## 

## 1

#### Interpretation: The affirmative should only defend the hypothetical implementation of the resolution

#### Resolved means a legislative policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964. ED

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Outer space means anything above Earth’s Karman line

Dunnett 21 (Oliver Tristan, lecturer in geography at Queen’s University Belfast). Earth, Cosmos and Culture: Geographies of Outer Space in Britain, 1900–2020 (1st ed.). Routledge. 2021. <https://doi.org/10.4324/9780815356301> EE

In such ways, this book argues that Britain became a home to rich discourses of outer space, both feeding from and contributing to iconic achievements in space exploration, while also embracing the cosmos in imaginative and philosophical ways.2

INSERT FOOTNOTE 2

2 This book primarily uses the term ‘outer space’ to describe the realm beyond the Earth’s atmosphere, conventionally accepted as beginning at the Kármán line of 100km above sea level. Other terms such as ‘interplanetary space’, ‘interstellar space’, ‘cosmos’, and ‘the heavens’ are used in specific contexts.

END FOOTNOTE 2

Cognisant of this spatial context, a central aim is to demonstrate how contemporary geographical enquiry can provide specific and valuable perspectives from which to understand outer space. This is an argument that was initiated by Denis Cosgrove, and his critique of Alexander von Humboldt’s seminal work Cosmos helped to demonstrate geography’s special relevance to thinking about outer space.3 The key thematic areas which provide the interface for this book’s research, therefore, are the cultural, political and scientific understandings of outer space; the context of the United Kingdom since the start of the last century; and the geographical underpinnings of their relationship.

#### “Appropriation” means to take as property – prefer our definition since it’s contextual to space

Leon 18 (Amanda M., Associate, Caplin & Drysdale, JD UVA Law) "Mining for Meaning: An Examination of the Legality of Property Rights in Space Resources." Virginia Law Review, vol. 104, no. 3, May 2018, p. 497-547. HeinOnline.

Appropriation. The term "appropriation" also remains ambiguous. Webster's defines the verb "appropriate" as "to take to oneself in exclusion of others; to claim or use as by an exclusive or pre-eminent right; as, let no man appropriate a common benefit."16 5 Similarly, Black's Law Dictionary describes "appropriate" as an act "[t]o make a thing one's own; to make a thing the subject of property; to exercise dominion over an object to the extent, and for the purpose, of making it subserve one's own proper use or pleasure."166 Oftentimes, appropriation refers to the setting aside of government funds, the taking of land for public purposes, or a tort of wrongfully taking another's property as one's own. The term appropriation is often used not only with respect to real property but also with water. According to U.S. case law, a person completes an appropriation of water by diversion of the water and an application of the water to beneficial use.167 This common use of the term "appropriation" with respect to water illustrates two key points: (1) the term applies to natural resources-e.g., water or minerals-not just real property, and (2) mining space resources and putting them to beneficial use-e.g., selling or manufacturing the mined resources could reasonably be interpreted as an "appropriation" of outer space. While the ordinary meaning of "appropriation" reasonably includes the taking of natural resources as well as land, whether the drafters and parties to the OST envisioned such a broad meaning of the term remains difficult to determine with any certainty. The prohibition against appropriation "by any other means" supports such a reading, though, by expanding the prohibition to other types not explicitly described.168

As illustrated by this analysis, considerable ambiguity remains after this ordinary-meaning analysis and thus, the question of Treaty obligations and property rights remains unresolved. In order to resolve these ambiguities, an analysis of preparatory materials, historical context, and state practice follows.

2. Preparatory Materials

A review of meeting reports of the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee regarding the Treaty reveals little to clear up the ambiguities of Articles I and II of the OST. In fact, the reports indicate that, despite several negotiating states expressing concern about the lack of clarity with respect to the meaning of "use" and the scope of the non-appropriation principle, no meaningful discussion occurred and no consensus was reached.16 9 Some commentators still conclude that the preparatory work does in fact confirm the drafters' intent for "use" to include exploitation. 170 These commentators do admit, however, that discussions of the term "exploitation" supporting their conclusion focused on remote sensing and communications satellites rather than on resource extraction.17 1 Further skepticism about such an intent for "use" to include "exploitation" also arises given the uncertainty amongst negotiating states about the meaning of these terms. A mere few months before the Treaty opened for signature in January 1967, negotiators were still asking questions about the meaning of "use" during the last few Legal Sub-Committee meetings. For example, in July 1966, the representative of France inquired: "Did the latter term ["use"] imply use for exploration purposes, such as the launching of satellites, or did it mean use in the sense of exploitation, which would involve far more complex issues?" 172 The representative noted that while some activities such as extraction of minerals were difficult to imagine presently, "[i]t was important for all States, and not only those engaged in space exploration, to know exactly what was meant by the term 'use.'173 In the same meeting, the representative from the USSR offered an interesting response to the question posed by the representative of France:

[A]dequate clarification was to be found in article II of the USSR draft, which specified that outer space and celestial bodies should not be subject to national appropriation by means of use or occupation, or by any other means. In other words no human activity on the moon or any other celestial body could be taken as justification for national appropriation. 174

This response implies that Article II acts as a qualification on Article I's broad provision for free exploration and use of outer space by all. Activity such as resource extraction would be viewed as national appropriation and such activity cannot be justified given Article II's prohibition, not even by falling within the ordinary meaning of "use." Despite this clarification, uncertainty appears to have remained, as lingering concerns were communicated in subsequent meetings by several other states, including Australia, Austria, and France."' Nevertheless, the committee put the Treaty in front of the General Assembly two months later without final resolution of the ambiguities regarding property rights arising from Articles I and II176 The preparatory materials ultimately fail to fully clarify the ambiguities of the meanings of "use" and "appropriation." The statement of the representative of the Soviet Union, one of the two main drafting parties, does, however, help push back on the interpretation of some academics that the nonappropriation principle fails to overcome the presumption of freedom of use.7

3. Historical Context

Two interrelated, major historical events cannot be ignored when considering the meaning of the OST: (1) the Cold War and (2) the Space Race. The success of Sputnik I in 1957 showed space travel and exploration no longer to be a dream, but a reality.7 While exciting, this news also brought fear in light of the world's fragile balance of power and tensions between the United States and the Soviet Union. 17 9 What if the Soviet Union managed to launch a nuclear weapon into space? What if the United States greedily claimed the Moon as the fifty-first state? To many, the combination of the Cold War and Space Race made the late 1950s and the 1960s a perilous time.so When viewed as a response to this perilous era, the OST begins to look much more like a nuclear arms treaty and an attempt to ease Cold War tensions than a treaty concerned with the issue of property rights in space."' The Treaty's emphasis on "peaceful purposes" supports this contextual interpretation. 1 82

On the one hand, as many suggest, this context leads to the conclusion that the vague nonappropriation principle of Article II does not prevent private property rights in space resources and the presumption of broad "use" prevails.1 83 Private property rights were simply not a concern of the Treaty drafters and therefore, the Treaty does not address-nor prohibit-such claims. On the other hand, the context surrounding the treaty's drafting does not necessarily lead to this conclusion. In fact, the emphasis on "peaceful purposes" and reducing international tension might instead suggest a stricter reading of Articles I and II. If things were so unstable and tense on Earth, the drafters may have instead intended Article II as a qualification on the general right to explore and use outer space in Article I, recognizing the simple fact that disputes over property, both land and minerals, have sparked some of history's bloodiest conflicts.

The Antarctic treaty experience evidences Cold War concern over potential resource rights disputes. Leading up to the finalization of the Antarctic Treaty of 1959,184 seven nations had already made official territorial claims over varying portions of the frozen landscape in hopes of laying claim to the plethora of resources thought to be located within the subsurface."' Although the Treaty itself did not directly address rights to mineral resources in the Antarctic,186 the treaty is interpreted to have frozen these claims in the interest of "[f]reedom of scientific investigation in Antarctica and cooperation toward that end.""' In a manner notably similar to the terms of Articles XI and XII of the OST, the Treaty promotes scientific exploration by encouraging information sharing of scientific program plans, personnel, and observations' and inspection of stations on a reciprocal basis.189 This Treaty along with several later treaties and protocols constitute the "Antarctic Treaty System," which as a whole manages the governance of Antarctica.1 9 0 In 1991, the Protocol on Environmental Protection to the Antarctic Treaty 91 ("Madrid Protocol") settled the question of property rights for the fifty years following the Protocol's entry into force. 192 The Madrid Protocol provides for "the comprehensive protection of the Antarctic environment ... [and] designate[s] Antarctica as a natural reserve, devoted to peace and science."193 Article 7 explicitly-and simplystates "[a]ny activity relating to mineral resources, other than scientific research, shall be prohibited."1 94 Though Article 25 allows for the creation of a binding legal regime to determine whether and under what conditions mineral resource activity be allowed, no such international legal regime has been created to date. 195 The ban on mineral resource exploitation may only be amended by unanimous consent of the parties. 19 6 The United States signed and ratified both the Antarctic Treaty of 1959 and the Madrid Protocol. 197

The freezing of territorial claims in the Antarctic 98 by the Antarctica Treaty of 1959199 illustrates the existence of true concern over potential resource dispute and conflict during the Cold War, in addition to the major concerns posed by nuclear weapons.2 00 The drafting states also recognized the potential for conflict over property in outer space and drew on the language of the Antarctic Treaty of 1959 to draft the OST.2 01 Given these driving concerns, Article II could be reasonably read as qualifying Article I's general rule. Under this reading, Article II serves the same qualifying purpose as Article IV regarding military and nuclear weapon use in space. Some might push back on this interpretation by claiming that the drafters could have used language such as that in the Madrid Protocol to explicitly prohibit mining in space. However, this argument is flawed. The Madrid Protocol was not written until well after both the original Antarctic Treaty of 1959 and the OST. Furthermore, the timing of the Madrid Protocol perhaps provides further evidence that resources in space are not to be harvested until a subsequent agreement regarding rights over them can be agreed upon internationally. While the historical context does leave some ambiguity as to whether the OST permits property rights over space resources, the Antarctic experience provides a compelling analogy and suggests that the OST does not allow for property rights in space resources.

