# Subversivism K

**The AC’s method is subversivism, positing the radical alterity of queer bodies and valorizing maximal performative deviance.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

THE MAJORITY OF MY EXPERIENCES as a trans activist and spoken word artist have taken place in what is increasingly becoming known as the “queer/trans” community. It is a subgroup within the greater LGBTIQ community that is composed mostly of folks in their twenties and thirties who are more likely to refer to themselves as “dykes,” “queer,” and/or “trans” than “lesbian” or “gay.” While diverse in a number of ways, this subpopulation tends to predominantly inhabit urban and academic settings, and is skewed toward those who are white and/or from middle-class backgrounds. In many ways**, the queer/trans community is best described as a** sort of **marriage of the transgender movement’s call to “shatter the gender binary” and the lesbian community’s pro-sex, pro-kink backlash** to 1980s-era Andrea Dworkinism. **Its politics are generally antiassimilationist**, particularly **with regard to gender and sexual expression.** This apparent limitlessness and lack of boundaries lead many to believe that “queer/trans” represents the vanguard of today’s gender and sexual revolution. However, over the last four years in which I’ve been a part of this community, **I’ve become increasingly troubled by a trend that**, while not applicable to all queer/trans folks**, seems to be becoming a dominant belief in this community, one that threatens to restrict its gender and sexual diversity.** **I call this trend subversivism**. ¶ Subversivism is the practice of extolling certain gender and sexual expressions and identities simply because they are unconventional or nonconforming. **In** the parlance of **subversivism,** these **atypical genders and sexualities are “good” because they “transgress” or “subvert” oppressive binary gender norms**.1 The justification for the practice of subversivism has evolved out of a particular reading (although some would call it a misreading) of the work of various influential queer theorists over the last decade and a half. To briefly summarize this popularized account: All forms of sexism arise from the binary gender system. Since this binary gender system is everywhere—in our thoughts, language, traditions, behaviors, etc.—the only way we can overturn it is to actively undermine the system from within. Thus, **in order to challenge sexism, people must “perform” their genders in ways that bend, break, and blur all of the imaginary distinctions that exist between male and female, heterosexual and homosexual**, and **so** on, presumably **leading to a** systemwide **binary meltdown.** According to the principles of subversivism, drag is inherently “subversive,” as it reveals that our society’s binary notions of maleness and femaleness are not natural, but rather are actively “constructed” and “performed” by all of us. Another way that one can be “transgressively gendered” is by identifying as genderqueer or genderfluid—i.e., refusing to identify fully as either woman or man.

**Subversivism invalidates people whose identities are seemingly assimilationist.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

The notion that certain gender identities and expressions are inherently “subversive” or “transgressive” can be seen throughout the queer/trans community, where drag and gender-bending are routinely celebrated, where binary-confounding identities such as “boy-identified-dyke” and “pansexual trannyfag” have become rather commonplace. On the surface**, subversivism gives the appearance of accommodating a seemingly infinite array of genders and sexualities, but this is not quite the case. Subversivism does have very specific boundaries; it has an “other.”** **By glorifying identities and expressions that appear to subvert or blur gender binaries, subversivism automatically creates a reciprocal category of people whose gender and sexual identities and expressions are by default inherently conservative, even “hegemonic,” because they are seen as reinforcing or naturalizing the binary gender system.** Not surprisingly, this often-unspoken category of bad, conservative genders is predominantly made up of feminine women and masculine men who are attracted to the “opposite” sex. ¶ One routinely sees this “dark side” of subversivism rear its head in the queer/trans community, where **it is not uncommon to hear individuals critique or call into question other queers or trans folks because their gender presentation, behaviors, or sexual preferences are not deemed “subversive” enough.** Indeed, if one fails to sufficiently distinguish oneself from heterosexual feminine women and masculine men, one runs the risk of being accused of “reinforcing the gender binary,” **an indictment that is tantamount to being called a sexist.** One of the most common targets of such critiques are transsexuals, and particularly those who are heterosexual and gender-normative post-transition. Indeed, because such transsexuals (in the eyes of others) transition from a seemingly “transgressive” queer identity to a “conservative” straight one, subversivists may even claim that they have transitioned in order to purposefully “assimilate” themselves into straight culture. While these days, such accusations are often couched in the rhetoric of current queer theory, they rely on many of the same mistaken assumptions that plagued the work of cissexist feminists like Janice Raymond and sociologists like Thomas Kando decades ago.2

**Subversivism reinforces gender binaries and excludes people from queer activism. This turns the case.**

Serano ’16 - Julia Serano [American writer, spoken-word performer, trans-bi activist; Ph.D. in biochemistry and molecular biophysics from Columbia U.; Post-doctoral Fellow, University of California, Berkeley (1995-2003); Research Specialist, University of California, Berkeley (2003-2012)], Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity, 2nd Ed. Berkeley: Seal Press (eBook) (2016). AT

