic reinterpretation of the ancien regime.Laclau and Mouffe's hostility to workers' councils and Zizek's insistence on the need for a state and a Party139 exemplify this neophobe tendency. The pervasive negativity and cynicism of Lacanian theory offers little basis for constructive activity. Instead of radical transformation, one is left with a pragmatics of "containment" which involves a conservative de-problematization of the worst aspects of the status quo. The inactivity it counsels would make its claims a self-fulfilling prophecy by acting as a barrier to transformative activity.To conclude, the political theory of "constitutive lack" does not hold together as an analytical project and falls short of its radical claims as a theoretical and political one. It relies on central concepts which are constructed through the operation of a mythical discourse in the Barthesian sense, with the result that it is unable to offer sufficient openness to engage with complex issues. If political theory is to make use of poststructuralist conceptions of contingency, it would do better to look to the examples provided by Deleuze and Guattari, whose conception of contingency is active and affirmative.In contrast, the idea of "constitutive lack" turns Lacanian theory into something its most vocal proponent, Zizek, claims to attack: a "plague of fantasies".

#### Psychoanalysis has no explanatory power --- prefer social science because it can explain events based on causal relationships

Slava Sadovnikov 7, York University, "Escape from Reason: Labels as Arguments and Theories", Dialogue XLVI (2007), 781-796, philpapers.org/archive/SADEFR.pdf

The way McLaughlin shows the rosy prospects of psychoanalytical social theory boils down to this: there are people who labour at it. He reports on Neil Smelser’s lifelong elaborations of psychoanalytical sociology, which prescribed the use of Freudian theories. Then he presents a “powerful” psychoanalytical theory of creativity of Michael Farrell, commenting on how the theorist “usefully utilizes psychoanalytic insights,” though McLaughlin does not specify them. He correctly expects that I might not view his examples as scientiﬁc. Their problems begin well before that. First, due to their informative emptiness, or tautological character, all they amount to is rewordings of everyday assumptions. Second, due to their vagueness these accounts are compatible with any outcomes; in other words, they lack explanatory and predictive power. The proposed ideas are too inarticulate to subject to intersubjective criticism, and to call them empirical or scientiﬁc theories would be, no matter how comforting, a gross misuse of words. ¶ On the constructive side, a psychoanalytic theorist may be challenged to unambiguously formulate her suppositions and specify conditions of their disproof, to leave out what we already well know and smooth out internal inconsistencies, and revise the theories in view of easily available counter-examples and competing accounts. Only after having done this can one present candidate theories to public criticism and thus make them part of science, and fruitfully discuss their further reﬁnements. Another suggestion is not to label them “powerful theories,” “classics,” or anything else before their real scrutiny begins. ¶ That criticism and disagreement are indispensable for science is not a “Popperian orthodoxy,” although Popper does champion this idea; it is the pivot of the tradition (which we owe to the Greeks) which identiﬁes rationalism with criticism. 4 McLaughlin ostensibly bows to the critical tradition but does not put it to use. Instead of critical evaluation of the theories in question he writes of “compelling case,” “powerful analytic model,” and “useful conceptual tool.” ¶ On the methodological side of the issue, we should inquire into the mode of thinking common to Fromm and all adherents of conﬁrmation-ism. The trick consists in mere replacement of familiar words with new, more peculiar ones; customary expressions are substituted by “instrumental intimacy,” “collaborative circles,” and “idealization of a self-object.” Since the new, funnier, and pseudo-theoretical tag does the job of naming just as well, it “shows how” things work. The new labels in the cases criticized here do not add anything to our knowledge; nor do they explain. We have seen Fromm routinely abuse this technique. The vacuity of Fromm’s explanations by character type was the central point in my analysis of Escape , yet McLaughlin conveniently ignores it and, like Fromm, uses the method of labelling as somehow supporting his cause. ¶ The widely popular practice of mistaking new labels for explanations has been exposed by many methodologists in the history of philosophy, but probably the most famous example of such critique comes from Molière. In the now often-quoted passage, his character delivers a vacuous explanation of opium’s property to induce sleep by renaming the property with an offhand Latinism, “virtus dormitiva.” The satire acutely points not only at the impostor doctor’s hiding his lack of knowledge behind foreign words, but also at the emptiness of his alleged explanation. (Pseudo-theoretical literature is boring precisely because of its “dormitive virtue,” its shufﬂing of labels without rewarding inquiring minds.) ¶ Let me review notable criticisms of this approach in the twentieth century by Hempel, Homans, and Weber leaving aside their forerunners. This problem was discussed in the famous debate between William Dray and Carl Hempel. Dray argues, contra the nomological account of explanation, that historians and social scientists often try to answer the question, “What is this phenomenon?” by giving an “explanation-by-concept” (Dray 1959, p. 403). A series of events may be better understood if we call it “a social revolution”; or the appropriate tag may be found in the expressions “reform,” “collaboration,” “class struggle,” “progress,” etc.; or, to take Fromm’s suggestions, we may call familiar motives and actions “sadomasochistic,” and any political choice save the Marxist “escape from freedom.”¶ Hempel agrees with Dray that such concepts may be explanatory, but they are so only if the chosen labels or classiﬁcatory tags refer to some uniformities, or are based on nomic analogies. In other words, our new label has explanatory force if it states or implies some established regularity (Hempel 1970, pp. 453-57). For example, you travel to a foreign country and, strolling along the street, see a boisterous crowd. Your guide may explain the crowd with one of several terms: that it is the local soccer team’s fans celebrating its victory, or it is a local religious festival, or a teachers’ strike, etc. The labels applied here—celebration, festival, strike— have explanatory value, because we know that things they refer to usually manifest themselves in noisy or unruly mass gatherings.¶ If, on the other hand, by way of explaining the boisterous crowd the guide had invoked some hidden social or psychological forces, or used expressions such as embodiment, mode of production, de-centring, simulacra, otherness, etc., its causes would remain obscure. If she had referred to psychoanalytic “character types” (say, Fromm’s authoritarian, anal, or necrophiliac types), the explanation would not make much sense either. Nothing prevents us nevertheless from unconditionally attaching all these labels to any event. The mistake McLaughlin and conﬁrmationists persistently make is in thinking that labelling social phenomena alone does theoretical and explanatory work. 5 George Homans observed the prevalence of this trick some decades ago:¶ Much modern sociological theory seems to us to possess every virtue except that of explaining anything. . . . The theorist shoves various aspects of behavior into his pigeonholes, cries “Ah-ha!” and leaves it at that. Like magicians in all times and places, the theorist thinks he controls phenomena if he is able to give them names, particularly names of his own invention. (1974, pp. 10-11)