4. State Practice

In its Frequently Asked Questions released about the SREU Act, the House Committee on Science, Space, and Technology forcefully asserted that the Act does not violate international law.20 2 in fact, according to the committee, the Act's provision of property rights "is affirmed by State practice and by the U.S. State Department in [c]ongressional testimony and written correspondence."2 03 Proponents of this view base their beliefs on several examples. One, "no serious objection" arose to the United States and the Soviet Union bringing samples of rocks and other materials from the Moon back by manned and robotic missions in the late 1960s, nor to Japan successfully collecting a small asteroid sample in 2010.204 Two, a practice of respecting ownership over such retrieved samples and a terrestrial market for such items exists, as illustrated by the fact that no one doubts that the American Museum of Natural History "owns" three asteroids found in Greenland by arctic explorer Robert E. Peary that are now part of the museum's Arthur Ross Hall of Meteorites. 205 Three, Congressmen also cite to a federal district court case, United States v. One Lucite Ball Containing Lunar Material,2 06 to illustrate state practice in favor of ownership over spaces resources. The case involved an Apollo lunar sample gifted to Honduras by the United States. The sample was stolen and sold to an individual in the United States.2 07 When caught during a sting operation intended to uncover illegal sales of imposter samples, the buyer was forced to forfeit the lunar sample after the court concluded the moon rocks had in fact been stolen, basing its decision in part on its recognition of Honduras having national property ownership over the sample. 208

These examples appear overwhelming, but they are not actually examples of activities of the same "form and content" that the SREU Act approves. 2 09 These examples all involve collection of samples in limited amounts and for scientific purposes, while the SREU Act approves large-scale collection and for commercial exploitation. The OST explicitly emphasizes a "freedom of scientific investigation in outer space," and the collection of scientific samples reasonably fall under this enumerated right. 2 10 Alternatively, the OST says nothing with respect to commercial exploitation, only discussing "benefits" of space in terms of sharing those benefits with all mankind.211 Furthermore, the American Museum of Natural History and Lucite Ball examples relied upon are misleading because they suggest that types of celestial artifacts found or gifted on Earth are subject to the same legal regime as resources mined or collected in space, which may not necessarily be true. The analogy of ownership over fish extracted from the high seas is also often cited in response to this pushback. Much like outer space, the high seas are open to all participants, yet the law of the seas still recognizes the right to title over fish extracted on the high seas by fishermen, who can then sell the fish.212 But again, this analogy has limited import because both the 1958 Geneva Convention on the High Seas and the United Nations Convention on the Law of the Sea ("UNCLOS") explicitly recognize the right to fish, while the OST grants no such right to exploit space resources. 2 1 3

Furthermore, state practice relevant to the question of property rights under the OST goes beyond these examples and analogies of ownership of resources taken from commons. State practice regarding property rights in general must be considered. For example, Professor Fabio Tronchetti disagrees with the oft-cited notion that state practice affirms the SREU Act.2 14 According to the professor, "under international law, property rights require a superior authority, a State, entitled to attribute and enforce them." 2 15 By granting property rights in the SREU Act, the United States impliedly claims that it has the authority to confer property rights over space resources-an authority traditionally reserved for the owner of a resource. This notion clashes with the nonappropriation principles of the OST. Though there is no consensus regarding whether the nonappropriation principle prohibits claims of sovereignty over resources, a strong consensus at least exists that the principle prohibits states from claiming sovereignty over real property in space.216 In some traditional systems of mineral ownership, however, ownership over resources ran with ownership over land.217 For example, under Roman law, property rights over subsurface minerals belonged to the landowner. 2 18 Thus, if the United States cannot have title in space lands under the nonappropriation principle, it cannot have title to the space resources in those lands either. Without title to the resources, the United States cannot bestow such title to its citizens under traditional international property law; by claiming that it can bestow such title, the United States is abrogating Article II of the OST. One could also argue that the in situ resources the Act grants rights in are actually still part of the celestial bodies; thus, the resources are real property prior to their removal, and are off limits under the Treaty.2 19 Given the limited import of the cited examples of state practice (limited quantity and scientific versus large-scale and commercial), the traditional practice of property rights being conferred from a sovereign to a citizen become incredibly compelling and suggest the SREU Act may abrogate the United States' treaty obligations.

A final piece of evidence, however, again inserts ambiguity into the interpretation: the sweeping rejection of the Moon Agreement and its limitations on property rights by the international community discussed supra Part JJJ.A.2. On the one hand, the rejection may imply that the international community approved of property rights. On the other hand, however, there were other reasons for the sweeping rejection. For example, Professors Francis Lyall and Paul B. Larsen claim the "main area of controversy"2 2 0 actually surrounded the Agreement's proclamation of the Moon and celestial bodies and their natural resources as the "common heritage of mankind" in Article 11.1,221 rather than the Agreement's general property-right provisions. Many believed the invocation of the "common heritage of mankind" language would impart actual obligations upon parties to share extracted resources, whereas the "province of all mankind" and "for the benefit and interest of all" language of the OST did not.222 As with ordinary meaning, preparatory materials, and historical context, state practice leaves some ambiguities and state interpretations should also be considered.

5. State Interpretations

Much like the preparatory materials discussed supra Part IV.A.1, subsequent state interpretation of the OST fails to fully address the question of the legality of property rights in space resources. On the one hand, the Senate Committee on Foreign Relations found that the drafters intended Articles I, II, and III of the Treaty to be general in nature when reviewing the Treaty,223 which perhaps suggests Article II's nonappropriation principle does not qualify Article I's general right to use or act as an exception. Yet, the committee also found the Treaty to be in response to the "potential for international competition and conflict in outer space." 2 24 To the committee, Articles I, II, and III stressed the importance of free scientific investigation, guaranteed free access to all areas of celestial bodies, and prohibited claims of sovereignty.225 Not only would property rights in natural resources potentially ignite and exacerbate conflict in space, but they also seemed somewhat incompatible with scientific investigation, free access, and the prohibition on sovereignty. During its hearing on the Treaty, the Senate Committee on Foreign Relations focused a majority of its discussion of Article I on whether or not the language "province of all mankind" imparted strict obligations, while devoting little to no time to the issue of the meaning of "use." 22 6 Former Justice Arthur Goldberg, then U.S. ambassador to the United Nations, did note the goal of the article was to "cnot subject space to exclusive appropriation by any particular power." 227 Nevertheless, this statement fails to resolve whether natural resources may be exploited, as such exploitation could be carried out in an inclusive manner.

The committee's review of Article II consumes only eight lines of the hearing transcript, merely adding that the Article is complementary to Article I and that space cannot be claimed for the country (likely referring to land rather than resources).2 28 A different exchange between Ambassador Goldberg, Senator Lausche, and the Chairman leaves further ambiguity regarding the use of natural resources in space: Mr. Goldberg: We wanted to establish our right to explore and use outer space. Senator Lausche: Yes. That is, any one of the signatory nations shall have the right to the use of whatever might be found in one of the space bodies. Mr. Goldberg: No, no. It doesn't mean that. It means that they shall be free on their own to explore outer space. The Chairman: Or to use it. Mr. Goldberg: To use it. The Chairman: But not on an exclusive basis. Mr. Goldberg: Everyone is free.229

At first, Ambassador Goldberg appears to have refuted the notion that a signatory could simply "use" anything found in one of the space bodies, such as a mineral, implying Senator Lausche's example exceeded the scope of Article I. He then went on to emphasize exploratory activities. But then, Ambassador Goldberg backtracked and reasserted the right to use without clarifying his initial qualification.

This sense of ambiguity remains today despite Congress signing off on the SREU Act. While sponsors of the bill and statements from resource extraction companies emphasized the broad scope of the right to "use" outer space and state practice in support of the legality of 230 property rights, several expert witnesses expressed genuine concern that obligations under the Treaty remain unclear and require additional analysis.231

B. Compatibility

Employing the treaty interpretation tools of ordinary meaning, preparatory materials, historical context, state practice, and state interpretation offers many possible understandings of the obligations imparted by Articles I and II of the OST. For example, while the ordinary meaning of "use" could reasonably include the exploitation of materials, the meeting summaries of the Fifth Session of the U.N. Committee on the Peaceful Uses of Outer Space Legal Sub-Committee make clear that no consensus was ever reached regarding whether "use" includes large-scale exploitation of space resources, let alone fee-simple ownership and the ability to sell commercially. State practice dealing with extraterrestrial samples also sheds little light on the confusion, as the examples cited all deal instead with scientific samples of limited quantity. The international community's rejection of the Moon Agreement also fails to bring clarity. While on the one hand the rejection could be read as a rejection of the idea that the OST prohibits private property rights, it could also be read as a rejection of the common heritage of mankind doctrine. Finally, the prospect of privateventure space mining and extraterrestrial resource extraction remained far off and futuristic at the time of the Treaty's negotiation, making drawing legal conclusions about the legality of these revolutionary activities extremely difficult.