To me, **the most surreal part of this whole transgressing-versus-reinforcing-gender-norms dialogue** in the queer/trans community (and in many gender studies classrooms and books) **is the unacknowledged hypocrisy** of it all. It is sadly ironic that **people who claim to be** gender-fucking in the name of “**shattering the gender binary,” and who criticize people whose identities fail to adequately challenge our societal notions of femaleness and maleness, cannot see that they have just created a new gender binary, one in which subversive genders are “good” and conservative genders are “bad.”** In a sense, this new gender binary isn’t even all that new. It is merely the original oppositional sexist binary flipped upside down. So now, gender-nonconforming folks are on top and gender-normative people are on the bottom—how revolutionary! Now, I understand the temptation for a marginalized group to turn the hierarchy that has oppressed them upside down, as it can feel very empowering to finally be atop the pecking order, but **it’s absurd to claim that such approaches in any way undermine that binary**. If anything, **they only serve to reinforce it further**. ¶ **Subversivism’s binary flip is very reminiscent of another binary flip that was forwarded by cultural feminists** in the mid-1970s. While subversivism reverses oppositional sexism, **cultural feminism sought to reverse traditional sexism by claiming that women were naturally creative and cooperative and therefore superior to men, who were seen as inherently destructive and oppressive.** While it is always difficult to draw comparisons between different social/political movements for fear of oversimplifying them, there are other striking parallels between subversivism and cultural feminism that are worth bearing out. As historian Alice Echols describes in her book Daring to Be Bad: Radical Feminism in America, 1967- 1975, cultural feminism evolved from its more outwardly focused predecessor, radical feminism.4 While radical feminism—which asserted that neither sex was inherently superior to the other—actively engaged the mainstream public (and men in particular) to challenge and change their sexist ways, cultural feminism was a more insular movement, focusing on creating women-run organizations and women-only spaces rather than organizing public demonstrations. And unlike radical feminism, which attempted to accommodate a variety of different female perspectives (in fact, issues over “difference” in class and sexuality consumed much of the movement’s energy), cultural feminists forwarded the idea of “sameness” and “oneness”—that all women were part of a universal sisterhood, united by their female biology. ¶ **This concept of female “oneness” was perhaps most responsible for cultural feminism’s exclusionist, even separatist, tendencies**. After all, if one believes in a female “oneness” that is distinct from, and superior to, maleness, then anyone who brings that distinction into question automatically becomes threatening. Indeed, that’s exactly what happened throughout much of the 1970s and 1980s. **Those women who disagreed with cultural feminist dogma—or who engaged in certain gender expressions and sexual practices that were associated with men—were derided as promoting masculine values and being “antifeminist,” and were accordingly excluded from the movement.** Further, as Echols points out, while cultural feminists “used the language of sisterhood, they often assumed a patronizing stance toward those ‘unliberated’ women who were still living in ‘The Man’s’ world.”5 This exclusionary shift from a movement that sought to benefit all women (i.e., radical feminism) to one that only sought to benefit a select group of women was made possible by cultural feminism’s binary flip and its sense of “oneness.” ¶ The queer and transgender movements came into their own in the early 1990s in response to this sort of exclusionary “oneness” that was promoted by cultural feminists and many mainstream gay rights activists. The words “transgender” and “queer” came into vogue during this time as umbrella terms: “Queer” attempted to accommodate lesbians and gays as well as the growing bisexual and transgender movements; and “transgender” was used to promote a coalition of distinct groups (including crossdressers, transsexuals, butch women, femme men, drag performers, intersex people, etc.) that previously believed they had little in common with one another. These alliances were not based on a presumed shared biology or set of beliefs, but on the fact that these different groups faced similar forms of discrimination. In fact, the notion that transgender people “transgress binary gender norms” came about to create a cause for its varied constituents to unite behind, not as a litmus test or a criteria for them to meet. At that time, the idea of “shattering the gender binary” was outward-focused; if we could push our culture to move beyond the idea that female and male are rigid, mutually exclusive “opposite sexes,” that would make the lives of all transgender constituent subgroups far easier. ¶ **Just as cultural feminism’s binary flip fostered that movement’s inward focus on women-only culture and spaces,** I believe that **the recent rise of subversivism may be an early sign that the more outwardlooking, changing-the-world-focused transgender and queer movements of the 1990s are shifting into a more insular and exclusionary queer/trans community, one that favors only a select group of queers and trans folks, rather than all people who fall under those umbrella terms.** Indeed, unlike our predecessors in the groups Queer Nation (who held public “kiss-ins” in suburban malls) and Transsexual Menace (who staged protests in small Midwestern towns where trans people were murdered), many in the queer/trans community these days often seem more content celebrating our fabulous queer selves or enjoying the safety of our own organizations and events.6 **While there is nothing inherently wrong with creating our own queer/trans spaces and culture, what troubles me is that we are clearly sacrificing diversity in the process.** For example, in **queer/trans spaces, one rarely sees MTF crossdressers** (despite the fact that they make up a large portion of the transgender population) **and there are very few trans women**. Some might suggest that these groups are choosing not to attend of their own accord, but that only leads to the next question: Why are they choosing not to come? Often when **trans women** ask me when I’m performing next, and I tell them that it’s a queer/trans event, they will **tell me that** they’d rather not go because **they do not feel comfortable or safe in those spaces, that they have been dismissed or belittled** at such events before. Even trans women who are dyke- or bisexual-identified often don’t feel welcome or relevant in queer/trans spaces**. And whenever a trans woman or ally points out aspects about the queer/ trans community that contribute to these feelings of irrelevancy and disrespect**—such as the way our community coddles those who support trans-woman-exclusionist events or who make trans-misogynistic comments— **we are described as being “divisive.”** This use of the word “**divisive**” is particularly telling, as it **implies that “queer/trans” represents a uniform movement or community—a “oneness”—rather than an alliance where all voices are respected.**

**And, anti-assimilationism is classist purity politics. Turns the case again and guts aff solvency.**

**Operaista 12** Gayge, IWW, a former TransFix NorCal organizer, and a former Camp Trans organizer. *Queering Anarchism: Addressing and Undressing Power and Desire*, “Radical Queers and Class Struggle: A Match to Be Made,” edited by C.B. Daring, J. Rogue, Deric Shannon, and Abbey Volcano

It is often necessary for oppressed groups to engage in class struggle autonomously—i.e., to self-organize against their specific material conditions, fight against them, and bring their struggle back to the working class as a whole. While I am about as interested in arguing the precise definition of queer as I am about arguing about how many angels can have a circle jerk on the head of a pin, it’s pretty clear what queer in general is—the state of being not-heterosexual, and/or the state of being trans, genderqueer, or gender-nonconforming. This, in the main, is the definition that has been used for “queer,” as a reclaimed term of solidarity, by queer communities in struggle for decades. While “queer” is a purposefully imprecise term, we should **avoid it becoming either a hip label or something that only belongs to those we agree with politically**. Working-class queer communities have often been targeted from both sides, first by bourgeois LGBT organizations looking for numbers and legitimacy, and by radical organizations that seek to co-opt queers and queerness that they feel comfortable with. Both sides erase and silence the queers they are not comfortable with. Ultimately, working-class queers need the ability to self-organize, and to do that they need to not be controlled by either bourgeois LGBT organizations or radical organizations coming in from the outside to lead them. While of course there are radical workingclass queers in radical organizations, working-class queer community organizations need to arise out of the self-organization of all working-class queers, and **not exclude non-radicalized queers from membership,** as people are radicalized through struggle, and **excluding them from the organs of struggle is saying that we both know best and that they are beyond change**. While queer communities have often defined “queer” too narrowly— examples of excluded groups from dyke communities being bisexuals, femmes, butch/butch and femme/femme couples, butches and femmes at some points in time, and trans women—we need to not be so broad as to be meaningless; we need to retain a notion of queer that highlights the separation from traditional notions of the family, and the additional reproductive labor (in the sense of being able to reproduce one’s labor power for the next day) that comes from being a member of an oppressed group that is in constant danger from a hostile world and lacks traditional means of support. If we want queers to be able to join in the broader class struggle (not like we haven’t been there all along), we need spaces and organizations where we can approach the class struggle from working-class queer standpoints. We need spaces where we can formulate the questions about what being a working-class queer means to our material conditions, to our exploitation under capitalism. To truly be able to do that we need spaces where we can form organizations that don’t need to make every hetero radical comfortable, and spaces that aren’t controlled by bourgeois queers. If we, ourselves, bring those spaces into being, we will be able to organize our own struggles, link them up to the larger struggles of the class, and bring queer fierceness back to the class struggle. We do not need anyone from the outside to lead us; we will do things for ourselves by focusing not on academic definitions of what it is to be queer but rather the material conditions of queer lives. The Dead End of Anti-Assimilation Anti-assimilation, in-so-much as it has been a critique of the bourgeois cooptation of movements for queer liberation, has been valuable. Antiassimilation, in-so-much as it has been hostile to seeing queer struggles as part of the larger class struggle and as it has policed the identities of queers, by casting out queers who can pass, trans people who access medical transition, monogamous queers, queers who must be closeted in their working lives to retain employment, has been a hindrance. The assimilationist/anti-assimilationist dialectic is unhelpful. The proper questions we should ask ourselves about queer organizations, movements, and struggles are: What is the class composition? Are the forms of organization a benefit or a hindrance to working-class struggle? Are the goals ones that would strengthen the working class or the bourgeoisie? In which struggles will our efforts as revolutionaries be most valuable toward our ultimate goal of communism? We must also ask how we can broaden the struggle—what opportunities does each queer struggle bring to spread to the rest of the working class? These are far more important questions to me than whether the queers participating in the struggle reach an appropriate level of anti-assimilationist purity, which often at its core is just a reflection of the stratification built into the working class, twisted on the surface, but true to that stratification at its core. Another problem with anti-assimilationist purity is, as mentioned earlier, the idea that there is a need for queers to discipline themselves to adhere to a hegemonic idea of queerness that stands in opposition to a hegemonic idea of straightness. We run into the danger of cutting out far more queers that we should desire to struggle alongside than those whom we do not wish to struggle alongside, our comrades being working-class queers who may be monogamous, vanilla, or gender-conforming, for instance.