Overall, however, the Treaty's structure and its purposes (preserving peace and avoiding international conflict in outer space) ultimately indicate that private property rights in space resources are prohibited by Article II's non-appropriation principle, at least until future international delegation determines otherwise (like in the Antarctic). The Treaty's structure confirms this interpretation. Article I lays down a general rule for activity in space. Subsequent articles of the Treaty then lay out more specific requirements of and qualifications to this general rule. Much like Article IV restricts the use of nuclear weapons in space, Article II restricts the use of space in ways that might result in potentially controversial property claims. Historically, claims to mineral rights have resulted in just as contentious conflict as those over sovereign lands. Treaty efforts to avoid conflicts in Antarctica and the high seas reflect similar sentiments. The Soviet Union's representative even hinted at this structural relationship between Articles I and II during Treaty S1 232 negotiations.22 In light of the imminent need to ease Cold War tensions, the potential for conflict over property, and the final structure of the Treaty, this Note concludes that the large-scale extraction of space resources is incompatible with the non-appropriation principle of Article II of the OST.23 3 As a result, the United States' provision of property rights to its citizens to possess, own, transport, use, and sell space and asteroid resources extracted through the SREU Act contravenes its international obligations established by the OST.

#### Private entity = majority nonstate

Warners 20 (Bill, JD Candidate, May 2021, at UIC John Marshall Law School) "Patents 254 Miles up: Jurisdictional Issues Onboard the International Space Station." UIC Review of Intellectual Property Law, vol. 19, no. 4, 2020, p. 365-380. HeinOnline.

To satisfy these three necessary requirements for a new patent regime, the ISS IGA must add an additional clause ("Clause 7") in Article 21 specifically establishing a patent regime for private nonstate third parties onboard the ISS. First, Clause 7 would define the term "private entity" as an individual, organization, or business which is primarily privately owned and/or managed by nonstate affiliates. Specifically defining the term "private entity" prevents confusion as to what entities qualify under the agreement and the difference between "public" and "private."99 This definition would also support the connection of Clause 1 in Article 21 to "Article 2 of the Convention Establishing the World Intellectual Property Organization." 100 A succinct definition also alleviates international concerns that the changes to the ISS IGA pushes out Partner State influence. 101 Some in the international community may still point out that Clause 7 still pushes towards a trend of outer space privatization. However, this argument fails to consider that private entities in outer space have operated in space almostas comprehensively as national organizations. 102

#### They violate—they don’t defend

#### Standards:

#### 1] Competitive equity – 3 warrants:

#### A] Ground: they get to pick the topic ex post facto which incentivizes vague argumentation that’s not grounded in a consistent, stable mechanism – they’re playing dodgeball with hand grenades – caselists are concessionary, unpredictable, beaten by perms, and don’t justify their model.

#### B] Limits: their model has no resolutional bound and creates the possibility for literally an infinite number of 1ACs. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus ever 2 months. Cutting negs to every possible aff is a commitment even large squads can’t handle, let alone small schools like us. Counter-interpretations are arbitrary, unpredictable, and don’t solve the world of neg prep because there’s no grounding in the resolution

## 2

#### Interpretation: Debaters must, on the page with their name and the school they attend, disclose the documents they read at least 1 weeks after the round through open source. Technical difficulties must be cited on their wiki

#### Violation: They didn’t for nano. Here’s some screenshots:

Graphical user interface, application

Description automatically generated

Table

Description automatically generated

#### Standards:

#### 1] First is research, disclosures increase research and forces debaters to prepare cases knowing that people will have answers to it. That’s

**Nails 13** - (Jacob [I am a policy debater at Georgia State University. I debated LD for 4 years for Starr's Mill High School (GA) and graduated in 2012.] "A Defense of Disclosure (Including Third-Party Disclosure)" http://nsdupdate.com/2013/a-defense-of-disclosure-including-third-party-disclosure-by-jacob-nails/)

I fall squarely on the side of disclosure. I find that **the largest advantage of widespread disclosure is the educational value it provides.** First, **disclosure streamlines research. Rather than every team and every lone wolf researching completely in the dark, the wiki provides a public body of knowledge that everyone can contribute to and build off of.** Students can look through the different studies on the topic and choose the best ones on an informed basis without the prohibitively large burden of personally surveying all of the literature. **The best arguments are identified and replicated, which is a natural result of an open marketplace of ideas. Quality of evidence increases across the board. In theory,** the increased quality of information **[this] could trade off with quantity**. If debaters could just look to the wiki for evidence, it might remove the competitive incentive to do one’s own research. **Empirically**, however**, the opposite has been true.** In fact, a second advantage of **disclosure is that it motivates research. Debaters cannot expect to make it a whole topic with the same stock AC – that is, unless they are continually updating and frontlining it.** Likewise, **debaters with access to their opponents’ cases can do more targeted and specific research. Students can go to a new level of depth, researching not just the pros and cons of the topic but the specific authors, arguments, and adovcacies employed by other debaters.** The incentive to cut author-specific indicts is low if there’s little guarantee that the author will ever be cited in a round but high if one knows that specific schools are using that author in rounds. In this way, disclosure increases incentive to research by altering a student’s cost-benefit analysis so that the time spent researching is more valuable, i.e. more likely to produce useful evidence because it is more directed. In any case, if publicly accessible evidence jeopardized research, backfiles and briefs would have done LD in a long time ago. Lastly, and to my mind most significantly, **disclosure weeds out anti-educational arguments. I have in mind the sort of theory spikes and underdeveloped analytics whose strategic value comes only from the fact that the time to think of and enunciate responses to them takes longer than the time spent making the arguments themselves. If [theory spikes] these arguments were made on a level playing field where each side had equal time to craft answers, they would seldom win rounds, which is a testimony to the real world applicability (or lack thereof) of such strategies.** A model in which arguments have to withstand close scrutiny to win rounds creates incentive to find the best arguments on the topic rather than the shadiest. Having transitioned from LD to policy where disclosure is more universal, I can say that **debates are more substantive, developed, and responsive when both sides know what they’re getting into prior to the round**. The educational benefits of disclosure alone aren’t likely to convince the fairness-outweighs-education crowd, but I’ve learned over the course of many theory debates that most of that crowd has a very warped and confusing conception of fairness. **Debaters who produce better research are more deserving of a win. Debaters who can make smart arguments and defend them from criticism should win out over debaters who hide behind obfuscation.** That so many rounds these days are resolved on frivolous theory and dropped, single-sentence blips suggests that wins are not going to the “better debaters” in any meaningful sense of the term. The structure of LD in the status quo doesn’t incentivize better debating.

#### 2] Second is Evidence ethics – open source is the only way to verify before round that cards aren’t miscut – otherwise you could have highlighted unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### 3] third is small school debater: It’s uniquely key for small school debaters since they don’t have massive backfiles for every single topic which oweighs on accessibility – even if small school debaters shouldn’t disclose they still benefit off of the wiki.

#### Voters:

#### 1] Fairness and education– debate’s a game that needs rules to evaluate it and education gives us portable skills

#### 2] Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### 3] No RVIs – you shouldn’t win for meeting an obvious burden that you’ve demonstrated before AND encourages baiting which is bad for debate.

4] DTD

## 3

#### The 1AC’s anti-state ethos is what powers neoliberalism – hollowed out institutions serve the interests of corporate power by removing checks on unfettered corporate capitalism. Anti-institutional starting points also locate injustice at the level of discourse instead of materialism which feeds neoliberal ideology

1. Public/Private distinction –

Private.- public entities. Thorugh affirming rez

Giroux Global TV Network Chair in Communication @ McMaster University 6-4-10 (Henry, “Spectacles of Race and Pedagogies of Denial: Anti-Black Racist Pedagogy Under the Reign of Neoliberalism,” Communication Education (52), Issue 3-4, pgs. 191-211)