**Radical alterity gets co-opted by larger systems of domination, naturalizing violence and reversing liberatory politics. Turns case yet again and guts solvency.**

**Sallydarity 12** Stacy, creator and editor of anarchalibrary.blogspot.com, formerly the “resources” section of anarcha.org, which provides a vast archive of items of interest to anarcha feminists. *Queering Anarchism: Addressing and Undressing Power and Desire*, “Gender Sabotage,” edited by C.B. Daring, J. Rogue, Deric Shannon, and Abbey Volcano

That said, we need to dismantle gender stratum, to separate the power dynamics attached to gender, in that masculinity often means domination, and femininity, subordination. Since men are taught to be dominating—that this is equated with masculinity (being a “real man”)—we need to make a particular point to change this. Men are denied their emotions, and as bell hooks writes, “Patriarchy both creates the rage in boys and then contains it for later use, making it a resource to exploit later on as boys become men. As a national product, **this rage can be garnered to further imperialism, hatred, and oppression of women and men globally**.”[39] At the very least it teaches men in general to be apathetic about the plight of others. Because it is instilled in men that their nature requires them to be dominating, we must **extract the domination imperative from what it means to be a man**. Hooks distinguishes patriarchal masculinity from masculinity, and this deserves further consideration. Without the naturalization of a man/woman dichotomy, masculinity and femininity (gender inclination) and all their various meanings are either exposed as social only, and/or as more about individual tendencies of personality and affinity. It is this domination that should be opposed, no matter who is doing it or in what form. No one ought to identify domination as part of who they are, nor should women excuse their own (or other women’s) participation in domination just because they believe they cannot be oppressors. This applies to male privilege, hetero privilege, class privilege, white privilege, etc., in addition to hierarchies perhaps **inadvertently created by those judging others as not revolutionary, queer, or gender nonconforming enough**. In the past there was an expectation that the radical lesbian movement (and before that, women’s suffrage) would strongly threaten the dominant order. In fact, it has been viewed as a threat, but **as we can see, it has been defeated, recuperated or co-opted under the larger system of domination.** [40] If much of radical feminism/lesbianism was really the only real threat to the system,[41] then it served the dominant order to marginalize the particularly militant tendencies and/or those of women of color, or divert the movements to re-embrace essentialism, which reinforced the order of things.

Some radical feminists were certainly on to something. According to Celestine Ware, a black woman activist (1970) who was quoted in bell hooks’ Feminist Theory: From Margin to Center, “Radical feminism…postulates that the domination of one human being by another is the basic evil in society. Dominance in human relationships is the target of their opposition.” Hooks comments, “As feminist movement progressed, critiques of the notion of power as domination and control were submerged as bourgeois activists began to focus on women overcoming their fear of power (the implication being that if they wanted social equality with men, they would need to participate equally in exercising domination and control over others).”[42] **Attributing violence and abuse to** the nature or necessary political position of **men gives women the opportunity to participate in domination while insisting that they can do so in a more ethical way** (or that they are by definition incapable of participating in domination). In addition, this attitude makes male violence seem inevitable and **allows us to avoid critical thinking** about systemic/institutional oppressions, such as the likelihood that capitalism and the state promote rape.[43] If rape is natural to men, then the survivors (mostly women) can rationalize that their only recourse is through the state. Yet prisons and police are not the solution to this problem. In addition, acknowledging that being a woman, queer, or transgressing gender boxes, and/or having feminist or anarchist politics **does not make one necessarily incapable of being a perpetrator of abuse and sexual assault**, we must see this as a larger project of addressing issues of consent. Additionally, uniting around the freedom to choose what will be done or not done to or with our bodies ties together many people’s struggles. As far as identity politics go, there must be some focus on identity in the sense that there are very real effects of these unreal constructs. Yet the point is to understand the gender and race divisions not only to end gender and race oppression, but to end domination totally—to undermine these crossclass alliances created in the process of power seeking to naturalize itself, its law, and its divisions. **Certainly capitalism, with the state, made the divisions between genders and races politically significant in a way that they never had been before.** This shows that much of the racism and sexism that has existed in the last few centuries is not innate, not organic, not grassroots, but rather manufactured. Part of this struggle will be in exposing the ways in which our beliefs have been shaped in the interest of power—that many of the things we consider to be natural are in fact not just man-made, but **statemade**. Illuminating the ways that our oppression is not “natural” can be done partly through the actual demonstrations and experiences of gender fluidity and queerness, sometimes referred to with other concepts as “queer.” “Queer is…an identity that problematizes the manageable limits of identity. Queer is a territory of tension, defined against the dominant narrative of white-hetero-monogamous-patriarchy, but also by an affinity with all who are marginalized, otherized, and oppressed.”[44]

**The alternative is to reject subversivism and the labeling of genders and sexualities as “deviant” or “conformist,” and instead challenge all forms of gender entitlement. Solves better than the aff because it fosters coalitions that actually effect material change.**

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I worry that the dominance of cissexual voices in the queer/ trans community, and **the exclusionary practice of subversivism**, are together **foster**ing **a sense of queer/trans “oneness” that excludes trans women** such as myself. My fears stem not so much from my own concern about being excluded, or for the many other subgroups not mentioned here who also feel increasingly left out of this community. Rather, I fear that **this inward, homogenizing trend represents a lost opportunity to learn from one another and to change the minds of the public at large.** If we hope to correct this insular, exclusionary trend, then **we must begin to** (once again) **think in terms of alliances rather than monolithic communities. Alliance-based activism begins with the recognition that we are all individuals, each with a limited history and experiencing a largely unique set of privileges, expectations, assumptions, and restrictions.** Thus, none of us have “superior knowledge” when it comes to sexuality and gender. **By calling ourselves an alliance, we explicitly acknowledge that we are working toward a common goal** (how about “**making the world safe and just for people of all genders and sexualities**”?), **while simultaneously recognizing and respecting our many differences.** There can be no legitimate accusations of “divisiveness” in an alliance, as differences of opinion would be expected from the start. Thinking in terms of alliances can encourage us to move beyond the single goal of creating safe queer/trans spaces, to recognize that, in reality, there is no such thing as a “safe space.” After all, the very notion of safety is often predicated on a presumed and exclusionary sense of “sameness” and “oneness.” And unlike subversivism, which fosters a grim and belittling view of the heterosexual, gender-normative majority, alliance-based gender activism recognizes that the only way we will change society is by engaging the mainstream public and working with, rather than against, our straight allies. ¶ If we hope to build alliances that are respectful of all queer and transgender perspectives, then **we must stop talking about the gender binary system, as if there is only one**. As a trans woman, I deal with lots of gender binaries: male/female, heterosexual/homosexual, cissexual/transsexual, cisgender/transgender, and so on. As someone who is marginalized in queer/trans spaces for not being “subversive” or “transgressive” enough, I find that calls to “shatter the (male/female) gender binary” sound hollow. And **when cissexual queers try to frame all forms of gender/sexual discrimination in terms of “heterosexist gender norms,” they deny** the fact that, as a transsexual woman, I experience way more **cissexist and transmisogynistic animosity and condescension** from members of my own lesbian community than I ever have from my straight friends and acquaintances. The truth is that whenever we enter a different space, or speak with a different person, we are forced to deal with a somewhat different set of binaries and assumptions. Indeed, my experience living in the San Francisco Bay Area—where most straight people I know are very comfortable with queerness, yet many queer people I know harbor subversivist attitudes toward straightness—makes it clear that there needs to be a more general strategy to challenge all forms of sexism, not just the typical or obvious ones. ¶ Rather than focusing on “shattering the gender binary,” I believe **we should turn our attention instead to challenging all forms of gender entitlement, the privileging of one’s own perceptions, interpretations, and evaluations of other people’s genders over the way those people understand themselves.** After all, **whenever we assign values to other people’s genders and sexualities—whether we call them subversive or conservative, cool or uncool, normal or abnormal, natural or unnatural—we are automatically creating or reaffirming some kind of hierarchy**. In other words, when we critique any gender as being “good” or “bad,” we are by definition being sexist. After all, isn’t what drives many of us into feminism and queer activism in the first place our frustration that other people often place rather arbitrary meanings and values onto our sexed bodies, gender expressions, and sexualities? Is there really any difference between the schoolyard bullies who teased us for being too feminine or masculine when we were little, the arrogant employer who assumes that we aren’t cut out for the job because we’re female, the gay men who claim that we are holding back the gay rights movement because we are not straight-acting enough, and the people—whether lesbian-feminists of the 1970s and 1980s, or subversivists in the 2000s—who decry us for not being androgynous enough to be “true gender radicals”?