Any attempt to address the politics of the new racism in the United States must begin by reclaiming the language of the social and affirming the project of an inclusive and just democracy. This suggests addressing how the politics of the new racism are made invisible under the mantle of neoliberal ideology, that is, raising questions about how neoliberalism works to hide the effects of power, politics, and racial injustice. What is troubling and must increasingly be made problematic is that neoliberalism wraps itself in what appears to be an unassailable appeal to common sense. As Jean and John Comaroff (2000) observe: there is a strong argument to be made that neoliberal capitalism in its millennial moment portends the death of politics by hiding its own ideological underpinnings in the dictates of economic efficiency: in the fetishism of the free market, in the inexorable, expanding needs of business, in the imperatives of science and technology. Or, if it does not conduce to the death of politics, it tends to reduce them to the pursuit of pure interest, individual or collective. (p. 322) Defined as the paragon of all social relations, neoliberalism attempts to eliminate an engaged critique about its most basic principles and social consequences by embracing the market as the arbiter of social destiny (Rule, 1998, p. 31). More is lost here than neoliberalism’s willingness to make its own assumptions problematic. Also lost is the very viability of politics itself. Not only does neoliberalism in this instance empty the public treasury, hollow out public services, and limit the vocabulary and imagery available to recognize antidemocratic forms of power and narrow models of individual agency, but it also undermines the socially discursive translating functions of any viable democracy by undercutting the ability of individuals to engage in the continuous translation between public considerations and the private interests by collapsing the public into the realm of the private (Bauman, 2001). Divested of its political possibilities and social underpinnings, freedom finds few opportunities for rearticulating private worries into public concerns or individual discontent into collective struggle (Bauman, 2001). Hence, the “first task in engaging neoliberalism is revealing its claim to a bogus universalism and making clear how it functions as a historical and social construction. Neoliberalism hides the traces of its own ideology, politics, and history either by rhetorically asserting its triumphalism as part of the end of history or by proclaiming that capitalism and democracy are synonymous. What must be challenged is neoliberalism’s future tense narrative of inevitability, demonstrating that the drama of world history remains wide open (Medovoi, 2002, p. 66). But the history of the changing economic and ideological conditions that gave rise to neoliberalism must be understood in relation to the corresponding history of race relations in the United States and abroad. Most importantly, as the history of race is either left out or misrepresented by the official channels of power in the United States, it is crucial that the history of slavery, civil rights, racial politics, and ongoing modes of struggle at the level of everyday life be remembered and used pedagogically to challenge the historical amnesia that feeds neoliberalism’s ahistorical claim to power and the continuity of its claims to common sense. The struggle against racial injustice cannot be separated from larger questions about what kind of culture and society are emerging under the imperatives of neoliberalism, what kind of history it ignores, and what alternatives might point to a substantive democratic future. Second, under neoliberalism all levels of government have been hollowed out and largely reduced either to their policing functions or to maintaining the privileges of the rich and the interests of corporate power, both of which are largely White. In this discourse, not only is the state absolved of its traditional social contract of upholding the public good and providing crucial social provisions and minimal guarantees for those who are in need of such services, but it also embraces a notion of color-blind racelessness. State racelessness is built on the right-wing logic of rational racists such as Dinesh DSouza (1995), who argue that What we need is a separation of race and state (p. 545). As David Theo Goldberg (2002) points out, this means that the state is now held to a standard of justice protective of individual rights and not group results from. This in turn makes possible the devaluation of any individuals considered not white, or white-like, the trashing or trampling of their rights and possibilities, for the sake of preserving the right to private rational discrimination of whites. [Thus] racist discrimination becomes privatized, and in terms of liberal legality state protected in its privacy. (p. 229) Defined through the ideology of racelessness, the state removes itself from either addressing or correcting the effects of racial discrimination, reducing matters of racism to individual concerns to be largely solved through private negotiations between individuals, and adopting an entirely uncritical role in the way in which the racial state shapes racial policies and their effects throughout the economic, social, and cultural landscape. Lost here is any critical engagement with state power and how it imposes immigration policies, decides who gets resources and access to a quality education, defines what constitutes a crime, how people are punished, how and whether social problems are criminalized, who is worthy of citizenship, and who is responsible for addressing racial injustices. As the late Pierre Bourdieu (Bourdieu & Grass, 2002) argues, there is a political and pedagogical need not only to protect the social gains, embodied in state policies, that have been the outcome of important collective struggles, but also to invent another kind of state (p. 71). This means challenging the political irresponsibility and moral indifference which are the organizing principles at the heart of the neoliberal vision. As Bourdieu suggests, this points to the need to restore a sense of utopian possibility rooted in a struggle for a democratic state. The racial state and its neoliberal ideology need to be challenged as part of any viable antiracist pedagogy and politics. Antiracist pedagogy also needs to move beyond the conundrums of a limited identity politics and begin to include in its analysis what it would mean to imagine the state as a vehicle for democratic values and a strong proponent for social and racial justice. In part, reclaiming the democratic and public responsibility of the state would mean: arguing for a state in which tax cuts for the rich, rather than social spending, are seen as the problem; using the state to protect the public good rather than waging a war on all things public; engaging and resisting the use of state power to both protect and define the public sphere as utterly White; redefining the power and role of the state so as to minimize its policing functions and strengthen its accountability to the public interests of all citizens, rather than to the wealthy and corporations. Removing the state from its subordination to market values means reclaiming the importance of social needs over commercial interests, democratic politics over corporate power, and addressing a host of urgent social problems that include but are not limited to: the escalating costs of health care, housing, the schooling crisis, the growing gap between the rich and poor, the environmental crisis, the rebuilding of the nation’s cities and impoverished rural areas, the economic crisis facing most of the states, and the increasing assault on people of color. The struggle over the state must be linked to a struggle for a racially just, inclusive democracy. Crucial to any viable politics of antiracism is the role the state will play as a guardian of the public interest and as a force in creating a multiracial democracy. Third, it is crucial for any antiracist pedagogy and politics to recognize that power does not just inhabit the realm of economics or state power, but is also intellectual, residing in the educational force of the culture and its enormous powers of persuasion. This means that any viable antiracist pedagogy must make the political more pedagogical by recognizing how public pedagogy works to determine and secure how racial identity, issues, and relations are produced in a wide variety of sites including schools, cable and television networks, newspapers and magazines, the Internet, advertising, churches, trade unions, and a host of other public spheres in which ideas are produced and distributed. This means becoming mindful of how racial meanings and practices are created, mediated, reproduced, and challenged through a wide variety of discourses, institutions, audiences, markets, and constituencies which help determine the forms and meaning of publicness in American society (Brenkman, 1995, p. 8). The crucial role that pedagogy plays in shaping racial issues reaffirms the centrality of a cultural politics that recognizes the relationship between issues of representation and the operations of power, the important role that intellectuals might play as engaged, public intellectuals, and the importance of critical knowledge in challenging neoliberalism’s illusion of unanimity. But an antiracist cultural pedagogy also suggests the need to develop a language of critique and possibility, and to wage individual and collective struggles in a wide variety of dominant public spheres and alternative counterpublics. Public pedagogy as a tool of antiracist struggles understands racial politics not only as a signifying activity through which subject positions are produced, identities inhabited, and desires mobilized but also as the mobilization of material relations of power as a way of securing, enforcing, and challenging racial injustices. While cultural politics offers an opportunity to understand how race matters and racist practices take hold in everyday life, such a pedagogical and cultural politics must avoid collapsing into a romanticization of the symbolic, popular, or discursive. Culture matters as a rhetorical tool and mode of persuasion, especially in the realm of visual culture, which has to be taken seriously as a pedagogical force, but changing consciousness is only a precondition to changing society and should not be confused with what it means to actually transform institutional relations of power. In part, this means contesting the control of the media by a handful of transnational corporations (on this subject, see McChesney & Nichols, 2002). The social gravity of racism as it works through the modalities of everyday language, relations, and cultural expressions has to be taken seriously in any antiracist politics, but such a concern and mode of theorizing must also be accompanied by an equally serious interest in the rise of corporate power and the role of state institutions and agencies in shaping contemporary forms of racial subjugation and inequality (Goldberg & Solomos, 2002, p. 231). Racist ideologies, practices, state formations, and institutional relations can be exposed pedagogically and linguistically, but they cannot be resolved merely in the realm of the discursive. Hence, any viable antiracist pedagogy needs to draw attention between critique and social transformation, critical modes of analysis and the responsibility of acting individually and collectively on one’s beliefs. Another important issue that has to be included in any notion of antiracist pedagogy and politics is the issue of connecting matters of racial justice to broader and more comprehensive political, cultural, and social agendas. Neoliberalism exerts a powerful force in American life because its influence and power are spread across a diverse range of political, economic, social and cultural spheres. Its ubiquity is matched by its aggressive pedagogical attempts to reshape the totality of social life in the image of the market, reaching into and connecting a wide range of seemingly disparate issues that bear down on everyday life in the United States. Neoliberalism is persuasive because its language of commercialism, consumerism, privatization, freedom, and self-interest resonates with, and saturates, so many aspects of public life. Differences in this discourse are removed from matters of equity and power and reduced to market niches. Agency is privatized, and social values are reduced to market-based interests. And, of course, a democracy of citizens is replaced by a democracy of consumers. Progressives, citizens, and other groups who are concerned about matters of race and difference need to maintain their concerns with particular forms of oppression and subordination, but the limits of various approaches to identity politics must be recognized so as not to allow them to become either fixed or incapable of making alliances with other social movements as part of a broader struggle over particular freedoms and the more generalized freedoms associated with an inclusive and radical democracy. I have not attempted to be exhaustive in suggesting what it might mean to recognize and challenge the new racism that now reproduces more subtle forms of racial subordination, oppression, and exclusion, though I have tried to point to some pedagogical and political concerns that connect racism and neoliberal politics. The color line in America is neither fixed nor static. Racism as an expression of power and exclusion takes many meanings and forms under different historical conditions. The emphasis on its socially and historically constructed nature offers hope because it suggests that what can be produced by dominant relations of power can also be challenged and transformed by those who imagine a more utopian and just world. The challenge of the color line is still with us today and needs to be recognized not only as a shameful example of racial injustice but also as a reprehensible attack on the very nature of democracy itself.