## **2-Framing**

#### **LINK FILTER – The affirmative does not stop the commercialization of space. Barring appropriation only limits the ownership of real property, use is still allowed. 100% of aff harms result from use, like the claiming of resources in space, not ownership of real estate.**

#### **The aff doesn’t have a single piece of solvency or link evidence that is actually about appropriation, or even says the word appropriation, so you should give it ZERO WEIGHT. Go ahead, control F the doc.**

Švec et al 20 [Martin Švec, Petr Boháček, and Nikola Schmidt, “Utilization of Natural Resources in Outer Space: Social License to Operate as an Alternative Source of Both Legality and Legitimacy,” Oil Gas Energy Law J, 2020. <https://planetary-defense.eu/wp-content/uploads/2020/11/ov18-1-article17-notitle.pdf>] CT

2.2.1. Is the Utilization of Space Resources Implicitly Prohibited by the OST?

When the OST was drafted, exploitation of space resources was not considered feasible. Thus, the treaty does not contain any specific reference to space resource activities. However, silence of the OST does not necessarily imply unlawfulness of these activities. On the contrary, the freedom of exploration, use and access is one of the most fundamental principles of international space law. Art I of the OST reads: “Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.“25 It is worth mentioning that France already in 1966, during the negotiations of the OST, emphasised that it is important to know exactly what is meant by the term ‘use’, and whether it is an equivalent to the term ‘exploitation’. 26 While there is a general consensus on the interpretation of the term “exploration” as referring to discovery activities of the space environment for scientific reasons, a large disagreement exists concerning the term ‘use’.27 In this context the Board of Directors of the International Institute of Space Law (IISL) hold that there is no international agreement whether the right of “free use” includes the right to take and consume nonrenewable natural resources, including minerals and water on celestial bodies.28 The authors of this article are of the opinion that the term “use” seems to be broad enough to encompass the exploitation of natural resources. Pursuant to the Vienna Convention on the Law of Treaties, a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. First, the term “use” usually refers to both the non-economic and economic utilization and, thus, the use of outer space for economic ends can include exploitation with the objective of making economic profit

.29 Second, the OST’s preamble reveals that the treaty does not aim to restrict the use of outer space, but rather to promote free exploration and use of outer space and the opposite interpretation would lead to an unnecessary impediment to the development of the uses of outer space.30 What is more, these conclusions may also be derived from the Moon Agreement. Although this agreement has been ratified only by 18 states, it may help understand the meaning of the international space law principles enshrined in the OST. The preamble of the Moon Agreement refers to the “benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,” and art 11 envisages the establishment of an international regime to govern the exploitation of natural resources of the Moon. In addition, Hobe argues, that specific uses are only excluded if they are explicitly excluded in other provisions of the OST, such as prohibition of certain military activities.31

2.2.2. Does the Utilization of Space Resources Contradict the Principle of NonAppropriation?

The principle of non-appropriation is one of the most fundamental rules regulating the exploration and use of outer space. Art II of the OST reads as follows: “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.” As a consequence, outer space is generally understood as a res communis omnium, 32 in its legal characterisation similar to the law governing the high seas or the deep seabed. An analysis of these already existing regimes based on the non-appropriation principle reveals that an exploitation of natural resources is perfectly compatible with the principle of nonappropriation.33 Additionally, even the Moon Agreement suggests that the exploitation of the natural resources of the moon does not constitute a means of appropriation. In particular, art 11 of the Moon Agreement reiterates that outer space is not subject to national appropriation and it explicitly envisages the establishment of an international legal regime to govern the exploitation of space resources.34

#### **The question of the resolution is not whether private activity in space is unjust,**

## **CP**

#### **CP: the private appropriation of outer space by natural persons is just.**

#### **The individual right to property is a basic human right that should be extended to space.**

Faires 19 [Wes Faires, “The role of the Universal Declaration of Human Rights in supporting space property rights,” The Space Review, August 5, 2019. <https://www.thespacereview.com/article/3771/1>] CT

A long-discussed issue has been the absence of provisions pertaining to private entities under the 1967 Outer Space Treaty. Interpretations in favor of private property rights hold that the purpose of Article II’s ban on “national appropriation” was to place a limitation on member nations’ attempts to exercise territorial and political sovereignty over any part of outer space: to restrict territorial disputes between countries from extending beyond Earth. Without an explicit prohibition of private property rights in the treaty, their development with respect to private entities is unencumbered. Opposition has fluctuated from the position that the prohibition of national appropriation in Article II served to exclude development of property rights for private citizens: without a national entity with the ability to “confer” or pass down property rights to “sub-national” citizens, forward progress is rendered impossible. There were later attempts to classify private citizens as “nationals” in order to apply to them the prohibition of ‘national appropriation’. The 1979 Moon Agreement places an explicit ban on property for a host of entities, including “natural persons,” until such time as an international regime can be formulated. Two nations, the United States and Luxembourg, have enacted legislation favorable to property and mineral rights regarding space resources. This was met with opposition from some in the international community, who called into question whether such unilateral acts were in and of themselves a violation of the non-appropriation principle of the 1967 Outer Space Treaty. Perhaps in the future, the concept of “property rights” will have evolved beyond the terrestrial concepts of ownership, sovereignty, and territorial acquisition, under a new treaty framework structured by private entities, developed outside the auspices of any nation-state or supranational regime. Until such time, what is needed is a base-level favorable affirmation of private property rights in outer space, one that serves as a foundation for their evolution beyond national borders and which is accepted across the board. To this end, the solution to 50 years of ambiguity regarding private property rights under the under the current UN Outer Space Treaty framework is found within the 1948 Universal Declaration of Human Right