#### Capitalism causes war, violence, environmental destruction and extinction

Robinson 14(William I., Prof. of Sociology, Global and International Studies, and Latin American Studies, @ UC-Santa Barbara, “Global Capitalism: Crisis of Humanity and the Specter of 21st Century Fascism” The World Financial Review)

Cyclical, Structural, and Systemic Crises Most commentators on the contemporary crisis refer to the “Great Recession” of 2008 and its aftermath. Yet the causal origins of global crisis are to be found in over-accumulation and also in contradictions of state power, or in what Marxists call the internal contradictions of the capitalist system. Moreover, because the system is now global, crisis in any one place tends to represent crisis for the system as a whole. The system cannot expand because the marginalisation of a significant portion of humanity from direct productive participation, the downward pressure on wages and popular consumption worldwide, and the polarisation of income, has reduced the ability of the world market to absorb world output. At the same time, given the particular configuration of social and class forces and the correlation of these forces worldwide, national states are hard-pressed to regulate transnational circuits of accumulation and offset the explosive contradictions built into the system. Is this crisis cyclical, structural, or systemic? Cyclical crises are recurrent to capitalism about once every 10 years and involve recessions that act as self-correcting mechanisms without any major restructuring of the system. The recessions of the early 1980s, the early 1990s, and of 2001 were cyclical crises. In contrast, the 2008 crisis signaled the slide into a structural crisis*. Structural crises* reflect deeper contra- dictions that can only be resolved by a major restructuring of the system. The structural crisis of the 1970s was resolved through capitalist globalisation. Prior to that, the structural crisis of the 1930s was resolved through the creation of a new model of redistributive capitalism, and prior to that the struc- tural crisis of the 1870s resulted in the development of corpo- rate capitalism. A systemic crisis involves the replacement of a system by an entirely new system or by an outright collapse. A structural crisis opens up the possibility for a systemic crisis. But if it actually snowballs into a systemic crisis – in this case, if it gives way either to capitalism being superseded or to a breakdown of global civilisation – is not predetermined and depends entirely on the response of social and political forces to the crisis and on historical contingencies that are not easy to forecast. This is an historic moment of extreme uncertainty, in which collective responses from distinct social and class forces to the crisis are in great flux. Hence my concept of global crisis is broader than financial. There are multiple and mutually constitutive dimensions – economic, social, political, cultural, ideological and ecological, not to mention the existential crisis of our consciousness, values and very being. There is a crisis of social polarisation, that is, of *social reproduction.* The system cannot meet the needs or assure the survival of millions of people, perhaps a majority of humanity. There are crises of state legitimacy and political authority, or of *hegemony* and *domination.* National states face spiraling crises of legitimacy as they fail to meet the social grievances of local working and popular classes experiencing downward mobility, unemployment, heightened insecurity and greater hardships. The legitimacy of the system has increasingly been called into question by millions, perhaps even billions, of people around the world, and is facing expanded counter-hegemonic challenges. Global elites have been unable counter this erosion of the system’s authority in the face of worldwide pressures for a global moral economy. And a canopy that envelops all these dimensions is a crisis of sustainability rooted in an ecological holocaust that has already begun, expressed in climate change and the impending collapse of centralised agricultural systems in several regions of the world, among other indicators. By a crisis of humanityI mean a crisis that is approaching systemic proportions, threatening the ability of billions of people to survive, and raising the specter of a collapse of world civilisation and degeneration into a new “Dark Ages.”2 This crisis of humanity shares a number of aspects with earlier structural crises but there are also several features unique to the present: 1. The system is fast reaching the ecological limits of its reproduction. Global capitalism now couples human and natural history in such a way as to threaten to bring about what would be the sixth mass extinction in the known history of life on earth.3 This mass extinction would be caused not by a natural catastrophe such as a meteor impact or by evolutionary changes such as the end of an ice age but by purposive human activity. According to leading environmental scientists there are nine “planetary boundaries” crucial to maintaining an earth system environment in which humans can exist, four of which are experiencing at this time the onset of irreversible environmental degradation and three of which (climate change, the nitrogen cycle, and biodiversity loss) are at “tipping points,” meaning that these processes have already crossed their planetary boundaries. 2. The magnitude of the means of violence and social control is unprecedented, as is the concentration of the means of global communication and symbolic production and circulation in the hands of a very few powerful groups. Computerised wars, drones, bunker-buster bombs, star wars, and so forth, have changed the face of warfare. Warfare has become normalised and sanitised for those not directly at the receiving end of armed aggression. At the same time we have arrived at the panoptical surveillance society and the age of thought control by those who control global flows of communication, images and symbolic production. The world of Edward Snowden is the world of George Orwell; *1984 has arrived;*  3. Capitalism is reaching apparent limits to its extensive expansion. There are no longer any new territories of significance that can be integrated into world capitalism, de-ruralisation is now well advanced, and the commodification of the countryside and of pre- and non-capitalist spaces has intensified, that is, converted in hot-house fashion into spaces of capital, so that *intensive* expansion is reaching depths never before seen. Capitalism must continually expand or collapse. How or where will it now expand? 4. There is the rise of a vast surplus population inhabiting a “planet of slums,”4 alienated from the productive economy, thrown into the margins, and subject to sophisticated systems of social control and to destruction - to a mortal cycle of dispossession-exploitation-exclusion. This includes prison-industrial and immigrant-detention complexes, omnipresent policing, militarised gentrification, and so on; 5. There is a disjuncture between a globalising economy and a nation-state based system of political authority. Transnational state apparatuses are incipient and have not been able to play the role of what social scientists refer to as a “hegemon,” or a leading nation-state that has enough power and authority to organise and stabilise the system. The spread of weapons of mass destruction and the unprecedented militarisation of social life and conflict across the globe makes it hard to imagine that the system can come under any stable political authority that assures its reproduction. Global Police State How have social and political forces worldwide responded to crisis? The crisis has resulted in a rapid political polarisation in global society. Both right and left-wing forces are ascendant. Three responses seem to be in dispute. One is what we could call “reformism from above.” This elite reformism is aimed at stabilising the system, at saving the system from itself and from more radical re- sponses from below. Nonetheless, in the years following the 2008 collapse of the global financial system it seems these reformers are unable (or unwilling) to prevail over the power of transnational financial capital. A second response is popular, grassroots and leftist resistance from below. As social and political conflict escalates around the world there appears to be a mounting global revolt. While such resistance appears insurgent in the wake of 2008 it is spread very unevenly across countries and regions and facing many problems and challenges. Yet another response is that I term *21st century fascism*.5 The ultra-right is an insurgent force in many countries. In broad strokes, this project seeks to fuse reactionary political power with transnational capital and to organise a mass base among historically privileged sectors of the global working class – such as white workers in the North and middle layers in the South – that are now experiencing heightened insecurity and the specter of downward mobility. It involves militarism, extreme masculinisation, homophobia, racism and racist mobilisations, including the search for scapegoats, such as immigrant workers and, in the West, Muslims. Twenty-first century fascism evokes mystifying ideologies, often involving race/culture supremacy and xenophobia, embracing an idealised and mythical past. Neo-fascist culture normalises and glamorises warfare and social violence, indeed, generates a fascination with domination that is portrayed even as heroic.

#### The alternative is to affirm the form of the party—against the subjective atomization of contemporary politics, only a vertical form of organization aimed at transformation of constituted structures of power can actualize change

Dean and Mertz ‘16 (Jodi and Chuck, Donald R. Harter ’39 Professor of Humanities and Social Sciences @ Hobart and William Smith Colleges and Host at This is Hell!, “The JFRP: For a New Communist Party,” aNtiDoTe Zine 1/23/16, <https://antidotezine.com/2016/01/23/for-a-new-communist-party/>)

CM: Great to have you on the show.¶ Let’s start with Occupy. What, to you, explains the impact that the Tea Party had on Republicans, relative to the impact that Occupy seems to have had on the Democratic Party? All of the sudden there were “Tea Party Republicans.” There weren’t “Occupy Democrats.”¶ JD: That’s a good point. The Tea Party took the Republican Party as its target. They decided that their goal was going to be to influence the political system by getting people elected and basically by trying to take over part of government. That’s why they were able to have good effects. They didn’t regard the mainstream political process as something irrelevant to their concerns. They thought of it as something to seize.¶ The problem with many—but not all—leftists in the US is that they think the political process is so corrupted that we have to completely refuse it, and leave it altogether. The Tea Party decided to act as an organized militant force, and too much of the US left (we saw this in the wake of Occupy) has thought that to be “militant” means to refuse and disperse and become fragmented.¶ CM: So what explains the left turning its back on the collective action of a political party? It would seem like a political party would fit into what the left would historically want: an apparatus that can organize collective action.¶ JD: There are multiple things. First, the fear of success: the left has learned from the excesses of the twentieth century. Where Communist and socialist parties “succeeded,” there was violence and purges and repression. One reason the left has turned its back is because of this historical experience of state socialism. And we have taken that to mean that we should not ever have a state. I think that’s the wrong answer. That we—as the left—made a mistake with some regimes does not have to mean that we can never learn.¶ Another reason that the left has turned its back on the party form has been the important criticism of twentieth century parties that have been too white, too masculine, potentially homophobic; parties that have operated in intensely hierarchical fashion. Those criticisms are real. But rather than saying we can’t have a party form because that’s just what a party does, why not make a party that is not repressive and does not exclude or diminish people on the basis of sex, race, or sexuality?¶ So we’ve got at least two historical problems that have made people very reluctant to use the party. I also think that, whether or not you mark it as 1968 or 1989, the left’s embrace of cultural individualism and the free flow of personal experimentation has made it critical of discipline and critical of collectivity. But I think that’s just a capitalist sellout. Saying everybody should just “do their own thing” is just going in the direction of the dominant culture. That is actually not a left position at all.¶ CM: So does identity politics undermine collectivism? And did that end up leading to fragmentation and a weakening of the left? Because there are a lot of people we’ve had on the show—and one person in particular, Thomas Frank—who say that there is no left in the United States.¶ JD: First I want to say that I disagree with the claim that there is no left. In fact, I think that “the left” is that group that keeps denying its own existence. We’re always saying that we’re the ones who don’t exist. But the right thinks that we exist. That’s what is so fantastic, actually. Did you see the New York Post screaming that Bernie Sanders is really a communist? Great! They’re really still afraid of communists! And it’s people on the left who say, “Oh, no, we’re not here at all!”¶ The left denies its own existence and it denies its own collectivity. Now, is identity politics to blame? Maybe it’s better to say that identity politics has been a symptom of the pressure of capitalism. Capitalism has operated in the US by exacerbating racial differences. That has to be addressed on the left, and the left has been addressing that. But we haven’t been addressing it in a way that recognizes how racism operates to support capitalism. Instead, we’ve made it too much about identity rather than as an element in building collective solidarity.¶ I’m trying to find a way around this to express that identity politics has been important but it’s reached its limits. Identity politics can’t go any further insofar as it denies the impact of capitalism. An identity politics that just rests on itself is nothing but liberalism. Like all of the sudden everything will be better if black people and white people are equally exploited? What if black people and white people say, “No, we don’t want to live in a society based on exploitation?”¶ CM: You were saying that the left denies its own collectivity. Is that only in the US? Is that unique to the US culture of the left?¶ JD: That’s a really important question, and I’m not sure. Traveling in Europe, I see two different things. On the one hand I see a broad left discussion that is, in part, mediated through social media and is pretty generational—people in their twenties and thirties or younger—and that there’s a general feeling about the problem of collectivity, the problem of building something with cohesion, and a temptation to just emphasize multiplicity. You see this everywhere. Everybody worries about this, as far as what I’ve seen.¶ On the other hand, there are countries whose political culture has embraced parties much more, and fights politically through parties. Like Greece, for example—and we’ve seen the ups and downs with Syriza over the last two years. And Spain also. Because they have a parliamentary system where small parties can actually get in the mix and have a political effect—in ways that our two-party system excludes—the European context allows for more enthusiasm for the party as a form for politics.¶ But there’s still a lot of disagreement on the far left about whether or not the party form is useful, and shouldn’t we in fact retreat and have multiple actions and artistic events—you know, the whole alter-globalization framework. That’s still alive in a lot of places. CM: You mentioned the structure of the US electoral system doesn’t allow for a political party to necessarily be the solution for a group like Occupy. Is that one of the reasons that activists dismiss the party structure as something that could help move their agenda forward?¶ JD: We can think about the Black Panther Party as a neat example in the US context: A party which was operating not primarily to win elections but to galvanize social power. That’s an interesting way of thinking about what else parties can do in the US.¶ Or we can think about parties in terms of local elections. Socialist Alternative has been doing really neat work all over the country, organizing around local elections with people running as socialist candidates not within a mainstream party. I think that even as we come up against the limits of a two-party system, we can also begin to think better about local and regional elections.¶ The left really likes that old saw: “Think Globally, Act Locally.” And then it rejects parties—even though political parties are, historically, forms that do that, that actually scale, that operate on multiple levels as organizations.¶ That we have a two-party system makes sense as an excuse why people haven’t used left parties very well in the US, but that doesn’t have to be the case.¶ And one more thing: there is a ton of sectarianism in the far left parties that exist. Many still fight battles that go back to the twenties, thirties, forties, fifties, and haven’t let that go. That has to change. We don’t need that kind of sectarian purity right now.¶ CM: You ask the question, “How do we move from the inert mass to organized activists?” You mention how you were at Occupy Wall Street; you write about being there on 15 October 2011 as the massive crowd filled New York’s Times Square. And you mention this one young speaker, and he addresses the crowd; they’re deciding if they should move on to Washington Square Park or not, because they need to go somewhere where there are better facilities. You then quote the speaker saying, “We can take this park. We can take this park tonight. We can also take this park another night. Not everyone may be ready tonight. Each person has to make their own autonomous decision. No one can decide for you. You have to decide for yourself. Everyone is an autonomous individual.”¶ Did that kind of individualism kill Occupy Wall Street from the start?¶ JD: Yeah, I think so. A lot of times I blame the rhetorics of consensus and horizontalism, but both of those are rooted in an individualism that says politics must begin with each individual, their interests, their experience, their positions, and so on. As collectivity forms—which is not easy when everyone’s beginning from their individual position—what starts to happen is that people start looking for how their exact experiences and interests are not being recognized.¶ I think that the left has given in too much to this assumption that politics begins with an individual. That’s a liberal assumption. Leftists, historically, begin with the assumption that politics begins in groups. And for the left in the nineteenth and twentieth centuries, the operative group is class. Class is what determines where our political interests come from.¶ I try to do everything I can in the book to dismantle the assumption that politics, particularly left politics, should begin with the individual. Instead I want people thinking about how the individual is a fiction, and a really oppressive fiction at that. And one that’s actually, conveniently, falling apart.¶ CM: You write about Occupy Wall Street having been an opening but having had no continuing momentum. You mention that the party could add that needed momentum. That’s one of the things that parties can do. The structure of the party can continue momentum and keep the opening alive.¶ When you say that a party could be a solution for a movement like Occupy, you don’t mean the Democratic Party, do you?¶ JD: I’ve got a lot of layers on this question. My first answer is that no, I really mean the Communist Party. My friends call this “Jodi’s Fantasy Revolutionary Party” as a joke, because the kind of Communist Party I take as my model may not be real, or may have only existed for a year and a half in Brooklyn in the thirties. And I don’t mean the real-existing Communist Party in the US now, which still exists and basically endorses Democrats.¶ My idea is to think in terms of how we can imagine the Communist Party again as a force—what it could be like if all of our left activist groups and small sectarian parties decided to come together in a new radical left party.¶ So no, I don’t envision the Democratic Party as being that. That’s not at all what I have in mind. I’m thinking of a radical left party to which elections are incidental. Elections might be means for organizing, but the goal isn’t just being elected. The goal is overthrowing capitalism. The goal is being able to build a communist society as capitalism crumbles.¶ Second, it could be the case—as a matter of tactics on the ground in particular contexts—that working for a Democratic candidate might be useful. It could be the case that trying to take over a local Democratic committee in order to get communist/socialist/radical left candidates elected could also be useful. But I don’t see the goal as taking over the Democratic Party. That’s way too limited a goal, and it’s a goal that presupposes the continuation of the system we have, rather than its overthrow.¶ CM: But how difficult would it be for a Communist Party to emerge free of its past associations with the Soviet Union? Can we even use the word “communist” or is it impossibly taboo?¶ JD: We have to recognize that the right is still scared of communism. That means the term is still powerful. That means it still has the ability to instill fear in its enemies. I think that’s an argument for keeping the word “communism.”¶ It’s also amazing that close to half of Iowa participants in the caucuses say that they are socialist. Four or five years ago, people were saying socialism is dead in the US. No one could even say the word. So I actually think holding on to the word “communism” is useful not only because our enemies are worried about communism, but also because it helps make the socialists seem really, really mainstream, and that’s good. We don’t want socialism to seem like something that only happens in Sweden. We want it to seem like that’s what America should have at a bare minimum.¶ One last thing about the history of communism: every political ideology that has infused a state form has done awful things. For the most part, if people like the ideology, they either let the awful things slide, or they use the ideology to criticize the awful things that the state does. We can do the same thing with communism. It’s helpful to recognize that the countries we understand to have been ruled by Communist Parties were never really communist—they didn’t even claim to have achieved communism themselves. We can say that state socialism made these mistakes, and in so doing was betraying communist ideals.¶ I don’t think we need to abandon these terms or come up with new ones. I think we need to use the power that they have. And people recognize this, which is what makes it exciting.¶ CM: You write, “Some contemporary crowd observers claim the crowd for democracy. They see in the amassing of thousands a democratic insistence, a demand to be heard and included. In the context of communicative capitalism, however, the crowd exceeds democracy.¶ “In the 21st century, dominant nation-states exercise power as democracies. They bomb and invade as democracies, ‘for democracy’s sake.’ International political bodies legitimize themselves as democratic, as do the contradictory and tangled media practices of communicative capitalism. When crowds amass in opposition, they pose themselves against democratic practices, systems, and bodies. To claim the crowd for democracy fails to register this change in the political setting of the crowd.”¶ So are crowds today, the protesters today, opposed to democracy? Or are they opposed to the current state of, let’s say, representative democracy?¶ JD: Let’s think about our basic environment. By “our,” now, I mean basically English-speaking people who use the internet and are listening to the radio and live in societies like the United States. In our environment, what we hear is that we live in democracy. We hear this all the time. We hear that the network media makes democratic exchange possible, that a free press is democracy, that we’ve got elections and that’s democracy.¶ When crowds amass in this setting, if they are just at a football game, it’s not a political statement. Even at a march (fully permitted) that’s registering opposition to the invasion of Iraq, for example, or concern about the climate—all of those things are within the general environment of “democracy,” and they don’t oppose the system. They don’t register as opposition to the system. They’re just saying that we want our view on this or that issue to count.¶ But the way that crowds have been amassing over the last four or five years—Occupy Wall Street is one example, but the Red Square debt movement in Canada is another; some of the more militant strikes of nurses and teachers are too—has been to say, “Look, the process that we have that’s been called democratic? It is not. We want to change that.”¶ It’s not that we are anti-democratic. It’s that democracy is too limiting a term to register our opposition. We want something more. We want actual equality. Democracy is too limiting. The reason it’s too limiting is we live in a context that understands itself as “democratic.” So democracy as a political claim, in my language, can’t “register the gap that the crowd is inscribing.” It can’t register real division or opposition. Democracy is just more of what we have.¶ CM: We are so dependent. We use social media so much, we use Facebook so much, we use so many of these avenues of what you call communicative capitalism so much. How can we oppose or reject this system without hurting ourselves and our ability to communicate our message to each other? Can we just go on strike? Can we become the owners of the means of communicative production?¶ JD: One of the ways that Marxism historically has understood the political problems faced by workers is our total entrapment and embeddedness in the capitalist system. What makes a strike so courageous is that workers are shooting themselves in the foot. They’re not earning their wage for a time, as a way to put pressure on the capitalist owner of the workplace.¶ What does that mean under communicative capitalism? Does it mean that we have to shoot ourselves in the foot by completely extracting ourselves from all of the instruments of communication? Or does it mean that we change our attitude towards communication? Or does it mean that we develop our own means of communication?¶ There’s a whole range here. I’m not a Luddite. I don’t think the way we’re going to bring down capitalism is by quitting Facebook. I think that’s a little bit absurd. I think what makes more sense is to think of how we could use the tools we have to bring down the master’s house. We can consolidate our message together. We can get a better sense of how many we are. We can develop common modes of thinking. We can distribute organizing materials for the revolutionary party.¶ I don’t think that an extractive approach to our situation in communicative media is the right one. I think it’s got to be more tactical. How do we use the tools we have, and how do we find ways to seize the means of communication? This would mean the collectivization of Google, Facebook, Amazon, and using those apparatuses. But that would probably have to be day two of the revolution.¶ CM: Jodi, I’ve got one last question for you, and it’s the Question from Hell, the question we might hate to ask, you might hate to answer, or our audience is going to hate the response.¶ How much did the narrative that Occupy created, of the 99% and the 1%, undermine a of collectivity? Because it doesn’t include everyone…¶ JD: Division is crucial. Collectivity is never everyone. What this narrative did was produce the divided collectivity that we need. It’s great to undermine the ~~stupid~~ myth of American unity, “The country has to pull together” and all that crap. It’s fantastic that Occupy Wall Street asserted collectivity through division. This is class conflict. This says there is not a unified society. Collectivity is the collectivity of us against them. It produced the proper collectivity: an antagonistic one.