s (UDHR), Article 17: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property. -UN General Assembly. "Universal Declaration of Human Rights." United Nations, 217 (III) A,1948, Paris, Art. 17 The commercial space sector would welcome language favorable to private property rights in space, with specific emphasis on the re-affirmation of Article 17 as it pertains to property rights for private entities. Beyond Article 17, utilization of the UDHR as a default mechanism in situations where legislation is not yet developed can yield an immediate benefit for humanity. On the national level, the Universal Declaration of Human Rights can be seamlessly integrated into national space policy. Adoption of the UDHR into space policy by state parties to the Outer Space Treaty is essentially a reaffirmation of one of the fundamental principles of the United Nations, and can take place without litigation or implementation of new national legislation, and with no accusation of violation of “national appropriation.” In the international arena, the Universal Declaration of Human Rights can be seamlessly into to conducting legislative proceedings pertaining to outer space, given that: The overarching thematic priority for UNISPACE + 50 and beyond is “Sustainable Development in Space.” A critical aspect of this calls for ensuring the principles of the 2030 Agenda for Sustainable Development are upheld. The 2030 Agenda is grounded in, and re-affirms, the Universal Declaration of Human Rights (A/RES/70/1 para. 10, para. 19). The task at hand is to compel the United Nations Committee on Peaceful Uses of Outer Space (UNCOPUOS) to commit to upholding the Universal Declaration of Human Rights. Solidarity on such a core foundational UN principle as the UDHR solidifies reflection of Agenda 2030. I propose that UN Secretariat take this opportunity to move forward with Sustainable Development, and lead the way in incorporation the Universal Declaration of Human Rights into international space policy. It is time to recognize property rights as the universally declared human right that it is: “Everyone has the right to own property alone as well as in association with others.” The definition of property and scope of the UDHR was not limited to any one definition or territory. The UDHR was intended from the outset to be universal: “It is not a treaty; it is not an international agreement […] It is a Declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.” -Eleanor Roosevelt, “On the Adoption of the Universal Declaration of Human Rights” December 9, 1948 Here in its 70th year of adoption, acceptance of the UDHR into space policy by the international community would be both timely and logical. It reaffirms adherence to a fundamental United Nations cornerstone, and provides an opportunity to strengthen the commitment to the 2030 Agenda for Sustainable Development. At a time when feasibility of extraction of minerals from celestial bodies is fast approaching, it is our responsibility to ensure that the transition occurs free of any terrestrial shackles. The Universal Declaration of Human Rights offers an acceptable foundational framework from which property rights can evolve off-planet, that can be embraced by the private sector, adopted across national levels, and upheld in the international arena

#### The CP protects individual property rights while solving case since the aff still applies to corporations.

#### No perms: The CP would expand the rights of individuals in space, from the mere right to use, to the full bundle of rights protected by private property.

#### **Impact is Democide – Empirically, murder by tyrannical governments is the biggest impact. It outweighs war and cap. There is a direct relationship between the lack of personal freedom and democide.**

Wayman 17 summarizing Rummel [Wayman F.W. (2017) Rummel and Singer, DON and COW. In: Gleditsch N. (eds) R.J. Rummel: An Assessment of His Many Contributions. SpringerBriefs on Pioneers in Science and Practice, vol 37. Springer, Cham. <https://doi.org/10.1007/978-3-319-54463-2_9>] CT

At Rummel’s website, the dominant theme is that power kills (http://www.hawaii.edu/powerkills/). As he began one of his books (Rummel, 1994: 1), ‘Power kills; absolute power kills absolutely. This new Power Principle is the message emerging from my previous work on the causes of war and from this work on genocide and government mass murder … The more power a government has, the more it can act arbitrarily.’

A major supporting idea is the term regime, as operationalized by Rummel (1995) and used as the organizing principle for his datasets on ‘democide—genocide and mass murder’ (Rummel, 1998: 1). This idea of a regime is important to his work because there is a lot of variation from regime to regime in the regime’s amount of power, and also in the number of people the regime kills. And Rummel’s dominant theme is that those two characteristics of a regime (power and deaths) co-vary. In my own ordinary language, a regime is a type of government controlling a state apparatus. As Rummel (1995: 9) says, ‘The changes from the Kaiser monarchy to the Weimar Republic to Hitler’s rule … give us three different German regimes. … I count 432 distinct state regimes during the period from 1900 to 1987’. Hence, there would be the czarist regime in Russia until 1917, and then the communist regime from 1917 to 1991. Between February and October 1917, there should I think be a transition period and transitional regime (under Kerensky). Individual rulers, such as general secretaries Stalin, Khrushchev, and Brezhnev, and their governments, do not represent distinct regimes of their own, but instead are all leaders, successively, of different administrations in the communist regime.

To me, Rummel’s (1983) article made the first really convincing case for the inter-liberal or inter-democratic peace. I have since challenged thousands of people, from classrooms to conferences where I am speaking, to name any other proposition in the social sciences that is surprising or counter-intuitive, and that has (according to its advocates at least) no exceptions. No one has ever been able, in my presence, to name such a proposition—other than Rummel’s.

The COW Project generated the data for the bulk of the hypothesis tests in IR for decades (Wayman & Singer, 1990: 247–248). And ‘realist theory informed 90% of the hypotheses tested by IR scholars up to the 1970s’ (Walker, 2013: 148). It was a bit of a shock that an anti-realist hypothesis, the inter-democratic peace, had produced such a paradigm-shattering result. Sadly, I never heard Singer say a good word about Rummel’s studies confirming the inter-democratic peace hypothesis. Rummel had used COW data on wars, plus other people’s data on democracy, Liberalism, and freedom of nations, to contradict one of Singer’s claims (namely, Singer’s contention that the inter-democratic peace was based on too few cases and too flawed in other ways to be taken to be true; Small & Singer, 1976). Deciphering Singer’s true position on this is complicated. When Geller & Singer (1998) produced a literature review of scientific studies of international conflict, while they did caution that the evidence is ‘not indisputable’, they did acknowledge that ‘the evidence in the area of the joint freedom proposition is consistent and cumulative. Democratic dyads are less likely to engage in war than are non-democratic pairs’ (Geller & Singer, 1998: 87–88). But on the other hand, on his own at his weekly COW seminar, Singer was much more skeptical about the inter-democratic peace. So it is not surprising that, four years after Geller & Singer’s assessment, one of Singer’s students, Henderson (2002) wrote a book that constituted an attack on the democratic peace literature. In the opening paragraph, Henderson says, ‘It struck me as strange that one of the doyen of the behavioral revolution would be such an avid critic of what some scholars hail as the closest thing to an empirical law in the field’.

Instead, Singer seemed more interested in the international or interstate system. While Waltz (1979: 94) defined ‘international political structures in terms of states’, Singer spoke of ‘the national state as level of analysis’ (Singer, 1961: 82–89). Thus, whereas Waltz writes of a system whose basic units are sovereign states, Singer ends up with two systems: an inter-state system and an international system. The international system consists of entities that have an international political goal (including … state creation or survival), engage in international political behavior (including inter-state or extra-state conflict, alliances, trade, or international organizations), or engage in political behavior that has international consequences (such as civil wars). The [international] system … includes … terrorist groups (Sarkees & Wayman, 2010: 27).

Nested within this international system is the interstate system, beginning in 1816, distinguished in terms of ‘recurring international interactions between and among the interstate system members’ (Sarkees & Wayman, 2010: 16). Singer’s COW data are organized around a focus on state system membership. Basically, between 1816 and 1919 an entity is a state system member if it has 500,000 people or more and is diplomatically recognized at an adequate level by Britain and France, while after 1919 it is a state if it is a League of Nations or UN member or has 500,000 people and diplomatic recognition by two major powers. (Note that ‘state’ becomes a short-hand for ‘state system member’; Bremer & Ghosn, 2003.)

Much confusion results from the short-hand expressions ‘state’ and ‘system’. ‘Whenever the word “system” was used without a modifier, Singer & Small were referring to the interstate system’ (Sarkees & Wayman, 2010: 16). Likewise, the ‘states’ whose characteristics are listed in the COW datasets are not the population of states, but the population of state system members.

Singer’s most widely-cited explanatory articles on interstate war are probably Deutsch & Singer (1964) and Singer, Bremer & Stuckey (1972). Both operate at the system level of analysis. It may be that Singer’s devotion to the interstate system is part of what made him reluctant to embrace the inter-democratic peace. As he said in another widely-cited article, the international system level of analysis ‘almost inevitably requires that we postulate a high degree of uniformity in the foreign policy codes of our national actors’, and ‘the system-oriented approach tends to produce a sort of “black box” or “billiard ball” concept of national actors’. This is consistent with his foreign policy instincts, which were loath to attribute ‘white hats’ to the ‘free world’ and ‘black hats’ to the Soviet Union, in the assigning of blame for the dangers to world peace in the Cold War era. Singer’s posture was very different from Rummel’s, with Rummel in favor of Reagan’s foreign policy and against détente. In these Cold War contexts, Singer may have been uncomfortable with Rummel’s summary that ‘freedom preserves peace and life’.

Singer wrote ‘it is evident that my research and teaching has unambiguously been problem-driven’, and ‘for reasons that I struggle to articulate, the problem has been, and remains, that of war’ (Singer, 1990: 2). The COW Project was founded by him at the University of Michigan in 1963, the year after the world nearly was destroyed, had the Cuban Missiles Crisis gone badly. International war attracted Singer’s best efforts at finding the ‘causes of war and conditions of peace’ (1990: 3). As he and Small put it, their focus is a ‘preoccupation with the elimination of international war and the possible role of solid explanatory knowledge in that enterprise’ (Small & Singer, 1982: 17). The first COW war handbook, Wages of War (Singer & Small, 1972) was consequently limited to international wars. Karl Deutsch subsequently convinced Singer that there was a need for a comparable list of civil wars. This led to a new handbook, Resort to Arms: International and Civil Wars, 1816–1980, presenting a ‘comprehensive list that will enhance … study of civil wars’ (Small & Singer, 1982: 204). The civil war list is accompanied with a cautionary note, ‘International war remains our major concern … A research assault on [explanation of] civil war … is clearly a task better left to others’ (Small & Singer, 1982: 17). Consequently, the COW project had many datasets (such as the Militarized Interstate Dispute dataset) on the correlates of interstate war, but nothing comparable on the civil war data. Nevertheless, the publication of the civil war data was a valuable contribution to studies of civil war, and was also a step toward the full delineation of the totality of modern war. This was followed, in the third COW handbook (Sarkees & Wayman, 2010) with a definition and list of non-state wars, completing the full reckoning of the patterns of war in the past two centuries. Also, the focus of Singer on international war was somewhat vindicated by his co-authored article revealing that, over the time since the Congress of Vienna, inter-state wars had resulted in 32 million battle deaths, intra-state wars only 18 million (Sarkees, Wayman & Singer, 2003).

Critics often ask if the COW project has a state-centric bias. A more subtle and I think effective line of inquiry is to ask why the COW project has emphasized state-system-membership rather than simple sovereignty and independence as the defining characteristic of the state. This can cause confusion. For example, a number of non-state wars, including the main phase of one of the deadliest wars in history, the Taiping Rebellion, have been fought in areas that would be considered to be states by students of comparative politics. This and other related difficulties have led pioneers outside the COW project (Gleditsch, 2004; Fazal, 2007), as well as Singer’s successor at the COW Project (Bremer & Ghosn, 2003) to propose various revisions and expansions of the concept of the state, to go beyond the COW state membership definition. These difficulties and challenges continue to provide important frontiers for research on war and the state in coming years.

In contrast to Singer, Rummel seems to me to have taken a more inductivist, practical approach to states and similar entities. On his website, powerkills.com, one finds a focus on killing, even of one person. The perpetrators are often leaders of totalitarian states, such as Mao, but can also be rebel leaders (the young Mao) or a king (Leopold of Belgium) who controls what some call a colony (the Belgian Congo) but Rummel calls Leopold’s personal property. The unit of analysis becomes the regime and regime-like power-centers such as Leopold’s Congo or Mao’s rebel territory.

Rummel (1986) concluded that ‘War isn’t this century’s biggest killer’. As he said then, ‘About 35,654,000 people have died in this century’s international and domestic wars, revolutions, and violent conflicts. … The number of people killed by totalitarian or extreme authoritarian governments already far exceeds that for all wars, civil and international. Indeed, this number already approximates the number that might be killed in a nuclear war’. He itemized 95 million killed by communist governments, but only ‘831,000 killed by free democratic governments’. Those killed by free democratic governments were always foreigners:

In no case have I found a democratic government carrying out massacres, genocide and mass executions of its own citizens … Absolutist governments (those that Freedom House would classify as not free) are not only many times deadlier than war, but are themselves the major factor causing war and other forms of violent conflict. They are a major cause of militarism. Indeed, absolutism, not war, is mankind’s deadliest scourge of all. In light of all this, the peaceful, nonviolent fostering of civil liberties and political rights must be made mankind’s highest humanitarian goal … because freedom preserves peace and life (Rummel, 1986).

#### Preventing conflicts and preserving rights is not inherently anti-queer, and the alternative maintains queer abjection

Powers, Prof @ Roehampton University, 9

(Nina, “Non-Reproductive Futurism,” borderlands, vol.8 No.2, <http://www.borderlands.net.au/vol8no2_2009/power_futurism.pdf>)