## 1

#### The standard is maximizing expected wellbeing.

#### Prefer it:

#### 1] Actor specificity:

#### A] Aggregation – every policy benefits some and harms others, which also means side constraints freeze action.

#### B] No act-omission distinction – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission

#### C] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen

o/w

#### 2] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose

#### 3] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first. Intuitions outweigh—they’re the foundational basis for any argument and theories that contradict our intuitions are most likely false even if we can’t deductively determine why.

#### 4

#### 5]

Phenomenal introspection --- it’s the most epistemically reliable --- historical moral disagreement over internal conceptions of morality such as questions of race, gender, class, religion, etc prove the fallibility of non-observational based ethics --- introspection means we value happiness because we can determine that we each value it --- just as I can observe a lemon’s yellowness, we can make those judgements about happiness.

## 2

Private space appropaition happening now

**Smith 18** [Matthew Smith, 6-11-2018, "Commercialized Space and You," Science in the News, https://sitn.hms.harvard.edu/flash/2018/commercialized-space-and-you/]//DDPT

Step aside, NASA. The 20th century model of space exploration is running out of fuel, and private companies are now leading the race for human expansion across the galaxy. Elon Musk, Richard Branson, and Jeff Bezos are three of the billionaires leading this extraterrestrial adventure with their respective companies, SpaceX, Virgin Galactic, and Blue Origin. Bezos, the founder of Amazon and currently the wealthiest person in the world, has a vision of sending autonomous rovers to the Moon and helping to eventually create a Moon Village. He has explained that collaborations with the National Aeronautics and Space Administration (NASA) and other government agencies are encouraged and appreciated, but are no longer essential to achieve his goal. [Musk](https://www.geekwire.com/2018/jeff-bezos-blue-origin-space-venture-go-moon-settlements/), who co-founded Tesla, has already launched nine rockets within the first five months of 2018, one of which was the most powerful private spacecraft [ever sent into orbit](http://sitn.hms.harvard.edu/flash/2018/spacex-launches-falcon-heavy-rocket-successfully/). Looking forward, SpaceX aims to complete its first manned mission to Mars in 2024, almost a decade earlier than NASA’s projections. Even the current US president is encouraging this shift to private companies driving [innovation in space](https://www.washingtonpost.com/news/the-switch/wp/2018/02/11/the-trump-administration-wants-to-turn-the-international-space-station-into-a-commercially-run-venture/?noredirect=on&utm_term=.d2c1eccab4ca). With almost [$1 billion](https://www.forbes.com/sites/alexknapp/2018/04/10/nearly-1-billion-was-invested-in-space-startups-in-1q2018-new-report-says/#5fdd019b285c) invested in space-focused startups in the first quarter of 2018, the commercialized space industry shows no sign of slowing down.

#### Private space appropriation is uniquely key to ensuring ongoing innovation towards space exploration and colonization.

**Cheng 20** [Dean Cheng, 09-16-2020, "Outer Space and Private Property," Heritage Foundation, https://www.heritage.org/space-policy/commentary/outer-space-and-private-property]//DDPT

Fully 53 years after the Outer Space Treaty, however, this has begun to change. The success of SpaceX, Blue Origin, Virgin Galactic, and other private companies has led to what has been termed Space 2.0.

The Obama administration’s decision to rely on commercial space-launch services to resupply the International Space Station opened the door to expanding private enterprise’s role in space.

The innovation exhibited in the various Falcon launches, including the ability to reuse the booster rockets, has seen a significant drop in the cost of placing payloads into orbit. As a result, a real opportunity exists for companies to begin thinking about how to use space not simply to improve terrestrial operations, but to make money from space and its physical resources.

The uncertainty associated with private property rights, however, has had a constraining effect on the ability to exploit space more extensively. Companies are unlikely to be willing to risk capital and assets if they are not sure that they will be able to profit from their investments.

#### The private sector is the key internal link to space exploration and colonization.

**Sharma 9/7** [Maanas Sharma, 9-7-2021, "The Space Review: The privatized frontier: the ethical implications and role of private companies in space exploration," The Space Review, https://www.thespacereview.com/article/4238/1]//DDPT

In recent years, private companies have taken on a larger role in the space exploration system. With lower costs and faster production times, they have displaced some functions of government space agencies. Though many have levied criticism against privatized space exploration, it also allows room for more altruistic actions by government space agencies and the benefits from increased space exploration as a whole. Thus, we should encourage this development, as the process is net ethical in the end. Especially if performed in conjunction with adequate government action on the topic, private space exploration can overcome possible shortcomings in its risky and capitalistic nature and ensure a positive contribution to the general public on Earth.

The implications of commercial space exploration have been thrust into the limelight with the successes and failures of billionaire Elon Musk’s company SpaceX. While private companies are not new to space exploration, their prominence in American space exploration efforts has increased rapidly in recent years, fueled by technological innovations, reductions in cost, and readily available funding from government and private sources.[1] In May 2020, SpaceX brought American astronauts to space from American soil for the first time in almost 10 years.[2] Recognizing the greatly reduced costs of space exploration in private companies, NASA’s budget has shifted to significantly relying on private companies.[3] However, private space companies are unique from government space agencies in the way they experience unique sets of market pressures that influence their decision-making process. Hence, the expansion of private control in the space sector turns into a multifaceted contestation of its ethicality.