Edelman’s desire to conflate all politics with reproductive futurism does an injustice to the politics behind some of the historical shifts in the way abortion, for example, has been conceived. Even in the examples Edelman himself gives of anti-reproductive movements, he is quick to state that these campaigns for abortion rights frame the argument in terms of a ‘fight for our future – for our daughters and sons’ (Edelman, 2004: 3). But, whilst it is true that the anti-abortion debate (especially in America) is often played out on the territory of the right (where the rhetoric of pro-life reigns), it is certainly not the case in other parts of the world that abortion is defended in the name of those children already born, i.e. trapped in the framework of reproductive futurity. Elsewhere, it is the rationality of the woman, her ability to make economic and pragmatic decisions that feature foremost in any debate about the rights and wrongs of abortion. Historically, too, discussions about abortion took place in broader contexts that stressed abortion alongside questions of the equal right to work, progressive notions of family structure and so on. Before Stalin repealed the laws, the Soviet Union under Lenin was the first to provide free and on demand abortions. These laws were couched not in terms of ‘life,’ but in terms of pragmatism predicated on a notion of political equality. As Wendy Z. Goldman puts it: Soviet theorists held that the transition to capitalism had transformed the family by undermining its social and economic functions. Under socialism, it would wither away and under communism, it would cease to exist entirely. (Goldman, 1993: 11) Unless the family is considered in its social and economic function, it makes no sense to speak of its power as an image, however powerful this image might be. Edelman ultimately concedes far too much to a very narrow ideological image of the family that, whilst pernicious, is easier to undo with reference to history and practice than he seems to think. As Tim Dean puts it: ‘the polemical ire that permeates No Future seems to have been appropriated wholesale from the rightwing rants to which he recommends we hearken’ (Dean, 2008: 126). In the first section I tried to identify some of the contradictions between the contemporary family and the demands of capitalism, while above I gave examples of politics not based on reproduction and reproduction not based on futurity: what follows from this is that there are important historical shifts in the way in which the family and the image of the child comes to shift in and out of focus. Take the discussions surrounding in vitro fertilisation. First viable as a reproductive practice in the late 1970s, early artificial insemination was regarded as a ‘paganistic and atheistic’ practice (Barrett and McIntosh, 1982: 11). Now, however, despite the wastage of potential viable embryos in the process, it is generally regarded as a practical option for infertile couples. Here the contradictions of contemporary social feeling towards children is exposed once again: reproductive futurism turns out not to be invested in all children, but only those it chooses to keep out of a pragmatism enabled by technology. Edelman talks about the ‘morbidity inherent in fetishization as such’ when opponents of abortion use photos of foetuses to highlight the proximity of the foetus to the ‘fully-formed child’ (Edelman, 2004: 41). He is right that morbidity and the politics of life seem to go hand-inhand, but then proceeds to argue that it is the queer alone that has a duty to remain true to this morbidity, to expose the ‘misrecognised’ investments of ‘sentimental futurism’: The subject … must accept its sinthome, its particular pathway to jouissance … This, I suggest, is the ethical burden to which queerness must accede in a social order intent on misrecognising its own investment in morbidity, fetishisation, and repetition: to inhabit the place of meaninglessness associated with the sinthome; to figure an unregenerate, and unregenerating, sexuality whose singular insistence on jouissance, rejecting every constraint imposed by sentimental futurism, exposes aesthetic culture – the culture of forms and their reproduction, the culture of Imaginary forms – as always already a “culture of death” intent on abjecting the force of a death drive that shatters the tomb we call life. (Edelman, 2004: 47-8) This does not exactly seem like a revelation. We live for the most part in pragmatic acceptance of this culture of death. It hardly shocks us when, for example, statistics reveal that, in 2004, 60% of women who had abortions had already given birth to at least one child (Sharples, 2008). Those people most identified with children – mothers – turn out, quite often, to deal with ‘life’ rather more pragmatically than we might otherwise believe. Edelman has to ignore historical and current examples of abortion rights campaigns, and other attitudes towards the family, in order to shoehorn all politics into a single vision to which he then opposes his notion of the queer. As Brenkman puts it: ‘To grant the Right the status of exemplary articulators of “the” social order strikes me as politically self-destructive and theoretically just plain wrong’

(Brenkman, 2002: 177). There are genuine moments of historical and political importance in terms of thinking about the family that seem to escape Edelman’s dismissal of politics as inevitably futural. We do not need to give up on politics altogether, whilst still accepting that the image of the child is a massive ideological obstacle. Rancière’s notion of political equality (‘Politics … is that activity which turns on equality as its principle’ (Rancière, 1999: ix)) neither concedes ground to politics as it appears (the ordering of the state, the police, a supposed consensus) nor does it think that politics is impossible or nondesirable, as Edelman does. We must ask: is all politics conservative by definition? Does negativity or resistance to existing power structures always translate back into some stable and positive form? The examples of the kibbutzim and the various contradictions in the ideology and practices of contemporary reproduction make it clear that Edelman, whilst having a strong argument about the shape that the ideology of the child takes, has to ignore the unstable compromises that the contemporary world has already made with itself regarding life and death in reproduction. Alan Sinfield has questioned whether we should really conflate all political aspirations with Edelman’s conception of reproductive futurism: ‘perhaps reproductive futurism is capturing and abusing other political aspirations and they should be reasserted’ (Sinfield, 2005: 50). It is not, then, that all politics is reproductively futural, but that this image has come to pervert other political desires, which may have a more complex relationship to children and a progressive conception of humanity. Edelman polemically dismisses the ‘left’ attitude to the queer, as ‘nothing more than a sexual practice in need of demystification’ (Edelman, 2004: 28). Whilst a certain strain of leftist thinking does pursue this demystificatory line (arguing, for example, that many forms of sexual expression are ‘natural’), Edelman reduces the left position on sexuality to a simple question of acceptance, as a way of arguing that the queer can mean nothing to the left. But there are, as indicated above, quite different ways of thinking about the family (in a non-futural, non-ideological way) and about politics, and the two together. When Rancière discusses the ‘subject of politics’, he makes it clear that: The subject of politics can precisely be identified neither with “humanity” and the gatherings of a population, nor with the identities defined by constitutional texts. They are always defined by an interval between identities, be these identities determined by social relations or juridical categories. (Rancière, 2006a: 59) Could this ‘interval between identities’ be the jouissance that Edelman aligns with the queer? Whilst Edelman’s psychoanalytic subject could in no way be understood as a similar (non)entity to Rancière’s ‘subject of politics,’ this idea of the interval seems to indicate a site of noncapture that could be described in a certain sense as ‘queer.’ In Edelman’s response to John Brenkman he states that: ‘Sexuality refuses demystification as society refuses queerness’ (Edelman, 2002: 181-5). By reifying sexuality as something that ‘refuses’ meaning, Edelman oddly substantialises it; Rancière’s way out of the identities determined by social relations or juridical categories is much less dependent on any pre-existing identity, even though he retains the very concept of politics that Edelman rejects. There seems to be no reason why the subject of politics for Rancière couldn’t be a ‘queer’ subject in Edelman’s sense, at the same time as reclaiming a notion of rationality away from the categories of the state. Before turning to a brief summary of this tentative queer rationalism, one more structural element of Edelman’s argument will be addressed: that of the death drive.

**CASE**

1. **Their method is bad-rejecting any form of assimilationism reinforces stereotyping and means that we can’t make significant progress.**
2. **No solvency-by endorsing that the appropriation of outer space by private entities is unjust, they are engaging the very state that they seek to reject BECAUSE the implications of private appropriation being unjust is either that the state is better or stops appropriation. Be HIGHLY skeptical of any claims of ‘ungovernability’.**

#### **Framing Issue: Hold them to a burden of empirically demonstrating solvency. You have to be able to draw a line from valorizing radical alterity to material manifestations of queer liberation. What are the internal links on your flow? What does it mean for self-annihilation to yield the reconciliation of opposites? Otherwise their aff is merely striking a pose, effecting a catharsis through radical performance that alleviates the obligation to take real action to improve the lives of queer folks**

**If we actually care about the ideological suppositions in public consciousness, we should assess that empirically instead of accepting esoteric theoretical assertions.**

**MILLER 1** (David, Rescuing media power, Sept, Vol 4)

**In practice people actively make sense of and give meaning to their world** and in doing so they use different resources, such as the media or new information from peer groups. Our colleague Jenny Kitzinger has shown, how women engage in collective sense making on issues such as male violence. She illustrates how a group of women can re-define and name what they already "felt" about past experience — but which had in a sense been inappropriately named and defined. She describes a focus group discussion in which women comment upon a poster which had been produced for a campaign against male violence. The poster included the statement that fifty percent of girls would encounter some form of abuse. At first the women in the group dissented from this but as they discussed the issue they came to the conclusion that they had in fact all experienced some form of sexual contact which was at the very least, "unwanted" if not outrightly abusive. The discussion ended with these comments from three women (Kitzinger, 1999: 16-17): The women in this group are not simply "hailing" another discourse at random, nor is their sense of what happened determined by a new (feminist) discourse. They work on the possibility of explaining and giving expression to what they have already felt and experienced. The attempt to force someone off is a real and profoundly felt response but what had happened had not been thought through or clearly defined as an assault. As Thompson suggested the effect of grim experience is to create the possibility of meditating on new ways of explaining it. It may first be named in a way which is inappropriate or be met with incomprehension. It is not uncommon for people to "feel" that an existing explanation or definition is not right. They may then have to struggle to adapt words and find new ways of explaining what was only partly identified or understood. This can involve them in making new meanings rather than just being spoken through by the ventriloquism of discourse. Our final objections to the discursive approach are then its idealism and its consequent inability to relate to material process. It is just **so implausibly neat** in its portrayal of the well ordered conceptual structures which allegedly organise what can be seen and known. It is not surprising that its **theorists rarely attempt to measure or account for public consciousness through empirical work.** Such consciousness in practise is very messy — a mass of sometimes half understood concepts and ideas, bits of information from the media and peer groups, jokes, fears, memories of childhood, school, home and work experiences, judgements about what is true, fair, legitimate, desirable, and what is necessary and what is possible, responses from social and political cultures which often contain quite contradictory beliefs. **Within such consciousness it is possible to discern ways of understanding, perspectives and responses** which relate to factors such as class, ethnicity or gender and which are formed in relation to social interests. Such ideologies do function to limit what can be understood, but our point is that they are potentially unstable in the flow of material circumstances, they are contradictory and are contested. The manner in which all these different elements of social consciousness develop and change over time **can only be established through empirical work.**

1. **Their theory is wrong so don’t vote for them-spreading their theory into outrounds is bad since it rejects real reform and reinforces the idea that we cant make change at the ontological level-pess implies that this oppression is inevitable and people will be motivated to do nothing which reinforces the oppression that the aff claims to fight.**

## **State Good-ungovernability bad because it excludes queer people from the law and means that deaths will continue to be ignored and premature**

#### Struggles for legal reform have successfully altered civil society for the better. Brenkman ‘02

Brenkman, John. “Politics, Mortal and Natal: An Arendtian Rejoinder.” Narrative, vol. 10, no. 2, 2002, pp. 186–192. JSTOR, JSTOR, www.jstor.org/stable/20107285.ZW

Innovation is a crucial concept for understanding **the gay and lesbian movement**, **which emerged from within civil society as citizens who were stigmatized and** often **criminalized for their sexual lives** created new forms of association, **transformed their own lifeworld**, **and organized a political offensive on behalf of** political and social **reforms.** There was an innovation of rights and freedoms, and what I have called innovations in sociality. ∂ Contrary to the liberal interpretation of liberal rights and freedoms, I do not think that gays and lesbians have merely sought their place at the table. **Their struggle has radically altered the scope and meaning of the liberal rights and freedoms they sought**, first and foremost by making them include sexuality, sexual practices, and the shape of household and family. **Where the movement has succeeded in changing the laws of the state, it has also opened up new possibilities within civil society**. To take an obvious example, **wherever it becomes unlawful to deny housing to individuals because they are gay, there is set in motion a transformation of the everyday life of neighborhoods**, including the lives of heterosexuals and their children. Within civil society, this is a work of enlightenment, however uneven and fraught and frequently dangerous. **It is not a reaffirmation of the symbolic and structural underpinnings of homophobia; on the contrary, it is a challenge to homophobia and a volatilizing of social relations within the nonpolitical realm.**

#### Independently, the state isn’t irredeemable – using the state is possible even if it’s ideologically opposed to us. Kapoor ‘08

Kapoor, 2008 (Ilan, Associate Professor at the Faculty of Environmental Studies, York University, “The Postcolonial Politics of Development,” p. 138-139)

There are perhaps several other social movement campaigns that could be cited as examples of a ‘hybridizing strategy’.5 But what emerges as important from the Chipko and NBA campaigns is the way in which they treat laws and policies, institutional practices, and ideological apparatuses as deconstructible. That is, they refuse to take dominant authority at face value, and proceed to reveal its contingencies. Sometimes, they expose what the hegemon is trying to disavow or hide (exclusion of affected communities in project design and implementation, faulty information gathering and dissemination). Sometimes, they problematize dominant or naturalized truths (‘development = unlimited economic growth = capitalism’, ‘big is better’, ‘technology can save the environment’). In either case, by contesting, publicizing, and politicizing accepted or hidden truths, they hybridize power, challenging its smugness and triumphalism, revealing its impurities. They show power to be, literally and figuratively, a bastard. While speaking truth to power, a hybridizing strategy also exploits the instabilities of power. In part, this involves showing up and taking advantage of the equivocations of power — conflicting laws, contradictory policies, unfulfilled promises. A lot has to do here with publicly shaming the hegemon, forcing it to remedy injustices and live up to stated commitments in a more accountable and transparent manner. And, in part, this involves nurturing or manipulating the splits and strains within institutions. Such maneuvering can take the form of cultivating allies, forging alliances, or throwing doubt on prevailing orthodoxy. Note, lastly, the way in which a hybridizing strategy works with the dominant discourse. This reflects the negotiative aspect of Bhabha’s performativity. The strategy may outwit the hegemon, but it does so from the interstices of the hegemony. The master may be paralyzed, but his paralysis is induced using his own poison/medicine. It is for this reason that cultivating allies in the adversarial camp is possible: when you speak their language and appeal to their own ethical horizons, you are building a modicum of common ground. It is for this reason also that the master cannot easily dismiss or crush you. Observing his rules and playing his game makes it difficult for him not to take you seriously or grant you a certain legitimacy. The use of non-violent tactics may be crucial in this regard: state repression is easily justified against violent adversaries, but it is vulnerable to public criticism when used against non-violence. Thus, the fact that Chipko and the NBA deployed civil disobedience — pioneered, it must be pointed out, by the ‘father of the nation’ (i.e. Gandhi) — made it difficult for the state to quash them or deflect their

**B] don’t be suspect of answers-**

**C] Debate in its current structure is bad – if we break the cycle and structure of debate then we solve for the link which serves as an impact turn to any theory arguments**

**D] fiat is illusory but queer violence is not – there is a beyond fiat implication to furthering queerness but there isn’t for voting for the 700th extinction impact of the debate season**

#### E] debate constantly opposes the queer – people like Cobin getting misgendered TWICE and mentioning having an anxiety attack because of it in the 2a but still  losing on a 2-1 – so much for equity at a national tournament – people err on the side of the perpetrator and ignore suffering

#### F] Surrendering to queerness comes before theory or case as if we prove you must surrender to queerness we prove that your discourse is bad and there is an obligation to vote for the debaters pushing forward queer literature – this precludes theory as my opponent should have already conceded