The most obvious ethical concern is the loss of human life. Critics contend that companies must answer to their shareholders and justify their profits. This contributes to a larger overall psyche that prioritizes cost and speed above all else, resulting in significantly increased risks.[4] However, the possible increase in mishaps is largely overstated. Companies recognize the need for safety aboard their expeditions themselves.[5] After all, the potential backlash from a mishap could destroy the company’s reputation and significantly harm their prospects. According to Dr. Nayef Al-Rodhan, Head of the Geneva Centre for Security Policy’s Geopolitics and Global Futures Programme, “because there were no alternatives to government space programs, accidents were seen to some degree as par for the course… By comparison, private companies actually have a far more difficult set of issues to face in the case of a mishap. In a worst case scenario, a private company could make an easy scapegoat.” [6]

Another large ethical concern is the prominence capitalism may have in the future of private space exploration and the impacts thereof. The growth of private space companies in recent years has been closely intertwined with capitalism. Companies have largely focused on the most profitable projects, such as space travel and the business of space.[7] Many companies are funded by individual billionaires, such as dearMoon, SpaceX’s upcoming mission to the Moon.[8] Congress has also passed multiple acts for the purpose of reducing regulations on private space companies and securing private access to space. From this, many immediately jump to the conclusion that capitalism in space will recreate the same conditions in outer space that plague Earth today, especially with the increasing push to create a “space-for-space” economy, such as space tourism and new technologies to mine the Moon and asteroids. Critics, such as Jordan Pearson of VICE, believe that promises of “virtually unlimited resources” are only for the rich, and will perpetuate the growing wealth inequality that plagues the world today.[9]

However, others contend that just because private space exploration has some capitalist elements, it is by no means an embodiment of unrestricted capitalism. A healthy balance of restricted capitalism—for example, private space companies working through contracts with government agencies or independently under monitoring and regulation by national and international agreements—will avoid the pitfalls that capitalist colonialism faced down here on Earth. Even those who are generally against excessive government regulation should see the benefits of them in space. Lacking any consensus on definitions and rights in space will create undue competition between corporations as well as governments that will harm everyone rather than helping anyone. To create a conducive environment for new space-for-space exploration, one without confrontation but with protection for corporate astronauts, infrastructure, and other interests, governments must create key policies such as a framework for property rights on asteroids, the Moon, and Mars.[7,10]

Another key matter to note is restricted capitalism in space “could also be our salvation.”[11] Private space exploration could reap increased access to resources and other benefits that can be used to solve the very problems on Earth that critics of capitalism identify. Since governments offset some of their projects to private companies, government agencies can focus on altruistic projects that otherwise would not fit in the budget before and do not have the immediate commercial use that private companies look for. Scott Hubbard, an adjunct professor of aeronautics and astronautics at Stanford University, discusses how “this strategy allows the space agency to continue ‘exploring the fringe where there really is no business case’” but still has important impacts on people down on Earth.[12]

Indeed, this idea is a particularly powerful one when considering the ideal future of private companies in space exploration. Though there is no one set way governments will interact with companies, the consensus is that they must radically reimagine their main purpose as the role of private space exploration continues to grow. As governments utilize services from private space companies, “[i]nstead of being bogged down by the routine application of old research, NASA can prioritize their limited budget to work more on research of other unknowns and development of new long-term space travel technologies.”[13] According to the Council on Foreign Relations, such technologies have far-reaching benefits on Earth as well. Past developments obviously include communications satellites, by themselves a massive benefit to society, but also “refinements in artificial hearts; improved mammograms; and laser eye surgery… thermoelectric coolers for microchips; high-temperature lubricants; and a means for mass-producing carbon nanotubes, a material with significant engineering potential; [and h]ousehold products.”[2] Agencies like NASA are the only actors able to pursue the next game-changing missions, “where the profit motive is not as evident and where the barriers to entry are still too high for the private sector to really make a compelling business case.”[8] These technologies have revolutionized millions, if not billions, of lives, demonstrating the remarkable benefits of space exploration. It follows then that it is net ethical to prioritize these benefits.

This report concludes that the private sector, indeed, has a prominent role to play in the future of space exploration. Further, though private space exploration does bring the potential of increased danger and the colonization of space, these concerns can be effectively mitigated. Namely, strong government frameworks—particularly international ones—will minimize possible sources of ethical violations and ensure an optimal private sector role in space. This also allows government agencies to complete significantly more difficult, innovative projects which have transformative benefits for life on Earth.

#### Space exploration solves extinction and endless resource wars.

Collins 10 [Patrick Collins, professor of economics at Azabu University in Japan, and a Collaborating Researcher with the Institute for Space & Astronautical Science, as well as adviser to a number of companies, Adriano V. Autino is President of the Space Renaissance International; Manager, CEO/CTO, Systems Engineering Consultant / Trainer at Andromeda Systems Engineering LLC; and Supplier of methodological tools and consultancy at Intermarine S.p.A, Acta Astronautica, Volume 66, Issues 11–12, June–July 2010, “What the growth of a space tourism industry could contribute to employment, economic growth, environmental protection, education, culture and world peace”, Pages 1553–1562]

7. World peace and preservation of human civilisation

The major source of social friction, including international friction, has surely always been unequal access to resources. People fight to control the valuable resources on and under the land, and in and under the sea. The natural resources of Earth are limited in quantity, and economically accessible resources even more so. As the population grows, and demand grows for a higher material standard of living, industrial activity grows exponentially. The threat of resources becoming scarce has led to the concept of “Resource Wars”. Having begun long ago with wars to control the gold and diamonds of Africa and South America, and oil in the Middle East, the current phase is at centre stage of world events today [37]. A particular danger of “resource wars” is that, if the general public can be persuaded to support them, they may become impossible to stop as resources become increasingly scarce. Many commentators have noted the similarity of the language of US and UK government advocates of “war on terror” to the language of the novel “1984” which describes a dystopian future of endless, fraudulent war in which citizens are reduced to slaves.

7.1. Expansion into near-Earth space is the only alternative to endless “resource wars”

As an alternative to the “resource wars” already devastating many countries today, opening access to the unlimited resources of near-Earth space could clearly facilitate world peace and security. The US National Security Space Office, at the start of its report on the potential of space-based solar power (SSP) published in early 2007, stated: “Expanding human populations and declining natural resources are potential sources of local and strategic conflict in the 21st Century, and many see energy as the foremost threat to national security” [38]. The report ended by encouraging urgent research on the feasibility of SSP: “Considering the timescales that are involved, and the exponential growth of population and resource pressures within that same strategic period, it is imperative that this work for “drilling up” vs. drilling down for energy security begins immediately” [38].

Although the use of extra-terrestrial resources on a substantial scale may still be some decades away, it is important to recognise that simply acknowledging its feasibility using known technology is the surest way of ending the threat of resource wars. That is, if it is assumed that the resources available for human use are limited to those on Earth, then it can be argued that resource wars are inescapable [22] and [37]. If, by contrast, it is assumed that the resources of space are economically accessible, this not only eliminates the need for resource wars, it can also preserve the benefits of civilisation which are being eroded today by “resource war-mongers”, most notably the governments of the “Anglo-Saxon” countries and their “neo-con” advisers. It is also worth noting that the $1 trillion that these have already committed to wars in the Middle-East in the 21st century is orders of magnitude more than the public investment needed to aid companies sufficiently to start the commercial use of space resources.

Industrial and financial groups which profit from monopolistic control of terrestrial supplies of various natural resources, like those which profit from wars, have an economic interest in protecting their profitable situation. However, these groups’ continuing profits are justified neither by capitalism nor by democracy: they could be preserved only by maintaining the pretence that use of space resources is not feasible, and by preventing the development of low-cost space travel. Once the feasibility of low-cost space travel is understood, “resource wars” are clearly foolish as well as tragic. A visiting extra-terrestrial would be pityingly amused at the foolish antics of homo sapiens using long-range rockets to fight each other over dwindling terrestrial resources—rather than using the same rockets to travel in space and have the use of all the resources they need!

7.2. High return in safety from extra-terrestrial settlement

Investment in low-cost orbital access and other space infrastructure will facilitate the establishment of settlements on the Moon, Mars, asteroids and in man[/woman]-made space structures. In the first phase, development of new regulatory infrastructure in various Earth orbits, including property/usufruct rights, real estate, mortgage financing and insurance, traffic management, pilotage, policing and other services will enable the population living in Earth orbits to grow very large. Such activities aimed at making near-Earth space habitable are the logical extension of humans’ historical spread over the surface of the Earth. As trade spreads through near-Earth space, settlements are likely to follow, of which the inhabitants will add to the wealth of different cultures which humans have created in the many different environments in which they live.

Success of such extra-terrestrial settlements will have the additional benefit of reducing the danger of human extinction due to planet-wide or cosmic accidents [27]. These horrors include both man-made disasters such as nuclear war, plagues or growing pollution, and natural disasters such as super-volcanoes or asteroid impact. It is hard to think of any objective that is more important than preserving peace. Weapons developed in recent decades are so destructive, and have such horrific, long-term side-effects that their use should be discouraged as strongly as possible by the international community. Hence, reducing the incentive to use these weapons by rapidly developing the ability to use space-based resources on a large scale is surely equally important [11] and [16]. The achievement of this depends on low space travel costs which, at the present time, appear to be achievable only through the development of a vigorous space tourism industry.

## 3

## 5

## Case

Better Debater

No – not inevitable

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